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United States Department of State
Washington, D.C.: U.S. Government Printing Office, 1881/1882

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TO THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-SEVENTH CONGRESS,

1881-'82.

IN 26 VOLUMES.

VOLUME 1.—Foreign Relations, No. 1, part 1.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

INDEX TO HOUSE EXECUTIVE DOCUMENTS.

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47TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 1, Part 1.

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 5, 1881.

PRECEDED BY A

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

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES.

To the Senate and
House of Representatives
of the United States:

An appalling calamity has befallen the American people since their chosen representatives last met in the halls where you are now assembled. We might else recall with unalloyed content the rare prosperity with which throughout the year the nation has been blessed. Its harvests have been plenteous; its varied industries have thriven; the health of its people has been preserved; it has maintained with foreign governments the undisturbed relations of amity and peace. For these manifestations of His favor, we owe to Him who holds our destiny in His hands the tribute of our grateful devotion.

To that mysterious exercise of His will, which has taken from us the loved and illustrious citizen who was but lately the head of the nation, we bow in sorrow and submission.

The memory of his exalted character, of his noble achievements, and of his patriotic life will be treasured forever as a sacred possession of the whole people.

The announcement of his death drew from foreign governments and peoples tributes of sympathy and sorrow which history will record as signal tokens of the kinship of nations and the federation of mankind.

The feeling of good-will between our own government and that of Great Britain was never more marked than at present. In recognition of this pleasing fact, I directed, on the occasion of the late centennial celebration at Yorktown, that a salute be given to the British flag.

Save for the correspondence to which I shall refer hereafter in relation to the proposed canal across the Isthmus of Panama, little has occurred worthy of mention in the diplomatic relations of the two countries.

Early in the year the Fortune Bay claims were satisfactorily settled by the British Government paying in full the sum of £15,000, most of which has been already distributed. As the terms of the settlement included compensation for injuries suffered by our fishermen at Aspee Bay, there has been retained from the gross award a sum which is deemed adequate for those claims.

The participation of Americans in the exhibitions at Melbourne and Sydney will be approvingly mentioned in the reports of the two exhibi-

tions, soon to be presented to Congress. They will disclose the readiness of our countrymen to make successful competition in distant fields of enterprise.

Negotiations for an International Copyright Convention are in hopeful progress.

The surrender of Sitting Bull and his forces upon the Canadian frontier has allayed apprehension, although bodies of British Indians still cross the border in quest of sustenance. Upon this subject a correspondence has been opened, which promises an adequate understanding. Our troops have orders to avoid meanwhile all collisions with alien Indians.

The presence at the Yorktown celebration of representatives of the French Republic and descendants of Lafayette and of his gallant compatriots who were our allies in the Revolution, has served to strengthen the spirit of good-will which has always existed between the two nations.

You will be furnished with the proceedings of the Bi-metallic Conference held during the summer at the city of Paris. No accord was reached, but a valuable interchange of views was had, and the conference will next year be renewed.

At the Electrical Exhibition and Congress also held at Paris, this country was creditably represented by eminent specialists who, in the absence of an appropriation, generously lent their efficient aid at the instance of the State Department. While our exhibitors in this almost distinctively American field of achievement have won several valuable awards, I recommend that Congress provide for the repayment of the personal expenses incurred, in the public interest, by the honorary commissioners and delegates.

No new questions respecting the status of our naturalized citizens in Germany have arisen during the year, and the causes of complaint, especially in Alsace and Lorraine, have practically ceased through the liberal action of the Imperial Government in accepting our often-expressed views on the subject. The application of the treaty of 1868 to the lately acquired Rhenish provinces has received very earnest attention, and a definite and lasting agreement on this point is confidently expected. The participation of the descendants of Baron von Steuben in the Yorktown festivities, and their subsequent reception by their American kinsmen, strikingly evinced the ties of good-will which unite the German people and our own.

Our intercourse with Spain has been friendly. An agreement concluded in February last fixes a term for the labors of the Spanish and American Claims Commission. The Spanish Government has been requested to pay the late awards of that commission, and will, it is believed, accede to the request as promptly and courteously as on former occasions.

By recent legislation onerous fines have been imposed upon American shipping in Spanish and colonial ports for slight irregularities in mani-

fests. One case of hardship is specially worthy of attention. The bark "Masonic," bound for Japan, entered Manila in distress, and is there sought to be confiscated under Spanish revenue laws for an alleged shortage in her trans-shipped cargo. Though efforts for her relief have thus far proved unavailing, it is expected that the whole matter will be adjusted in a friendly spirit.

The Senate resolutions of condolence on the assassination of the Czar Alexander II were appropriately communicated to the Russian Government, which in turn has expressed its sympathy in our late national bereavement. It is desirable that our cordial relations with Russia should be strengthened by proper engagements, assuring to peaceable Americans who visit the Empire the consideration which is due to them as citizens of a friendly state. This is especially needful with respect to American Israelites, whose classification with the native Hebrews has evoked energetic remonstrances from this government.

A supplementary consular agreement with Italy has been sanctioned and proclaimed, which puts at rest conflicts of jurisdiction in the case of crimes on shipboard.

Several important international conferences have been held in Italy during the year. At the Geographical Congress of Venice, the Beneficence Congress of Milan, and the Hygienic Congress of Turin, this country was represented by delegates from branches of the public service, or by private citizens duly accredited in an honorary capacity. It is hoped that Congress will give such prominence to the results of their participation as they may seem to deserve.

The abolition of all discriminating duties against such colonial productions of the Dutch East Indies as are imported hither from Holland has been already considered by Congress. I trust that at the present session the matter may be favorably concluded.

The insecurity of life and property in many parts of Turkey has given rise to correspondence with the Porte, looking particularly to the better protection of American missionaries in the empire. The condemned murderer of the eminent missionary Dr. Justin W. Parsons has not yet been executed, although this government has repeatedly demanded that exemplary justice be done.

The Swiss Government has again solicited the good offices of our diplomatic and consular agents for the protection of its citizens in countries where it is not itself represented. This request has, within proper limits, been granted.

Our agents in Switzerland have been instructed to protest against the conduct of the authorities of certain communes in permitting the emigration to this country of criminals and other objectionable persons. Several such persons, through the cooperation of the Commissioners of Emigration at New York, have been sent back by the steamers which brought them. A continuance of this course may prove a more effectual remedy than diplomatic remonstrance.

Treaties of commerce and navigation, and for the regulation of consular privileges, have been concluded with Roumania and Servia since their admission into the family of European states.

As is natural with contiguous States having like institutions and like aims of advancement and development, the friendship of the United States and Mexico has been constantly maintained. This government has lost no occasion of encouraging the Mexican Government to a beneficial realization of the mutual advantages which will result from more intimate commercial intercourse, and from the opening of the rich interior of Mexico to railway enterprise. I deem it important that means be provided to restrain the lawlessness unfortunately so common on the frontier, and to suppress the forays of the reservation Indians on either side of the Rio Grande.

The neighboring states of Central America have preserved internal peace, and their outward relations toward us have been those of intimate friendship. There are encouraging signs of their growing disposition to subordinate their local interests to those which are common to them by reason of their geographical relations.

The boundary dispute between Guatemala and Mexico has afforded this government an opportunity to exercise its good offices for preventing a rupture between those states, and for procuring a peaceable solution of the question. I cherish strong hope that in view of our relations of amity with both countries our friendly counsels may prevail.

A special envoy of Guatemala has brought to me the condolences of his government and people on the death of President Garfield.

The Costa Rican Government lately framed an engagement with Colombia for settling by arbitration the boundary question between those countries, providing that the post of arbitrator should be offered successively to the King of the Belgians, the King of Spain, and the President of the Argentine Confederation. The King of the Belgians has declined to act, but I am not as yet advised of the action of the King of Spain. As we have certain interests in the disputed territory which are protected by our treaty engagements with one of the parties, it is important that the arbitration should not, without our consent, affect our rights, and this government has accordingly thought proper to make its views known to the parties to the agreement, as well as to intimate them to the Belgian and Spanish Governments.

The questions growing out of the proposed interoceanic water-way across the Isthmus of Panama are of grave national importance. This government has not been unmindful of the solemn obligations imposed upon it by its compact of 1846 with Colombia, as the independent and sovereign mistress of the territory crossed by the canal, and has sought to render them effective by fresh engagements with the Colombian Republic looking to their practical execution. The negotiations to this end, after they had reached what appeared to be a mutually satisfactory

solution here, were met in Colombia by a disavowal of the powers which its envoy had assumed, and by a proposal for renewed negotiation on a modified basis.

Meanwhile this government learned that Colombia had proposed to the European powers to join in a guarantee of the neutrality of the proposed Panama Canal—a guarantee which would be in direct contravention of our obligation as the sole guarantor of the integrity of Colombian territory and of the neutrality of the canal itself. My lamented predecessor felt it his duty to place before the European powers the reasons which make the prior guarantee of the United States indispensable, and for which the interjection of any foreign guarantee might be regarded as a superfluous and unfriendly act.

Foreseeing the probable reliance of the British Government on the provisions of the Clayton-Bulwer treaty of 1850, as affording room for a share in the guarantees which the United States covenanted with Colombia four years before, I have not hesitated to supplement the action of my predecessor by proposing to Her Majesty's Government the modification of that instrument and the abrogation of such clauses thereof as do not comport with the obligations of the United States toward Colombia, or with the vital needs of the two friendly parties to the compact.

This government sees with great concern the continuance of the hostile relations between Chili, Bolivia, and Peru. An early peace between these republics is much to be desired, not only that they may themselves be spared further misery and bloodshed, but because their continued antagonism threatens consequences which are, in my judgment, dangerous to the interests of republican government on this continent, and calculated to destroy the best elements of our free and peaceful civilization.

As in the present excited condition of popular feeling in these countries there has been serious misapprehension of the position of the United States, and as separate diplomatic intercourse with each through independent ministers is sometimes subject, owing to the want of prompt reciprocal communication, to temporary misunderstanding, I have deemed it judicious, at the present time, to send a special envoy, accredited to all and each of them, and furnished with general instructions, which will, I trust, enable him to bring these powers into friendly relations.

The government of Venezuela maintains its attitude of warm friendship, and continues with great regularity its payment of the monthly quota of the diplomatic debt. Without suggesting the direction in which Congress should act, I ask its attention to the pending questions affecting the distribution of the sums thus far received.

The relations between Venezuela and France, growing out of the same debt, have been for some time past in an unsatisfactory state, and this government, as the neighbor and one of the largest creditors of Venezuela, has interposed its influence with the French Government with the view of producing a friendly and honorable adjustment.

I regret that the commercial interests between the United States and Brazil, from which great advantages were hoped a year ago, have suffered from the withdrawal of the American lines of communication between the Brazilian ports and our own.

Through the efforts of our minister resident at Buenos Ayres and the United States minister at Santiago, a treaty has been concluded between the Argentine Republic and Chili, disposing of the long-pending Patagonian boundary question. It is a matter of congratulation that our government has been afforded the opportunity of successfully exerting its good influence for the prevention of disagreements between these republics of the American continent.

I am glad to inform you that the treaties lately negotiated with China have been duly ratified on both sides, and the exchange made at Peking. Legislation is necessary to carry their provisions into effect. The prompt and friendly spirit with which the Chinese Government, at the request of the United States, conceded the modification of existing treaties, should secure careful regard for the interests and susceptibilities of that government in the enactment of any laws relating to Chinese immigration.

Those clauses of the treaties which forbid the participation of citizens or vessels of the United States in the opium trade will doubtless receive your approval. They will attest the sincere interest which our people and government feel in the commendable efforts of the Chinese Government to put a stop to this demoralizing and destructive traffic.

In relation both to China and Japan, some changes are desirable in our present system of consular jurisdiction. I hope at some future time to lay before you a scheme for its improvement in the entire East.

The intimacy between our own country and Japan, the most advanced of the eastern nations, continues to be cordial. I am advised that the Emperor contemplates the establishment of full constitutional government and that he has already summoned a parliamentary congress for the purpose of effecting the change. Such a remarkable step toward complete assimilation with the western system cannot fail to bring Japan into closer and more beneficial relationship with ourselves as the chief Pacific power.

A question has arisen in relation to the exercise in that country of the judicial functions conferred upon our ministers and consuls. The indictment, trial, and conviction in the consular court at Yokohama of John Ross, a merchant-seaman on board an American vessel, have made it necessary for the government to institute a careful examination into the nature and methods of this jurisdiction.

It appeared that Ross was regularly shipped under the flag of the United States, but was by birth a British subject. My predecessor felt it his duty to maintain the position that, during his service as a regularly shipped seaman on board an American merchant vessel, Ross was subject to the

laws of that service and to the jurisdiction of the United States consular authorities.

I renew the recommendation which has been heretofore urged by the Executive upon the attention of Congress, that after the reduction of such amount as may be found due to American citizens, the balance of the indemnity funds heretofore obtained from China and Japan, and which are now in the hands of the State Department, be returned to the governments of those countries.

The King of Hawaii, in the course of his homeward return after a journey around the world, has lately visited this country. While our relations with that kingdom are friendly, this government has viewed with concern the efforts to seek replenishment of the diminishing population of the islands from outward sources, to a degree which may impair the native sovereignty and independence, in which the United States was among the first to testify a lively interest.

Relations of unimpaired amity have been maintained throughout the year with the respective Governments of Austria-Hungary, Belgium, Denmark, Hayti, Paraguay and Uruguay, Portugal, and Sweden and Norway. This may also be said of Greece and Ecuador, although our relations with those states have for some years been severed by the withdrawal of appropriations for diplomatic representatives at Athens and Quito. It seems expedient to restore those missions, even on a reduced scale, and I decidedly recommend such a course with respect to Ecuador, which is likely, within the near future, to play an important part among the nations of the Southern Pacific.

At its last extra session the Senate called for the text of the Geneva Convention for the relief of the wounded in war. I trust that this action foreshadows such interest in the subject as will result in the adhesion of the United States to that humane and commendable engagement.

I invite your attention to the propriety of adopting the new Code of International Rules for the Prevention of Collisions on the high seas, and of conforming the domestic legislation of the United States thereto, so that no confusion may arise from the application of conflicting rules in the case of vessels of different nationalities meeting in tidal waters. These international rules differ but slightly from our own They have been adopted by the Navy Department for the governance of the war ships of the United States on the high seas and in foreign waters; and, through the action of the State Department in disseminating the rules, and in acquainting shipmasters with the option of conforming to them without the jurisdictional waters of the United States, they are now very generally known and obeyed.

The State Department still continues to publish to the country the trade and manufacturing reports received from its officers abroad. The success of this course warrants its continuance, and such appro

priation as may be required to meet the rapidly-increasing demand for these publications. With special reference to the Atlanta Cotton Exposition, the October number of the reports was devoted to a valuable collection of papers on the cotton-goods trade of the world.

The International Sanitary Conference, for which, in 1879, Congress made provision, assembled in this city early in January last, and its sessions were prolonged until March. Although it reached no specific conclusions affecting the future action of the participant powers, the interchange of views proved to be most valuable. The full protocols of the sessions have been already presented to the Senate.

As pertinent to this general subject I call your attention to the operations of the National Board of Health. Established by act of Congress approved March 3, 1879, its sphere of duty was enlarged by the act of June 2 in the same year. By the last-named act the board was required to institute such measures as might be deemed necessary for preventing the introduction of contagious or infectious diseases from foreign countries into the United States or from one State into another.

The execution of the rules and regulations prepared by the board and approved by my predecessor has done much to arrest the progress of epidemic disease, and has thus rendered substantial service to the nation.

The International Sanitary Conference, to which I have referred, adopted a form of a bill of health to be used by all vessels seeking to enter the ports of the countries whose representatives participated in its deliberatons. This form has since been prescribed by the National Board of Health and incorporated with its rules and regulations, which have been approved by me in pursuance of law.

The health of the people is of supreme importance. All measures looking to their protection against the spread of contagious diseases, and to the increase of our sanitary knowledge for such purposes, deserve attention of Congress.

The report of the Secretary of the Treasury presents in detail a highly satisfactory exhibit of the state of the finances and the condition of the various branches of the public service administered by that department.

The ordinary revenues from all sources for the fiscal year ending June 30, 1881, were:

From customs	$198,159,676 02
From internal revenue	135,264,385 51
From sales of public lands	2,201,863 17
From tax on circulation and deposits of national banks	8,116,115 72
From repayment of interest by Pacific Railway Companies	810,833 80
From sinking fund for Pacific Railway Companies	805,180 54
From customs fees, fines, penalties, &c	1,225,514 86
From fees—consular, letters patent, and lands	2,244,983 98

From proceeds of sales of government property	$262,174 00
From profits on coinage	3,468,485 61
From revenues of the District of Columbia	2,016,199 23
From miscellaneous sources	6,206,880 13
Total ordinary receipts	360,782,292 57

The ordinary expenditures for the same period were:

For civil expenses	$17,941,177 19
For foreign intercourse	1,093,954 92
For Indians	6,514,161 09
For pensions	50,059,279 62
For the military establishment, including river and harbor improvements and arsenals	40,466,460 55
For the naval establishment, including vessels, machinery, and improvements at navy-yards	15,686,671 66
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	41,837,280 57
For expenditures on account of the District of Columbia	3,543,912 03
For interest on the public debt	82,508,741 18
For premium on bonds purchased	1,061,248 78
Total ordinary expenditures	260,712,887 59
Leaving a surplus revenue of	100,069,404 98

Which was applied as follows:

To the redemption of—	
Bonds for the sinking fund	$74,371,200 00
Fractional currency for the sinking fund	109,001 05
Loan of February, 1861	7,418,000 00
Ten-forties of 1864	2,016,150 00
Five-twenties of 1862	18,300 00
Five-twenties of 1864	3,400 00
Five-twenties of 1865	37,300 00
Consols of 1865	143,150 00
Consols of 1867	959,150 00
Consols of 1868	337,400 00
Texan indemnity stock	1,000 00
Old demand, compound-interest, and other notes	18,330 00
And to the increase of cash in the Treasury	14,637,023 93
	100,069,404 98

The requirements of the sinking fund for the year amounted to $90,786,064.02, which sum included a balance of $49,817,128.78, not pro-

vided for during the previous fiscal year. The sum of $74,480,201.05 was applied to this fund, which left a deficit of $16,305,873.47. The increase of the revenues for 1881 over those of the previous year was $29,352,901.10. It is estimated that the receipts during the present fiscal year will reach $400,000,000, and the expenditures $270,000,000, leaving a surplus of $130,000,000 applicable to the sinking fund and the redemption of the public debt.

I approve the recommendation of the Secretary of the Treasury, that provision be made for the early retirement of silver certificates, and that the act requiring their issue be repealed. They were issued in pursuance of the policy of the government to maintain silver at or near the gold standard, and were accordingly made receivable for all customs, taxes, and public dues. About sixty-six millions of them are now outstanding. They form an unnecessary addition to the paper currency, a sufficient amount of which may be readily supplied by the national banks.

In accordance with the act of February 28, 1878, the Treasury Department has, monthly, caused at least two millions in value of silver bullion to be coined into standard silver dollars. One hundred and two millions of these dollars have been already coined, while only about thirty-four millions are in circulation.

For the reasons which he specifies, I concur in the Secretary's recommendation that the provision for coinage of a fixed amount each month be repealed, and that hereafter only so much be coined as shall be necessary to supply the demand.

The Secretary advises that the issue of gold certificates should not for the present be resumed, and suggests that the national banks may properly be forbidden by law to retire their currency except upon reasonable notice of their intention so to do. Such legislation would seem to be justified by the recent action of certain banks on the occasion referred to in the Secretary's report.

Of the fifteen millions of fractional currency still outstanding, only about eighty thousand has been redeemed the past year. The suggestion that this amount may properly be dropped from future statements of the public debt seems worthy of approval.

So, also, does the suggestion of the Secretary as to the advisability of relieving the calendar of the United States courts in the southern district of New York, by the transfer to another tribunal of the numerous suits there pending against collectors.

The revenue from customs for the past fiscal year was $198,159,676.02, an increase of $11,637,611.42 over that of the year preceding. $138,098,562.39 of this amount was collected at the port of New York, leaving $50,251,113.63 as the amount collected at all the other ports of the country. Of this sum, $47,977,137.63 was collected on sugar, melado, and molasses; $27,285,624.78 on wool and its manufactures; $21,462,534.34 on iron and steel, and manufactures thereof; $19,038,665.81 on manufactures of silk;

$10,825,115.21 on manufactures of cotton; and $6,469,643.04 on wines and spirits; making a total revenue from these sources, of $133,058,720.81.

The expenses of collection for the past year were $6,419,345.20, an increase over the preceding year of $387,410.04. Notwithstanding the increase in the revenue from customs over the preceding year, the gross value of the imports, including free goods, decreased over twenty-five millions of dollars. The most marked decrease was in the value of unmanufactured wool, $14,023,682, and in that of scrap and pig iron, $12,810,671. The value of imported sugar, on the other hand showed an increase of $7,457,474; of steel rails, $4,345,521; of barley, $2,154,204; and of steel in bars, ingots, &c., $1,620,046.

Contrasted with the imports during the last fiscal year, the exports were as follows:

Domestic merchandise	$883,925,947
Foreign merchandise	18,451,399
Total	902,377,346
Imports of merchandise	642,664,628
Excess of exports over imports of merchandise	259,712,718
Aggregate of exports and imports	1,545,041,974

Compared with the previous year, there was an increase of $66,738,688 in the value of exports of merchandise, and a decrease of $25,290,118 in the value of imports. The annual average of the excess of imports of merchandise over exports thereof, for ten years previous to June 30, 1873, was $104,706,922; but for the last six years there has been an excess of exports over imports of merchandise amounting to $1,180,668,105, an annual average of $196,778,017. The specie value of the exports of domestic merchandise was $376,616,473 in 1870, and $883,925,947 in 1881, an increase of $507,309,474, or 135 per cent. The value of imports was $435,958,408 in 1870, and $642,664,628 in 1881, an increase of $206,706,220, or 47 per cent.

During each year from 1862 to 1879, inclusive, the exports of specie exceeded the imports. The largest excess of such exports over imports was reached during the year 1864, when it amounted to $92,280,929. But during the year ended June 30, 1880, the imports of coin and bullion exceeded the exports by $75,891,391; and during the last fiscal year the excess of imports over exports was $91,168,650.

In the last annual report of the Secretary of the Treasury the attention of Congress was called to the fact that $469,651,050 in five per centum bonds and $203,573,750 in six per centum bonds would become redeemable during the year, and Congress was asked to authorize the refunding of these bonds at a lower rate of interest. The bill for such refunding having failed to become a law, the Secretary of the

Treasury, in April last, notified the holders of the $195,690,400 six per centum bonds then outstanding, that the bonds would be paid at par on the first day of July following, or that they might be "continued" at the pleasure of the government, to bear interest at the rate of three and one-half per centum per annum.

Under this notice $178,055,150 of the six per centum bonds were continued at the lower rate, and $17,635,250 were redeemed.

In the month of May a like notice was given respecting the redemption or continuance of the $439,841,350 of five per centum bonds then outstanding, and of these, $401,504,900 were continued at three and one-half per centum per annum, and $38,336,450 redeemed.

The six per centum bonds of the loan of February 8, 1861, and of the Oregon war debt, amounting together to $14,125,800, having matured during the year, the Secretary of the Treasury gave notice of his intention to redeem the same, and such as have been presented have been paid from the surplus revenues. There have also been redeemed at par $16,179,100 of the three and one-half per centum "continued" bonds, making a total of bonds redeemed, or which have ceased to bear interest during the year, of $123,969,650.

The reduction of the annual interest on the public debt through these transactions is as follows:

By reduction of interest to three and one-half per cent..	$10, 473, 952 25
By redemption of bonds.....	6, 352, 340 00
Total.....	16, 826, 292 25

The three and one-half per centum bonds, being payable at the pleasure of the government, are available for the investment of surplus revenue without the payment of premiums.

Unless these bonds can be funded at a much lower rate of interest than they now bear, I agree with the Secretary of the Treasury that no legislation respecting them is desirable.

It is a matter for congratulation that the business of the country has been so prosperous during the past year as to yield by taxation a large surplus of income to the government. If the revenue laws remain unchanged this surplus must, year by year, increase, on account of the reduction of the public debt and its burden of interest, and because of the rapid increase of our population. In 1860, just prior to the institution of our internal-revenue system, our population but slightly exceeded 30,000,000; by the census of 1880 it is now found to exceed 50,000,000. It is estimated that even if the annual receipts and expenditures should continue as at present the entire debt could be paid in ten years.

In view, however, of the heavy load of taxation which our people have already borne, we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt.

It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service, this may readily be afforded.

I therefore concur with the Secretary in recommending the abolition of all internal-revenue taxes, except those upon tobacco in its various forms, and upon distilled spirits and fermented liquors; and except also the special tax upon the manufacturers of, and dealers in, such articles. The retention of the latter tax is desirable as affording the officers of the government a proper supervision of these articles for the prevention of fraud. I agree with the Secretary of the Treasury, that the law imposing a stamp tax upon matches, proprietary articles, playing cards, checks, and drafts, may with propriety be repealed, and the law also by which banks and bankers are assessed upon their capital and deposits. There seems to be a general sentiment in favor of this course.

In the present condition of our revenues the tax upon deposits is especially unjust. It was never imposed in this country until it was demanded by the necessities of war, and was never exacted, I believe, in any other country, even in its greatest exigencies. Banks are required to secure their circulation by pledging with the Treasurer of the United States bonds of the general government. The interest upon these bonds, which at the time when the tax was imposed was 6 per cent., is now, in most instances, 3½ per cent. Besides, the entire circulation was originally limited by law and no increase was allowable. When the existing banks had practically a monopoly of the business, there was force in the suggestion, that for the franchise to the favored grantees the government might very properly exact a tax on circulation; but for years the system has been free, and the amount of circulation regulated by the public demand.

The retention of this tax has been suggested as a means of reimbursing the government for the expense of printing and furnishing the circulating notes. If the tax should be repealed it would certainly seem proper to require the national banks to pay the amount of such expense to the Comptroller of the Currency.

It is perhaps doubtful whether the immediate reduction of the rate of taxation upon liquors and tobacco is advisable, especially in view of the drain upon the Treasury which must attend the payment of arrears of pensions. A comparison, however, of the amount of taxes collected under the varying rates of taxation which have at different times prevailed, suggests the intimation that some reduction may soon be made without material diminution of the revenue.

The tariff laws also need revision; but, that a due regard may be paid to the conflicting interests of our citizens, important changes should be made with caution. If a careful revision cannot be made at this session, a commission such as was lately approved by the Senate and is now recommended by the Secretary of the Treasury would

doubtless lighten the labors of Congress whenever this subject shall be brought to its consideration.

The accompanying report of the Secretary of War will make known to you the operations of that department for the past year.

He suggests measures for promoting the efficiency of the Army without adding to the number of its officers, and recommends the legislation necessary to increase the number of enlisted men to thirty thousand, the maximum allowed by law.

This he deems necessary to maintain quietude on our ever-shifting frontier; to preserve peace and suppress disorder and marauding in new settlements; to protect settlers and their property against Indians, and Indians against the encroachments of intruders; and to enable peaceable immigrants to establish homes in the most remote parts of our country.

The Army is now necessarily scattered over such a vast extent of territory that, whenever an outbreak occurs, reinforcements must be hurried from many quarters, over great distances, and always at heavy cost for transportation of men, horses, wagons, and supplies.

I concur in the recommendations of the Secretary for increasing the Army to the strength of thirty thousand enlisted men.

It appears by the Secretary's report that in the absence of disturbances on the frontier the troops have been actively employed in collecting the Indians hitherto hostile, and locating them on their proper reservations; that Sitting Bull and his adherents are now prisoners at Fort Randall; that the Utes have been moved to their new reservation in Utah; that during the recent outbreak of the Apaches it was necessary to reinforce the garrisons in Arizona by troops withdrawn from New Mexico; and that some of the Apaches are now held prisoners for trial, while some have escaped, and the majority of the tribe are now on their reservation.

There is need of legislation to prevent intrusion upon the lands set apart for the Indians. A large military force, at great expense, is now required to patrol the boundary line between Kansas and the Indian Territory. The only punishment that can at present be inflicted is the forcible removal of the intruder and the imposition of a pecuniary fine, which, in most cases, it is impossible to collect. There should be a penalty by imprisonment in such cases.

The separate organization of the Signal Service is urged by the Secretary of War, and a full statement of the advantages of such permanent organization is presented in the report of the Chief Signal Officer. A detailed account of the useful work performed by the Signal Corps and the Weather Bureau, is also given in that report.

I ask attention to the statements of the Secretary of War regarding the requisitions frequently made by the Indian Bureau upon the Subsistence Department of the Army for the casual support of bands and tribes of Indians whose appropriations are exhausted. The War Department should not be left, by reason of inadequate provision for the Indian Bureau, to contribute for the maintenance of Indians.

The report of the Chief of Engineers furnishes a detailed account of the operations for the improvement of rivers and harbors.

I commend to your attention the suggestions contained in this report in regard to the condition of our fortifications, especially our coast defenses, and recommend an increase of the strength of the Engineer Battalion, by which the efficiency of our torpedo system would be improved.

I also call your attention to the remarks upon the improvement of the South Pass of the Mississippi River, the proposed free bridge over the Potomac River at Georgetown, the importance of completing at an early day the north wing of the War Department building, and other recommendations of the Secretary of War which appear in his report.

The actual expenditures of that department for the fiscal year ending June 30, 1881, were $42,122,201.39. The appropriations for the year 1882 were $44,889,725.42. The estimates for 1883 are $44,541,276.91.

The report of the Secretary of the Navy exhibits the condition of that branch of the service, and presents valuable suggestions for its improvement. I call your especial attention also to the appended report of the Advisory Board, which he convened to devise suitable measures for increasing the efficiency of the Navy, and particularly to report as to the character and number of vessels necessary to place it upon a footing commensurate with the necessities of the government.

I cannot too strongly urge upon you my conviction that every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of our Navy.

With a full appreciation of the fact that compliance with the suggestions of the head of that department and of the Advisory Board must involve a large expenditure of the public moneys, I earnestly recommend such appropriations as will accomplish an end which seems to me so desirable.

Nothing can be more inconsistent with true public economy than withholding the means necessary to accomplish the objects intrusted by the Constitution to the national legislature. One of those objects, and one which is of paramount importance, is declared by our fundamental law to be the provision for the "common defense." Surely nothing is more essential to the defense of the United States and of all our people than the efficiency of our Navy.

We have for many years maintained with foreign governments the relations of honorable peace, and that such relations may be permanent is desired by every patriotic citizen of the Republic.

But if we heed the teachings of history we shall not forget that in the life of every nation emergencies may arise when a resort to arms can alone save it from dishonor.

No danger from abroad now threatens this people, nor have we any cause to distrust the friendly professions of other governments.

But for avoiding as well as for repelling dangers that may threaten us in the future, we must be prepared to enforce any policy which we think wise to adopt.

We must be ready to defend our harbors against aggression, to protect, by the distribution of our ships of war over the highways of commerce, the varied interests of our foreign trade, and the persons and property of our citizens abroad, to maintain everywhere the honor of our flag, and the distinguished position which we may rightfully claim among the nations of the world.

The report of the Postmaster-General is a gratifying exhibit of the growth and efficiency of the postal service.

The receipts from postage and other ordinary sources during the past fiscal year were $36,489,816.58. The receipts from the money-order business were $295,581.39, making a total of $36,785,397.97. The expenditure for the fiscal year was $39,251,736.46. The deficit supplied out of the general Treasury was $2,481,129.35, or 6$\frac{3}{10}$ per cent. of the amount expended. The receipts were $3,469,918.63 in excess of those of the previous year, and $4,575,397.97 in excess of the estimate made two years ago, before the present period of business prosperity had fairly begun.

The whole number of letters mailed in this country in the last fiscal year exceeded one thousand millions.

The registry system is reported to be in excellent condition, having been remodeled during the past four years, with good results. The amount of registration fees collected during the last fiscal year was $712,882.20, an increase over the fiscal year ending June 30, 1877, of $345,443.40.

The entire number of letters and packages registered during the year was 8,338,919, of which only 2,061 were lost or destroyed in transit.

The operations of the money-order system are multiplying yearly under the impulse of immigration, of the rapid development of the newer States and Territories, and the consequent demand for additional means of intercommunication and exchange.

During the past year, 338 additional money-order offices have been established, making a total of 5,499 in operation at the date of this report.

During the year the domestic money orders aggregated in value $105,075,769.35.

A modification of the system is suggested, reducing the fees for money orders not exceeding $5 from ten cents to five cents, and making the maximum limit $100 in place of $50.

Legislation for the disposition of unclaimed money orders in the possession of the Post-Office Department is recommended, in view of the fact that their total value now exceeds one million dollars.

The attention of Congress is again invited to the subject of establishing a system of savings depositories in connection with the Post-Office Department.

The statistics of mail transportation show that during the past year railroad routes have been increased in length 6,249 miles, and in cost $1,114,382, while steamboat routes have been decreased in length 2,182 miles, and in cost $134,054. The so-called star routes have been decreased in length 3,949 miles, and in cost $364,144.

Nearly all of the more expensive routes have been superseded by railroad service. The cost of the star service must therefore rapidly decrease in the Western States and Territories.

The Postmaster-General, however, calls attention to the constantly increasing cost of the railway mail service as a serious difficulty in the way of making the department self-sustaining.

Our postal intercourse with foreign countries has kept pace with the growth of the domestic service. Within the past year several countries and colonies have declared their adhesion to the Postal Union. It now includes all those which have an organized postal service, except Bolivia, Costa Rica, New Zealand, and the British colonies in Australia.

As has been already stated, great reductions have recently been made in the expense of the star-route service. The investigations of the Department of Justice and the Post-Office Department have resulted in the presentation of indictments against persons formerly connected with that service, accusing them of offenses against the United States. I have enjoined upon the officials who are charged with the conduct of the cases on the part of the government and upon the eminent counsel who, before my accession to the Presidency, were called to their assistance, the duty of prosecuting with the utmost vigor of the law all persons who may be found chargeable with frauds upon the postal service.

The Acting Attorney-General calls attention to the necessity of modifying the present system of the courts of the United States—a necessity due to the large increase of business, especially in the Supreme Court. Litigation in our Federal tribunals became greatly expanded after the close of the late war. So long as that expansion might be attributable to the abnormal condition in which the community found itself immediately after the return of peace, prudence required that no change be made in the constitution of our judicial tribunals.

But it has now become apparent that an immense increase of litigation has directly resulted from the wonderful growth and development of the country. There is no ground for belief that the business of the United States courts will ever be less in volume than at present. Indeed, that it is likely to be much greater is generally recognized by the bench and bar.

In view of the fact that Congress has already given much consideration to this subject, I make no suggestion as to detail, but express the

hope that your deliberations may result in such legislation as will give early relief to our overburdened courts.

The Acting Attorney-General also calls attention to the disturbance of the public tranquility during the past year in the Territory of Arizona. A band of armed desperadoes, known as "Cow Boys," probably numbering from fifty to one hundred men, have been engaged for months in committing acts of lawlessness and brutality which the local authorities have been unable to repress. The depredations of these "Cow Boys" have also extended into Mexico, which the marauders reach from the Arizona frontier. With every disposition to meet the exigencies of the case, I am embarrassed by lack of authority to deal with them effectually. The punishment of crimes committed within Arizona should ordinarily, of course, be left to the Territorial authorities. But it is worthy consideration whether acts which necessarily tend to embroil the United States with neighboring governments should not be declared crimes against the United States. Some of the incursions alluded to may perhaps be within the scope of the law (Revised Statutes, section 5286) forbidding "military expeditions or enterprises" against friendly states; but in view of the speedy assembling of your body, I have preferred to await such legislation as in your wisdom the occasion may seem to demand.

It may, perhaps, be thought proper to provide that the setting on foot within our own territory, of brigandage and armed marauding expeditions against friendly nations and their citizens, shall be punishable as an offense against the United States.

I will add that in the event of a request from the Territorial government for protection by the United States against "domestic violence," this government would be powerless to render assistance.

The act of 1795, chapter 36, passed at a time when Territorial governments received little attention from Congress, enforced this duty of the United States only as to the State governments. But the act of 1807, chapter 39, applied also to Territories. This law seems to have remained in force until the revision of the statutes, when the provision for the Territories was dropped. I am not advised whether this alteration was intentional or accidental, but, as it seems to me that the Territories should be offered the protection which is accorded to the States by the Constitution, I suggest legislation to that end.

It seems to me, too, that whatever views may prevail as to the policy of recent legislation by which the Army has ceased to be a part of the *posse comitatus*, an exception might well be made for permitting the military to assist the civil Territorial authorities in enforcing the laws of the United States. This use of the Army would not seem to be within the alleged evil against which that legislation was aimed. From sparseness of population and other circumstances it is often quite impracticable to summon a civil posse in places where officers of justice require assistance, and where a military force is within easy reach.

The report of the Secretary of the Interior, with accompanying documents, presents an elaborate account of the business of that department. A summary of it would be too extended for this place. I ask your careful attention to the report itself.

Prominent among the matters which challenge the attention of Congress at its present session is the management of our Indian affairs. While this question has been a cause of trouble and embarrassment from the infancy of the government, it is but recently that any effort has been made for its solution, at once serious, determined, consistent, and promising success.

It has been easier to resort to convenient makeshifts for tiding over temporary difficulties than to grapple with the great permanent problem, and, accordingly, the easier course has almost invariably been pursued.

It was natural, at a time when the national territory seemed almost illimitable and contained many millions of acres far outside the bounds of civilized settlements, that a policy should have been initiated which more than aught else has been the fruitful source of our Indian complications.

I refer of course to the policy of dealing with the various Indian tribes as separate nationalities, of relegating them by treaty stipulations to the occupancy of immense reservations in the West, and of encouraging them to live a savage life, undisturbed by any earnest and well-directed efforts to bring them under the influences of civilization.

The unsatisfactory results which have sprung from this policy are becoming apparent to all.

As the white settlements have crowded the borders of the reservations, the Indians, sometimes contentedly and sometimes against their will, have been transferred to other hunting-grounds, from which they have again been dislodged whenever their new-found homes have been desired by the adventurous settlers.

These removals, and the frontier collisions by which they have often been preceded, have led to frequent and disastrous conflicts between the races.

It is profitless to discuss here which of them has been chiefly responsible for the disturbances whose recital occupies so large a space upon the pages of our history.

We have to deal with the appalling fact that though thousands of lives have been sacrificed, and hundreds of millions of dollars expended in the attempt to solve the Indian problem, it has until within the past few years seemed scarcely nearer a solution than it was half a century ago. But the government has of late been cautiously but steadily feeling its way to the adoption of a policy which has already produced gratifying results, and which, in my judgment, is likely, if Congress and the Executive accord in its support, to relieve us ere long from the difficulties which have hitherto beset us.

For the success of the efforts now making to introduce among the Indians the customs and pursuits of civilized life, and gradually to absorb them into the mass of our citizens, sharing their rights and holden to their responsibilities, there is imperative need for legislative action.

My suggestions in that regard will be chiefly such as have been already called to the attention of Congress, and have received to some extent its consideration:

First. I recommend the passage of an act making the laws of the various States and Territories applicable to the Indian reservations within their borders, and extending the laws of the State of Arkansas to the portion of the Indian Territory not occupied by the five civilized tribes.

The Indian should receive the protection of the law. He should be allowed to maintain in court his rights of person and property. He has repeatedly begged for this privilege. Its exercise would be very valuable to him in his progress toward civilization.

Second. Of even greater importance is a measure which has been frequently recommended by my predecessors in office, and in furtherance of which several bills have been from time to time introduced in both Houses of Congress. The enactment of a general law permitting the allotment in severalty, to such Indians, at least, as desire it, of a reasonable quantity of land secured to them by patent, and for their own protection made inalienable for twenty or twenty-five years, is demanded for their present welfare and their permanent advancement.

In return for such considerate action on the part of the government, there is reason to believe that the Indians in large numbers would be persuaded to sever their tribal relations and to engage at once in agricultural pursuits. Many of them realize the fact that their hunting days are over, and that it is now for their best interests to conform their manner of life to the new order of things. By no greater inducement than the assurance of permanent title to the soil can they be led to engage in the occupation of tilling it.

The well-attested reports of their increasing interest in husbandry justify the hope and belief that the enactment of such a statute as I recommend would be at once attended with gratifying results. A resort to the allotment system would have a direct and powerful influence in dissolving the tribal bond, which is so prominent a feature of savage life, and which tends so strongly to perpetuate it.

Third. I advise a liberal appropriation for the support of Indian schools, because of my confident belief that such a course is consistent with the wisest economy.

Even among the most uncultivated Indian tribes there is reported to be a general and urgent desire on the part of the chiefs and older members for the education of their children. It is unfortunate, in view of this fact, that during the past year the means which have

been at the command of the Interior Department for the purpose of Indian instruction have proved to be utterly inadequate. The success of the schools which are in operation at Hampton, Carlisle, and Forest Grove should not only encourage a more generous provision for the support of those institutions, but should prompt the establishment of others of a similar character.

They are doubtless much more potent for good than the day schools upon the reservation, as the pupils are altogether separated from the surroundings of savage life, and brought into constant contact with civilization.

There are many other phases of this subject which are of great interest, but which cannot be included within the becoming limits of this communication; they are discussed ably in the reports of the Secretary of the Interior and the Commissioner of Indian Affairs.

For many years the Executive, in his annual message to Congress, has urged the necessity of stringent legislation for the suppression of polygamy in the Territories, and especially in the Territory of Utah. The existing statute for the punishment of this odious crime, so revolting to the moral and religious sense of Christendom, has been persistently and contemptuously violated ever since its enactment. Indeed, in spite of commendable efforts on the part of the authorities who represent the United States in that Territory, the law has in very rare instances been enforced, and, for a cause to which reference will presently be made, is practically a dead letter.

The fact that adherents of the Mormon church, which rests upon polygamy as its corner-stone, have recently been peopling in large numbers Idaho, Arizona, and other of our Western Territories, is well calculated to excite the liveliest interest and apprehension. It imposes upon Congress and the Executive the duty of arraying against this barbarous system all the power which, under the Constitution and the law, they can wield for its destruction.

Reference has been already made to the obstacles which the United States officers have encountered in their efforts to punish violations of law. Prominent among these obstacles is the difficulty of procuring legal evidence sufficient to warrant a conviction even in the case of the most notorious offenders.

Your attention is called to a recent opinion of the Supreme Court of the United States, explaining its judgment of reversal in the case of Miles, who had been convicted of bigamy in Utah. The court refers to the fact that the secrecy attending the celebration of marriages in that Territory makes the proof of polygamy very difficult; and the propriety is suggested of modifying the law of evidence which now makes a wife incompetent to testify against her husband.

This suggestion is approved. I recommend also the passage of an act providing that in the Territories of the United States the fact that a woman has been married to a person charged with bigamy shall not dis-

qualify her as a witness upon his trial for that offense. I further recommend legislation by which any person solemnizing a marriage in any of the Territories shall be required, under stringent penalties for neglect or refusal, to file a certificate of such marriage in the supreme court of the Territory.

Doubtless Congress may devise other practicable measures for obviating the difficulties which have hitherto attended the efforts to suppress this iniquity. I assure you of my determined purpose to co-operate with you in any lawful and discreet measures which may be proposed to that end.

Although our system of government does not contemplate that the nation should provide or support a system for the education of our people, no measures calculated to promote that general intelligence and virtue upon which the perpetuity of our institutions so greatly depends, have ever been regarded with indifference by Congress or the Executive.

A large portion of the public domain has been, from time to time, devoted to the promotion of education.

There is now a special reason why, by setting apart the proceeds of its sales of public lands, or by some other course, the government should aid the work of education. Many who now exercise the right of suffrage are unable to read the ballot which they cast. Upon many who had just emerged from a condition of slavery, were suddenly devolved the responsibilities of citizenship in that portion of the country most impoverished by war. I have been pleased to learn from the report of the Commissioner of Education that there has lately been a commendable increase of interest and effort for their instruction; but all that can be done by local legislation and private generosity should be supplemented by such aid as can be constitutionally afforded by the national government.

I would suggest that if any fund be dedicated to this purpose it may be wisely distributed in the different States according to the ratio of illiteracy, as by this means those localities which are most in need of such assistance will reap its special benefits.

The report of the Commissioner of Agriculture exhibits the results of the experiments in which that department has been engaged during the past year, and makes important suggestions in reference to the agricultural development of the country.

The steady increase of our population, and the consequent addition to the number of those engaging in the pursuit of husbandry, are giving to this Department a growing dignity and importance. The Commissioner's suggestions touching its capacity for greater usefulness deserve attention, as it more and more commends itself to the interests which it was created to promote.

It appears from the report of the Commissioner of Pension that, since 1860, 789,063 original pension claims have been filed; 450,949 of these

have been allowed and inscribed on the pension-roll; 72,539 have been rejected and abandoned, being 13+ per cent. of the whole number of claims settled.

There are now pending for settlement 265,575 original pension claims, 227,040 of which were filed prior to July 1, 1880. These, when allowed, will involve the payment of arrears from the date of discharge in case of an invalid, and from date of death or termination of a prior right in all other cases.

From all the data obtainable it is estimated that 15 per cent. of the number of claims now pending will be rejected or abandoned. This would show the probable rejection of 34,040 cases, and the probable admission of about 193,000 claims, all of which involve the payment of arrears of pension.

With the present force employed, the number of adjudications remaining the same and no new business intervening, this number of claims (193,000) could be acted upon in a period of six years; and taking January 1, 1884, as a near period from which to estimate in each case an average amount of arrears, it is found that every case allowed would require, for the first payment upon it, the sum of $1,350. Multiplying this amount by the whole number of probable admissions gives $250,000,000 as the sum required for first payments. This represents the sum which must be paid upon claims which were filed before July 1, 1880, and are now pending, and entitled to the benefits of the arrears act. From this amount ($250,000,000) may be deducted from ten to fifteen millions, for cases where, the claimant dying, there is no person who, under the law, would be entitled to succeed to the pension, leaving $235,000,000 as the probable amount to be paid.

In these estimates, no account has been taken of the 38,500 cases filed since June 30, 1880, and now pending, which must receive attention as current business, but which do not involve the payment of any arrears beyond the date of filing the claim. Of this number it is estimated that 86 per cent. will be allowed.

As has been stated, with the present force of the Pension Bureau, 675 clerks, it is estimated that it will take six years to dispose of the claims now pending.

It is stated by the Commissioner of Pensions that by an addition of 250 clerks (increasing the adjudicating force rather than the mechanical) double the amount of work could be accomplished, so that these cases could be acted upon within three years.

Aside from the considerations of justice which may be urged for a speedy settlement of the claims now on the files of the Pension Office, it is no less important on the score of economy, inasmuch as fully one-third of the clerical force of the office is now wholly occupied in giving attention to correspondence with the thousands of claimants whose cases have been on the files for the past eighteen years. The fact that a sum so enormous must be expended by the Government to meet de-

mands for arrears of pensions, is an admonition to Congress and the Executive to give cautious consideration to any similar project in the future. The great temptation to the presentation of fictitious claims afforded by the fact that the average sum obtained upon each application is $1,300, leads me to suggest the propriety of making some special appropriation for the prevention of fraud.

I advise appropriations for such internal improvements as the wisdom of Congress may deem to be of public importance. The necessity of improving the navigation of the Mississippi River justifies a special allusion to that subject. I suggest the adoption of some measure for the removal of obstructions which now impede the navigation of that great channel of commorce.

In my letter accepting the nomination for the Vice-Presidency, I stated that in my judgment "no man should be the incumbent of an office, the duties of which he is for any cause unfit to perform; who is lacking in the ability, fidelity, or integrity which a proper administration of such office demands. This sentiment would doubtless meet with general acquiescence, but opinion has been widely divided upon the wisdom and practicability of the various reformatory schemes which have been suggested and of certain proposed regulations governing appointments to public office.

"The efficiency of such regulations has been distrusted, mainly because they have seemed to exalt mere educational and abstract tests above general business capacity and even special fitness for the particular work in hand. It seems to me that the rules which should be applied to the management of the public service, may properly conform in the main to such as regulate the conduct of successful private business:

"Original appointments should be based upon ascertained fitness.

"The tenure of office should be stable.

"Positions of responsibility should, so far as practicable, be filled by the promotion of worthy and efficient officers.

"The investigation of all complaints and the punishment of all official misconduct should be prompt and thorough."

The views expressed in the foregoing letter are those which will govern my administration of the Executive Office. They are doubtless shared by all intelligent and patriotic citizens, however divergent in their opinions as to the best methods of putting them into practical operation.

For example, the assertion that "original appointments should be based upon ascertained fitness" is not open to dispute.

But the question how in practice such fitness can be most effectually ascertained, is one which has for years excited interest and discussion. The measure, which, with slight variations in its details, has lately been urged upon the attention of Congress and the Executive, has as its principal feature the scheme of competitive examination. Save for certain exceptions, which need not here be specified, this plan would allow ad-

mission to the service only in its lowest grade, and would accordingly demand that all vacancies in higher positions should be filled by promotion alone. In these particulars it is in conformity with the existing civil-service system of Great Britain. And indeed the success which has attended that system in the country of its birth is the strongest argument which has been urged for its adoption here.

The fact should not, however, be overlooked that there are certain features of the English system which have not generally been received with favor in this country, even among the foremost advocates of civil-service reform.

Among them are:

1. A tenure of office which is substantially a life-tenure.

2. A limitation of the maximum age at which an applicant can enter the service, whereby all men in middle life or older, are, with some exceptions, rigidly excluded.

3. A retiring allowance upon going out of office.

These three elements are as important factors of the problem as any of the others. To eliminate them from the English system would effect a most radical change in its theory and practice.

The avowed purpose of that system is to induce the educated young men of the country to devote their lives to public employment by an assurance that having once entered upon it they need never leave it, and that after voluntary retirement they shall be the recipients of an annual pension. That this system as an entirety has proved very successful in Great Britain seems to be generally conceded even by those who once opposed its adoption.

To a statute which should incorporate all its essential features, I should feel bound to give my approval. But whether it would be for the best interests of the public to fix upon an expedient for immediate and extensive application, which embraces certain features of the English system but excludes or ignores others of equal importance, may be seriously doubted, even by those who are impressed, as I am myself, with the grave importance of correcting the evils which inhere in the present methods of appointment.

If, for example, the English rule which shuts out persons above the age of twenty-five years from a large number of public employments is not to be made an essential part of our own system, it is questionable whether the attainment of the highest number of marks at a competitive examination should be the criterion by which all applications for appointment should be put to test. And under similar conditions, it may also be questioned, whether admission to the service should be strictly limited to its lowest ranks.

There are very many characteristics which go to make a model civil servant. Prominent among them are probity, industry, good sense, good habits, good temper, patience, order, courtesy, tact, self-reliance, manly

deference to superior officers and manly consideration for inferiors. The absence of these traits is not supplied by wide knowledge of books or by promptitude in answering questions, or by any other quality likely to be brought to light by competitive examination.

To make success in such a contest, therefore, an indispensable condition of public employment, would very likely result in the practical exclusion of the older applicants, even though they might possess qualifications far superior to their younger and more brilliant competitors.

These suggestions must not be regarded as evincing any spirit of opposition to the competitive plan, which has been to some extent successfully employed already, and which may hereafter vindicate the claim of its most earnest supporters. But it ought to be seriously considered whether the application of the same educational standard to persons of mature years and to young men fresh from school and college would not be likely to exalt mere intellectual proficiency above other qualities of equal or greater importance.

Another feature of the proposed system is the selection by promotion of all officers of the government above the lowest grade, except such as would fairly be regarded as exponents of the policy of the Executive and the principles of the dominant party.

To afford encouragement to faithful public servants by exciting in their minds the hope of promotion, if they are found to merit it, is much to be desired.

But would it be wise to adopt a rule so rigid as to permit no other mode of supplying the intermediate walks of the service?

There are many persons who fill subordinate positions with great credit, but lack those qualities which are requisite for higher posts of duty; and, besides, the modes of thought and action of one whose service in a governmental bureau has been long continued are often so cramped by routine procedure as almost to disqualify him from instituting changes required by the public interests. An infusion of new blood, from time to time, into the middle ranks of the service might be very beneficial in its results.

The subject under discussion is one of grave importance. The evils which are complained of cannot be eradicated at once; the work must be gradual.

The present English system is a growth of years, and was not created by a single stroke of executive or legislative action.

Its beginnings are found in an order in council, promulgated in 1855, and it was after patient and cautious scrutiny of its workings that fifteen years later it took its present shape.

Five years after the issuance of the order in council, and at a time when resort had been had to competitive examinations as an experiment much more extensively than has yet been the case in this country, a select committee of the House of Commons made a report to that

house, which, declaring its approval of the competitive plan, deprecated, nevertheless, any precipitancy in its general adoption as likely to endanger its ultimate success.

During this tentative period the results of the two methods of pass examination and competitive examination were closely watched and compared. It may be that before we confine ourselves upon this important question within the stringent bounds of statutory enactment, we may profitably await the result of further inquiry and experiment.

The submission of a portion of the nominations to a central board of examiners selected solely for testing the qualifications of applicants may, perhaps, without resort to the competitive test, put an end to the mischiefs which attend the present system of appointment, and it may be feasible to vest in such a board a wide discretion to ascertain the characteristics and attainments of candidates in those particulars which I have already referred to as being no less important than mere intellectual attainment.

If Congress should deem it advisable at the present session to establish competitive tests for admission to the service, no doubts such as have been suggested shall deter me from giving the measure my earnest support.

And I urgently recommend, should there be a failure to pass any other act upon this subject, that an appropriation of $25,000 per year may be made for the enforcement of section 1753 of the Revised Statutes.

With the aid thus afforded me, I shall strive to execute the provisions of that law according to its letter and spirit.

I am unwilling, in justice to the present civil servants of the government, to dismiss this subject without declaring my dissent from the severe and almost indiscriminate censure with which they have been recently assailed. That they are as a class indolent, inefficient, and corrupt, is a statement which has been often made and widely credited. But when the extent, variety, delicacy, and importance of their duties are considered, the great majority of the employés of the government are in my judgment deserving of high commendation.

The continuing decline of the merchant marine of the United States is greatly to be deplored. In view of the fact that we furnish so large a proportion of the freights of the commercial world and that our shipments are steadily and rapidly increasing, it is cause of surprise that not only is our navigation interest diminishing, but it is less than when our exports and imports were not half so large as now, either in bulk or value. There must be some peculiar hinderance to the development of this interest, or the enterprise and energy of American mechanics and capitalists would have kept this country at least abreast of our rivals in the friendly contest for ocean supremacy. The substitution of iron for wood and of steam for sail have wrought great revolutions in the carrying trade of the world; but these changes could not have been

adverse to America if we had given to our navigation interests a portion of the aid and protection which have been so wisely bestowed upon our manufactures. I commend the whole subject to the wisdom of Congress, with the suggestion that no question of greater magnitude or farther-reaching importance can engage their attention.

In 1875 the Supreme Court of the United States declared unconstitutional the statutes of certain States which imposed upon ship-owners or consignees a tax of one dollar and a half for each passenger arriving from a foreign country, or, in lieu thereof, required a bond to indemnify the State and local authorities against expense for the future relief or support of such passenger. Since this decision the expense attending the care and supervision of immigrants has fallen on the States at whose ports they have landed. As a large majority of such immigrants, immediately upon their arrival, proceed to the inland States and the Territories to seek permanent homes, it is manifestly unjust to impose upon the State whose shores they first reach, the burden which it now bears. For this reason, and because of the national importance of the subject, I recommend legislation regarding the supervision and transitory care of immigrants at the ports of debarkation.

I regret to state that the people of Alaska have reason to complain that they are as yet unprovided with any form of government by which life or property can be protected. While the extent of its population does not justify the application of the costly machinery of Territorial administration, there is immediate necessity for constituting such a form of government as will promote the education of the people and secure the administration of justice.

The Senate, at its last session, passed a bill providing for the construction of a building for the Library of Congress, but it failed to become a law. The provision of suitable protection for this great collection of books, and for the copyright department connected with it, has become a subject of national importance and should receive prompt attention.

The report of the Commissioners of the District of Columbia, herewith transmitted, will inform you fully of the condition of the affairs of the District.

They urge the vital importance of legislation for the reclamation and improvement of the marshes and for the establishment of the harbor lines along the Potomac River front.

It is represented that in their present condition these marshes seriously affect the health of the residents of the adjacent parts of the city; and that they greatly mar the general aspect of the park in which stands the Washington Monument. This improvement would add to that park and to the park south of the Executive Mansion a large area of valuable land, and would transform what is now believed to be a dangerous nuisance into an attractive landscape extending to the river front.

They recommend the removal of the steam railway lines from the surface of the streets of the city, and the location of the necessary depots in such places as may be convenient for the public accommodation; and they call attention to the deficiency of the water supply, which seriously affects the material prosperity of the city and the health and comfort of its inhabitants.

I commend these subjects to your favorable consideration.

The importance of timely legislation with respect to the ascertainment and declaration of the vote for Presidential electors was sharply called to the attention of the people more than four years ago.

It is to be hoped that some well-defined measure may be devised before another national election, which will render unnecessary a resort to any expedient of a temporary character, for the determination of questions upon contested returns.

Questions which concern the very existence of the government and the liberties of the people were suggested by the prolonged illness of the late President, and his consequent incapacity to perform the functions of his office.

It is provided by the second article of the Constitution, in the fifth clause of its first section, that "in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President."

What is the intendment of the Constitution in its specification of "inability to discharge the powers and duties of said office," as one of the contingencies which calls the Vice-President to the exercise of Presidential functions?

Is the inability limited in its nature to long-continued intellectual incapacity, or has it a broader import?

What must be its extent and duration?

How must its existence be established?

Has the President, whose inability is the subject of inquiry, any voice in determining whether or not it exists, or is the decision of that momentous and delicate question confided to the Vice-President, or is it contemplated by the Constitution that Congress should provide by law precisely what should constitute inability, and how and by what tribunal or authority it should be ascertained?

If the inability proves to be temporary in its nature, and during its continuance the Vice-President lawfully exercises the functions of the Executive, by what tenure does he hold his office?

Does he continue as President for the remainder of the four years' term?

Or would the elected President, if his inability should cease in the interval, be empowered to resume his office?

And if having such lawful authority he should exercise it, would

the Vice-President be thereupon empowered to resume his powers and duties as such?

I cannot doubt that these important questions will receive your early and thoughtful consideration.

Deeply impressed with the gravity of the responsibilities which have so unexpectedly devolved upon me, it will be my constant purpose to cooperate with you in such measures as will promote the glory of the country and the prosperity of its people.

CHESTER A. ARTHUR.

WASHINGTON, *December* 6, 1881.

FOREIGN RELATIONS.

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ARGENTINE REPUBLIC.

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1	Mr. Thomas O. Osborn to Mr. Evarts (No. 308).	1880. Nov. 29	Peace, re-establishment of, in Argentine Republic: Gratification of United States at this result conveyed to Argentine Republic, and hope that the principle of national life as opposed to spirit of disintegration will still animate its people. Argentine Republic reciprocates the sentiments of United States.	1
2	Same to same (No. 313)	1881. Jan. 13	Arbitration for settlement of disputes between South American governments; congress to establish same proposed; Argentine Republic accepts Colombia's invitation to participate.	3
3	Mr. Blaine to Mr. Thomas O. Osborn (No. 144).	June 13	Boundary dispute between Chili and Argentine Republic: United States in favor of international arbitration as a means of averting war, as shown by their efforts in the conference of Arica; would readily act as arbitrator if desired by the parties; similar instruction to Mr. Thomas A. Osborn.	6
4	Mr. Thomas O. Osborn to Mr. Blaine (No. 324).	July 1	Boundary dispute between Chili and Argentine Republic: Settlement of, by United States ministers at Buenos Ayres and Chili; description of boundary line and full particulars of negotiation reported.	6
5	Same to same (No. 329).....	July 23	Boundary dispute between Chili and Argentine Republic: Treaty signed July 23, on part of both governments; incloses note of congratulation to Argentine Republic.	9
6	Mr. Blaine to Mr. Thomas O. Osborn (No. 147).	Aug. 25	Boundary dispute between Chili and Argentine Republic: Gratification of United States at the news of the peaceful settlement of, and of the active part taken by United States representatives at Santiago and Buenos Ayres in accomplishing it.	10
7	Mr. Hitt to Mr. Thomas O. Osborn (No. 150).	Sept. 10	Boundary dispute between Chili and Argentine Republic: Informs him that the anticipated approval of efforts of United States representatives in effecting settlement of, was accorded in a previous instruction.	10
8	Mr. Thomas O. Osborn to Mr. Blaine (No. 338).	Oct. 27	Boundary dispute between Chili and Argentine Republic: Incloses translation of authenticated copy of the treaty of settlement of same; also of a note of minister of foreign affairs relative to the same; treaty gives satisfaction to all.	10
9	Mr. Blaine to Mr. Thomas O. Osborn (No. 156).	Nov. 29	Peace congress of American republics to be held in Washington, D. C.: Purpose of; discussion of method of preventing war between nations of America; minister directed to present views of the United States to Argentine Republic, and tender in name of the President of the United States an invitation to the President of the Argentine Republic to send commissioners.	13

CORRESPONDENCE WITH THE LEGATION OF THE ARGENTINE REPUBLIC AT WASHINGTON.

10	Mr. Carrié to Mr. Blaine....	1881. July 28	Boundary dispute between Chili and Argentine Republic: Treaty for settlement of, signed by Chili; gratitude of Argentine Republic to United States and its representatives for kind offices.	15
11	Mr. Blaine to Mr. Carrié....	Aug. 5	Boundary dispute between Chili and Argentine Republic: Gratification of the United States at the settlement of the boundary dispute.	16

ARGENTINE REPUBLIC—Continued.

CORRESPONDENCE WITH THE LEGATION OF THE ARGENTINE REPUBLIC AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
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12	Mr. Carrié to Mr. Blaine....	Nov. 28	Boundary dispute between Chili and Argentine Republic: Communication from Argentine Republic relative to co-operation of Mr. Osborn in effecting the settlement of.	16
13	Same to same.....	Dec. 5	Boundary dispute between Chili and Argentine Republic: Treaty for settlement of, ratified by both governments; conciliatory spirit exhibited by the parties.	17

AUSTRIA-HUNGARY.

		1880.		
14	Mr. Delaplaine to Mr. Evarts (No. 355.)	Aug. 10	Citizenship (American), renunciation of, by Marcus Kohn to become again an Austrian subject.	18
15	Same to same (No. 377)	Oct. 26	Citizenship, acquisition and loss of: Text of law recently passed by Hungarian Diet; question of its affecting naturalized Americans discussed, and instructions asked.	18
16	Same to same (No. 381)	Nov. 5	Oriental policy of Austria-Hungary: Course and motives of, as defined in the speech of the minister of foreign affairs; Dulcigno, Greek, and Albanian questions discussed in connection therewith.	23
17	Mr. Evarts to Mr. Delaplaine (No. 199)	Nov. 26	Citizenship, loss and acquisition of: Views of the foreign office, as to the applicability of the exceptions of article 47 of the Hungarian law to naturalized citizens, are accepted by the department as a correct interpretation; not necessary to interrogate the royal government further on the subject.	26
18	Mr. Delaplaine to Mr. Evarts (No. 390).	Nov. 30	Commemoration of centennial of the ascent of Joseph II to the throne of the Hapsburgs: Speeches expressive of the spirit of progress, order, constitutional liberty, and loyalty of the people of the empire.	27
19	Same to same (No. 392)	Dec. 6	Citizenship, Hungarian law relative to: Consul at Budapest instructed to follow example of British and Swiss colleagues, and notify subjects of United States to register at consular office to avoid difficulty in establishing nationality.	29
20	Mr. Kasson to Mr. Evarts (No. 400).	Dec. 24	Naturalization laws: Questions under, and application to children born before or after naturalization of parents and residing abroad after return of parents; also cases of naturalized citizens leaving United States and returning to original country without intention of resuming allegiance. These questions arise and are discussed in the cases of Gustav Schwetzers, Anton Wurglets, and Henry Huber and family, applicants for passports.	30
21	Same to same (No. 402)	Dec. 31	Equality of rights: Government decree appointing forty members of the Skuptchina, signed by Prince of Servia, instead of embracing, as formerly, government officials only, includes one Hebrew and one Turk.	31
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22	Mr. Evarts to Mr. Kasson (No. 210).	Jan. 14	Citizenship under Hungarian law: Rule notifying American citizens to register at consular office reported in Mr. Delaplaine's No. 392 approved.	32
23	Mr. Kasson to Mr. Evarts (No. 411).	Jan. 15	Citizenship: Certified copy of protocol of renunciation of, by Marcus Kohn, under Hungarian law; in respect to renunciation of American citizenship provided for in Article IV, convention of 1870, there are no legal enactments; right of Austrians to renounce is limited only by duty of military service; males no longer liable to such service, and females do not require formal document of discharge.	32
24	Same to same (No. 415)	Jan. 22	Naturalized citizens: Questions arising under the Hungarian law and treaty of September, 1870, as discussed in case of Adolph Klein; correspondence between consul at Budapest and Mr. Kasson in relation thereto.	34

AUSTRIA-HUNGARY—Continued.

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25	Mr. Kasson to Mr. Evarts (No. 426).	Feb. 23	Servia (desire of) for diplomatic relations with the United States; hopes that her financial inability to send a representative to the United States will not make United States less disposed to send a representative to reside at Belgrade.	36
26	Mr. Evarts to Mr. Kasson (telegram).	Feb. 24	American pork: Instructed to protest firmly against proposed decree prohibiting importation of, as oppressive and intolerable, unless due notice before decree goes into operation.	37
27	Mr. Kasson to Mr. Evarts (No. 430).	Mar. 1	American pork: Decree prohibiting importation of; Austria informed of the surprise of United States at action of European governments; that disease not so liable to exist in American pork as in that of other countries; United States regards as exceptional and intolerable any prohibition based on suspicion or false report made to affect the market; Austria-Hungarian Government gave no indication of other than friendly treatment of the subject.	37
28	Same to same (No. 432).....	Mar. 8	Expulsion of Jacob Erasmus, a naturalized American citizen, under imperial law of July 27, 1871, for unauthorized recruiting for America.	38
29	Same to same (No. 433).....	Mar. 8	Citizenship, renunciation of. Effected by emigration, or marriage of a female with a foreigner; males not liable to military duty, and females emigrating, no longer require a formal authorization therefor, nor formal discharge from connection with Austria; such necessary where required in some countries to prove that the emigrant has severed his political connection with his former country.	41
30	Mr. Kasson to Mr. Blaine (No. 434).	Mar. 12	American pork: Telegram of Secretary denouncing the falsity of published statements of mortality among swine made basis of further correspondence with the minister for foreign affairs; correspondence inclosed.	42
31	Same to same (No. 438).....	Mar. 19	American pork: Ordinance prohibiting the importation of, adopted; protest of United States on the ground of its being a violation of Article V, treaty of commerce of 1829; copies inclosed of ordinance and correspondence.	44
32	Same to same (No. 440).....	Mar. 25	Oriental Academy: Founded in 1753; designed to prepare corps of agents for the government specially fitted to promote political and commercial interests in Oriental world; course of study: (1) jurisprudence and political science; (2) languages; believes that a similar institution under control of United States would be of aid in building up our commerce.	45
33	Same to same (No. 446).....	Mar. 30	Diplomatic and consular service: Regulations established for examination and admission of candidates in Austria; contrasts them with examinations of undergraduates in United States.	49
34	Mr. Blaine to Mr. Kasson (No. 224).	Mar. 31	Naturalized citizens: Approves action of the minister in cases of Schwetzer, Wurglets, and Huber's application for passports as naturalized citizens; these rulings will serve as precedents.	52
35	Mr. Delaplaine to Mr. Blaine (No. 453).	Apr. 1	American pork: Reply of Austria-Hungary to protest; denies that the prohibition is a violation of treaty of 1829; question discussed.	53
36	Same to same (No. 460).....	Apr. 15	Financial: Issuance of new loan by Austria; quickly taken up; great quantities of foreign capital seeking investment.	54
37	Same to same (No. 471).....	May 23	Hungarian loan: Subscriptions opened for new loan under act of Hungarian Diet, for conversion of Hungarian six per cent. gold loan; result more favorable than anticipated.	55
38	Mr. Blaine to Mr. Phelps (No. 2).	June 9	American pork: Report of investigation of charge of unhealthfulness of, for the consideration of the Austria-Hungarian Government, with such suggestions as may cause the abandonment of the prohibitory decree against.	55
39	Mr. Phelps to Mr. Blaine (No. 6).	July 2	American pork: Communication to foreign office, of result of Department's investigation of charge of disease in American pork, and earnestly urged an immediate abandonment of prohibition.	56

AUSTRIA-HUNGARY—Continued.

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		1881.		
40	Mr. Phelps to Mr. Blaine (No. 9).	July 15	Interoceanic canal: Austria-Hungary informed of the position of United States on the question of protectorate for the Isthmus by the leading European powers; that the rights of United States as secured by treaty of 1846 are political, and not to be shared with any government but Colombia; that government had no knowledge of the purposes of Colombia, but would investigate the subject.	60
41	Mr. Blaine to Mr. Phelps (No. 8).	July 27	American pork importation: The minister's effective course in relation to restriction upon importation of American pork into Austria-Hungary, approved.	62
42	Same to same (No. 10).....	Aug. 5	Isthmus of Panama: Approves the minister's action in promptly and discreetly impressing upon Baron Kallay the Department's instruction relative to the attempt of Colombia to secure the protectorate of the Isthmus by European powers.	62

BELGIUM.

		1881.		
43	Mr. Putnam to Mr. Blaine (No. 51).	Feb. 9	Public instruction law: Priests can no longer act as inspectors of schools; public secular schools wholly under control of State officers; history of the contest between the liberal party and the Roman Catholic priesthood given at length.	62
44	Same to same (No. 54).....	Feb. 25	American pork: Discussion of prohibition of importation, in Chamber of Deputies; minister of interior asserts that trichinosis is not found in American pork in Belgium; that all danger from it disappears when meat is cooked. Belgium will not follow the example of France in decree of prohibition.	67
45	Same to same (No. 59).....	Mar. 9	American pork: Resolutions of boards of trade in Philadelphia and Indianapolis as to the healthy condition of, handed minister of foreign affairs; the action of French Government caused a panic in Belgium; matter will be investigated as to question of trichina in pork and its cure by cooking; all evidencing a friendly spirit to United States.	67
46	Mr. Blaine to Mr. Putnam (No. 37).	Mar. 11	American pork: Gratification at the fair and practical way Belgian cabinet treats the clamor about disease in; the general result of inquiry is that it was never before so free from disease.	68
47	Mr. Putnam to Mr. Blaine (No. 60).	Mar. 25	Parliamentary rule: Resignation of Mr. Guillery as president of Chamber of Deputies because of appeal from his decision by minister of foreign affairs, on a parliamentary question; election of Mr. Descamp.	68
48	Same to same (No. 67).....	Apr. 30	American pork; Circular of minister of interior; that trichina is unknown where, as in Belgium, the pork is sufficiently cooked; publishes rules of proper mode of cooking it; this is in keeping with Belgium's original determination to make no change in its policy towards the commerce of United States, and is in contrast with action of France	69
49	Mr. Blaine to Mr. Putnam (No. 45).	May 26	American pork: Belgian circular concerning harmless character of, received; satisfaction of United States at the liberal action of his majesty's government in this matter.	70
50	Same to same (No. 46).....	May 31	Boundary dispute between Costa Rica and Colombia: If treaty to arbitrate is made, Belgium to be informed of rights of United States under its treaty of 1846 with Colombia; United States will not hold itself bound by decision modifying its rights made by an arbitrator in whose selection it was not consulted.	70
51	Mr. Putnam to Mr. Blaine (No. 72).	June 13	American pork: Belgian Government informed of satisfaction of United States at action of former in relation to importation of.	72

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52	Same to same (No. 73).....	June 20	American pork: Correspondence with minister of foreign affairs on the liberal course adopted by Belgium.	73
53	Same to same (No. 74)	June 27	Treaty arbitration between Costa Rica and Colombia: Interview with minister of foreign affairs in relation to King of Belgium being arbitrator, and position of United States to proposed arbitration.	74
54	Same to same (No. 84).....	July 18	Treaty arbitration between Costa Rica and Colombia: King of Belgium when officially informed of his selection as arbitrator under the treaty between Costa Rica and Colombia will decline that trust.	75

BOLIVIA.

		1880.		
55	Mr. Adams to Mr. Evarts (No. 43).	Nov. 12	Political situation: Scheme for confederation of Peru and Bolivia laid aside for the present; nearly a rupture between Peru and Bolivia; compromise effected; price of necessaries of life very high, while exchange is at par; ministry compelled to resign owing to failure of our mediation; intervention of United States hoped for; vandalism on part of Chilians apprehended with dread; legislation.	76
56	Same to same (No. 46).....	Nov. 17	Peace conference: Report of Bolivian plenipotentiaries and protocols of proceedings of the conference inclosed.	77
57	Same to same (No. 49).....	Dec. 3	Peace conference: Report of Bolivian foreign office on, inclosed; satisfaction at odium which Chili has brought upon herself by declaring the right of conquest; intervention by the United States and declaration of war by Argentine Republic hoped for; triumph of the allies in the conference.	79
58	Mr. Evarts to Mr. Adams (No. 24).	Dec. 14	Peace negotiations: Failure of, regretted; United States still ready to do whatever it can for peace; his personal movements reported in his No. 36 approved.	80
59	Mr. Adams to Mr. Evarts (No. 52).	Dec. 16	Intervention: Circular of Bolivian Government inciting other South American Republics to intervene for suppression of Chilian aggrandizement, inclosed.	81
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60	Same to same (No. 56).....	Jan. 9	Political: Circular of Bolivian Government in answer to one of the Chilian Government respecting responsibility for the war and its continuance, inclosed.	83
61	Same to same (No. 57).....	Jan. 17	Political: Change of ministry; war party in power; hopes of Bolivia revived by action and disposition of Argentine Republic; prompt suppression of a mutiny; President Campero firmly established in his seat, although revolutionary rumors are frequently circulated.	83
62	Same to same (No. 59).....	Feb. 3	Political: Demoralization consequent on capture of Lima; foreigners in terror in anticipation of Chilian invasion; appointment of Nuñez as minister for foreign affairs.	84
63	Same to same (No. 60).....	Feb. 15	Political situation: Bolivian circular defining the same, inclosed; Bolivia is stronger than Peru now and has suffered less; turn of Bolivia's commerce towards the Atlantic via the La Plata and Amazon Rivers; note from foreign office inclosed for transmission to Bolivian minister in the United States.	85
64	Same to same (No. 61).....	Feb. 24	War contributions levied by Bolivia; Spaniards apply to Mr. Adams to intervene for their exemption from; Mr. Adams declines on grounds that application is not official and that contribution is just.	86
65	Mr. Adams to Mr. Blaine (No. 75).	June 8	Political situation: Preparations being made for resisting the invasion of Chilians; Bolivia adheres to Piérola; intervention of the United States for peace hoped for.	88

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66	Mr. Nuñez del Prado to Mr. Evarts.	Feb. 1	Peace question: Determination of Bolivia to resist to the last extremity Chili's efforts at absorption and conquest.	89
67	Mr. Cabrera to Mr. Evarts ..	Feb. 18	Peace question: Mode of settlement of, which Mr. Cabrera strongly advocates; nitrate and guano deposits of Peru, bone of contention, should be removed from the control of belligerents, and placed in charge of a company which would pay Bolivia's and Peru's war and other debts; plan of such company submitted; war, instead of being ended by fall of Lima, is to be continued with greater activity.	90
68	Mr. Cabrera to Mr. Blaine..	May 9	Peace question: Plan for solution of, set forth in his note of February 18 last; urges adoption of it.	93
69	Mr. Blaine to Mr. Nuñez del Prado.	June 14	Peace question: Acknowledges his note of February 1.	94

BRAZIL.

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70	Mr. Evarts to Mr. Hilliard (No. 123).	Nov. 15	American-French claims convention: A letter from President to the Emperor of Brazil, expressing thanks for courtesy of naming Baron de Arinos, third commissioner of.	95
71	Mr. Hilliard to Mr. Evarts (No. 198).	Dec. 6	Electoral reform bill. Article removing disabilities of naturalized Brazilians and non-Catholics will be adopted; threatening armament of the Argentine Republic; ambitious designs of its President; purpose to annex Paraguay and Uruguay, which Brazil, under its treaty obligations, is bound to maintain independence of. Prime minister thinks there is no question to disturb relations with Argentine Republic; rumor that latter has invited Brazil to intercede between Chili and Peru.	95
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72	Same to same (No. 203).....	Jan. 22	Electoral reform bill: Passage of; resignation of the ministry chosen for the special object of securing its passage; Emperor declined to accept their resignations and requested them to continue in power; they will now enter upon the carrying out the policy of advancement of the interests of the country.	97

CENTRAL AMERICA.

		1881.		
73	Mr. Logan to Mr. Evarts (No. 141).	Jan. 17	New constitution of Honduras: Article I, Honduras considered as a disintegrated section from republic of Central America; ratification of results of reconstruction of Central America; Article XXII debars from right of damages by reason of acts of "facciones;" Article XXX regulates the citizenship of residents; necessity of similar provisions in United States statutes.	97
74	Same to same (No. 145)	Jan. 25	Boundary dispute between Costa Rica and Colombia: Convention for settlement of, by arbitration ratified; King of Belgium named as arbitrator. In case of his non-acceptance the King of Spain. In case of his declination the President of the Argentine Republic. The selection of the arbitrator does not show kindly feeling for United States on the part of Colombian plenipotentiary.	99
75	Mr. Blaine to Mr. Logan (No. 145).	May 7	Proposed union of Central American states: The importance that United States attaches to the establishment of such a confederation of the states of Central America as will respond to the wants of their people; it will aid in development of the country; the progress of Republic of Mexico cited; policy of United States on the foreign interference is fixed and acquiesced in by powers of Europe.	102

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77	Mr. Blaine to Mr. Logan (No. 148).	May 26	Boundary dispute between Costa Rica and Colombia: Costa Rica to be informally advised that United States, by virtue of its obligations of treaty of 1846 with Colombia, is entitled to be consulted in the purpose to change territory of Panama, and if not so consulted, she will not hold herself bound by the decision of any such arbitrator, so far as her rights and obligations are concerned.	105
78	Mr. Logan to Mr. Blaine (No. 181).	May 27	Jesuits in Nicaragua: Indians employed on public works took possession of Matagalpa for two days; afterwards assembled 7,000 strong in the mountains, threatening invasion of the lower country; troops dispersed them; it was found that the jesuits from Leon instigated the mob; they were taken under guard to Managua.	106
79	Same to same (No. 183).....	May 27	Mexico and Guatemala: Boundary dispute between; interviews with Barrios and Montufar in relation to; affairs still threatening; if all hope of assistance from United States is abandoned, application will be made to European powers.	107
80	Mr. Blaine to Mr. Logan (No. 151).	June 21	Mexico and Guatemala: Boundary dispute between; instruction as to, has been sent to Mr. Morgan; correspondence had with Señor Ubico; desire of the United States that open hostilities be avoided by the parties.	108
81	Mr. Logan to Mr. Blaine (No. 192).	June 22	Jesuits expelled from Nicaragua: Quiet restored at Matagalpa and Leon; decree of expulsion against "the Brothers of the Company of Jesus," under the law against foreigners living in religious congregations.	109
82	Same to same (No. 197).....	June 28	Mexico and Guatemala: Boundary dispute between; band of Mexicans entered Guatemala and carried off some prisoners; Guatemala claims that Mexico is pushing her line further every year with a purpose of getting territory from Central America. If this is true, United States should consider whether her own interests are not affected by it.	109
83	Same to same (No. 210).....	July 19	Mexico and Guatemala: Boundary dispute between; acknowledges receipt of copies of instructions to Mr. Morgan relative to; Guatemala is a small nation and in no position to be aggressive.	110
84	Mr. Titus to Mr. Blaine (No. 2).	Aug. 22	Arbitration proposed between Colombia and Costa Rica: Note of minister of foreign affairs, and extract from official journal of Costa Rica, replying to note of United States minister.	111

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85	Mr. Evarts to Mr. Thomas A. Osborn (No. 108).	Oct. 13	Convention between Chili and Colombia for preservation of peace: Text of the treaty, which besides advocating principles of arbitration in settlement of international disputes, designates President of United States as arbitrator; Chili to be informally advised that if occasion for arbitration should arise, President of United States would cheerfully respond to request of Chili.	114
86	Mr. Thomas A. Osborn to Mr. Evarts (No. 181).	Nov. 23	War policy of Chili: She proposes to take Tarapaca from Peru not by right of conquest, but as indemnity for war damages; vindication of Chili's refusal to submit to arbitration; foreign office circular explaining Chili's war policy inclosed.	114
87	Same to same (No. 182).....	Nov. 30	Neutrals: Protection of lives and property in the event of the capture of Lima by the Chilians; confirms his telegram of the 26th instant; incloses foreign office note that Chili has taken due precaution for the safety of neutrals and their property.	119

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89	Mr. Thomas A. Osborn to Mr. Evarts (No. 187).	Jan. 3	Guano bonds of Peru: Statement of position of Chili respecting payment of.	121
90	Same to same (No. 190).....	Jan. 14	Arbitration between Chili and Colombia: Designation of President of the United States as arbitrator; Chili asks whether the President will accept the position; Mr. Osborn replies in the affirmative; correspondence inclosed; reply to No. 108.	122
91	Mr. Evarts to Mr. Thomas A. Osborn (No. 119).	Feb. 10	Peace question: Urges upon Chili the desire of the United States to bring about peace; now that the Chilians have captured Lima and Callao, it is believed that Peru will accept mediation of the United States upon any reasonable terms; advises him of instruction of this date to Mr. Christiancy.	124
92	Mr. Thomas A. Osborn to Mr. Evarts (No. 195).	Feb. 24	Peace conference: Vindication of remarks made by him during it, in regard to arbitration; they did not make any erroneous impression on Chili as to disposition of the United States; reply to No. 115.	124
93	Mr. Thomas A. Osborn to Mr. Blaine (No. 198).	Mar. 23	Peace question: No prospects of early solution of; the situation in Peru; attitude of Chili; Mr. Osborn will do all in his power to effect an early peace. Chilian general's account of capture of Lima and its immediate antecedents inclosed.	126
94	Same to same (No. 201).....	Apr. 5	Peace question: Prospects for solution of, very remote; Chili's hopes in the Calderon government of Peru have been greatly weakened; demoralization in Peru prevents establishment of a stable government; course which Chili may adopt.	128
95	Same to same (No. 202).....	Apr. 6	Mediation: Great Britain, France, and Italy tender their mediation to Chili; it is rejected by Chili; the Europeans neither dissatisfied nor disappointed.	128
96	Same to same (No. 205).....	May 7	Peace question: Determination of Chili to strengthen the Calderon government in Peru and to treat with it for peace; Mr. Godoy, former minister to the United States, goes to Lima in charge of negotiations; recommends Chili's course; advice given her by Mr. Osborn; she will certainly insist upon cession of Tarapaca and possibly Mosquegua.	129
97	Mr. Thomas A. Osborn to Mr. Blaine (No. 210).	June 7	Boundary dispute between Chili and Argentine Republic: President Pinto's message on this subject; a speedy settlement probable.	130
98	Mr. Blaine to Mr. Thomas A. Osborn (No. 133).	June 13	Boundary dispute between Chili and Argentine Republic: Chilian Government to be informed of the attitude of United States in favor of international arbitration as a means of averting war; and the willingness of the United States to aid in effecting such an object, as shown by her efforts in the conference of Arica; and while not seeking, would readily act as arbitrator, if desired by the parties; similar instruction has been sent to Mr. T. A. Osborn.	130
99	Mr. Blaine to Mr. Kilpatrick (No. 2).	June 15	Intervention: Instructed to encourage disposition of Chili to restore self-government in Peru; to urge Chili to enter into negotiations for peace before deciding to take portion of Peru as war indemnity, and to endeavor to have European intervention excluded from adjustment of the peace question.	131
100	Mr. Thomas A. Osborn to Mr. Blaine (No. 219).	July 22	Boundary dispute between Chili and Argentine Republic: Settlement of, by United States ministers at Santiago and Buenos Ayres; description of the boundary, and thanks from minister of foreign affairs for kind offices of United States representatives.	134
101	Mr. Kilpatrick to Mr. Blaine (No. 3).	Aug. 15	Peace question: Reports his efforts to induce Chili to adopt views of the United States; counteracting and bad effect produced in Chili by published statements of United States minister at Lima, that United States will not allow acquisition of territory by Chili from Peru.	135

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103	Mr. Blaine to Mr. Kilpatrick (No. 13).	Nov. 22	Peace question: His note to the foreign office to allay apprehension and correct false impression produced by the United States minister at Lima strongly disapproved; Chili had no grounds for apprehension, and should not have applied to legation; her course in suppressing Calderon government unintelligible in view of her previous assurances, reported in legation's No. 3; arrest of Calderon regretted; hopes it is not intended as a rebuke to the United States on account of differences between him and his colleague at Lima; a special envoy will be sent to endeavor to arrange a peace; reply to No. 8.	139
104	Same to same (telegram)....	Nov. 25	Calderon government: Its suppression and arrest of President Calderon are not understood by United States; special envoy leaves Washington for Chili immediately, and it is hoped that further action will await his arrival.	141
105	Same to same (No. 16.).....	Nov. 30	Relieves him of negotiations for solution of peace question; informs him as to appointment and powers of Mr. Trescot as special envoy extraordinary and minister plenipotentiary to conduct such negotiations; appointment of Third Assistant Secretary of State as assistant to Mr. Trescot; Mr. Kilpatrick expected to aid Mr. Trescot.	141
106	Mr. Blaine to Mr. Trescot (No. 1).	Nov. 30	Personal instructions as special envoy extraordinary and minister plenipotentiary to Chili, Peru, and Bolivia to negotiate for solution of peace question.	142
107	Mr. Blaine to Mr. Walker Blaine.	Nov. 30	Personal instruction as attaché to special mission for settlement of the peace question.	143
108	Mr. Blaine to Mr. Trescot (No. 2).	Dec. 1	Reviews previous instructions and steps which led to recognition of Calderon government; the act an adoption of policy friendly to Chili; it was followed by Chilian military order forbidding Calderon government to exercise its functions; President will not assume this as done in consequence of the recognition by the United States; if such a motive should be avowed, Mr. Trescot instructed to say that it is regarded as an intentional offense, and to suspend diplomatic intercourse, but he may receive any explanation which does not involve a disavowal of Mr. Hurlbut. The United States wishes first to stop bloodshed and misery; second, to take care that the Government of the United States is treated with the consideration to which it is entitled, and would be satisfied with manifestation of purpose in Chili either to restore Calderon government or establish one which will be allowed freedom of action in negotiations. Should Chili refuse to allow formation of government not pledged to consent to cession of territory, he is to express dissatisfaction of the United States. The United States recognizes Chili's right to adequate indemnity and guaranty, but that the exercise of the right of absolute conquest is dangerous; and the United States think that Peru has the right to demand an opportunity to find indemnity and guaranty without cession of territory. The prohibition of the formation of a government is practical extinction of the State. If good offices are refused on this basis, the United States holds itself free to appeal to the other republics of the continent to join with it. Instructions given in accordance, and a temporary convention counseled.	143
109	Mr. Kilpatrick to Mr. Blaine (No. 9).	Dec. 2	Peace question: Chili promised Mr. Kilpatrick that she would not demand cession of territory as absolute condition, and that she would build up and strengthen Calderon's government; these promises would have been fulfilled but for the representations made by Mr. Hurlbut of the attitude of the United States. Reasons	149

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110	Mr. Blaine to Mr. Trescot (No. 3).	Dec. 2	Congress of American governments: Authorized to return home by way of Argentine Republic and Brazil, and to urge the governments of those countries to accept our invitation to such congress.	150
111	Mr. Blaine to Mr. Walker Blaine.	Dec. 9	Chargé: Instructed to assume duties as, on his arrival at Santiago.	151
112	Mr. Blaine to Mr. Trescot (No. 4).	Dec. 16	Claims of United States citizens *vs.* Peru: Cochet claim and Landreau claim; explains position of the United States regarding them, in order to correct misstatements which are being circulated by the press. If Chili should acquire territory from Peru, it is expected that whatever rights Mr. Landreau may have in such territory will be respected by Chili. Correspondence with minister at Lima inclosed.	151

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113	Mr. Valderrama to Mr. Asta-Buruaga.	Nov. 11	Peace conference: Expressing regret at failure thereof, but sincere thanks for mediation and good disposition of the United States, and commending conduct of Mr. Osborn.	153
114	Same to same	Nov. 22	Peace conference: Chili not to blame for failure of; she would not have accepted mediation of the United States and gone into the conference had she not been assured by Mr. Christiancy that Peru would cede Tarapaca.	153
115	Same to same	Nov. 22	Peace conference: Embarrassing misrepresentations of Chili's attitude regarding acceptance of mediation of the United States; commendation of Mr. Osborn's course.	155
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116	Mr. Martinez to Mr. Hitt	May 6	Protectorate over Peru: Vehemently denies rumor that Chili intends to establish the same.	160
117	Mr. Martinez to Mr. Blaine	Oct. 24	Complains of the conduct of Mr. Hurlbut, the United States minister at Lima; extracts from newspapers inclosed, which give the cause of complaint.	160
118	Same to same	Oct. 27	Unfriendly attitude of Mr. Hurlbut towards Chili: Mr. Martinez incloses a note from his government instructing him to ascertain if views of the United States are in accord with those of Mr. Hurlbut.	162
119	Same to same (No. 28)	Oct. 27	Boundary dispute between Chili and Argentine Republic: Treaty for settlement of, concluded; ratified by Congresses of both nations; acknowledgment of the services of Minister Osborn.	163
120	Same to same	Oct. 28	Suppression of the Calderon government of Peru by Chili: Propriety with which the Chilian commander proceeded in the matter set forth.	163
121	Mr. Blaine to Mr. Martinez	Nov. 15	Boundary dispute between Chili and Argentine Republic: Gratification of United States at the settlement of, and the acknowledgment of the part taken by representatives of the United States.	164
122	Mr. Martinez to Mr. Blaine	Nov. 26	Peace question: Sets forth illusory hopes and impertinent attitude of the Peruvians and the obnoxious officiousness of the United States minister at Lima, which, if persisted in, will render peace impossible; denies rumors that Chili's demands upon Peru are inequitable and her rule cruel.	165
123	Same to same	Dec. 5	Calderon government: Announces the imprisonment of President Calderon by Chili; reasons for; states that Chili never recognized Calderon. Peruvian General Montero has accepted the vice-presidency, and a Peruvian committee has started from Lima to bring about a peace through Montero. Gives number of forces under Pierola and his adherents. Peru unwilling to make peace upon terms proposed by Chili.	166

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124	The Commission to Mr. Evarts (No. 4).	Sept. 27	Immigration treaty commission: Pao Chün and Li Hung Tsao appointed commissioners by the Chinese Government.	168
125	Mr. Angell to Mr. Evarts (No. 25).	Oct. 6	General pilotage regulations: Circular letter issued to consuls in China; modifications in articles 3 and 4 suggested.	169
126	The Commission to Mr. Evarts (No. 6).	Oct. 11	Immigration treaty: Full powers exchanged; purpose of United States; difficulties on account of excessive immigration of Chinese, and desire to modify existing treaties; response received, a copy of which and memorandum inclosed.	171
127	Same to same (No. 8)	Oct. 23	Immigration treaty: The response of the Chinese commissioners discussed; draft of modifications of existing treaties thought necessary to effect our object; communication from commissioners followed by a conference and discussion; they showed desire to bring matters to an early and amicable solution; copies inclosed.	174
128	Mr. Angell to Mr. Evarts (No. 42).	Nov. 2	Shanghai harbor improvement: Chinese authorities unwilling that Woosung Bar should be dredged; memorandum of foreign board, and Mr. Denny's note to Mr. Angell, giving statement of expenses incurred by vessels crossing the bar.	179
129	The Commission to Mr. Evarts (No. 11).	Nov. 3	Immigration treaty: *Précis* of conversation of October 23; conference October 31, when Chinese commissioners submitted project of a treaty; objections: first, the limitation of the treaty; Chinese immigration into California; second, that the limitation should be confined only to the entry of Chinese labor; United States commissioners sent Chinese commissioners a draft of a counter project.	182
130	Same to same (No. 12)	Nov. 6	Immigration treaty: Articles of, agreed upon; essential point that the United States should have the right "to regulate, limit, or suspend" the immigration of Chinese labor provided for in article 2; will probably conclude a treaty for extension of trade with United States; two of commissioners will return with the treaty.	189
131	Mr. Angell to Mr. Evarts (No. 48).	Nov. 16	Tonnage dues and duties on imports: Discrimination against American goods and vessels; none in the law, as explained in reply of Prince Kung; communications of Consul-General Denny Consuls Wingate and others, showing how discrimination is effected by "squeezes."	190
132	The Commission to Mr. Evarts (No. 13).	Nov. 17	Immigration treaty: Review of points discussed by the commission; Chinese at first not disposed to consent to abrogation of provisions of Burlingame treaty, but finally consented to use of word "regulate" instead of "prohibit"; this language imposes no conditions upon discretion of United States as to immigration.	195
133	Same to same (No. 14)	Nov. 17	Immigration treaty: commercial treaty signed same day as; a stipulation inserted as to tonnage dues; the admission of defendants' national official authority at trials; article as to opium the result of mutual concessions; subjects of diplomatic intercourse with Chinese officials, lekin taxation, and transit passes left unsettled.	198
134	Same to same (No. 15)	Nov. 17	Immigration treaty: On the subject of lekin tax and transit passes the Chinese Government is disposed to accept the rule that import duty paid, once for all, at port of entry shall protect foreign importation from all other duties; the question as to the amount of duty is to be referred back to each government for consideration and instruction; Messrs. Trescot and Swift start on the 20th, bringing treaties.	200
135	Mr. Angell to Mr. Evarts (No. 49).	Nov. 20	Ship James Bailey: Wrecked off the coast of Hainan; kind assistance to the crew by acting British consul at Hoihow.	204
136	Same to same (No. 51)	Nov. 22	Official-intercourse question: Incloses report of adjustment of.	205
137	Same to same (No. 52)	Nov. 22	Outward transit-pass rules: The Yamen proposed alterations in the rules; reply to it of diplomatic body, through Mr. Von Brandt: copies of papers inclosed, asking reason for objecting to rules.	207

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139	Mr. Angell to Mr. Evarts (No. 58).	Nov. 30	Taxation of goods imported into China: Action of diplomatic corps reported; copies of replies of consuls as to tonnage dues and duties on imports and exports inclosed.	210
140	Same to same (No. 59).....	Nov. 30	Tonnage dues and duties on imports and exports: No discrimination as to vessels which report to the foreign customs; it is difficult to find out the practice in respect to the junks.	211
141	Same to same (No. 60).....	Nov. 30	Mixed court of Shanghai: Circular of Mr. Parry that foreign consuls are in part responsible for inhuman practices employed in the court; consul-general's answer to the intimation showing that the consuls have done all that they could, as under Chinese laws, they can only protest against proceedings, but are without power to act beyond that.	213
142	Same to same (No. 65).....	Dec. 3	Opium trade: Action of United States minister in remedying the evil effects of; paper by Mr. Pethick; statistics given; China pays more for opium annually than she receives for her tea crop.	216
143	Same to same (No. 75).....	Dec. 20	Question of official intercourse of foreign representatives with native officers: Satisfactory adjustment of; circular for information of consuls as to their mode of intercourse with governor, or governor-general of province; etiquette that of host and guest.	219
144	Same to same (No. 81).....	Dec. 29	Patent rights in China and Japan: Propriety of providing for by treaties; more easy and important in Japan than in China; Chinese do not look favorably upon labor-saving machines.	222
145	Same to same (No. 85).....	Dec. 31	Public hospital at Tientsin: Erection of, out of contributions of Chinese officials; this recognition of western methods of medical, surgical, and benevolent care of the sick is very gratifying; tends to facilitate the transaction of public business with them according to American methods.	223
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146	Same to same (No. 90).....	Jan. 10	Great Northern Telegraph Company: Contract signed by, to construct a line from Shanghai to Tien Tsin and Peking; government has given its consent to the enterprise; viceroy is working in the interest of a railroad from Chinkiang to Peking; the people oppose these enterprises.	224
147	Same to same (No. 94).....	Jan. 13	Lekin tax and duty on imports: Proposition to abolish the lekin, and increase of duty on imports from 5 per cent. to 11½ per cent.; diplomatic body thinks the government can be brought to accept 10 per cent. instead of 11½ per cent.; this will be on condition of the establishment of a court of reclamation for return of lekin tax that may have been paid illegally.	224
148	Same to same (No. 95).....	Jan. 14	Outward transit-pass rules: Yamen asks for lists of native articles by treaty duty free; still insists on proposed alterations; diplomatic body adheres to original rules except that Rule II be made more specific; reply of foreign office.	226
149	Same to same (No. 103).....	Jan. 25	Dispute between China and Japan concerning the Lew Chew islands: The commission appointed by the two governments, at suggestion of General Grant, fail to complete the treaty; Mr. Shisido, Japanese commissioner, withdraws from Peking because of refusal of the Chinese commissioners to sign the treaties; copy of his argument inclosed.	229
150	Same to same (No. 109).....	Feb. 9	Death of Shen-Kuei-fen, assistant general secretary of state, president of the board of war: Copy of imperial decree relative to, inclosed.	233
151	Same to same (No. 120).....	Feb. 28	Duties and import dues: Objectionable change in regulations for trade on the Yangtse-Kiang; owners of chartered junks will be compelled to pay port dues and lekin dues on cargo; it is justified as the enforcement of an old provision of the treaty of 1863.	234

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153	Mr. Blaine to Mr. Angell (No. 82).	Apr. 4	Dispute between China and Japan concerning the Lew Chew Islands: Department, while pleased that rulers of Japan and China sought the advice of General Grant, still nothing the minister could say could indicate the policy of the United States; Mr. Shisido's communication reported in No. 183 being informal, could not be considered by United States.	243
154	Mr. Angell to Mr. Evarts (No. 134).	Apr. 9	Railways in China: Will be built only under pressure of military exigency; memorial of General Lin Ming Chu'uan to Empress, recommending the construction of; also report of superintendents of trade relative to.	244
155	Mr. Angell to Mr. Blaine (No. 140).	Apr. 11	Death of the Empress Dowager, known as the Empress of the East Palace: Political results of this death will be important, though what they will be cannot now be predicted.	254
156	Mr. Angell to Mr. Evarts (No. 143).	Apr. 19	Tonnage dues and import dues: The change in the regulation as to chartering junks on the Yangtse-Kiang not in violation of the French treaty; but that old Rule VI should apply; incloses copy of the stipulation referred to; there is no ground of objection to the rule in the treaty stipulation.	255
157	Mr. Angell to Mr. Blaine (No. 149).	Apr. 30	Americans employed as officials by Chinese Government: Questions likely to arise in case of offenses committed by, affecting jurisdiction of courts; rights and duties of parties and witnesses; instruction asked.	257
158	Same to same (No. 150).....	Apr. 30	Death of Empress Dowager: Imperial edict relative to, and of farewell mandate of Empress.	260
159	Same to same (No. 151).....	Apr. 30	Outward transit-pass rules: Yamen asks delay until inspector general of customs can furnish definition of "ship's stores" and "household stores"; correspondence relative to.	262
160	Same to same (No. 152).....	Apr. 30	Disturbance of an American missionary station by a mob of Chinese near Peking; prompt suppression of, by the authorities; friendly aid of British minister; rumors of a general movement against foreigners; incloses correspondence relative to.	265
161	Same to same (No. 156).....	May 2	Foreigners resident in Peking: Rumors of danger to, by lawless Chinese; proclamation by military authorities to prevent such disturbances.	269
162	Same to same (No. 159).....	May 21	Shanghai harbor: Chinese still object to dredging it; British minister's reply on behalf of diplomatic body to objections of the yamen inclosed.	270
163	Same to same (No. 173).....	June 18	Protestant Chinese are now exempted from payment of contributions to sustain heathen ceremonies and festivals heretofore collected as a tax; the correspondence with Prince Kung.	272
164	Same to same (No. 174).....	June 20	Great Northern Telegraph Company: Chinese Government guarantees to, for twenty years an exclusive monopoly to construct and use submarine telegraph cables throughout Chinese Empire; attention of minister of foreign affairs called to the objectionable provisions of the agreement; he promised to confer with the viceroy about the matter; copy of contract inclosed.	275
165	Same to same (No. 176).....	June 20	Foreigners employed as officials by the Chinese Government: A rule adopted that if a foreign employé of the Chinese customs kills or wounds any person, he shall resign and report to his consul for trial; if acquitted by consul he may resume his official position.	278
166	Mr. Blaine to Mr. Angell (No. 109).	June 29	Disturbance of American missionaries at Peking: Congratulates minister on his procuration of measures adopted by Chinese authorities for suppression of the disturbance.	278

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168	Mr. Angell to Mr. Blaine (No. 186).	July 16	Great Northern Telegraph Company: Attempt by, to secure for twenty years the exclusive right to land telegraphic cable in China; viceroy's answer to Mr. Angell's inquiry on the subject; Mr. Angell's restatements of objectionable features of the plan; minister of foreign affairs declines to discuss the subject, but denies any knowledge that such grant has been made.	279
169	Same to same (No. 190).....	July 28	Right of foreigners to buy lands outside of the "foreign concessions": Refusal of magistrate of Canton district to stamp deeds of land purchased by Rev. E. F. Simmons because outside of the concessions, and that Mr. Simmons has no right to buy for the Southern Baptist Society.	282
170	Same to same (No. 198).....	Aug. 15	Depredations upon property of American missionaries at Teng-Chow-fu: Correspondence relating to, and other outrages; Prince Kung states that instructions have been given local authorities to punish the offenders and secure the return of the stolen property.	284
171	Mr. Hitt to Mr. Angell (No. 121).	Aug. 16	Foreigners in employ of Chinese customs: Approves the regulation providing for resignation of employé killing or wounding any person, and reporting to the consul of his nationality; to be restored with full pay if acquitted; suggests that each case must be determined by its facts.	286
172	Mr. Angell to Mr. Blaine (No. 199).	Aug. 18	American Presbyterian missionary station at Tsi-nan-fu: Property of, destroyed by a mob; lives of missionaries threatened; Chinese convert imprisoned for acting as agent of; right of foreigners to purchase realty in China discussed; tardy action by the authorities in preventing the outrage.	286
173	Same to same (No. 201).	Aug. 18	Northern Telegraph Company: Mr. Angell's objection to proposed concessions to; his note, and reply of Prince Kung thereto; the company's officers say that the Tsung-li-Yamen assented to monopoly scheme before the viceroy entered into it, while they said that he made the arrangement without consulting them. The best answer that the viceroy gives is that an arrangement can be made for an American line.	292
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176	Mr. Blaine to Mr. Angell (No. 123).	Aug. 30	Immunities to Protestant Chinese converts: The just and liberal disposition manifested by Chinese Government towards its subjects adopting the Christian faith as reported in your No. 173, a copy of which has been communicated to American Board of Commissioners for Foreign Missions.	297
177	Mr. Angell to Mr. Blaine (No. 206).	Aug. 30	Consular courts in China: Additional regulations for; provision for service of process on absent defendants by publication; incloses a copy of, with indorsement of consuls in China, for approval of Congress.	297
178	Mr. Hitt to Mr. Angell (No. 125.)	Sept. 10	Great Northern Telegraph Company: Approves minister's action to prevent the grant of monopoly to, especially his letter on that subject to Prince Kung; such a monopoly would be prejudicial alike to the interest of China and United States.	299

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180	Same to same (No. 217)	Sept. 24	Lekin tax and duty on imports: Proposition to abolish the lekin and increase of duty on imports from 5 per cent. to 10 per cent. will be accepted by Chinese Government; diplomatic body insist upon a provision for a court of reclamation for adjustment of claims for lekin improperly collected; Sir Thomas Wade's communication to foreign office and reply to same, proposing postponement of discussion of other provision.	310
181	Same to same (No. 218)	Sept. 27	Consumption of foreign opium in China: Report of imperial maritime customs. Efforts of the authorities, and laws prohibiting cultivation and consumption of opium do not lessen its use, because the revenue from its cultivation and importation are so great; so much is cultivated as to result in short supply of food. Officials say, "since we must receive the drug from abroad, why should not our people have the profit of raising it."	314
182	Mr. Hunter to Mr. Angell (No. 126).	Oct. 6	Purchase of land by foreigners at Canton: Minister's action on that subject approved.	316
183	Mr. Blaine to Mr. Angell (No. 128).	Oct. 28	Trade regulations on the Yang-tse: Decision of Chinese Government as applicable to junks on that river, is satisfactory to the department in view of the facts before it.	316
184	Same to same (No. 135)	Nov. 17	Consular courts in China: Minister's action respecting modification of regulations, so as to provide for constructive service of process on absent defendants in actions approved.	317
185	Mr. Blaine to Mr. Holcombe (No. 137).	Nov. 23	Attack upon American mission at Tsi-nanfu: The protection of American missionaries must be left largely to the discretion of the United States minister; but that a spirit of justice should prompt the Chinese Government to put a stop to these annoyances.	317
186	Same to same (No. 142)	Dec. 10	Great Northern Telegraph Company: The time has come for Chinese Government to answer upon what terms it will grant permission to Americans to lay cables; United States would view in an unfriendly light any act which precluded our people from an equal share with other people in such an enterprise.	317

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188	Mr. Evarts to Chen Lan Pin..	Dec. 30	Riot in Denver, Colo.: The United States gave the same aid and protection to Chinese as that afforded to United States citizens; the arrest and punishment of the rioters must be left to the local administration of Colorado; Federal authority can intervene only in cases of inadequacy of authority of the State, and its request; no obligation by treaty or otherwise making incumbent on the United States to indemnify the Chinese residents of Denver for losses from operations of the mob.	319

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191	Same to same	Feb. 25	Riot at Denver, Colo.: Inquiry as to loss of life and destruction of property; asks for reply to his note of the 21st.	334
192	Mr. Blaine to Chen Lan Pin..	Mar. 25	Riot in Denver, Colo.: Concurs with views expressed by Mr. Evarts "That there is no national obligation arising from treaty that United States shall indemnify Chinese residents for losses sustained in common with United States citizens by the mob"; that "treaties, as well as the Constitution, are the supreme law of this land," provided such treaties are made in conformity with the Constitution; Mr. Bee's report shows the promptness with which mob was quelled and leaders arrested.	335

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194	Same to same (No. 228)	Nov. 12	Political situation: The inordinate claim of State sovereignty advanced on the part of the States disables the Federal Government to provide for the interior harmony of the country; measures often proposed have always failed of correcting this evil; law upon public order passed to that end will probably fail of its object.	338
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196	Same to same (No. 235)	Dec. 20	Political situation: Return of President Nuñez; proclamation recites benefits secured by Colombia; settlement of Costa Rica dispute; meeting of Spanish-American plenipotentiaries; loan from United States; maintenance of peace; defines future policy as one of economy of expenditure of public money; reduction of the army, and all paid diplomatic and consular appointments declared vacant July 1.	342
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198	Same to same (No. 238)	Dec. 29	Death of Dr. Manuel Murillo: A tribute to his character and account of his funeral.	348
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199	Same to same (No. 245)	Jan. 20	Arbitration for settlement of disputes between South American governments: Correspondence with Colombian secretary of foreign affairs, showing approval of sentiments of United States in favor of international arbitration.	350
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203	Same to same (No. 273).....	May 14	Treaty arbitration between Chili and Colombia: Chilian Congress adjourned without ratifying; presence of Señor Soffia supposed to be due to alleged violation of neutrality by Colombia at port of Panama.	354
204	Mr. Blaine to Mr. Dichman (No. 169).	May 26	Boundary dispute between Costa Rica and Colombia: Convention for reference of, to King of Belgium; as it may affect territory of Panama, the neutrality of which United States guaranteed, minister of Colombia must be informed that United States should have been consulted relative to, and will not hold herself bound by the decision of any arbitrator in whose appointment it has not concurred.	355
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206	Mr. Blaine to Mr. Maney (No. 3).	July 25	Interoceanic canal across the Isthmus of Panama: Department's instruction to Mr. Lowell, United States minister at London, relative to the project of, and similar instructions to other representatives of United States in Europe.	357
207	Mr. Dichman to Mr. Blaine (No. 301).	Aug. 1	Colombian Military Academy: For information of the War Department the fact that Lieut. N. R. Lemley, United States Army, has been made the superintendent of, as also honored with the rank of colonel in the Colombian army, as marks of appreciation of his zeal and service to Colombia.	357
208	Same to same (No. 303).....	Aug. 13	Interoceanic canal across the Isthmus of Panama: An account of an interview in which M. de Lesseps stated his views of the political questions connected with the proposed canal; the minister's comment on the same.	359
209	Mr. Becerra to Mr. Blaine	May 7	Neutrality of Isthmus of Panama: Declarations in protocol signed by minister and Mr. Trescot at variance with terms of treaty of 1846, Colombia's instruction to its minister, and the rights of sovereignty of Colombia over that portion of her territory.	361
210	Negotations with the Colombian minister.	Feb. —.	Isthmian canal: Proposed amplification of treaty of 1846 between New Granada and the United States; project of protocol by Colombian minister; counter-project by Secretary of State; tendencies of the respective drafts; memorandum by State Department on project and counter-project; Mr. Trescot, for Secretary of State, completes negotiations; protocol signed February 17, 1881; copy of, sent out; papers published by Colombian Government: I. Abstract of project of protocol, Evarts and Arosemena; II. Instructions to Colombian minister; III. Protocol of February 17, 1881, Trescot and Vila; IV. Note of Colombian minister reporting course and termination of negotiations; V. Columbian version of Monroe doctrine.	361

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211	Mr. Cramer to Mr. Evarts (No. 624).	Mar. 2	Erroneous ideas of America prevalent among people of Denmark; the publication of German work called "North America: Its Cities and its Natural Wonders; Its Scenery and its People," will do much to correct the erroneous ideas of the people and lead to immigration.	388

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212	Mr. Noyes to Mr. Evarts (No. 406).	Nov. 12	Political situation: Meeting of Parliament; ministerial declarations; difficult position of ministry on education, free press, and magistracy. Bills: present ministry will be the apparent governing power, though Gambetta will control political movements; the Republic gaining strength; people contented, prosperous, and happy.	390
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213	Same to same (No. 430).....	Feb. 4	Greco-Turkish question: Debate in Chamber of Deputies; policy of France that of peace, that as the friend of Greece, she has the right to advise her; disapproves of Greece's coveting territory not ceded by treaty of St. Stefano; House unanimously voted approval of minister's declarations; this indicates the strength of ministry and concord of leaders.	393
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215	Mr. Noyes to Mr. Evarts (telegram).	Feb. 20	American pork: Importation of, prohibited by France; France informed of regret of United States thereat, and requested to revoke the order.	395
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217	Same to same (telegram)....	Feb. 23	American pork: Minister of foreign affairs considering means to secure public health without maintaining the decree of prohibition of.	396
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219	Mr. Evarts to Mr. Noyes (No. 337).	Mar. 2	Yorktown Centennial Celebration: Transmitting letters of invitation to President Grévy and people of France and M. Oscar de La Fayette to participate in the celebration, to be presented with appropriate words expressive of the friendship of American people.	401
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221	Mr. Evarts to M. de La Fayette.	Mar. 2	Yorktown Centennial Celebratino: Invitation to family of General La Fayette to join in observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown.	402
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223	Mr. Blaine to Mr. Noyes (No. 342).	Mar. 15	American pork: Approves action in seeking modification of decree of prohibition of importation of; results of investigation shows falsity of British consul's charge as to disease in; should this statement be appealed to as justifying interdiction of pork trade of America, truth of the statement to be denied.	403
224	Same to same (telegram)....	Mar. 16	American pork importation: Effect of statements of the acting British consul; he was misled by speculators, and confounded hog cholera with trichinosis; representations exaggerated; death-rate among swine less this year than usual; deny firmly report British consul.	403

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226	Mr. Noyes to Mr. Blaine (telegram).	Mar. 18	American pork: French Government will admit all, landed on ships before date of decree; prospects of early revocation of, not favorable.	404
227	Same to same (telegram)....	Mar. 21	Yorktown Centennial celebration: President Grévy accepts the invitation for France to participate.	404
228	Mr. Noyes to Mr. Blaine (No. 449).	Mar. 24	American pork importation: French Government has modified decree of prohibition of, so as to admit pork shipped by packers prior to date of decree, on positive proof that the meats were actually *in transitu* before date of decree.	405
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234	Mr. Noyes to Mr. Blaine (No. 475).	May 27	American pork: As soon as the necessary arrangements can be made for inspection of pork a revocation of the decree prohibiting its importation will be proposed.	409
235	Mr. Blaine to Mr. Noyes (No. 379).	June 8	American pork importation: Investigation of the charges upon which French Government acted in decreeing prohibition of. While the United States realizes its duty in sanitary matters to foreign countries, it is no less jealous of its corresponding duty to its own citizens where injury is threatened to its commerce by mistaken action of a foreign state, and urges the modification of the decree.	411
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243	Mr. Blaine to Mr. Morton (No. 12).	Aug. 9	American pork: The statement of the microscopic researches made at Havre confirming the existence of trichinæ in American pork must be the result of inaccurate inspection.	420
244	Mr. Morton to Mr. Blaine (No. 6).	Aug. 11	Chili and Peru: President Grévy alluded to the abortive attempts made, and the desirability of a joint effort by France, England, and United States, to effect a settlement between Chili and Peru; disapproved demands made by Chili as conditions of peace, while admitting her right as a conqueror to certain indemnity to be embodied in treaty; in reply, he was assured that United States would, when informed, coincide with his views.	420
245	Mr. Blaine to Mr. Morton (No. 19).	Aug. 18	Treaty stipulations of commerce between France and United States: Proposition to revise; could only be effected through the sanction of Congress, which could not be expected while the French decree of prohibition is in force contracting American commerce.	421
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249	Mr. Blaine to Mr. Morton (No. 30).	Sept. 5	War between Chili, Peru, and Bolivia: The interest in, manifested by President Grévy finds response from people of the United States; but this government declines to enter into negotiations with European powers for intervention in the affairs of South American states; interests of United States demand that it occupy an independent position.	426
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266	Mr. Morton to Mr. Blaine (telegram).	Dec. 4	American pork: Prohibition of importation of; majority of the parliamentary commission in favor of retaining the decree, but if United States will cause inspection of salted meats for export it will secure a favorable decree from the commission.	437

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274	Jules Grévy, President of the French Republic, to the President of the United States of America.	Mar. 25	Yorktown Centennial Celebration: Letter of President Grévy reciprocating sentiments of letter of President Hayes inviting the French Government to unite with United States in celebrating the hundredth anniversary of battle of Yorktown.	441
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277	Mr. Evarts to Mr. White (No. 155).	Nov. 13	Sale of intoxicating liquors in the Ralik group of islands: Efforts of Chief Lebon and Evangelical Mission of Pacific, to check; United States hopes that German Government will instruct consul at Jaluit to aid native government in enforcement of the law; also the alleged complicity of German consul in violations of the ordinance.	445
278	Mr. White to Mr. Evarts (No. 170).	Nov. 13	Naturalized American citizens: Letter of Aaron Weill, informing of his release under treaty of 1868, of Alsace-Lorraine, and asking further advice, which was declined.	446
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280	Mr. Evarts to Mr. White, (No. 161).	Dec. 1	Naturalized Americans arrested in Germany: Application to be made to imperial government for adoption of some general rule for disposition of cases of Germans who have become naturalized citizens of the United States, to obviate the over-zealous arrest made on ground of military service, when visiting Germany on pleasure or business.	448
281	Mr. Everett to Mr. Evarts (No. 7).	Dec. 9	Naturalized American citizens: Question of applicability of treaty of 1868 to Alsace-Lorraine. German Government cannot, as a general principle, admit its non-applicability to cases in Alsace-Lorraine; to do so would compel the government to set aside laws of that province; it could be accomplished by a supplementary convention, not by "additional treaty" as suggested by Mr. White.	449
282	Same to same (No. 10)	Dec. 20	Naturalized American citizens: The applicability of existing treaty to Alsace-Lorraine; Germany is ready to receive proposals from United States for a convention to extend the existing treaty to Alsace-Lorraine; cases heretofore decided are not to be considered as influencing future cases; ten years' absence necessary to release an emigrant from duty to his original country; public opinion is that the attempt to change the treaty would fail.	450

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284	Mr. Evarts to Mr. Everett (No. 169.)	Dec. 30	Naturalized citizens arrested for military service: Approves action of Minister White in case of Loeb, arrested and fined for avoidance of military duty; concurs in view that United States cannot assent to the doctrine of non-applicability of treaties of 1868 to Alsace and Lorraine; press Loeb's case upon Imperial government until favorable disposition is secured.	452
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285	Mr. Everett to Mr. Evarts (No. 21.)	Jan. 17	American citizens, question of arrest of, in Germany: imperial government says that the difficulty is in distinguishing between the bona-fide and dishonest returning emigrants; that it is the duty of local officials to refer all cases to their chiefs in Berlin; declines to reply to suggestion of modifying local laws of Alsace-Lorraine, until answer was received to proposals for a supplementary treaty.	452
286	Mr. White to Mr. Evarts. (No. 182.)	Feb. 21	Opening of the Reichstag: Speech from the throne proposing bill for the relief of working classes; of direct taxation; change of law regarding crimes committed during intoxication; the creation of a system of guilds and trade corporations, and a system of insurance by the state of certain classes of workmen; these bills presented with declaration that is redemption of promise made at introduction of socialist law of 1878.	453
287	Mr. White to Mr. Blaine. (No. 188.)	Mar. 7	Prussian Economic Council: Royal decree for establishment of; its purposes, powers, and composition; it will be an efficient aid in formulating measures for the interests of trade, agriculture, and commerce; Prince Bismarck proposes a similar one, the Imperial Economic Council.	461
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289	Same to same (No. 205).....	Apr. 29	Anti-Jewish movement: History of; the main factor is the envy of the Jews and their supposed anti-Germanic and socialistic tendencies; the measures proposed for organization of guilds and compulsory insurance of workingmen will counteract this.	465
290	Same to same (No. 209).....	June 1	Naturalized American citizens: Fine imposed on Jacques Loeb remitted on the theory that he is no longer a citizen of Alsace-Lorraine, having been naturalized in America. This indicates an acquiescence in the doctrine of the relinquishment of requirement of ten years' residence abroad before a person leaving those provinces can be considered to have thrown off his German allegiance.	471
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292	Mr. Blaine to Mr. White (No. 237).	July 25	Naturalized Germans: Abstract of cases for half of 1881 of naturalized citizens arrested for military service received. Department approves minister's action in these cases, and commends his zeal.	477
293	Mr. Blaine to Mr. White	July 30	Yorktown Centennial celebration: The President tenders to the representatives of the family of Baron Steuben an earnest invitation to attend.	477
294	Mr. White to Mr. Blaine (No. 239).	Aug. 15	Constitution and administration of affairs of city of Berlin: Report of subjects: (1) relations of city government to that of the State; (2) citizenship and voters; (3) city council organization and jurisdiction; (4) magistracy, election, organization, and jurisdiction; (5) committees; (6) streets; (7) public lighting; (8) sewerage; (9) care of poor; (10) police department.	478

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296	Same to same (No. 254).....	Sept. 27	Yorktown Centennial celebration: List of German guests who will attend; expression of satisfaction of the Emperor, Prince Bismarck, and the German people, at the honor conferred by the United States in extending the invitation.	490
297	Mr. Hunter to Mr. Everett (No. 268).	Oct. 20	Yorktown Centennial celebration: Approves action of the minister in securing passage in the "Herder" for the representatives of Steuben family, at the expense of the United States.	492

GREAT BRITAIN.

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299	Mr. Evarts to Mr. Lowell (No. 99).	Jan. 14	Wreck of American Ship James Baily: Plundering of the ship by natives off the coast of Hainan; thanks of United States to be conveyed to Mr. James Scott, acting British consul, in bringing matter to attention of Chinese authorities, and securing dispatch of war vessel to protect the wreck.	495
300	Same to same (No. 102).....	Jan. 20	Land law agitation in Ireland: United States trusts that the statesmanlike policy of the rulers of the United Kingdom will soon restore perfect tranquility to so important part of Her Majesty's dominions.	496
301	Same to same (No. 109).....	Feb. 4	American fishery claims: Affidavits in cases of vessels prevented from fishing in Newfoundland waters; the question is, shall fishermen United States be compelled to purchase bait of Provincial fishermen; United States views these repeated acts as an abrogation of the treaty, and the delay of settlement of Fortune Bay claims strengthens the idea that Her Majesty's Government has not condemned these interferences; that United States presses the claims for full compensation.	496
302	Same to same (No. 110).....	Feb. 4	American fishery claims: Separation of question of damages from that of construction of treaty, came from Great Britain; United States will accept proposition to submit question of damages to award of referees, views of treaty not to be accepted; delay results in Provincial fishermen believing Her Majesty's Government justifies outrages at Fortune Bay; recites history of disturbances and negotiation for adjustment; negotiation resumed on questions of construction of treaty, and compensation for unlawful violence separated; basing the latter solely on the wrong done to American fishermen free of any limitation by treaty.	499
303	Mr. Lowell to Mr. Evarts (No. 130).	Feb. 22	American fishery claims: Lord Granville signifies willingness to accept proposition to submit to Sir Edward Thornton and Mr. Evarts; wished to know if this government would consider an offer of damages in solido.	502
304	Same to same (No. 132).....	Feb. 26	House of Commons: Coercion bill passed its third reading; indiscreet action of Irish leaders has weakened them in England and Ireland; Parnell accused of treating with Paris communists injured his cause very much.	504
305	Mr. Evarts to Mr. Lowell (telegram).	Mar. 2	American fishery claims: Secretary's offer as accepted was £15,000 for Fortune Bay and claims in No. 109; assurance given that this amount covered all claims within the knowledge of either government; no modification possible; if money is not paid claims of Nos. 109 and 110 will be pressed for settlement as independent claims.	504

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307	Mr. Lowell to Mr. Blaine (No. 138).	Mar. 5	American fishery claim: Correspondence with Lord Granville; offer of £15,000 in compensation for Fortune Bay claims, and two in dispatch No. 109, to be accepted in full of all claims hitherto presented, provided amount is placed at immediate disposal of United States Government and without prejudice to question of rights under treaty of Washington.	506
308	Mr. Blaine to Mr. Lowell (telegram).	Mar. 8	American fishery claims: Mr. Evarts' remark about advertising for claims to avoid sacrificing just claims of unknown parties; simple question is, whether Lord Granville will adjust the claims in 109 and 110 either by payment of lump sum or by reference to British minister and Secretary of State.	510
309	Mr. Lowell to Mr. Blaine (telegram).	Mar. 9	American fishery claims: English cabinet is willing to submit claim to reference as proposed by Mr. Evarts, or to pay the £15,000; if cruisers are sent as intimated, would like to know United States' opinion of joint cruisers with joint instructions.	510
310	Same to same (No. 139)	Mar. 9	American pork: False statement of trichinæ in; privy council answered inquiry relative to, in the negative.	510
311	Same to same (No. 140).	Mar. 12	Naturalized American citizens: Case of Mr. Boyton, arrested at Kildare; Consul Barrow instructed to ascertain if Boyton was an American citizen; and if that, and his innocence were made out, to apply for his discharge.	511
312	Same to same (No. 141)	Mar. 12	American fishery claims: Interview with Lord Granville; he thinks Parliament will not approve of payment of £15,000 except as payment in full.	514
313	Mr. Blaine to Mr. Lowell (telegram).	Mar. 14	American fishery claims: Proposition to refer matter to Sir E. Thornton and Secretary of State is accepted; subject of joint cruisers may also be referred, or postponed.	514
314	Same to same (telegram)....	Mar. 16	American pork: Mr. Noyes will send copy of Department's dispatch respecting injurious rumors touching.	515
315	Same to same (No. 130).....	Mar. 17	American pork: Mr. Evart's denial of published statements of mortality among swine; interview with British representatives, and correspondence with British minister; from which it appears that Mr. Crump confounds hog cholera with trichinosis, and has been mistaken or misled by designing speculators in inflicting injury to pork market; that despite the admission of British minister that Mr. Crump's statements are exaggerated and the positive denial made by this Department, United States looks to Her Majesty's Government to aid in counteracting the evil effects of Mr. Crump's action.	515
316	Mr. Lowell to Mr. Blaine (No. 144).	Mar. 21	Naturalized American citizens: Case of Boyton; correspondence with consul and Boyton showing discrepancy in passport papers and present account of age and birthplace; no evidence of he, or his father, having been naturalized, though born in Ireland.	517
317	Same to same (No. 147).....	Mar. 25	Naturalized American citizens: Construction of section 2066, 1862, Revised Statutes United States on subject of naturalization of soldier alien.	521
318	Mr. Blaine to Mr. Lowell (No. 138).	Mar. 31	Naturalized American citizens: Department approves action in case of Michael P. Boyton's application for new passport; wisdom of policy of so acting as to avoid unduly embarrassing an American citizen, or hindering his protection, and at the same time to guard against bringing any element of uncertainty into the discussion of questions of such gravity.	523
319	Mr. Lowell to Mr. Blaine (No. 154).	Apr. 7	Naturalized American citizens: Boyton's letter and transcript of record inclosed.	524
320	Same to same (No. 161).....	Apr. 9	American pork and cattle: Note to Lord Granville urging importance of authoritative correction of statements of Mr. Crump as to diseased condition of American pork and cattle.	555

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No.	From and to whom.	Date.	Subject.	Page.
		1881.		
321	Mr. Lowell to Mr. Blaine (No. 163).	Apr. 13	American pork: Note from Lord Granville and memorandum by Mr. Warrack, British vice-consul at Chicago, giving official sources of information to Mr. Crump upon which Lord Granville considers Mr. Crump's statements justified, but is willing to receive trustworthy evidence as to the existence of hog disease.	527
322	Mr. Blaine to Mr. Lowell (No. 166).	May 26	Naturalized American citizens: Arrest, under "coercion act," of Michael P. Boyton; unless he establishes citizenship United States cannot intervene; while the fact of American citizenship could not of itself exempt one from penalties of the act, a speedy trial or release could be demanded; the act is in some sense *ex post facto*, in others confers arbitrary powers.	530
323	Same to same (No. 168).....	May 27	Native-born American citizen: Joseph D'Alton, alleged to be, arrested under "coercion act"; hypothetical instruction based on Boyton's case, will indicate treatment of D'Alton's case.	531
324	Same to same (No. 172).....	June 2	Naturalized American citizens: Arrest of Joseph B. Walsh under the "Protection Act"; certificate of naturalization and letter of Hon. S. J. Randall in relation thereto; while United States has no disposition to interfere in the local administration of affairs in Great Britain, it cannot view with indifference the summary treatment of its naturalized citizens; if Walsh's case calls for interference, make such efforts as will result in speedy trial or release.	532
325	Mr. Lowell to Mr. Blaine (No. 193).	June 4	Coercion act, arrest naturalized Americans under: In case of Walsh, that Great Britain, while appreciating solicitude of United States at enforcement of "Protection Act" by unusual measures upon American citizens, sees no grounds for treating Americans better than British subjects were treated, and declines to give definite answer until fuller instructions to Mr. Lowell; not deemed it prudent to protest, it being reported that Mr. Walsh had acted as if he were a British subject.	533
326	Mr. Blaine to Mr. Lowell (No. 180).	June 10	American pork: Result of investigation justifies the denial of the statement of Mr. Crump of the diseased condition of; so far from the representations of instruction No. 130 being "an insinuation against the good faith of that gentleman," it shows that in confounding hog cholera with trichinosis he was misled, being influenced by the widely spread newspaper and other communications on the subject; if Mr. Crump's good faith had been doubted United States would have protected itself accordingly with suspension or revocation of Mr. Crump's official character.	534
327	Same to same (No. 183)	June 17	American cattle: papers showing falsity of charge of foot and mouth disease in, condemned at Liverpool; further investigation to be made by Mr. Lyman; after investigation such representations to British Government should be made as may be justified by the facts.	536
328	Mr. Lowell to Mr. Blaine (No. 205).	June 18	"Coercion Act," arrest of naturalized citizens under: Note to Lord Granville asking for particulars of, of Mr. D'Alton and Walsh under "Coercion Act."	537
329	Mr. Blaine to Mr. Lowell (No. 187).	June 24	Interoceanic canal: Joint guaranty of neutrality of, by European powers; attention of Her Majesty's Government to be called to treaty of 1846; any guaranty supplemental to that of United States in that treaty must be deemed an intrusion where interests of United States and Colombia are superior to those of any other; United States asserts political control; joint control by European powers of what is a part of United States objectionable to United States; this not a new policy but an adherence to principles of long standing.	537

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
330	Mr. Lowell to Mr. Blaine (No. 218).	July 15	Coercion act, arrests under: Cases of Joseph D'Alton and Joseph B. Walsh following instruction No. 168, as Mr. D'Alton has furnished no proofs of citizenship no action has been had in his case. In case Walsh, Lord Granville refuses to furnish any particulars; as soon particulars are obtained will take such action as facts justify; incloses correspondence.	540
331	Mr. Blaine to Mr. Lowell (No. 206).	July 30	Rights of American fishermen to request of Her Majesty's Government to protect American fishermen in the rights secured by treaty to fish and bait, as there is a manifest disposition on the part of the native fishermen and local authorities to disturb the Americans by force	544
332	Mr. Lowell to Mr. Blaine (No. 235).	Aug. 11	"Coercion act," American citizens arrested under: Correspondence relative to the case of Mr. McEnery as a "suspect" and confined in Limerick jail. As it does not seem to be case of a citizen attending exclusively to his private business and abstaining from political affairs, the legation declined to act.	545
333	Mr. Hunter to Mr. Hoppin (No. 248).	Oct. 20	Customs on west coast of Africa: Practice of delivery of papers of American ships to, authorities of, at Sierra Leone; foreign office should be requested that the objectionable practice be discontinued or modified.	547
334	Same to same (No. 257)	Nov. 8	Customs on west coast of Africa: As to practice of, authorities of, with American ships; incloses copy of letter from Yates and Porterfield on same subject, and instructs that such communication be made to Her Majesty's Government as his judgment may dictate.	548
335	Mr. Hoppin to Mr. Blaine (No. 218).	Nov. 11	Interoceanic canal across the Isthmus: Relative to proposed guarantee of neutrality of; Lord Granville recognizes United States claim of right and duty to, under its treaty of 1846, and while declining to initiate any discussion, calls attention to the position of United States and Great Britain as to the canal as determined by the Clayton-Bulwer treaty of 1850.	549
336	Same to same (No. 219).....	Nov. 12	Lord mayor's day, honors to the American flag: Stars and Stripes borne in front of the lord mayor's carriage escorted by guard of staff sergeants of London militia; letter to Lord Granville and extract from the Daily Telegraph.	550
337	Same to same (No. 220).....	Nov. 14	"Coercion act," arrest of American citizens under: Discharge of Joseph B. Walsh from prison on account of the state of his health; inclosing correspondence relative to.	552
338	Mr. Blaine to Mr. Lowell (No. 270).	Nov. 19	Interoceanic canal: Modification of Clayton-Bulwer treaty necessary because of the great development of the United States on the Pacific coast since the date of the treaty, and especially in view of the canal across the Isthmus of Panama, and the guarantee of United States of its neutrality; treaty is objectionable in conceding to Great Britain the control of any canal that may be constructed; it impeaches the long established claim of the United States to priority on the American continent; the danger that a third power may intervene and assume direction of the project, which by the Clayton-Bulwer treaty is under the sole control of the United States and Great Britain. Modification proposed is, 1st, cancellation of that provision forbiding the United States fortifying and holding political control of the country; 2d, treating as absolute the provisions for treaty stipulations for joint protectorate over canal at Tehuantepec or Panama; 3d, definition of the distance within which captures might be made on high seas; United States objects to assent of European governments to the neutrality of the canal because it implies the right to resent. Directs that Lord Granville be informed at earliest opportunity of purpose of United States touching this treaty.	554

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No.	From and to whom.	Date.	Subject.	Page.
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339	Mr. Hoppin to Mr. Blaine (No. 223).	Nov. 21	Rights of American fishermen in Newfoundland: Correspondence between the legation and Her Majesty's foreign office relative to.	560
340	Same to same (No. 224).....	Nov. 25	Honors to the British flag at Yorktown celebration: Correspondence between Lord Granville and the United States legation relating to saluting British flag, and transmission of official copy of President Arthur's order to that effect.	562
341	Mr. Blaine to Mr. Lowell (No. 281).	Nov. 29	Interoceanic canal: Clayton-Bulwer treaty; proposal for modification of; historical objections to the treaty, and differences of opinion between Great Britain and the United States to which its interpretation has given rise; from the time of its conclusion in 1850 to the end of 1858 its provisions were thrice made the basis of proposals to arbitrate as to their meaning; modification and abrogation have alike been considered and its vexatious character recognized by both governments; had Great Britain's present interpretation been put on treaty at its inception it would never have been ratified; United States' proposal is to free itself from these embarrassing features, and leave it as its framers intended it should be, a perfect settlement of all possible issues between Great Britain and the United States with regard to Central America.	563
342	Same to same (No. 286).....	Dec. 10	Hawaii: Foreign influence in; efforts of Great Britain to control commerce of, and to encourage coolie emigration to; Great Britain to be informed that the United States has felt justified in declaring to Hawaii that it is regarded as a part of the American system of states and key of Pacific trade, and would regard the intrusion of any non-American interest in Hawaii as inconsistent with United States' relations thereto.	569

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

		1880.		
343	Sir Edward Thornton to Mr. Evarts.	Nov. 23	Attack by Gros Ventres and Mandin Indians upon Stony Indians of Canada: Letter of Governor-General of Canada, and enclosures giving details; asks that steps be taken to ascertain and punish offenders.	570
344	Same to same.....	Nov. 26	Wrecking system on the Great Lakes: Report of Privy Council of Canada, with observations of Minister of Customs on the cases of the "Jane McLeod" and "Gold Hunter" and "Wave Crest."	572
345	Mr. Evarts to Sir Edward Thornton.	Dec. 2	Depredations by outlaws from Canada: Complaint that the trading establishment at Woody Mountain, near Blackfeet Reservation, is used as a rendezvous for robbers and murderers, and asks the aid of Her Majesty's Government to remedy the trouble.	573
346	Same to same.....	Dec. 17	Attack by Gros Ventres and Mandin Indians upon Stony Indians: Matter referred to Secretary of Interior for investigation.	574
		1881.		
347	Same to same.....	Jan. 4	Attack by Gros Ventres on Stony Indians: Investigation ordered by Secretary of Interior.	574
348	Same to same.....	Jan. 10	Transportation of merchandise through Canada: A letter from Secretary of Treasury to collector of customs at Suspension Bridge concerning, from one port to another in that country by way of Suspension Bridge and Ogdensburgh.	575
349	Sir Edward Thornton to Mr. Evarts.	Jan. 12	Customs at Suspension Bridge: Acknowledges receipt of a copy of letter to collector of customs, from United States Treasury; copy sent to Governor-General of Canada.	575
350	Mr. Evarts to Sir Edward Thornton.	Jan. 31	Attack on Indians of Canada by Gros Ventres: Report on, by Secretary of Interior, showing that it was by Fort Berthold Agency Indians, in retaliation for the death of "Walking Wolf," believed to have been killed by the Indians attacked.	576

GREAT BRITAIN—Continued.

CORRESPONDENCE WITH THE BRITISH LEGATION IN WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
351	Mr. Evarts to Sir Edward Thornton.	Feb. 5	Sitting Bull and his band: In view of continued trouble with Sitting Bull, it is time for British Government to take steps to prevent his crossing into the United States, and domicile them as British Indians.	577
352	Sir Edward Thornton to Mr. Evarts.	Feb. 12	Customs at Suspension Bridge: Report of privy council of Canada acquiescing in decision of United States Treasury relative to transportation of merchandise from one Canadian port to another via Suspension Bridge.	578
353	Mr. Evarts to Sir Edward Thornton.	Mar. 7	American pork: Calls attention to the result of investigation of the statement of disease in; that it is not true and has been of great damage to trade; trusts the denial may be prompt enough to undo all harm done.	579
354	Sir Edward Thornton to Mr. Evarts.	Mar. 7	American pork: Extract from "Times" publication of Mr. Crump's statement of mortality among swine; calls attention to fact it refers to Illinois and not Ohio.	579
355	Mr. Blaine to Sir Edward Thornton.	Mar. 9	American pork: Awaits a further report from Her Majesty's consul at Philadelphia; resolutions of the Merchants' Exchange of Saint Louis and Chamber of Commerce of Cincinnati inclosed.	580
356	Sir Edward Thornton to Mr. Blaine.	Mar. 10	American pork: Reiterates that Mr. Crump's charge about mortality among swine referred to Illinois, and that subsequent investigation confirms Mr. Crump's statement; incloses copy of Mr. Clipperton's letter as to death-rate of swine in Illinois.	581
357	Same to same	Mar. 21	American pork: Letter and memorandum sent by Mr. Warrack, showing upon what authority he made his statement of death of swine in Illinois.	583
358	Mr. Blaine to Sir Edward Thornton.	Apr. 22	Disease in American cattle: Suggests adoption of measures of sanitary police and inspection, to prevent exportation of diseased animals.	585
359	Same to same	May 6	American fishery claims: No other claims than those already presented for wrongs inflicted in waters of New Foundland, and £15,000 will be satisfactory.	586
360	Same to same	May 10	Incursions by British Indians at the crossing of Woody Fork: Camp of 2,000 Blackfeet Indians near Carroll; report that these were to cross the border to draw ammunition from Canadian Government; hoped Dominion Government will keep its Indians from these predatory incursions.	587
361	Same to same	May 13	American fishery claims: Prompt closing up of the case by payment of the sum agreed upon urged.	587
362	Same to same	May 14	Incursion by British Indians: Further depredations by Blackfeet Indians.	588
363	Same to same	May 26	British Indians in Montana Territory: Three hundred lodges of, encamped on American reservation, stealing cattle and defying all attempts to remove them; Indian war imminent; duty of United States and Dominion to coöperate to drive them out, and of Dominion to restrain when within her jurisdiction.	588
364	Sir Edward Thornton to Mr. Blaine.	May 27	Intrusion of British Cree Indians upon American reservation near Beaver Creek: Government of Canada will do its utmost to prevent incursions into the United States territory by British Indians; United States will appreciate the difficulty of doing this by its trouble in trying to prevent Sitting Bull from taking refuge in British territory.	589
365	Same to same	May 28	American fishery claims: Her Majesty's Government will pay £15,000 in full satisfaction of all claims of American fishermen in operations on coasts of Newfoundland and its dependencies up to March 4, 1880, without prejudice to any rights under certain articles of treaty of May 8, 1871.	589

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CORRESPONDENCE WITH THE BRITISH LEGATION IN WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
366	Mr. Blaine to Sir Edward Thornton.	May 28	American fishery claims: Understanding of United States is that £15,000 is in full satisfaction of all claims on coast of Newfoundland up to March 4, 1880, including occurrences at Aspee Bay, Cape Breton and Nova Scotia; wishes to know time and method of payment.	590
367	Sir Edward Thornton to Mr. Blaine.	June 2	American fishery claims: Transmits bill of exchange for £15,000, in full of claims	591
368	Mr. Blaine to Sir Edward Thornton.	June 4	American fishery claims: Acknowledges receipt of draft for £15,000 in payment of fishery claim.	591
369	Sir Edward Thornton to Mr. Blaine.	June 6	Incursions by Indians from Canada into territory of United States: Dispatch and other papers of governor-general asking for information that will aid to identification of the Indians offending.	591
370	Mr. Blaine to Sir Edward Thornton.	June 11	Incursions by British Indians into Montana Territory: Has referred request of governor-general for information that will lead to identification and conviction of Indians committing outrages to Secretaries of War and Interior Departments.	592
371	Mr. Drummond to Mr. Blaine	July 28	Canadian Indians, incursion by, into United States territory: Governor-general of Canada instructed to prevent incursions over the frontier.	593
372	Mr. Blaine to Mr. Drummond	Aug. 25	Canadian Indians, incursion by, into United States territory: On their way to drive buffaloes away from agency Indians of United States.	593
373	Mr. Drummond to Mr. Blaine	Aug. 27	Canadian Indians, incursions by, in United States: Will comply with wishes of United States to prevent recurrence of incursions.	594
374	Same to same	Sept. 26	Canadian Indians, incursions of, in United States: Report relative to, by Privy Council; suggest necessity of co-operative measures by the two governments.	594
375	Same to same	Oct. 20	Yorktown centennial celebration: Salute paid to the British flag by order of the President; thanks for the courtesy.	596
376	Mr. Blaine to Mr. Drummond.	Nov. 14	Salute to the British flag at Yorktown: Reciprocates kind sentiments expressed in note of the 20th ultimo.	597

GUATEMALA.

CORRESPONDENCE WITH THE LEGATION OF GUATEMALA AT WASHINGTON.

377	Señor Ubico to Mr. Blaine ..	June 15	Boundary dispute between Guatemala and Mexico: Reciting causes of complaint against Mexico and failure of peaceful means of conciliation; calls upon United States to protect the integrity of Central American territory.	598
378	Mr. Blaine to Señor Ubico ..	June 16	Boundary dispute between Mexico and Guatemala: Not the policy of United States to constitute itself the arbiter of the destinies of its sister states; will do all in her power to strengthen the union of the republics of the continent; danger to these principles if international boundaries be disregarded or force resorted to for settlement of boundary.	599
379	Señor Ubico to Mr. Blaine ..	June 19	Boundary dispute between Mexico and Guatemala: Government of Guatemala will appreciate the generous mediation of United States, to which the inhabitants of the frontier will be indebted for their future peace.	600
380	Same to same	June 22	Confederation of Central American states: Guatemala in favor of, and the best of the states of Central America to accomplish it; pleased to have the co-operation of the United States; memorandum of a treaty with United States to that end.	600
381	Señor Montúfar to Mr. Blaine.	July 20	Boundary dispute between Mexico and Guatemala: Thanks for the kind offices of United States in offer of mediation.	603
382	Señor Ubico to Mr. Blaine ..	Oct. 19	Boundary dispute between Mexico and Guatemala: Transmits Mr. Montúfar's note of the 20th, expressing gratification at mediation of United States.	603

GUATEMALA—Continued.

CORRESPONDENCE WITH LEGATION OF GUATEMALA AT WASHINGTON—Continued.

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		1881.		
383	Mr. Blaine to Señor Ubico ..	Oct. 31	Boundary dispute between Mexico and Guatemala: Acknowledges receipt of Señor Montúfar's note of July 20.	603
384	Mr. Blaine to Señor Montúfar.	Oct. 31	Boundary dispute between Mexico and Guatemala: Reciprocates the sentiments expressed in his note of July 20.	604
385	Señor Montúfar to Mr. Blaine.	Nov. 2	Boundary dispute between Mexico and Guatemala: Gives a history of, and cause of complaint against Mexico.	604
386	Same to same	Nov. 7	Boundary dispute between Mexico and Guatemala: Controverts report of Mexican minister of foreign affairs relative to boundary dispute; regards the United States as the natural protector of the integrity of the continent.	609
387	Same to same	Nov. 21	Boundary dispute between Mexico and Guatemala: Urges the United States to avert war between Mexico and Guatemala; any settlement acceptable to United States will be satisfactory to Guatemala; he is authorized to treat to that end.	613

HAWAII.

		1880.		
388	Mr. Comly to Mr. Evarts (No. 117).	July 5	Liquor traffic in Ralik group of islands: Outrage on natives by German consul engaged in the sale of liquor; documents relating to, by Hawaiian Evangelical Association.	614
		1881.		
389	Same to same (No. 147)	Jan. 17	King Kalakaua: Tour of, around the world; note of minister of foreign affairs announcing tour of the King around the world.	616
390	Same to same (No. 148)	Jan. 18	Immigration to Hawaiian Islands: Circular setting forth needs and difficulties of the subject.	617
391	Mr. Comley to Mr. Blaine (No. 152).	Feb. 14	Regency of Her Royal Highness Princess Liliuokolani: Commendable manner in which she conducts herself.	619
392	Mr. Comly to Mr. Evarts (No. 153).	Feb. 14	Chinese immigration: Majority of male population Chinese; epidemic of small-pox communicated by Chinese; rigid quarantine regulations enforced; concessions obtained for Americans.	620
393	Mr. Evarts to Mr. Comly (No. 90).	Mar. 2	King Kalakaua: Hopes that the tour of the King around the world may be pleasant and fruitful of good results to his own government.	621
394	Mr. Comly to Mr. Blaine (No. 162).	Mar. 14	Small-pox epidemic still prevailing: 33 per cent. of all cases fatal.	621
395	Same to same (No. 172).....	June 6	British claims for refund of customs duties paid Hawaii: They claim the same privileges as to British products as the Americans have for American products under the Reciprocity treaty; claim based on the "parity clause" of the Anglo-Hawaiian treaty of 1851; gives a history of these claims and shows that they are inadmissible, and so regarded by Lord Clarendon in 1855.	622
396	Mr. Blaine to Mr. Comly (No. 102).	June 30	Reciprocity treaty of 1875: British claims for extension to them of the privilege secured to United States by Article IV of that treaty as to admission of articles free of duty; United States cannot consent to any modification of it directly or indirectly. Decision of Hawaiian court of claims for refund of duties would be a violation of the treaty, however binding on Hawaii.	624
397	Mr. Comly to Mr. Blaine (No. 185).	Aug. 1	Sale of intoxicating liquors in Ralik group of islands: Correspondence between legation and Hawaiian Board relating to action of United States Government in sustaining decree of Lebon prohibiting sale of intoxicating liquors to his people.	626
398	Same to same (No. 189).....	Aug. 29	British influence in Hawaii: Danger of coolie immigration from British India; struggle of Great Britain to force Hawaii into a convention for importation of Indian coolies; United States asked to suggest to King the danger of such an element in Hawaii government affairs; British claims still menacing Hawaii.	627

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No.	From and to whom.	Date.	Subject.	Page.
		1881.		
399	Mr. Comly to Mr. Blaine (No. 194).	Oct. 24	British claims for refund of customs duties paid to Hawaii: Attempt by British commissioner to excite distrust in the mind of the regent as to the intentions of the United States; assurance of British protection of Hawaiian independence against alleged violent proceedings on part of United States; incloses copy of his note to minister of foreign affairs relating thereto.	630
400	Mr. Blaine to Mr. Comly (No. 111).	Nov. 19	British influence in Hawaii: Rumor of a coolie convention with Great Britain; Mr. Comly to protest, if necessary, against any scheme for transfer of territory or sovereignty of Hawaii to any European power, or the establishment of any controlling influence there of any such power by masses of subjects independent of the native government.	633
401	Same to same (No. 113)	Dec. 1	Reciprocity treaty of 1875: Reviews the history, purpose, and nature of the relations between Hawaii and the United States; the policy of the latter towards Hawaii; United States cannot permit the substitution of alien interest for American and native; the position of the Hawaiian Islands as the key to the dominion of the Pacific demands the benevolent neutrality of the United States, and to that end it will co-operate with the native government.	635

HAYTI.

		1880.		
402	Mr. Langston to Mr. Blaine (No. 328).	Dec. 31	President Salomon, tour of: Enthusiastic reception of, by the people; poverty of the government; it is claimed that the establishment of the National Bank will tend to relieve the financial condition.	639
		1881.		
403	Same to same (No. 372)	Apr. 23	Proposed National Bank of Hayti: Prospects for its establishment favorable.	641
404	Mr. Comly to Mr. Blaine (No. 373).	May 7	Fête of agriculture: Description of; the creditable display due to impulse given to agriculture by establishment of Ministry of Agriculture.	642
405	Mr. Langston to Mr. Blaine (No. 376).	June 4	Political situation: Addresses of President Salomon significant of the probable strength of his administration; he relies upon the affection of his people and co-operation of foreigners.	643
406	Same to same (No. 389)	June 18	Consular visa tax: Haytian Government will recommend the passage of a law to abolish the charge of one per cent. for consular visas provided by the Haytian act of 1877, result of joint action of representatives of Great Britain and United States.	644
407	Mr. Blaine to Mr. Langston (No. 156).	July 6	Consular visa tax: The information that bill will be offered to abolish the one per cent. for consular visas is acceptable to the United States.	645
408	Mr. Langston to Mr. Blaine (No. 403.)	July 18	Discriminating light dues: Conference between himself, and Her Britannic Majesty's representative with President Salomon; it is probable that abrogation of most obnoxious features of, will be made during the session of the legislature.	645
409	Same to same (No. 414).....	Nov. 5	Consular visa tax: Law abolishing same, and establishing a duty of registry, and of statistics, and of pre-emption; this accomplished by efforts of the representatives, and will go in force December 1, 1881; incloses copy of the law.	646

ITALY.

		1880.		
410	Mr. Wurtz to Mr. Evarts (No. 908).	Aug. 28	Exchange of antiquities between Smithsonian Institution and Italian Government: The law in force prohibits sale of works of art, antiquities, or duplicates of them; only way is for United States to make overtures to that end, and a law may be passed by Parliament granting permission.	649

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No.	From and to whom.	Date.	Subject.	Page.
		1880.		
411	Mr. Marsh to Mr. Evarts (No. 920).	Oct. 23	Financial statement of the national exchequer: Balance of several millions in the treasury; reduction of revenue derived from grist tax; octroi duties raised enough to neutralize reduction of grist tax; large naval expenditures; all will be opposed in Parliament, and doubtful if ministry can maintain itself.	651
412	Same to same (No. 922).....	Oct. 25	Death of Baron Bettino Ricasoli: Besides his great service to Italy he was a firm friend of United States during the war of rebellion.	652
413	Mr. Evarts to Mr. Marsh (No. 749).	Nov. 18	Death of Baron Bettino Ricasoli: Acknowledges with thanks the receipt of No. 922, referring to high qualities of the deceased, and his friendship for the United States.	653
		1881.		
414	Mr. Marsh to Mr. Evarts (No. 939).	Mar. 3	Bay of Assab formally taken possession of by Italian Government: To be garrisoned and line of steamers between it and Zanzibar to be established.	653
415	Same to same (No. 941).....	Mar. 14	American pork importation: Correspondence with consulate of Genoa and minister of foreign affairs relating to, into Italy; awaits instruction before replying to minister's note.	654
416	Mr. Wurtz to Mr. Blaine (No. 985).	July 15	Removal of the remains of the late Pope Pius IX: On the 13th instant remains were transported from St. Peter's to San Lorenzo; 100,000 people witnessed the removal; molestation by liberals; troops had to disperse the mob.	656
417	Same to same (No. 988).....	July 27	Interoceanic canal: Interview with foreign office in relation to position of United States as to neutrality of Isthmus of Panama; left note embodying the contents of dispatches Nos. 779 and 780, to which no reply as yet.	658

JAPAN.

		1880.		
418	Mr. Bingham to Mr. Evarts (No. 1209).	Nov. 22	Penal code of Japan: Proclaimed July 17, 1880; it forbids the enactment of *ex post facto* penal laws, and the prosecution criminally, except for violation of existing laws, defining and prohibiting the offense charged.	658
419	Same to same (No. 1226).....	Dec. 21	Consular courts of United States of America in Japan: Amendment to section 22 of regulations of November, 16, 1870, prescribing punishment for murder and other felonies; submitted to consuls for approval.	687
		1881.		
420	Same to same (No. 1242).....	Jan. 19	Regulation of public houses in Nagasaki: Memoranda signed by consuls in Japan, to regulate public houses by a coporate body composed of Kewrei, consuls of treaty powers, and three additional members; as the effect of this would be to place open ports under control of foreign consuls, it is not approved by Mr. Bingham.	688
421	Same to same (No. 1250)	Feb. 7	Consular courts of United States of America in Japan: Amendment of section 22 of regulations indorsed by consuls and published in papers; order gives amendment force of law until modified or amended by Congress; modifies the law as to punishment of crimes.	689
422	Same to same (No. 1254).....	Feb. 9	Railroad in the island of Yesso: The successful completion of it for Japanese Government by Mr. Joseph W. Crawford, an American engineer. The railroad is worked by American locomotives, and engineer is complimented for his skill and economy in the work.	691
423	Mr. Bingham to Mr. Blaine (No. 1266).	Mar. 16	Japanese code of proceedure: The code of proceedure recently adopted by Japan; proclamation of date at which the code will take effect will soon be made; it prescribes the principles and rules of enforcing action in courts of the empire.	692
424	Same to same (No. 1268)	Mar. 17	Tour of King of Hawaii: The King's visit to Japan and his cordial reception by the government and people, inclosing correspondence relating thereto.	724

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425	Mr. Blaine to Mr. Bingham (No. 576).	Mar. 22	Consular court regulations: Amendment of, as to punishment of crimes; minister's action in relation to, approved.	726
426	Mr. Bingham to Mr. Blaine (No. 1320).	June 21	Development of industries: Proclamation by Japanese prime minister, and rules governing assemblies for investigating subjects of agriculture, commerce, and manufacture; this is an instance of the disposition of Japan to develop its resources; thinks the abrogation of article 10 of treaty of 1878 would further its progress.	727
427	Same to same (No. 1385).....	Oct. 21	National Parliament for Japan: Imperial edict for establishment of, also of minister's note to minister of foreign affairs congratulating Japan upon this as an act in the interests of the people and of good government; this will be followed by a proclamation defining the constitutional limitations of the imperial prerogatives and of the national Parliament.	728
428	Same to same (No. 1388)	Oct. 24	Changes in imperial Japanese Government: Mr. Okuma resigned as member of imperial council; the six sections of imperial council abolished; instead of that a bureau, called the sanji-in, has been made part of imperial council; bureau composed of the three chief ministers of state and the thirteen privy councillors; incloses copy of constitution and rules for its government.	730

LIBERIA.

		1880.		
429	Mr. Smyth to Mr. Evarts (No. 94).	Dec. 1	Death of Hon. Daniel B. Warren, late vice-president of Liberia: He belonged to the class of negroes who used their gifts in the elevation of their race.	732
		1881.		
430	Same to same (No. 106).....	Feb. 22	Acts of the legislature of Liberia: Incloses two copies of; constitution so amended that the President shall be elected for four years; native representatives to be allowed to vote and receive compensation; missionaries to pay for necessaries the same ad valorem duties as others; minister at the request of American missionaries presented their views to the President and his cabinet; act to incorporate Methodist Episcopal Church, African.	733
431	Mr. Evarts to Mr. Smyth (No. 63).	Feb. 28	Depredations on coast of Liberia: German steamer Carlos wrecked and plundered by Batteau Kroomen; Germany sent a war vessel to assist Liberia in punishment of the offenders; this act of Germany should be considered as friendly to Liberia.	734
432	Mr. Smyth to Mr. Evarts (No. 107).	Mar. 3	Outrages by Batteau Kroo-men: German steamer Carlos' crew robbed; German war vessel demands that Liberian Government co-operate in punishment of the offenders; agreement made to do so, and Liberia to pay an indemnity of $3,500; at the instance of Commander Valois minister took part in the conference.	734
433	Same to same (No. 112).	Mar. 16	Outrages by Batteau Kroo-men: result of the agreement to punish the offenders; the town of Nanna-Kroo burned, and the king and five men taken prisoners to Monrovia, the king to be held as hostage until indemnity is paid.	735
434	Same to same (No. 116)	Apr. 19	Outrages by Batteau Kroo-men: Minister took part in conference on steamer Carlos, at various times giving views upon the legal and commercial bearings of the case; stated the attitude the United States would assume had the case affected an American vessel and crew; two of the culprits released to raise funds for indemnity.	736
435	Mr. Smyth to Mr. Blaine (No. 118).	Apr. 25	Discrimination by Liberia against foreign merchants: Forbidding them to establish stores and factories at any places except at ports of entry, while natives may trade along the river; retards the development of trade; efforts should be made to change the laws on this subject.	737

LIBERIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
436	Mr. Smyth to Mr. Blaine (No. 119).	Apr. 28	Civilization of Africa: Circular on the subject by Secretary of State showing that effort to benefit certain tribes by means apart from secular agencies will be unsuccessful; they must be taught to provide for their material wants first before any benefit can be realized in the spiritual line.	738
437	Mr. Blaine to Mr. Smyth (No. 67).	June 27	Restrictions by Liberian law of acquisition by aliens of citizenship and land outside of ports of entry; the questions of alien residence and commerce at points not ports of entry seem to be of interpretation rather than fundamental; the extension of American interests in Liberia should be fostered; not wise to propose admission of white aliens to citizenship; be silent on this point, but the rest of the subject may be made the basis of a private memorandum.	739
438	Mr. Smyth to Mr. Blaine (No. 144).	Aug. 13	Commerce with foreigners: Views expressed to Secretary of State, discussing the objectionable features of the port of entry statute of 1865, the restriction upon leasing estates to foreigners, and the excessive duties on imports.	740

MEXICO.

		1880.		
439	Mr. Morgan to Mr. Evarts (No. 121).	Oct. 16	Victorio's band of Indians, pursuit of, into Mexico: The President recommends allowing United States troops ninety days for such pursuit, the Mexican troops to be allowed on like terms to cross into United States; correspondence and extracts from newspapers relative to subject, also note of minister of foreign affairs; much opposition in the public press.	741
440	Same to same (No. 125).	Oct. 27	Impressment of Americans into Mexican army: Demand made for instant release of Felipe Burnato, Santos Hernandez, Miguel Guerro, Manuel Guerro, and George Cimo, from Mexican army; indemnity for detention, and adoption of such measures as will prevent such occurrences in future.	747
441	Same to same (No. 127).....	Nov. 3	Victorio's band of Indians: Foreign office reports defeat of, in Chihuahua, killing of seventy of his band, and capture of as many more, including Victorio; also the capture of other bands who have been depredating that country.	747
442	Same to same (No. 133).....	Nov. 13	Impressment of Americans into the Mexican army: The Mexican Government declares that any citizens of the United States who have been illegally impressed into the Mexican army have the courts of Mexico open, to whom they must apply for discharge.	748
443	Same to same (No. 140).....	Dec. 6	Depredations in Chihuahua by robbers: Continuance of, by Robert E. Martin and his band; when pursued they escape to American side; suggests co-operation of the two governments, by which pursuit of the band by Mexicans may be followed by United States troops.	750
444	Mr. Evarts to Mr. Morgan (No. 80).	Dec. 8	Impressment of Americans into Mexican army: Mexican position that they must apply to courts of that republic for redress is not tenable; instances cases of Mexicans released from United States army during civil war; approves of minister's protest and instructs him to press application for immediate release.	751
445	Mr. Hay to Mr. Morgan (No. 87).	Dec. 22	Restrictions on American vessels by Mexican customs authorities: The repeated discriminations in favor of other nations a detriment to trade, and not in keeping with the repeated declarations of Mexico; a copy of a dispatch from United States Consul Turner; instructs him to call attention of Señor Mareshal to the necessity of correcting this abuse.	752

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1880.		
446	Mr. Morgan to Mr. Evarts (No. 144).	Dec. 25	Impressment of Americans into the Mexican army: Felipe Burnato, Santos Hernandez, and Manuel Guerro were dismissed from the Mexican army in July, and that George Cino deserted in October; will press the claim for indemnity in future.	753
		1881.		
447	Same to same (No. 159).....	Jan. 28	Restrictions on American vessels by Mexican customs authorities: Note to foreign office on the subject; in an interview minister of foreign affairs seemed to appreciate the injury done to commerce by the exactions to which honest traders are subjected by the customs authorities so construing the treasury regulations as to impose frequent fines.	754
448	Mr. Evarts to Mr. Morgan (No. 99).	Feb. 4	Depredations by outlaws from the American side: While the United States has in all cases made all efforts to arrest and punish Martin and his band, yet, as these outrages are committed on both sides of the frontier, it is thought that the concurrent action of both governments would be more effective in checking this evil.	756
449	Mr. Blaine to Mr. Morgan (No. 112).	Mar. 14	Impressment of Americans into Mexican army: Suggestion of Vice-Consul Schuchardt that Mexican Government should indemnify impressed persons, or their representatives in case of their death, accords with sentiments of United States, and was exemplified by United States in late civil war.	757
450	Mr. Morgan to Mr. Blaine (No. 183).	Apr. 1	Impressment of Americans into the Mexican army: Pressed upon the Mexican Government that it was not only a violation of the laws of nations, but also of the treaty; in relation to the amount of indemnity, requests that the Department instruct him on that point.	759
451	Mr. Blaine to Mr. Morgan (No. 124).	Apr. 28	Indians fleeing from Mexican troops: Inclosing letter from Secretary of War relative to co-operation of United States troops if hostile Indians are driven north; desire of United States to punish offenders and keep peace, as far as she can, along the frontier.	759
452	Same to same (No. 133).....	June 1	Policy of the United States towards Mexico; its friendly character: The political prosperity of Mexico and the cordiality of the relations between the two republics inspire the hope that American capital and skilled labor may find an ample field in the development of the great resources of Mexico; instructed to induce Mexico to encourage this spirit.	761
453	Mr. Morgan to Mr. Blaine (No. 208).	June 15	Restrictions on American vessels by Mexican customs authorities: Incloses Mr. Mariscal's note to the minister, and of secretary of Hacienda's note to Mr. Mariscal, in which a discussion of the general subject complained of is not made, but only the special cases referred to as illustrations; in each case either justifying the action of the authorities or raising an issue of fact.	763
454	Mr. Blaine to Mr. Morgan (No. 138).	June 16	Boundary dispute between Guatemala and Mexico: Friendly feeling of United States towards the contending parties; trusts Mexico will not attempt to settle the dispute by force; United States would regard such an act as unfriendly to the plan of building up republican governments in Spanish America.	766
455	Same to same (No. 142).....	June 21	Boundary dispute between Guatemala and Mexico: United States protests against any violation by Mexico of the integrity of Guatemala; good feeling between Mexico and United States will be fortified by an avowal by the former that its policy is not one of conquest.	768
456	Same to same (No. 143).....	June 21	Boundary dispute between Guatemala and Mexico: Probability that if pressed to extremities Guatemala may cede territory to European power; Mexico should not overlook this consideration.	770
457	Same to same (telegram)....	June 23	Boundary dispute between Guatemala and Mexico: United States tenders its good offices; minister to co-operate with Guatemalan minister.	770

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
458	Mr. Blaine to Mr. Morgan (No. 144).	June 23	Impressment of American citizens into the Mexican army: The Department is unable to lay down any fixed rule for determination of amount of damages to be claimed as indemnity for such impressment; each case should be determined by its own facts, taking into view the different personal and business interests affected.	771
459	Mr. Morgan to Mr. Blaine (No. 217).	June 29	Railroad bridge across the Rio Grande at Laredo, Tex.: Incloses correspondence relative to, showing the joint assent of Mexico and United States to the crossing of the same, subject to the sanction of Congress and the rights of Texas.	771
460	Mr. Blaine to Mr. Morgan (No. 152).	July 11	Death of General Canales, of the Mexican army: Department of Texas, United States Army, directed assistance of United States forces at the funeral ceremonies of General Canales.	772
461	Mr. Morgan to Mr. Blaine (No. 232).	July 12	Boundary dispute between Guatemala and Mexico: Informed minister of foreign affairs of the request of Guatemala for good offices of the United States for restoration of cordial relations between Mexico and Guatemala; assured him of good feeling of United States to both countries; he replied that there was no call for arbitration of question between his government and Guatemala; that there was no question of bad faith between the parties as to completing the work of the convention. Mr. Herrera, minister from Guatemala, insists that there is practically war between the two republics.	773
462	Same to same (No. 240)	July 19	Boundary dispute between Guatemala and Mexico: Señor Mariscal informed of views of the Department; he contends that Mexico is the aggrieved party; that Guatemala's troops illegally invaded Mexican territory and committed acts of vandalism, and while pretending to negotiate for settlement of boundary secretly sought interference of United States; Mexican troops sent to retake territory invaded; no purpose of conquest by Mexico.	775
463	Mr. Blaine to Mr. Morgan (No. 156).	July 27	Proposed extension of the "Zona Libre": Incloses petition of citizens of Texas to Senator Maxey, opposing the extension of the "Zona Libre" so as to include El Paso, Mexico; instructed to bring facts of petition discreetly to attention of Mexican Government.	778
464	Mr. Morgan to Mr. Blaine (No. 242).	July 30	Concessions for railways: A list of, made to Americans by the President, subject to ratification by the Mexican Congress; all the companies are Mexican, and must submit all differences to Mexican tribunals without appeal; it is not probable that any of them will be worth spending any money upon.	780
465	Same to same (No. 245).....	Aug. 4	Death of General Servando Canales: Minister to Mr. Mariscal; communication of War Department relative to, and copy of Mr. Mariscal's note acknowledging the demonstration made by United States in honor of General Canales.	781
466	Mr. Blaine to Mr. Morgan (No. 158).	Aug. 5	Extension of the "Zona Libre": Papers relating to, inclosed.	782
467	Mr. Morgan to Mr. Blaine (No. 247).	Aug. 5	Boundary dispute between Guatemala and Mexico: Inclosing documents vindicating position of Mexico; Mexico not disposed to accept arbitration of dispute.	784
468	Same to same (No. 252).....	Aug. 11	Impressment of Americans into the Mexican army: Difficulties in the presentation of claim for damages; the failure of the men to personally demand it; want of facts in cases from which to make an estimate of; question in case of Burnato as to his citizenship; his communication to United States Consul Schuchardt.	791
469	Same to same (No. 253).....	Aug. 11	Boundary dispute between Guatemala and Mexico: Plan for settlement of, by submission to President of United States, favorably received by Mexico.	794
470	Mr. Blaine to Mr. Morgan (No. 163).	Aug. 18	Extension of the "Zona Libre": Transmits, for minister's further information, copy of a letter from Senator Coke presenting considerations against the proposed extension.	797

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
471	Mr. Morgan to Mr. Blaine (No. 258).	Aug. 24	Franco-Egyptian Bank of Paris: Proposes to establish a branch in Mexico, entitled "Banco Nacional Mexicano"; concession for, obtained from the President; it will be opposed in Congress; no security for bank's compliance with provisions of its concessions; it may issue sixty millions of paper; none of its assets are taxable; its bills, except those of the Monte de Piedad, are the only paper money which the government can receive. Suggested as better plan to invite capital from United States.	798
472	Same to same (No. 259).....	Aug. 25	Boundary dispute between Guatemala and Mexico: Rumor that Mexico is offended at Guatemala's attempt to secure the mediation of the United States; Mexico prefers war to arbitration of the difference; Señor Mariscal offers Guatemala settlement by cession from Guatemala of territory to Mexico, the latter paying indemnity therefor; General Herrera's mistakes have neutralized the efforts of Mr. Morgan.	801
473	Same to same (No. 260).....	Aug. 25	Extension of the "Zona Libre": A petition in favor of, presented to the President; it will have to be consented to by Congress; no conclusion arrived at yet.	803
474	Mr. Blaine to Mr. Morgan (No. 167).	Aug. 31	Indian depredations in Sonora and Chihuahua: Governor of Arizona suggests to the Secretary of the Interior co-operation for suppressing the Indian troubles in the border districts.	803
475	Mr. Morgan to Mr. Blaine (No. 268).	Sept. 1	Franco-Egyptian Bank of Paris: Incloses part of article from the Nacional, semi-official newspaper, in support of the minister's statements of the jealousy there against the employment of American capital, and fears of American influence.	805
476	Mr. Hitt to Mr. Morgan (No. 174).	Sept. 15	Extension of the "Zona Libre": Satisfaction of the United States to learn that there is no likelihood of such extension.	805
477	Mr. Morgan to Mr. Blaine (No. 273).	Sept. 22	Boundary dispute between Guatemala and Mexico: Interviews with General Herrera and Señor Mariscal relative to; the indisposition of Mexico to encourage the investment of American capital; extracts from Mexican papers inclosed.	806
478	Same to same (No. 287).....	Oct. 6	Boundary dispute between Guatemala and Mexico: General Herrera instructed to ask Mexican Government the meaning of the armed force concentrating on the Guatemala frontier; Señor Mariscal stated that the troops were there to protect from invasion, and to recover possession of territory which Guatemala had taken from Mexico some months ago.	810
479	Mr. Hunter to Mr. Morgan (No. 179).	Oct. 8	Discrimination against American trade in ports of Mexico: Cases of Mr. Ramirez and the German barks Jupiter and Carolina establish the charge of discrimination, despite of declarations of minister of hacienda.	811
480	Mr. Morgan to Mr. Blaine (No. 297).	Nov. 2	Boundary dispute between Guatemala and Mexico: Unsatisfactory interview between General Herrera and President Gonzales; failure of Mr. Morgan to induce minister of foreign affairs to discuss the question; action of United States in offering mediation deemed as a menace to Mexico despite all efforts to correct that feeling.	812
481	Same to same (No. 304).....	Nov. 9	Boundary dispute between Guatemala: Mr. Herrera negotiating with Señor Mariscal for settlement of; suggestion to Guatemala that if it was in earnest in asking for assistance of United States, it should do nothing until that proffered assistance had been acted upon.	813
482	Mr. Blaine to Mr. Morgan (No. 198).	Nov. 28	Boundary dispute between Guatemala and Mexico: Opposition of Mexico to mediation of the United States; review of the situation; Mexico urged to consent to the mediation of the United States.	814

MEXICO—Continued.

CORRESPONDENCE WITH THE LEGATION OF MEXICO AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
		1880.		
483	Señor Navarro to Mr. Evarts.	Nov. 13	Depredations by American outlaws: Complaint by governor of Chihuahua that the colonists of Ascension continue to suffer from; trusts the Department will be enabled to arrest and punish the offenders.	817
484	Same to same	Nov. 16	Disturbances in districts on Rio Grande border: Firing across by officers at Laredo; the remedy applied by Mexican Government when firing was from Mexican side, that of forbidding of firing across the river.	819
485	Same to same	Nov. 30	Treaty of navigation and commerce between United States and Mexico: To be terminated November 30, 1881; notification of.	820
486	Mr. Evarts to Señor Navarro.	Dec. 3	Depredations in Chihuahua by American outlaws: Fresh outrages upon citizens of, by marauders under Robert E. Martin; no time shall be lost in adopting means to destroy the band.	821
487	Same to same	Dec. 6	Treaty of navigation and commerce between Mexico and the United States: Acknowledges receipt of note of the desire of Mexico to terminate said treaty after the 30th day of November, 1881.	821
488	Mr. Hay to Señor Navarro	Dec. 22	Depredations in Chihuahua by outlaws from United States: Incloses letter from governor of Texas, with accompaniment, relative to complaint that Robert Martin's band committing outrages on both frontiers.	821
489	Señor Navarro to Mr. Evarts.	Dec. 27	Depredations in Chihuahua: Continued robberies at Ascension and Janos by band of thieves led by Robert E. Martin; unless United States and Mexican Governments cooperate to punish the offenders it is feared that the residents of those places will cross the line and undertake the punishment of the outlaws.	823
		1881.		
490	Mr. Evarts to Señor Navarro.	Jan. 3	Depredations by Robert Martin's band: Secretary of Interior has instructed governor of Arizona to find out Martin's hiding place, and, if in that Territory, to break up his gang of outlaws.	823
491	Same to same	Jan. 14	Depredations in Mexico by Robert Martin's band: Complaints relative to, referred to governor of Texas, with instructions to arrest and punish the guilty parties.	824
492	Same to same	Jan. 29	Firing across the Rio Grande: Complaint that populace of Laredo resort to, at escaping prisoners; reply that steps have been taken to put a stop to the practice.	824
493	Señor Navarro to Mr. Evarts.	Feb. 10	Treaty of naturalization between Mexico and the United States: Notification of Mexico's desire to terminate.	825
494	Mr. Evarts to Señor de Zamacona.	Feb. 19	Naturalization treaty of July 10, 1868: Notice of desire of Mexico that the same shall be terminated at the expiration of twelve months, per Art. V, of said treaty, duly noted by United States.	825
495	The President of the United States to the President of Mexico.	Mar. 5	Submarine cable between Mexico and the United States: Cordial congratulations of the President and people of the United States to the President and people of Mexico upon the successful completion of the cable connection of the telegraph system of the two countries.	825
496	Señor de Zamacona to Mr. Blaine.	Apr. 13	Depredations in Sonora by outlaws from Arizona: Insecurity of border districts of Sonora and Arizona; incloses report on that subject; importance of speedy measures for repression of robbery in the region in question, both in the interest of peace and trade between the two republics.	826
497	Mr. Blaine to Señor de Zamacona.	Apr. 19	Depredations in Sonora by outlaws from Arizona: Note relative to, has been sent to Secretary of Interior, and for such further action as he and governor of Arizona may be able to pursue.	827

MEXICO—Continued.

CORRESPONDENCE WITH LEGATION OF MEXICO AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
498	Señor de Zamacona to Mr. Blaine.	Apr. 19	Disturbances in districts on the border of the Rio Grande: Common occurrence of, calculated to stimulate the zeal of both governments to use all possible means to afford greater security to the inhabitants of; Onofrio Baca hung by mob, having been arrested by a Texan constable on Mexican side without compliance with formalities of extradition treaty; trusts Texan police may be made to respect the requirements of treaty.	827
499	Mr. Blaine to Señor de Zamacona.	Apr. 28	Depredations in Sonora by outlaws from Arizona: The Secretary of Interior has requested the governor of Arizona to exert all means within his power to suppress such.	829
500	Same to same	May 3	Disturbance in the districts of the Rio Grande: United States will heartily co-operate with Mexico in measures to impart greater security to the inhabitants of the Rio Grande border; the governor of Texas is to issue orders to commander of Texas forces to prevent such abuses as case of Captain Gillett illustrates.	829
501	Señor de Zamacona to Mr. Blaine.	May 24	Depredations by American Indians: A fruitful cause of, is the granting them licenses to make raids beyond the limits of their reservations; correspondence relative to band of Mescalero Indians, who will probably depredate in Chihuahua; trusts United States will take energetic steps to remedy the evil.	829
502	Same to same	June 6	Depredations in Mexico by cattle thieves from Texas: Frequency of, in the State of Chihuahua; life and property is still insecure in the frontier districts; calls for additional action, as the attempts of the Mexicans to recover their stolen property may result in an international conflict; apathy of the local authorities.	831
503	Mr. Blaine to Señor de Zamacona.	June 27	Depredations by American Indians improperly on leave of absence from their reservations: The Secretary of the Interior has been asked to adopt needful precautions against such occurrences.	833
504	Same to same	July 5	Depredations by cattle thieves from Texas: Advises him that the Department has instructed Interior Department and governor of Texas to take measures to correct such abuses.	833
505	Señor de Zamacona to Mr. Blaine.	July 18	Depredations by American Indians: Band of Mescaleros entered and committed robberies and murders in the state of Chihuahua; hopes that practice of granting leaves of absence to Indians on the reservation will be stopped.	834
506	Same to same	July 25	Disturbances in the districts on the Rio Grande: Caused by the practice of Texas police officers crossing the boundary line and making arrests without complying with the formalities required by the extradition treaty; like action of sheriff of Arizona; a formal demand for the punishment of the officers who may be guilty of such acts.	837
507	Mr. Blaine to Señor de Zamacona.	July 26	Depredations by American Indians: On leave of absence from their reservations; matter has been referred to the Secretary of the Interior for such action as may properly be taken in the case.	838
508	Same to same	Aug. 2	Disturbances in the districts on the Rio Grande: A sheriff from Arizona crossing into Mexico and capturing a fugitive; the Secretary of the Interior has been requested to direct the Territorial authorities to cause the punishment of the guilty parties.	838
509	Señor de Zamacona to Mr. Blaine.	Aug. 8	Depredations by American Indians: The alarming increase of the depredations of the Indians in the frontier districts; confirming the statements of previous notes touching the location and management of certain Indians; Mexico has been obliged to organize military organization on a large scale against the Indians.	838

MEXICO—Continued.

CORRESPONDENCE WITH LEGATION OF MEXICO AT WASHINGTON—Contined.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
510	Señor de Zamacona to Mr. Blaine.	Aug. 8	Hanging of two Mexicans in Arizona: Sheriff of Pima County justifying the deed; this is a gross violation of treaty rights of Mexicans in Arizona; requests a speedy investigation of the outrage.	840
511	Same to same	Aug. 15	Depredations by American cattle thieves: Incloses an article from Daily Arizona Citizen, and telegram from Mexican consul at Tucson relative to injuries to citizens of Mexico by bands organized on American side; asks for prompt steps to check this evil.	841
512	Mr. Hitt to Señor de Zamacona.	Aug. 16	Disturbances in the districts of the Rio Grande: Crossing into Mexico by a sheriff and arresting of a fugitive criminal; informs him that the governor of Arizona has been instructed to investigate the matter and cause the punishment of the guilty parties.	842
513	Señor de Zamacona to Mr. Blaine.	Aug. 18	Depredations by cowboys from America: Robbery of Mexicans on the way to Arizona; local police fail to take any action in the cases; trusts the Department will use all vigor allowed by law against the outlaws who have rendered property on both sides of the frontier insecure.	842
514	Same to same	Aug. 18	Disturbances in the districts of the Rio Grande: Satisfaction at the instruction given to the governor of Arizona to investigate abuses complained of, of officers making arrests on the Mexican side.	843
515	Same to same	Aug. 18	Depredations by Indians improperly on leave from their reservations: Case where permission was given to enable them to cross into Mexico; murders and robberies by.	844
516	Mr. Blaine to Señor de Zamacona.	Aug. 29	Disturbances in the districts of the Rio Grande: The hanging of Mexicans in Arizona; governor of Arizona has been instructed to investigate that matter and cause the offenders to be brought to trial; and governor to take steps to promote vigilance in the border counties to suppress the lawlessness complained of in notes of the 15th and 18th.	845
517	Mr. Hitt to Señor de Zamacona.	Sept. 27	Disturbances in the districts on the Rio Grande: Alleged illegal arrest of criminal by a sheriff of Arizona; incloses a letter from the acting governor of Arizona, in which it is stated that proper steps would be taken to ascertain the facts of the complaint.	846

THE NETHERLANDS.

		1881.		
518	Mr. Birney to Mr. Blaine (No. 178).	April 4	Peace negotiations of 1783: The result of his investigation that the flag of the United States received the first salute from an official of the Dutch Republic, and that that Republic was the first Republic to send an ambassador to the United States, he being accredited before the treaty of peace; gives an account of his presentation and reception.	847
519	Same to same (No. 179)	April 11	First salute to the flag of the United States: An account of, with papers relating to; it was given November 16, 1776, by order of the commander of a Dutch fort on the island of St. Eustatius.	851
520	Mr. Birney to Mr. Blaine (No 187).	July 14	Interoceanic canal across the Isthmus of Panama: A joint guaranty by European powers of neutrality of; minister of foreign affairs informed as to policy of United States on that subject; the Netherlands have not been approached on that subject, and that it would not be a party to any arrangement prejudicial to United States.	855

PERU.

No.	From and to whom.	Date.	Subject.	Page.
		1880.		
521	Mr. Evarts to Mr. Christiancy (No. 109).	Nov. 27	Neutrals: Protection of lives and property of, in the event of an attack by the Chilians upon Lima; gives text of Department's telegram of 19th instant to legation at Santiago.	855
		1881.		
522	Mr. Christiancy to Mr. Evarts (No. 230).	Jan. 22	Capture of Lima by the Chilians: Dangerous position and undignified movements of the diplomatic corps on the occasion; conduct of the Chilians in and around Lima; refugees in legation; outrages to property under protection of United States legation at Lima resulting from conduct of United States minister at Santiago and consul at Lambayeque; Pierola, the only government of Peru, is a fugitive; Chilians would like him to come back to treat for peace.	856
523	Mr. Evarts to Mr. Christiancy (No. 119).	Jan. 25	Neutrals: Jeopardization of lives and property of, by Peru, in sending adrift vessels loaded with explosive materials; instructed to remonstrate if he shall ascertain that such course has been pursued by Peru.	857
524	Mr. Christiancy to Mr. Evarts (No. 237).	Feb. 2	Account of occupation of Lima by the Chilians: Events and outrages previous and subsequent thereto; Chilian commander doing all in his power to restrain lawlessness; Peruvian rabble incensed at action of neutrals in the interest of order; peace question; Chilians embarrassed by their victory; no government of Peru accessible to treat with; question as to responsibility for violation of armistice which resulted in battle of Miraflores; Chilians have declared unwillingness to accept mediation of a foreign government for peace.	858
525	Mr. Evarts to Mr. Christiancy (No. 123).	Feb. 10	Desire of United States to bring about peace: Instructed to urge same upon Peruvian Government, and upon such Chilian officers as he may meet; Peruvians having evacuated Lima and Callao, Peru desires foreign aid in behalf of peace, as appears from a telegram just received from the Peruvian minister here.	862
526	Mr. Christiancy to Mr. Evarts (No. 240).	Feb. 15	Neutral property: Destruction of, by Chilians when they wantonly burned the towns of Chorrillos, Barranco, and Miraflores; consequent claims; instructions as to course to pursue in regard to them requested; correspondence inclosed.	863
527	Same to same (No. 242)	Feb. 16	Foreign mediation declined by Chili, who will not treat with Pierola until a note offensive to Chili written by his secretary to dean of diplomatic corps be withdrawn; Pierola a fugitive in the mountains; until he resigns none of the prominent men of Peru will assume reins of government; courts in Peru refuse to perform their functions; martial law has been established in consequence; commendable conduct of Chilians in Lima for preservation of order; Peru prostrate and under complete control of Chili; terms of peace will be such as Chili chooses to dictate; Peru will probably have to surrender a great deal more than Tarapaca; levying of forced contributions by Chilians; possibility of partitioning of Peru among her neighbors, Chili, Ecuador, and Brazil.	869
528	Same to same (No. 243)	Feb. 19	Offensive note written by Pierola's secretary which Chili insists on being withdrawn, inclosed with comments; the note charges the Chilians with various misdeeds, the most important being perfidy in violating armistice and attacking the Peruvians at Miraflores; Mr. Christiancy thinks this charge not well founded, but believes in the others, viz, murdering of wounded Peruvians and destruction of towns.	871
529	Mr. Christiancy to Mr. Blaine (No. 245).	Feb. 25	New government project: Prospects of success or failure; Chili has declined to treat with Pierola; position of Bolivia.	874
530	Same to same (No. 251)	Mar. 8	Explosive materials: Practice of Peru in setting adrift vessels loaded with, to damage enemy's cruisers; knows of only three such cases; in none of them was neutral commerce jeopardized; particulars given; reply to No. 119.	876

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		1881.		
531	Mr. Christiancy to Mr. Blaine (No. 253).	Mar. 8	Mediation of the United States: Cannot urge same upon Chilian authorities because Chili has decided to accept no foreign mediation and will not treat with Piérola; explains why he did not advise Department by telegraph of fall of Lima.	877
532	Same to same (No. 254)	Mar. 9	New government project: Failure of; Piérola has called election of a Congress to be held in June next; Chilians are exacting war contributions from Peruvians; injustice of doctrine of war contributions, especially as practiced by Chilians; rumored vandalistic intentions of Chilians; rapine and bloodshed vehemently advocated by most influential portion of Chilian press; circular issued by Piérola deprecatory of Chili, and orders of Chili as to war contributions, inclosed.	878
533	Same to same (No. 256)	Mar. 16	Vandalism of Chili in taking away from Peru works of art, libraries, laboratories, &c., reported: Mr. Christiancy would like to protest; motives which have prevented him from doing so.	884
534	Same to same (No. 257)	Mar. 16	New government project: Revival and success of; formation of a new provisional government; F. G. Calderon, president, M. M. Galvez, minister for foreign affairs; newspaper accounts inclosed; question as to recognition of new government submitted.	885
535	Same to same (No. 261)	Mar. 21	Foreign mediation: Indisposition of Chili to accept same; her apparent determination to make Peru suffer the utmost of national humiliation; foreign intervention the only thing that can prevent this determination; injurious to the interests of neutrals to have Peru humiliated; has informed Chili of the desire of the United States to bring about a lasting peace; reply to No. 123.	885
536	Same to same (No. 263)	Mar. 22	Vandalism of Chilians in taking from Peru works of art, &c.: Letter from Peruvian librarian reporting and deprecating same inclosed.	886
537	Same to same (No. 264)	Mar. 23	Views of the United States in regard to accomplishment of peace communicated to new government: Recognition of new government; has informed new minister for foreign affairs that new government will be recognized by United States as soon as by people of Peru; J. M. Cantuarias has been sent to United States as envoy of new government.	887
538	Same to same (No. 265)	Mar. 23	Vandalism of Chilians in taking works of art, &c., from Peru: Newspaper article vindicating same inclosed.	888
539	Same to same (No. 266)	Mar. 23	War contribution exacted from Peru by Chili: Steps taken by new government for payment of; time extended by Chili; new government has called upon the people for loan of the money; terms of loan; provisions for its reimbursement; hardly probable that it will be voluntary; likely that it will be forced.	889
540	Same to same (No. 273)	Mar. 31	New government seems unlikely to be accepted by people of Peru.	890
541	Same to same (No. 276)	Apr. 4	Vandalism of the Chilians: Modifies statement contained in his No. 256.	891
542	Same to same (No. 277)	Apr. 4	War contribution: Proposed exaction of, from Americans; denies right of Peru to make such exaction; has advised Americans if they pay at all to pay under protest; new government has thus far lost rather than gained in popular favor; provinces on which it relied for support adhere to Piérola.	891
543	Same to same (No. 278)	Apr. 5	Confederation between belligerents: Advocacy of, by Chilian press of Lima and its motives; impracticability of such confederation.	893
544	Same to same (No. 282)	Apr. 13	Forced loans: Non-liability of Americans in Peru to payment of; instructions to consular agent at Pacasmayo, in the sense of legation's dispatch No. 277, inclosed.	893
545	Same to same (No. 283)	Apr. 13	Calderon's government: Majority of people opposed to; if said government had been formed without the appearance of support of the Chilians it would probably have been accepted; this government favors peace; Piérola is for continuance of war.	895

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546	Mr. Christiancy to Mr. Blaine (No. 285).	Apr. 17	Progress of war: Reasons for supposing that Chili intends to attempt conquest and annexation of the whole of Peru; Piérola is keeping up a show of government in his mountain asylum.	895
547	Same to same (No. 286).....	Apr. 19	Political: Chilian newspaper article on situation in Peru, which strengthens suspicions set forth in his No. 285 regarding acquisitionary designs of Chili, inclosed.	898
548	Same to same.....	May 4	Wretched condition of Peru: Subjugatory designs of Chili; their realization will injuriously affect our trade; Great Britain's control of South American trade; how United States might gain control; recommends annexation of Peru by United States.	899
549	Same to same (No. 292).....	May 5	Miraflores: Breach of armistice at; statement of diplomatic corps inclosed, from which Mr. Christiancy deduces that Chilians are responsible therefor.	905
550	Same to same (No. 295).....	May 8	War contributions: Peruvian authorities at Pascamayo have desisted from levying same on United States citizens.	906
551	Same to same (No. 296).....	May 9	Annexation of Peru to Chili: The latter has declared her intention to annex all the western part of Peru; foreign intervention the only means to prevent it; no power will intervene unless it be the United States.	907
552	Mr. Blaine to Mr. Christiancy (No. 143).	May 9	Calderon government: Authorizes recognition of..	909
553	Same to same (No. 144).....	May 12	Forced loans: Non-liability of Americans in Peru to; his views as reported in his No. 282 approved.	909
554	Mr. Christiancy to Mr. Blaine (No. 301).	May 17	Calderon government: Rumor of recognition of, by United States; asks if it is correct.	909
555	Same to same (No. 302).....	May 17	Calderon government is gaining strength: Probable that Chili does not intend to occupy Peru; if Calderon gets Congress together Mr. Christiancy will recognize his government.	910
556	Same to same (No. 305).....	May 23	Movements of Chilian troops: Information as to Piérola's whereabouts and doings.	911
557	Same to same (No. 310).....	May 27	Recognition of Calderon government: Note to Calderon's minister of foreign affairs, explaining attitude of the United States in regard to the recognition question, inclosed; Piérola's doings.	912
558	Mr. Blaine to Mr. Hurlbut (No. 2).	June 15	Peace question: Instructed to encourage Peruvians to accept reasonable conditions, and to impress upon Chilian authorities in Peru the advantages of liberal treatment of Peru by their government; course which Peru should pursue so as to avoid loss of territory in indemnification of Chili; directed to aid Peru in pursuing this course; United States would assist the execution of any satisfactory plan for satisfying Chili's demands by means of money; No. 2 to legation at Santiago inclosed.	914
559	Mr. Christiancy to Mr. Blaine (No. 319).	June 16	Recognition of Calderon government: Difficulties in the way of, set forth.	915
560	Same to same (No. 320).....	June 21	Calderon government: Recognition of; discussion of question; reasons for withholding recognition; Chili's policy is subjugation; Calderon government not yet a government *de facto*.	917
561	Same to same (No. 322).....	June 28	Recognition, note of, addressed to Calderon's minister of foreign affairs, inclosed: Obedience to instructions and desire to avoid personal criticism caused him to recognize the Calderon government, which is not yet worthy of recognition.	919
562	Same to same (No. 327).....	July 6	Recognition of Calderon government was premature: Additional reasons for thinking so; Mr. Christiancy, however, justifies his act of recognition on the ground that it was in obedience to Department's orders.	920
563	Same to same (No. 330).....	July 12	Political organization of Calderon government: Meeting of Congress; continuation of Mr. Calderon as president until election of a successor; circular announcing same inclosed.	920
564	Mr. Hurlbut to Mr. Blaine (No. 2).	Aug. 10	Political and military situation of Peru: Preparations for peace negotiations between Chili and Peru; policy of Chili; Mr. Hurlbut urges that the United States intervene to prevent disintegration of Peru; letter to United States minister at Santiago, stating situation of affairs and suggesting course which should be pursued, inclosed.	921

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565	Mr. Hurlbut to Mr. Blaine (No. 5).	Aug. 17	Interruption of negotiations: Sudden departure of Chilian negotiator; urges that the United States intervene; such intervention necessary, and would be welcomed by both parties; supposed intention of Chilians to evacuate Lima, and leave it to be plundered by the mob; Pierola is still issuing proclamations.	925
566	Same to same (No. 6).....	Aug. 24	Peace question: Chili becoming more moderate in her demands; fear of the United States the cause; urges that the United States intervene; such intervention necessary to prevent disintegration of Peru, and would be accepted by both belligerents.	925
567	Same to same (No. 8).....	Aug. 27	Memorandum given by him to commander of Chilian forces in Peru, setting forth views of the United States, and its adverseness to disintegration of Peru, inclosed; good effect produced by the memorandum.	926
568	Same to same (No. 11).....	Sept. 13	Reconciliation: Negotiations between Calderon government and Pierola's generals of the north and center for; inhuman decrees of Pierola; correspondence with Pierola's secretary inclosed; Mr. Hurlbut tells him that Pierola's government does not merit recognition, and that Calderon's does; that Chili will recognize any government in Peru that will agree to cede Tarapacá, and that Calderon's government will not so agree; we ought not to permit prolonged occupancy of Peru by Chilian forces.	928
569	Same to same.....	Sept. 14	Political situation: Report of J. W. Quimper on, inclosed, with commendation.	931
570	Same to same (No. 14).....	Sept. 21	Intervention: Specific instruction as to course to be pursued by him, requested; we have precluded European interference, and if we do not interfere ourselves Peru will be obliged to cede Tarapacá; deprecates such cession; possibility of war between Chili and Argentine Republic; intention of Chili to maintain a large army and navy during the coming year.	933
571	Same to same (No. 16).....	Oct. 4	Suppression of Calderon government by military order: Correspondence between Admiral Lynch and Calderon; Peruvian treasury seized by military authorities of Chili; review of establishment and recognition of the Calderon government and the history of the war; evident that the aim of the war on part of Chili was to acquire the nitrate and guano territory of both Bolivia and Peru.	935
572	Same to same (No. 19).....	Oct. 5	Naval and coaling stations at Chimbote: Protocol signed September 20 granting privileges to the United States inclosed; railroad grant obtained for himself from Peru reported on.	938
573	Same to same (No. 20).....	Oct. 13	Political: Arequipa and Puno declare for Calderon; center and north expected to do so; Calderon may move out of Chilian lines; not necessary for Mr. H. to follow; the opportunity is open for the United States to settle the war.	940
574	Same to same (No. 21).....	Oct. 13	Peace conference: Two Chilian commissioners on their way to Lima; they will hold to the old claim of territorial cession, and conference will be useless unless arbitration be urged and accepted; illness of General Kilpatrick.	941
575	Same to same (No. 23).....	Oct. 26	Peace question: Publication and misinterpretation in Chili of the statement of our policy which Mr. Hurlbut gave to Admiral Lynch; vindicates the statement; has succeeded in uniting factions in Peru in support of Calderon; urges early intervention by the United States.	942
576	Mr. Blaine to Mr. Hurlbut (Telegram).	Oct. 31	Calderon government: "Continue to recognize Calderon government until otherwise specially instructed; acknowledge receipt."	945
577	Mr. Hurlbut to Mr. Blaine (No. 24).	Oct. 31	Peace question: All the Peruvian military forces have recognized Calderon; this unification of Peru in face of opposition of European powers is gratifying as being a successful issue of one of the objects of Mr. Hurlbut's mission; condemns action of Chili for suppression of Calderon government; it is motived by declension of Calderon to comply with Chili's demand for cession of territory as a condition precedent to peace negotiations.	945

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		1881.		
578	Mr. Hurlbut to Mr. Blaine (No. 26).	Nov. 9	Political: Arrest of President Calderon and his secretary of state; particulars of; popularity of Calderon government and its unwillingness to cede territory to Chili the main motives; another motive was to rebuke the United States; secret negotiations have been opened by Chili with Pierola; armed occupation until government can be framed which will cede territory is Chili's policy.	947
579	Mr. Blaine to Mr. Hurlbut (No. 19).	Nov. 22	Peace question: Disapproves memorandum addressed by him to Admiral Lynch, and his note to Pierola's secretary, and the convention he concluded for establishment of naval stations at Chimbote, and his telegram to legation at Buenos Ayres requesting that a minister be sent by Argentine Republic to Peru; instructed to recognize Calderon government, or, if none such exist, to remain inactive at Lima until receipt of further instructions; in view of differences between him and his colleague at Santiago a special envoy will be sent to arrange settlement of peace question.	948
580	Mr. Hurlbut to Mr. Blaine (No. 29).	Nov. 23	Indefinite military occupation of Peru the evident purpose of Chili: Injuriousness of such policy to Chilian and American, as well as Peruvian interests; unification of factions in support of Calderon government.	951
581	Mr. Blaine to Mr. Hurlbut (telegram).	Nov. 26	Peace question: "Special envoy leaves Washington for Peru immediately; continue recognition of Calderon government."	953
582	Same to same (No. 21)	Nov. 30	Relieves him of negotiations for settlement of peace question: Informs him as to appointment and powers of Mr. Trescot and Mr. Walker Blaine to conduct such negotiations; he will be expected to aid this special commission.	953
583	Mr. Hurlbut to Mr. Blaine (No. 30).	Nov. 30	Political assumption of executive functions by Vice-President Montero in consequence of arrest of President Calderon, and recognition of Montero by Mr. Hurlbut reported; will take no further action until arrival of special commission.	954
584	Mr. Blaine to Mr. Hurlbut (No. 25).	Dec. 3	Coaling stations: Strongly disapproves protocol concluded by him with Calderon government for cession of such stations to the United States, and rebukes him for concluding it; railway grant; severely reprimands him for obtaining same for himself from Peru; reply to No. 19.	955

CORRESPONDENCE WITH THE LEGATION OF PERU AT WASHINGTON.

		1880.		
585	Señor Calderon to Mr. Evarts.	Nov. 5	Responsibility of the war and its attendant horrors: Circular exonerating Peru from, and charging Chili with, and condemning Chili's methods and motives; proctocols of proceedings of peace conference inclosed.	958
586	Señor Garcia to Mr. Evarts.	Dec. 18	Peace negotiations under auspices of United States: Circular of his government exonerating Peru from, and charging Chili with, blame for failure of, inclosed.	961
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587	Señor Elmore to Mr. Blaine.	May 4	Calderon government: Recognition of, requested; copy of his credentials inclosed; Peru desires intervention of United States for restoration of peace.	963
588	Mr. Blaine to Señor Elmore	Aug. 27	Recognition of Mr. Elmore: Credentials may be presented at a future time; will be informally recognized if he will deliver office copy of his credentials.	966
589	Señor Elmore to Mr. Blaine	Aug. 29	Recognition of Mr. Elmore as minister resident of Peru: Note of 27th ultimo acknowledged; thanks for recognition; copy of his credentials inclosed.	966
590	Mr. Blaine to Señor Elmore.	Aug. 31	Recognition of Mr. Elmore: Copy of credentials received; trust to be able before long to arrange for his presentation to the President; reply to note of 29th instant.	967

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591	Señor Elmore to Mr. Blaine.	Oct. 21	Peace question: Suppression of Calderon government by Chili reported and vehemently denounced; formally applies for intervention of the United States for restoration of peace; without such intervention peace will be impossible; commends course which has been pursued by the United States; newspaper articles inclosed.	968
592	Same to same	Oct. 27	Suppression of Calderon's government attempted by Chili: iniquitous proceedings; Calderon intends to resist; his refusal to cede Tarapacá has caused this attempt on part of Chili; urges intervention of United States; explanatory documents inclosed; armies of the north and south have declared for Calderon.	971
593	Same to same	Nov. 18	Peace question: Resolute intervention of United States necessary for just solution of; will shortly furnish Department with an exposé of the political situation in Peru.	975
594	Same to the President	Nov. 19	Audience of the President requested for the purpose of pleading in behalf of Peru.	976

PORTUGAL.

		1881.		
595	Mr. Moran to Mr. Blaine (No. 380).	July 25	American pork importation: Impressed upon Portugal the necessity of abrogating the decree against, not only on account of its being an injury to the trade of United States, but a deprivation of a good article of food to Italy.	976

ROUMANIA.

		1880.		
596	Mr. Schuyler to Mr. Evarts (No. 10).	Sept. 17	Hereditary and collateral title to the Roumanian throne under the constitution: Question of the successor to the reigning prince, he having no direct issue; Prince Charles Antoine of Hohenzollern to be designated; consent of the Emperor of Germany.	979
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597	Mr. Schuyler to Mr. Blaine (No. 50).	Mar. 26	Kingdom of Roumania: By a unanimous vote of both chambers Roumania proclaimed a kingdom, and Prince Charles has taken the title of King; this step was brought about by the liberals; univeral feeling is that by this act greater stability has been given to the independence and institutions of the country; incloses correspondence relating to.	979
598	Same to same (No. 51)	Mar. 30	Kingdom of Roumania: Note containing official notification of proclamation of, inclosed; Belgium the only power that has recognized the change of title; recognition by other powers will probably soon follow; enthusiasm of the populace continues.	983
599	Same to same (No. 57)	Apr. 7	Kingdom of Roumania: Recognition of new title of the King by England and other powers; congratulations of President of the United States presented; the King expressed thanks for the prompt action of the United States; letter of the King announcing his assumption of the title of King inclosed.	984
600	Same to same (No. 62)	Apr. 20	Aliens' rights in Roumania: Law to expel from the country foreigners who may compromise public order, passed at the suggestion of Austria and Russia on account of the assassination of the Czar; article 6 requires foreign residents within ten days to procure tickets of residence; this is severely criticised.	985

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601	Mr. Schuyler to Mr. Blaine (No. 69).	May 26	Coronation festivities: King's address on the occasion.	987
602	Same to same (No. 86).....	Sept. 22	American pork importation: Decree prohibiting, from United States, England, Turkey, and Russia; its revocation depends on the action of Austria-Hungary; incloses decree; as but little pork is imported directly the question is not vital.	989

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		1880.		
603	Mr. Foster to Mr. Evarts (No. 48).	Oct. 20	Treatment of Jews in Russia: Case of Marx Wilczynski, an American citizen, ordered to leave St. Petersburg because he was a Jew; correspondence relative to, inclosed.	990
604	Mr. Hay to Mr. Foster (No. 35).	Oct. 22	Treatment of Americans of Hebrew faith: In case of Henry Pinko, it is hoped efforts will be pressed to successful establishment of principle of religious toleration for our citizens residing abroad, which United States has a deep interest in maintaining.	993
605	Mr. Foster to Mr. Evarts (No. 51).	Nov. 8	Prosecution of Nihilists: Arraignment of sixteen persons for high treason; offenses which they are charged with, embracing all the principal events of past two years attributed to the Nihilists, culminating in the assassination of Prince Krapotkine and the attempts on the life of the Emperor; incloses substance of the indictment; most of the arraigned are young and of diverse religious beliefs.	993
606	Same to same (No. 56).....	Nov. 18	Prosecution of Nihilists: Two of them executed, and the others sentenced to the mines in Siberia, or to prison, for various terms; no extensive revolutionary organization, but much discontent among the people, due to high prices, depreciation of currency, and fear of famine from failure of crops.	995
607	Same to same (No. 66).....	Dec. 14	Favorable effect in Europe of President's message: Wonder and praise expressed at the prosperous condition of political and financial affairs of the United States; while the governments of Europe are annually increasing their expenses, the United States are yearly reducing their debt at a rate unprecedented in history.	996
608	Same to same (No. 73).....	Dec. 30	Jews: Expulsion of, from chief cities of Russia; cases of Pinko and Wilczynski; Russia declines to abrogate its proscriptive laws against Jews; but will accord to American Jews all privileges accorded to other foreigners if the legation will ask for such in each case; Russia will grant as a favor what United States demand as a right.	996
609	Same to same (No. 74).....	Dec. 31	Jews: Expulsion of, from chief cities of Russia; incloses letter from United States legation at Berlin, that Wilczynski does not wish United States intervention for himself; his complaint is on account of the proscription of his race.	1004
610	Same to same (No. 75).....	Dec. 31	Jews in Russia: History and condition of; laws prohibiting entrance and residence of.	1005
		1881.		
611	Mr. Evarts to Mr. Foster (No. 55).	Mar. 3	Treatment of Americans of Hebrew faith: Cases of Pinko and Wilczynski; United States ask treaty treatment for our citizens, not because they are Jews but because they are Americans; United States cannot regard a religious belief as a military offense to be dealt with under arbitrary methods incident to a "state of siege," which should have no application to Americans peacefully sojourning in Russia, to which they owe no allegiance; urges effort to bring about personal freedom of all Americans that Russians have in United States.	1007
612	Mr. Blaine to Mr. Foster (telegram).	Mar. 13	Assassination of Emperor Alexander: Sorrow and sympathy of the President and people of the United States at the.	1008

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		1881.		
613	Mr. Foster to Mr. Blaine (No. 93).	Mar. 14	Death of the Emperor Alexander II: Two bombs thrown, the second inflicting fatal injuries, of which he died at 3.35 the same day; Alexander has ascended the throne; a copy of his proclamation relative to, inclosed; the assassins arrested.	1008
614	Same to same (No. 94).....	Mar. 15	Death of the Emperor Alexander II: Minister sends note to Minister de Giers expressing sorrow and sympathy of the President and people of the United States for imperial family and people of Russia in their affliction; incloses Mr. Giers's note informing the minister of the thanks of the Emperor for testimonial of sympathy by United States.	1009
615	Mr. Blaine to Mr. Foster (No. 60).	Mar. 17	Assassination of the Emperor Alexander: A copy of the resolutions passed by the Senate of the United States on the death of the Emperor had been furnished his majesty's minister, with an expression of the gratification of the United States Government at the spirit of the resolutions.	1010
616	Mr. Foster to Mr. Blaine (No. 97).	Mar. 18	Death of the Emperor Alexander II: Minister of foreign affairs informed of the resolution of United States Senate on the death of the late Emperor, and which he promised to lay before His Majesty; his note communicating the acknowledgment of the Emperor.	1011
617	Same to same (No. 100).....	Mar. 25	Jews in Russia: In all cases of Jewish Americans appeal has been made that the treaty secures freedom to Americans sojourning in Russia, irrespective of religious belief.	1012
618	Same to same (No. 101).....	Mar. 28	Death of the Emperor Alexander II: Funeral services of, attended by the special representatives of all the crowned heads and governments of Europe. By an ukase of the Emperor his elder brother the Grand Duke Vladimir has been designated as regent in case of his death before the Czarewitch or the Emperor's second son shall have attained their majority.	1013
619	Mr. Blaine to Mr. Foster (No. 67.)	Apl. 13	Death of Emperor Alexander: The sentiments of respect and gratitude toward the late Emperor felt by government and people of United States for the course pursued by him towards United States when its national life was imperiled by civil strife; those who upheld the Union and those who were arrayed against it, join in equal gratitude to one who aided in saving all our people from the danger of foreign intervention.	1014
620	Mr. Hoffman to Mr. Blaine (No. 113)	May 5	Reform measures: One party led by the Grand Duke Vladimir in favor of repression and coercion, the other under the leadership of General Melikoff in favor of further concessions to the people, and introduction of a partial representative government; the latter has been partially successful, and likely to continue so; measures for the relief of the enfranchised serfs; late Emperor's plan for raising them to status of land proprietors; the requirement that all measures must have the assent of a majority of the ministers.	1015
621	Mr. Foster to Mr. Blaine (No. 118.)	May 21	Persia, its relations with the United States: The ambassador extraordinary of, expressed regret that the United States does not maintain official relations with; thinks that a minister or chargé d'affaires could be maintained at no great expense.	1016
622	Same to same (No. 120)	May 23	Reform measures: Political affairs in state of excitement owing to the autocratic character of the government; resignation of General Melikoff; General Ignatief his successor; he is unfriendly to foreign influence; doubt as to policy that will be pursued, owing to the censorship of the press and the privacy attending the deliberations of the council of ministers; prospect of good crops the most promising sign of relief.	1017
623	Same to same (No. 121)	May 24	Jews in Russia: Persecution of; anti-Jewish riots in southern Russia; causes thereof; expulsion of a British subject; debate on it in Parliament.	1019

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624	Mr. Foster to Mr. Blaine, (No. 135.)	July 14	Foreign Jews in Russia: Sketch of laws relative to; statement of the case of Lewis Swissholn, a Russian Jew naturalized in England, who, visiting St. Petersburgh, was compelled by Russian authorities to leave Russia; the laws practically exclude Jewish citizens of the United States from Russia.	1022
625	Same to same (No. 136)	July 14	Jews in Russia: Difficulty in sending full text of laws and stipulations relative to residence of, in; terms more favorable to American Jews than to other foreigners.	1026
626	Same to same (No. 139)	July 19	Interoceanic canal across the isthmus: No proposition looking to a joint guarantee of the neutrality of the, had been submitted to the Russian Government, and that it had no knowledge of, and would not take the initiative in such a project.	1027
627	Mr. Foster to Mr. Blaine (No. 141).	July 23	Naturalized citizens of the United States, of Russian origin: Delay and difficulty in cases of; the Russian Government discourages emigration, by the difficulties it puts in the way of passports, and the law prohibiting its subjects from becoming citizens of a foreign power; in the absence of a treaty of naturalization, legal emigration cannot take place in Russia; cites cases before the legation.	1028
628	Mr. Blaine to Mr. Foster (No. 87).	July 29	Jews in Russia: Prohibition of residence of, in certain cities justified, because Russian law permits no native Jew to reside there; there were no lawful restrictions of Jews as to residence when treaty of 1832 was made; from 1784 to 1860 no trace of any restrictions to Jewish travel and residence; inadmissable that a domestic law restraining native Hebrews from residence in certain parts of Russia could operate to hinder an American; United States cannot accept any construction discriminating against any class of American citizens on account of their religious faith.	1038
629	Mr. Hoffman to Mr. Blaine (No. 150).	Aug. 29	Jews in Russia: Right of American Jews based on treaty of 1832, subject to submission to laws governing native Jews.	1036
630	Same to same (No. 162).....	Oct. 8	Jews in Russia: American Jews subject to the same laws as native Jews; commission appointed to examine the whole Jewish question.	1037

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631	Mr. Blaine to Mr. Bartholomei.	Mar. 15	Death of Emperor Alexander II: Senate resolution relative to.	1038
632	The Czar to the President ..	Mar. 16	Death of Alexander II: Announcement of, and ascent to the throne of Alexander III.	1038
633	Mr. De Giers to Mr. Bartholomei.	Mar. 16	Russia, policy under Alexander III: Circular relative to, by Russian foreign office.	1039
634	Mr. Bartholomei to Mr. Blaine.	Mar. 17	Death of Alexander II: Thanks of Alexander III for sympathy of United States Senate.	1040
635	The Czar to the President ..	Mar. 18	Death of Alexander II: Thanks for sympathy of President and Senate of United States.	1040

SPAIN.

		1880.		
636	Mr. Reed to Mr. Evarts (No. 39).	Oct. 23	Religious toleration in Morocco: A note addressed to Morocco, and the answer of the Sultan to the memorandum addressed to him by diplomatic conference relative to religious liberty in his empire; while not very explicit, it seems to assure toleration.	1041

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1880.		
637	Mr. Evarts to Mr. Fairchild (No. 80).	Nov. 12	American Jews in Morocco: Religious rights to be protected; consul at Tangier to aid the American Board of Religious Rights of, and report to American legation in Spain.	1043
638	Same to same (telegram)....	Dec. 2	Interference by Spanish cruisers with American vessels: Department's chagrin that complaints in regard to, have produced no result; United States anxious to know when answer may be expected.	1044
639	Mr. Fairchild to Mr. Evarts (No. 86).	Dec. 2	Jews in Morocco: Acknowledges receipt of copy of Mr. Sanger's letter to Mr. Evarts relating to treatment of; says that he will be of service to Jews who may apply to him; it cannot be expected to find more enlightened liberality in Morocco than is found in educated Europe.	1044
640	Same to same (No. 87).....	Dec. 4	Seizure and detention of American vessels: Minister informed of the disappointment of the United States at receiving no answer to its complaints of; Spanish government had ordered the Cuban authorities to make a thorough investigation in the matter; that as soon as it was concluded the United States would be at once informed.	1044
641	Same to same (No. 91).....	Dec. 16	Seizure and detention of American vessels: Investigation respecting, is about concluded; will show that the searches took place in Spanish waters, and in accordance with maritime and international law; the facts as foreshadowed in the investigation are essentially different from those laid before the United States.	1045
642	Same to same (No. 97).....	Dec. 29	Seizure and detention of American vessels: Thanks of Spain for prompt assurance given the Spanish minister of the falseness of the construction put upon words of the President's message regarding the late firing upon American vessels by Spanish gunboats in Cuban waters.	1047
		1881.		
643	Same to same (No. 106).....	Jan. 17	The Jews in Morocco: Outrageous treatment of, by officials; failure of the Sultan to keep his promise makes it almost impossible to procure punishment of the guilty officials; the collective note relative to, addressed to the Sultan by diplomatic representatives.	1047
644	Same to same (No. 108).....	Jan. 29	Seizure and detention of American vessels: Result of the investigation of the facts as to, by Spanish gunboats near Cuba; all of the material statements made by those on board of the American vessels are flatly contradicted.	1049
645	Mr. Evarts to Mr. Fairchild (No. 111).	Mar. 3	Firing on American vessels by Spanish gunboats: Contradiction between note of minister of state and masters of the vessels as to the position of the vessels; department awaits further reports as to; United States insists on a clear understanding as to the three-mile jurisdictional limit relative to the right of search.	1051
646	Mr. Reed to Mr. Blaine (No. 61).	Apr. 7	Seizure and detention of American vessels: Note to minister of state, and his reply, in which he confines himself to the question of jurisdictional limits in time of peace, established for the prevention of smuggling, inasmuch as peace had been restored in Cuba at the time the Ethel A. Merritt and other vessels were detained; the limit being six miles from the coast.	1053
647	Mr. Fairchild to Mr. Blaine (No. 140).	Apr. 20	The Jews in Morocco: Condition and treatment of, as ascertained by his visit to Tangier; no better than it was before the writing of the letter of the Sultan to the Madrid conference; they are subjected to humiliation and violence almost daily because of their religious belief; the Sultan would do better but for fear of his Mahomedan subjects.	1054
648	Mr. Blaine to Mr. Fairchild (No. 142).	June 13	Condition of Jews of Morocco: Approves of the minister's action and observations as to condition of Jews in Morocco.	1056
649	Mr. Fairchild to Mr. Blaine (No. 164).	June 20	Jews in Russia and Germany: Persecution of; minister of state authorized the Spanish minister at Constantinople to offer the Jews in Russia and Germany shelter and protection in Spain, with assurance of religious toleration.	1056

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
650	Mr. Blaine to Mr. Fairchild (No. 148).	June 25	Boundary dispute between Costa Rica and Colombia: If the King of Spain has been tendered the position of arbitrator in, Spanish Government to be informed that the United States, under its treaty of 1846, guaranteed the neutrality of Isthmus of Panama, and that where its rights or interests are affected it will not hold itself bound by decision of any arbitrator in whose selection it was not consulted.	1057
651	Same to same (No. 154).	July 8	Offer of protection by Spain to persons of Jewish race in Germany and Russia: The appreciation felt by people of United States at the intelligence of this act of noble hospitality.	1059
652	Mr. Fairchild to Mr. Blaine (No. 176).	July 16	American pork importation: Note to minister of state relative to prohibition of; note of minister of interior; the decree of prohibition revoked by decree of July 10, and American pork is now admitted in Spain upon like liberal terms as in Belgium.	1059
653	Same to same (No. 178).....	July 22	Interoceanic canal across the Isthmus of Panama: Joint guarantee of its neutrality by great European powers; this was the first Spain had heard of such a proposition, and in case any be received it should give the views of United States most careful consideration; Spain informed that similar instructions had been sent to all our representatives in Europe.	1061
654	Same to same (No. 179).....	July 22	Boundary question between Costa Rica and State of Panama: The King had not been invited to act as arbitrator; Spain informed that as United States had the right, under article 35 of treaty of 1846, to be consulted, it was proper that Spain should be advised of views of United States in case of selection of an arbiter.	1062
655	Mr. Reed to Mr. Blaine (No. 80).	Aug. 20	Boundary dispute between Costa Rica and Colombia: Spanish Government has no information of offer to the King of position of arbitrator between Costa Rica and Colombia.	1063
656	Mr. Blaine to Mr. Fairchild (No. 195).	Nov. 2	Consular tariff of Spain: Onerous character of, tantamount to an export duty by Spain on shipments from United States.	1064
657	Same to same (No. 197).....	Nov. 15	Consular tariff of Spain: Onerous charges on American vessels; letter of Nutler, Kimball & Co. relative to inclosed.	1065
658	Mr. Fairchild to Mr. Blaine (No. 219).	Nov. 19	Isthmian canal: Proposed guaranty of the neutrality of, by European powers; Spanish Government has been made acquainted with the views of the United States, but is not now ready to answer as to that subject.	1066
659	Same to same (No. 223).....	Nov. 23	Boundary dispute between Costa Rica and Colombia: Costa Rica has ceased to move in the matter of arbitration of, on being informed of the position of United States as expressed to Spanish Government; King of Spain not likely to be pressed to act as arbitrator at present.	1067

SWEDEN AND NORWAY.

		1880.		
660	Mr Stevens to Mr. Evarts (No. 93).	Dec. 22	Mormon emigration to United States: The steps taken by Swedish authorities to prevent the proselyting for the Mormon Church in Utah; gives account of the expulsion of two Mormon priests from Stockholm.	1067
		1881.		
661	Same to same (No. 100).....	Feb. 16	Estates in Sweden claimed by Americans: Course to be pursued by claimants; there is no estate there belonging to Springer heirs in America.	1068
662	Mr. Blaine to Mr. Stevens (No. 98).	Mar. 19	Statutes of limitation as to decedents' estates: Receipt of information relative to estate of Christopher Springer, deceased; directed to ascertain what is the statute of limitation in Sweden and Norway within which titles to estates must be quieted.	1070

SWEDEN AND NORWAY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
663	Hr. Stevens to Mr. Blaine (No. 106).	Apr. 30	American pork importation: Injurious effect in Sweden of the French decree prohibiting; to counteract it, consuls to publish in the papers the dispatches on that subject from the Department.	1070
664	Same to same (No. 107).....	May 7	Statute of limitations in Sweden and Norway affecting real estate: Memoranda relative to.	1071
665	Same to same (No. 113).....	Sept. 23	Interoceanic canal: Government informed of United States protest against joint guaranty of, by European powers.	1073

SWITZERLAND.

		1880.		
666	Mr. Fish to Mr. Evarts (No. 319).	Dec. 9	Emigration to the United States: Probable amendment to section 4 of article 10 of emigration bill by which agents will be forbidden to forward "persons to whom the laws of the country to which they emigrate forbid the entry."	1074
667	Same to same (No. 322).....	Dec. 15	Assisted emigration to America: Report of the committee of the council of States on the emigration agencies bill; disposition of Switzerland to utilize America as an outlet for its population through means of assisted emigration of objectionable persons can only be checked by means adopted by Congress.	1076
		1881.		
668	Same to same (No. 326).....	Jan. 10	Assisted emigration to America: The commune of Gersau has offered a subsidy to assist its citizens to emigrate.	1106
669	Same to same (No. 328).....	Jan. 10	Assisted emigration to America: Copies of the law concerning the operation of emigration agencies; this legislation is all that can be expected from Switzerland to prevent abuses in. To prevent those of immigration United State should legislate to that end.	1107
670	Same to same (No. 330).....	Jan. 15	Assisted emigration to America: Paupers sent as emigrants to United States by the communes of Zurich and Argovie. Every emigration agency at Basle seems to have been connected with forwarding unfit emigrants to America.	1108
671	Same to same (No. 332).....	Jan. 24	Assisted emigration to America: Correction of the statement that Heinrich Ruegger was "shoved off" to America by the commune; that he was assisted from motives of compassion.	1109
672	Same to same (No. 333).....	Jan. 24	Assisted emigration to America: Letter from authorities of Gersau, and a copy of the ordinance passed at a town meeting, August 20, 1880, referred to in dispatch No. 326.	1111
673	Same to same (No. 335).....	Jan. 26	Assisted emigration to America: The correspondence with the consulate at Zurich relative to the, of Heinrich Ruegger to United States; a case of, by which Ohio has acquired a pauper; recommends that the man be sent back at the expense of Switzerland.	1113
674	Mr. Evarts to Mr. Fish (No. 188).	Feb. 3	Pauper deportation from Switzerland: Department approves minister's action in case of Heinrich R. Rudolfingen. This subject will be brought to the attention of Congress.	1116
675	Mr. Fish to Mr. Evarts (No. 343).	Feb. 16	Assisted emigration to America: Incloses a list of assisted emigrants from the commune of Gersau to United States, from August 22 to December 31, 1880. The claim that they are able-bodied is not borne out by this list; danger of trusting to foreign officials the determination of "able-bodied young men."	1117
676	Same to same (No. 353).....	Feb. 25	American pork importation: The French decree of prohibition of, caused an inquiry in the Federal Council whether similar action ought to be taken by Switzerland; on vote it was decided that some other method of protecting the public interests be adopted.	1118

SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
677	Mr. Fish to Mr. Blaine (No. 366).	Mar. 15	Death of the Emperor of Russia: Conveyed to Russian envoy an expression of sympathy at; copies of the correspondence inclosed.	1119
678	Same to same (No. 371)	Mar. 20	Assisted emigration to America; Incloses an extract from the "Bund" respecting the action of commune of Böttstein in sending to United States an imbecile girl.	1120
679	Same to same (No. 372)	Mar. 23	Assisted emigration to America: Correspondence respecting the shipment to the United States by the commune of Böttstein of two notorious prostitutes; their return at the expense of the commune would tend to stop this practice; suggests the employment of detectives.	1120
680	Same to same (No. 373)	Mar. 23	Assisted emigration to America: A return of the prostitutes referred to in No. 372 requested on the ground of their immoral character and destitute condition; this would have a beneficial effect on emigration from Switzerland.	1122
681	Same to same (No. 375)	Mar. 25	Assisted emigration to America: Referring to 371, 372, and 373, incloses correspondence relating to the case of prostitutes shipped from commune of Böttstein.	1123
682	Same to same (No. 376)	Mar. 26	Assisted emigration to America: Papers showing that the two women shipped by the commune of Böttstein were of the lowest order of prostitutes, and that the commune paid their passage.	1125
683	Same to same (No. 379)	Mar. 28	The grade of United States mission to Switzerland: Its usefulness would be enhanced by raising to same grade as that of the representatives of other countries at Switzerland.	1126
684	Same to same (No. 383).....	Mar. 31	Assisted emigration to America: Immediate return of the two prostitutes shipped by the commune of Böttstein requested; protest to the cantonal governments of Basle and Argovie against the shipment of the prostitutes.	1128
685	Same to same (No. 384).....	Apr. 4	Assisted emigration to America: Steps taken to induce the canton of Argovie to telegraph to New York for the return of the prostitutes by the "Servia;" the President of the confederation says that he has no power to cause the cantons or communes to act in the case.	1131
686	Mr. Blaine to Mr. Fish (No. 205).	Apr. 7	Pauper deportation from Switzerland: Approves minister's action in case of imbecile young woman sent to America by commune of Böttstein.	1132
687	Mr. Fish to Mr. Blaine (No. 386).	Apr. 8	Assisted emigration to America: The return of the two prostitutes; Switzerland informed of; Swiss press very generally condemn the action of the communes.	1132
688	Same to same (No. 387).....	Apr. 9	Assisted emigration to America: The "Journal de Genève" justifies the action of the commune of Böttstein in sending prostitutes; the United States regarded as the reformatory of Europe.	1133
689	Same to same (No. 391).....	Apr. 16	Assisted emigration to America: Correspondence respecting the shipment of prostitutes from Böttstein to the United States. The canton of Argovie say that the commune alone is responsible; the Basle Ville disavows responsibility because the contract was made outside of its jurisdiction.	1135
690	Same to same (No. 392).....	Apr. 18	Assisted emigration to America: Newspapers devoted to that question offering special inducements to emigrants; copy of advertisement inclosed.	1141
691	Same to same (No. 395).....	Apr. 18	Emigration agencies: The law concerning, to go in force April 12; suggests that the Swiss law and artiicle 3 of the treaty be brought to the notice of governors of New York and other States interested in the subject.	1143
692	Same to same (No. 397).....	Apr. 25	Assisted emigration to America: Benedict Eberhard, a beggar and a criminal, seeking to emigrate to United States from canton of Berne; incloses copy of the petition he was circulating to raise money for that purpose, authenticated by the federal chancery, also certificate of the police at Berne of his record as a criminal.	1143
693	Same to same (No. 398).....	Apr. 28	Assisted emigration to America: Approves the action of Consul Mason in interfering to prevent the emigration of Camastra, an inebriate and ex-convict, from the commune of Mazein.	1147

SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
694	Mr. Fish to Mr. Blaine (No. 400).	Apr. 29	Pauper deportation: Application of burghers of Neuveville for exemption from inspection at New York of an emigrant family; refused.	1152
695	Same to same (No. 401).....	Apr. 30	Emigration without a fixed destination: A motion in national council to provide means to prevent the same; copy of the text of the motion inclosed.	1155
696	Same to same (No. 403).....	May 8	Assisted emigration to America: The case of Friedrich Kienast, a "notorious vagrant," sent by Riesbach canton to United States, sent because he did not work; incloses correspondence relative to.	1156
697	Same to same (No. 409).....	May 13	Deportation of criminals to America: The purpose of the commune of Schwaderloch to send to the United States an inmate of the penitentiary. President Diaz and the communal authorities requested not to send this ex-convict to United States; correspondence relative thereto inclosed.	1157
698	Mr. Blaine to Mr. Fish (No. 213).	May 26	Pauper deportation from Switzerland: Minister's course in cases reported in 397, 400, and 403, approved.	1159
699	Mr. Fish to Mr. Blaine (No. 418).	July 14	Deportation of criminals to America: Correspondence relative to; question of the right of the Swiss Government to send inmates of their prisons to the United States is discussed; council argues that such persons are not criminals, that their condemnation to compulsory labor has only a reformatory object.	1160
700	Same to same (No. 420).....	July 15	American pork importation: Circular by the Swiss Government relative to prohibition of; the federal council finds no ground for prohibition of a product which has very rarely produced injurious effects; Department report sent to the federal council, with a note expressing satisfaction at the judicious manner in which Swiss Government treated the subject.	1163
701	Same to same (No. 421).....	July 15	Emigration without specific destination: Proceedings of the federal council in relation to federal interference in emigration matters; extract from, inclosed; call by council for reports from Swiss consuls.	1166
702	Same to same (No. 430).....	July 29	Pauper deportation to America: Incloses further correspondence relative to proposed emigration of pauper family from the bourgeoisie of Neuveville.	1166
703	Same to same (No. 437).....	Aug. 5	Celebration of four hundredth anniversary of the entry of Fribourg and Soleure into the confederation; attended by the diplomatic corps and federal council; speech of the President on right of asylum in Switzerland, "the sacred asylum for the representatives of the vanquished cause despite of complaints from the North;" honors paid United States.	1167
704	Mr. Cramer to Mr. Blaine (No. 9).	Sept. 8	Assisted emigration to United States: Emigration of a pauper family from canton of St. Galle; propriety of a Congressional appropriation to procure evidence of the illegal practices of the authorities in assisting this vicious class to emigrate.	1168
705	Mr. Hunter to Mr. Cramer (No. 7).	Oct. 6	Pauper deportation from Switzerland: Minister's suggestion of Congressional action to remedy this evil approved; legation to use vigilance to prevent all such objectionable shipments.	1170
706	Mr. Cramer to Mr. Blaine (No. 18).	Oct. 18	Rank of the mission to Switzerland: Reasons why it should be raised to the grade of an envoy extraordinary and minister plenipotentiary; desire of Swiss Government to establish a diplomatic mission at Washington of the same rank.	1171
707	Mr. Blaine to Mr. Cramer (No. 16).	Dec. 3	Deportation of criminals from Switzerland: Benjamin Dunkel, a criminal, sent to America by commune of Bottmingen; this practice as being in violation of treaty and comity relations between the two governments.	1172

TURKEY.

No.	From and to whom.	Date.	Subject.	Page.
		1880.		
708	Mr. Heap to Mr. Evarts (No. 32).	Oct. 16	Murder of Dr. Parsons: Case will go to the court of revision and then will be submitted to the Sultan; the belief is that the Sultan will avail himself of the pretext of the youth of the convict to avoid sending him to the gallows.	1173
709	Same to same (No. 36).....	Nov. 8	Murder of Dr. Parsons: Has signed joint note to the Sultan urging the execution of the sentence against the murderer of Colonel Kummeran; note inclosed.	1174
710	Same to same (No. 41).....	Dec. 1	The Dulcigno question: Settlement of, by surrender of the village of, to Montenegro; the Porte has come out of this difficulty with increase of prestige.	1175
		1881.		
711	Mr. Heap to Mr. Blaine (No. 4).	May 4	Taxation of real estate held by foreigners: Complaint of American citizens against the proposed action of the Ottoman Government relative to; in some cases the tax amounts to the market-value of the property; the valuations make a discrimination in favor of the Turkish property-holders.	1176
712	Same to same (No. 6).....	May 5	Robbery of Mr. J. E. Pierce and party by brigands: Incloses Mr. Pierce's letter, giving details; also of note of legation to minister of foreign affairs asking for redress of this outrage and the adoption of measures by the Ottoman Government to make life more secure in that country; murderer of Dr. Parsons still awaits execution.	1178
713	Same to same (No. 7).....	May 6	American pork: Prohibition of the importation of, by Turkish Government on account of its being infected with trichinæ; complaint by the legation of the action as being too hasty, and inquiring what disposition of those shipments of pork en route to Turkish ports.	1179
714	Same to same (No. 10).....	May 11	Robbery of Mr. Pierce: Arrest and imprisonment of the offenders ordered; the execution of assassin of Dr. Parsons still delayed on account of indisposition of the Sultan to consent to the execution of a Mahometan.	1180
715	Same to same (No. 12).....	May 14	Robbery of Rev. Mr. Barum near Sivas, Armenia, and Consular Agent Montgomery, of Marash, Syria; note to minister of foreign affairs complaining of these outrages, and charging their frequency to the indisposition of the government to execute sentence on murderer of Dr. Parsons.	1181
716	Mr. Heap to Mr. Blaine (No. 13).	May 17	Robbery of Mr. Pierce: Arrest of parties suspected.	1182
717	Mr. Blaine to Mr. Heap (No. 32).	May 27	Taxation of property of Americans for government loan: Approves determination to act in concert with the representatives of the other powers at Constantinople on this subject.	1183
718	Same to same (No. 33)	May 27	American pork importation: Prohibition of by Turkish Government is an unwarranted discrimination against American industry which Turkey should hasten to correct; no foundation for the report of the prevalence of disease in.	1183
719	Mr. Heap to Mr. Blaine (No. 22).	June 25	Robbery of Mr. Pierce: The robbers have been arrested and will be speedily tried; the parties who robbed Mr. Montgomery have also been taken and the articles stolen have been restored.	1184
720	Mr. Blaine to Mr. Wallace (No. 3).	June 29	Insecurity of life and property in Turkey: Frequent robberies and murders of foreigners; the indisposition of Turkish Government to punish the offenders; delay in execution of murderers of Colonel Kummeran and Rev. Mr. Parsons; firmly demand the immediate execution of the murderers of Dr. Parsons, and the punishment of the robbers of American citizens.	1184
721	Mr. Heap to Mr. Blaine (No. 34).	July 16	American pork importation: Thinks it inadvisable to call attention of Turkish Government to the subject as the order of prohibition remains in abeyance since the protest of the legation against its operation.	1186
722	Mr. Blaine to Mr. Wallace (No. 8).	Aug. 8	Brigandage in Turkey: Letter from the American Board of Commissioners for Foreign Missions relating to insecurity of life and property of American missionaries in that empire.	1187

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
723	Mr. Heap to Mr. Blaine (No. 41).	Aug. 10	American pork importation: Minister of foreign affairs says that the prohibition of, cannot be removed.	1188
724	Mr. Wallace to Mr. Blaine (No. 9).	Sept. 19	Murder of Dr. Parsons: Delay in execution of his murderer; has asked minister of foreign affairs if the sentence has been carried out; if not, if the prisoner is still in confinement; will demand immediate execution.	1188
725	Mr. Wallace to Mr. Blaine (No. 22).	Oct. 26	Murder of Rev. Justin W. Parsons: Note to minister of foreign affairs urging the execution of Dr. Parsons' murderer; robbery of Mr. Pierce has been disposed of by conviction and sentence of imprisonment at hard labor for five years.	1189

VENEZUELA.

CORRESPONDENCE RESPECTING THE FOREIGN DEBT OF VENEZUELA.

		1880.		
726	Mr. Baker to Mr. Evarts (No. 287).	Nov. 3	Claim of foreign governments against Venezuela: Proposal that United States intervene, and receive and distribute installments that Venezuela will pay; embarrassment of Venezuela at demands of Great Britain and France; discussion with foreign office of basis of proposed intervention; papers relative inclosed.	1191
		1881.		
727	Señor Comancho to Mr. Evarts.	Feb. 7	Debt of Venezuela: Submits draft of a convention making United States legation at Caracas agency for payment to be made to, for all creditor nations.	1198
728	Mr. Evarts to Señor Comancho.	Feb. 28	Debt of Venezuela: Conditions upon which United States might accept position as agent for payment of creditor nations of what Venezuela will pay stated; views of the other nations should be first obtained; United States will not act as mediator or fidejussor.	1199
729	Señor Comancho to Mr. Evarts.	Mar. 1	Debt of Venezuela: Proposition that United States act as agent for payment of, will be reported to his government; it is not expected that United States, in acting as such agent, will assume the responsibilities of a fidejussor.	1200
730	Señor Comancho to Mr. Blaine.	Mar. 22	Debt of Venezuela: Reasons why United States should act as agent for payment of; Venezuela is paying all she can; declaration of France that if her demands for an increase of the present pro rata of payment be refused she will resort to other means.	1201
731	Mr. Baker to Mr. Blaine (No. 361).	Mar. 23	Claim of foreign governments against Venezuela: Desire of Venezuela for good offices of United States relative to; new proposition calculated to prevent immediate rupture with France; correspondence inclosed.	1202
732	Same to same (No. 363)	Mar. 30	Debt of Venezuela: Proposition by Venezuela of a new mode of paying; hopes that, under the circumstances, United States will do all it can to relieve Venezuela.	1204
733	Mr. Baker to Mr. Blaine (No. 370).	April 6	France and Venezuela: Rupture of diplomatic relations of; proposition by Venezuela to pay 13 per cent. of the 40 unities on its debt, on condition that United States acts as receiver and distributor of the fund; United States should act promptly to harmonize Venezuela and France.	1206
734	Señor Comancho to Mr. Blaine.	April 18	Debt of Venezuela: Convention for payment of diplomatic creditors will probably be concluded soon; France has withdrawn her diplomatic representative at Caracas on refusal of Venezuela to yield to demand for increase of payment.	1207
735	Mr. Baker to Mr. Blaine (No. 378).	April 20	France and Venezuela: Embarrassed relations of; correspondence relative inclosed; in the impoverished condition of Venezuela the creditor government ought not to exact more than the product of 13 per cent. of the 40 unities.	1209
736	Mr. Blaine to Mr. Noyes (telegram).	May 5	Debt of Venezuela: United States, while willing to act as the receiver and distributor of the monthly payments of the debt, is unwilling to guarantee any portion of it; ask France to delay on account of her own debt pending this proposition.	1211

VENEZUELA—Continued.

CORRESPONDENCE RESPECTING THE FOREIGN DEBT OF VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1881.		
737	Mr. Noyes to Mr. Blaine (No. 467).	May 16	France and Venezuela: Financial difficulty between; France accepts the offer of kindly office of United States in; complains that Venezuela has disregarded her obligations; France entitled to priorty in payment of her claim; will suspend pressure of her claim temporarily.	1212
738	Mr. Blaine to Mr. Baker (No. 129).	June 13	France and Venezuela difficulty: Prospect of a satisfactory settlement of through negotiations in Washington render special instructions unnecessary.	1213
739	Señor Seijas to Señor Comancho.	June 27	France and Venezuela difficulty: France to blockade ports and take possession of custom-houses of Venezuela; hopes the kindly offices of United States will be used at Paris to prevent this.	1213
740	Señor Comancho to Mr. Blaine.	June 30	France and Venezuela difficulty: Asks if France has replied to offer of good offices of United States in.	1214
741	Mr. Baker to Mr. Blaine (No. 431).	July 13	France and Venezuela, difficulty between: Correspondence relating to; important that the mediation of the United States should be successful; proposed conference of delegates from Venezuela, France, and Great Britain to settle claims of the two last-named governments upon Venezuela, but it was refused by France.	1215
742	Mr. Blaine to Mr. Noyes (No. 402).	July 23	France and Venezuela difficulty: Rumor that France will take possession of harbors of Venezuela because of default of payment by Venezuela; France's claim of priority of payment is untenable; United States ought to place an agent at Caracas, to receive and disburse the fund, with authority in case of default to take charge of the customs at certain ports.	1216
743	Señor Comancho to Mr. Blaine.	Aug. 1	France and Venezuela difficulty: Blockade threatened by France; offers of friendly intervention by United States rejected by France; pressure by Great Britain for adjustment of her claim with that of France by conference; an explicit promise from United States to prevent violent action on the part of France.	1218
744	Mr. Blaine to Señor Comancho.	Aug. 3	France and Venezuela: Complications between, on account of non-payment of France's claim; United States minister at Paris has been instructed to suggest a convention among the creditor nations for adjustment of.	1219
745	Senor Comancho to Mr. Blaine.	Aug. 13	Debt of Venezuela: Plan of trusteeship of, by United States; omission of the provision that the default of payment should be three months to authorize agent to receive payments directly from custom-houses; still fears the purposes of France.	1219
746	Same to same	Aug. 23	Debt of Venezuela: Trusteeship of, by United States; Venezuela willing to abide by any adjustment of, that United States may make; is willing to turn over to United States all its custom-houses to that end.	1221
747	Mr. Morton to Mr. Blaine (No. 15).	Aug. 23	Debt of Venezuela: Plan of trusteeship of, by United States submitted to France; favorably received, but not answered yet; France unwilling to place her claim on the same footing as the others.	1223
748	Mr. Blaine to Señor Comancho.	Aug. 25	Debt of Venezuela: Plan of trusteeship of; the three-months-default condition was stipulated in instruction to United States minister to France.	1224
749	Same to same	Aug. 26	Debt of Venezuela: Plan of adjustment of, suggested to France by United States; satisfaction that it accords with the views of Venezuela.	1224
750	Mr. Morton to Mr. Blaine (No. 37).	Sept. 17	Debt of Venezuela: Proposition for adjustment of, made by United States to France; copy of reply to, of French Government; claim of priority based upon convention of 1864.	1225
751	Mr. Blaine to Mr. Morton (No. 74.)	Dec. 16	Debt of Venezuela to France: Controverting the assumption that France is entitled to preference over other creditors of Venezuela; the fact she obtained an earlier settlement of her claims does not bar the equality of the claims of other nations; to persist upon its claim of preference under agreement of 1864 would be in derogation of rights held by United States in common with France; Mr. Gambetta's attention to be called to United States' views.	1226

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 1.

Mr. Osborn to Mr. Evarts.

No. 308.] LEGATION OF THE UNITED STATES,
Buenos Ayres, November 29, 1880. (Received January 6, 1881.)

SIR: I have the honor to inclose herewith a copy of my note of date October 22d ultimo, addressed to the minister of foreign affairs, under instructions contained in your dispatch numbered 131, with a copy of the minister's reply, marked A and B, respectively.

I also inclose a copy of the comments, in reference to the notes exchanged, of the La Republica, official organ, as translated and published in the Buenos Herald of the 14th instant.

I have, &c.,

THOS. O. OSBORN.

[Inclosure A in No. 308.]

Mr. Osborn to Señor Bernardo Iregoyen.

LEGATION OF THE UNITED STATES,
Buenos Ayres, October 22, 1880.

MR. MINISTER: The intelligence of the cessation of hostilities between the Government of the Argentine Republic and the Province of Buenos Ayres having been received at the Department of State, United States of America, I am requested by the honorable Secretary of State to express to your excellency the extreme gratification of the Government of the United States at the receipt of that intelligence.

I am also directed to say to your excellency that it had not been doubted by the Government of the United States that the administration and the people of the Argentine Republic and the authorities of the Province of Buenos Ayres would shortly reach the termination of those misunderstandings, which had brought about a situation of affairs in the territories of the republic so much to be deprecated, not only by its own citizens, but by the people of all other countries interested in the prosperity of the Argentine Republic.

I am further instructed to express to your excellency that from the result of the internal dissensions which threatened the stability of a sister republic, His Excellency the President of the United States is glad to conclude that the principle of national life, as opposed to the spirit of disintegration, will continue to animate its people, and to request your excellency to convey the sincere congratulations of his excellency upon the fortunate issue of the contentions to His Excellency the President of the Argentine Republic.

I embrace this opportunity, &c.

THOS. O. OSBORN.

His excellency Dr. Don BERNARDO IREGOYEN,
Minister of Foreign Affairs

[Inclosure B in No. 308.]

Señor Bernardo Iregoyen to Mr. Osborn.

MINISTRY OF FOREIGN RELATIONS OF THE ARGENTINE REPUBLIC,
Buenos Ayres, November 6, 1880.

MR. MINISTER: I have the honor to receive the note of your excellency, under date of October 22d past, and is my agreeable duty to signify to your excellency the great estimation in which His Excellency the President of the Republic holds and accepts the felicitations which the excellent Government of the United States has taken occasion to transmit on the re-establishment of the peace of the nation.

The sentiments of the government represented by your excellency, condemnatory of all secession spirit, are inspired by feelings of reciprocal sympathy, natural to two friendly governments, and by the harmony of the institutions of both countries, under the auspices of which a peace stable and permanent, will be established here.

It is in this normal and prosperous state, and under the sway of a moderate policy, that the President has the satisfacti on of receiving the very estimable felicitations of the government represented by your excellency.

Will you, Mr. Minister, please to transmit to His Excellency the President of the United States the sincere good wishes of the Argentine Government for the prosperity of that great nation, at the same time you will please accept the assurance of my most distinguished consideration.

BERNARDO IREGOYEN.

His excellency General THOMAS O. OSBORN,
Minister of the United States.

[Inclosure C, in No. 308. Buenos Ayres Herald, November 14, 1880.]

UNITED STATES MINISTER OSBORN AND THE ARGENTINE PRESS.

General Osborn's letter congratulating the Argentine Government in the name of that of the United States has called forth some comment from the local press, of which we deem it worth while to translate the most remarkable paragraphs. Our colleague, La Republica, remarks as follows:

"It has been said that distance is equivalent to posterity. To judge an event from a distance, through space, is the same as to judge it after a lapse of time. The expression of an opinion on our affairs that comes from a far country, will be the same as that which will be formed here when time shall have calmed the excitement of momentary passion. The occasion of these lines is an event that is as grave as it is important to our foreign relations.

"The President of the United States, through his minister, has just congratulated the Argentine Government on the re-establishment of peace, that has established the full power of the nation, against the elements of separation and localism. The applause could not come invested with greater authority. It comes from the people whose institutions we have copied, and which we have frankly adopted as our model, on our journey through space and through time. It comes from the great nation that has had to bear similar contests and to go through similar experiences in order to establish forever the principle of its existence, one and indivisible. * * * Hence the note of the United States minister has been read with interest and with gratitude. The approbation of the United States Government that has thus been made public is without any doubt a moral force, because it is the greatest authority that can be invoked in support of the righteousness of a solution and of the patriotism and legitimacy of the motives that sought and arrived at it through so many difficulties. * * * We will say one word more. The United States minister might have fulfilled the friendly and well intentioned charge of his government in a visit to the President or to the minister of foreign affairs, but he has preferred to adopt the form of a 'note,' so as to make the fact more patent and that it might the more properly be made public. It is thus that the United States minister follows up the series of good offices that he has never grudged towards this country and our government since he came here to represent his own. The Argentine Government has not gone through one day of trial without having the United States Minister at its side. When the President and Congress removed to Belgrano, Mr. Osborn believed it to be his duty to surround the legitimate government of the nation with acts of deference and sympathy. His conduct in this sense is well known. * * * We have a biographical sketch of General Osborn, which we will translate and publish as a tribute of respect to the diplomatic minister that shows himself so good a friend to this nation and its government."

No. 2.

Mr. Osborn to Mr. Evarts.

No. 313.] LEGATION OF THE UNITED STATES,
Buenos Ayres, January 13, 1881. (Received March 8.)

SIR: The Government of the United States of Colombia having addressed a note to this government informing it that a compact had been entered into between that government and Chili to submit all questions in dispute between them to arbitration, and at the same time invited the Argentine Government to join the other republics of South America by representation in a congress to meet in Colombia for the purpose of effecting similar compacts between the governments so represented, Dr. Iregoyen, Argentine minister of foreign affairs, in behalf of his government replied, under date of December 30th ultimo, a copy of which I have the honor to inclose herewith.

I have the honor, &c.,

THOS. O. OSBORN.

Señor Bernado Irigoyen to Señor Santa Maria.

[Buenos Ayres Herald, Jan. 13, 1881.]

MINISTRY OF FOREIGN AFFAIRS,
Buenos Ayres, December 30, 1880.

MONSIEUR LE MINISTRE: The undersigned, minister and secretary of state in the department of foreign affairs, has the honor of receiving and making known to His Excellency the President of the Republic the note which, under date of the 11th October, his excellency the minister of foreign affairs of Colombia has been pleased to address to him, and he hereby does himself the pleasure of replying thereto.

The Argentine Government has experienced great satisfaction in view of the work effected between the United States of Colombia and the Republic of Chili, and it duly esteems the courtesy by which it is invited to adhere to the principles of arbitration embodied in the said convention. All stipulations tending to preserve the peace or consolidate the union existing among the states of this continent will always meet with the sincere sympathy of this republic, which, ever since the dawning of independence, has consecrated American fraternity among the rules of her international policy. Arbitration is certainly one of the noble aspirations of the present, and the Argentine Government can display the assent it granted long since to that formula which wisely consults the interests of justice together with all the generous demands of humanity. It had an opportunity of stipulating it with the Chilian Government in 1856, in order to settle the limits questions which then existed, and which might arise thereafter. In 1874 it declared its readiness, in documents which have been made public, that "it was willing, either through treaties or without them, to settle all international questions by arbitration," and, in accordance with this statement, it admitted the principle in 1876 to settle its controversy with Paraguay, after a long war, undertaken in deference to its honor and safety, and in which its arms, and those of its allies, obtained a complete mastery over the pretensions of that nation. It would have been an easy thing for this republic to have reincorporated the territories in dispute definitely, and once for all, under the protection of the internal perturbations and of the indulgent policy adopted after the emancipation. But neither the facilities that intervened to consolidate the revindication, nor the knowledge the Argentine Government had of its perfect right, was sufficient to weaken the moderation that prevailed throughout in its dealings with its friendly states, and the undersigned may call to mind with true pride the fact that his government presented the lofty example of submitting to the decision of an impartial power its dominion over territories to which it considered itself with a perfect right, and which it regained at the cost of dearly bought victories.

"Peace is certainly one of the most special necessities in Spanish America," and it depends to-day on the foresight of the governments. Happily the day has gone by in which political combinations on this continent had for their principal object the preserving of their independence against foreign aggressions and machinations. Europe

no longer harbors any thoughts of conquest or of chimerical vindications. Such thoughts have been abandoned in view of the insuperable action of the people; and if the continental congress suggested by Colombia is ever carried into effect, it will not be, probably, to sanction the essentially defensive programme which was prescribed by Bolivar. The alarms and doubts which awakened that patriotic idea in the mind of the liberator have vanished in the logical development of the nations. The demands of colonization, the great interests of commerce which make themselves felt on every hand, the facilities for communication and traffic that stand out among the advances of the age, and the liberality with which America makes those who were born in other parts of the world partakers of her wealth, are the beneficent influences by which the antagonistic feelings of both worlds are suppressed. But the efforts of these countries to insure order and to strengthen the genuine practice of republican institutions would surely be fruitless were armed conflicts, such as those alluded to by his excellency the minister of foreign affairs, to be easily brought about, and were it made possible to invest them with desolating circumstances such as are reprobated by humanity. It is, therefore, a noble thing to endeavor to prevent the dangers and the discredit by which they are followed, and the undersigned is charged to inform your excellency, Monsieur le Ministre, that in so laudable an undertaking Colombia may depend upon the cooperation of the Argentine nation, which, since its beginning, has ever been identified with the fortunes and vicissitudes of South America.

Notwithstanding this, however, the invitation which the undersigned has had the honor to receive, suggests a few observations of general interest, which he will endeavor to present in the frank spirit that must prevail in the mutual relations between nations which are happily connected with each other in any way. The Argentine Government recognizes in arbitration all the importance attributed to it by that of Columbia, but it does not think that the propounding of that principle is of itself sufficient to insure the bringing into being of the purposes expressed in the note to which this is the reply. In corroboration of this remark the undersigned may point out, with sorrow, the events at present in progress on the coast of the Pacific, the fires of which consume such a multitude of the elements of order and of a common prosperity.

Bolivia and Chili solemnly stipulated arbitration, and in spite of their compact, which had been suggested by prudence and was backed by fraternity, there were submitted to arms differences, the origin of which did not, by any means, affect the honor of either nation. Neither the calamities of a war, the end of which has become the hope of humanity, nor the good offices tendered by European and American governments, nor the interposition of an impartial power that is respected the world over, have succeeded in inclining the belligerents toward the arbitration agreed to in their compact, and the war which goes on with the destructions of those nations demonstrate the fact that the principle incorporated in the recent convention of Colombia is not a sufficient guarantee for the maintenance of peace.

It is, therefore, necessary that it be accompanied by others which are not less important; and if the congress of plenipotentiaries which the Government of Colombia desires is to be called, it must have power to sanction all the statements and resolutions which are likely to aid the insuring of continental harmony. The old Spanish colonies having been made into free and sovereign nations, they proclaimed as a base of their public right, the independence of each one themselves and the integrity of territory they occupied, or of that one which a few of them established themselves with the common consent of governments and peoples. These principles were the indissoluble bases of American integrity. They were born of an identity of interests and of hopes. They were strengthened by the efforts of an epoch of sacrifices and of virtues, and since 1824 they have had an influence in the diplomatic claims of the independent republics. They must be inscribed upon the first page of the projected conference, because they have the assent of the people, and they must be regarded as heirlooms of our emancipation. It is necessary to establish clearly the unauthorized nature of all attempts at violent annexation or of conquests, such as might raise permanent obstacles in the way of future stability. Segregations obtained by the force of arms have been in Europe the occasion of deeply rooted rivalries and resentments, and they would be in America a senseless aggression against the fraternity of nations which are united by nature and by history. "Violent annexation," said Lord Russell, in 1859, to the English ambassador to Paris, "may not be palliated by the causes which are usually alleged, for if might and not right were the determining power in the possession of territory the integrity and independence of all secondary states would be in continual danger." It is also necessary to guard against seditious segregation, which, though never experienced by this republic, has been attempted elsewhere, at the instigation of turbulent ambition some government.

Some governments have provided in their compacts stipulations to cover such eventualities, and among the tutelar dictrines of general order that is received which forbids arbitrary separations on the grounds that all acts of that nature require the consent of the state in which they are effected. The division of Colombia into three

different republics was sanctioned by the will of that nation. The provinces of Potosí, Chuquisaca, Cochahamba, and La Paz, belonging to this republic, went in 1825 to form a part of the new state of Bolivia. According to an act of the Argentine Congress, the rich alienations which the Estado Oriental and Paraguay formed were authorized by the national will. The Argentine Government believes that this principle must be maintained by explicit resolutions. It was maintained by the United States of North America in its memorable struggle against the seditious theories of nullification, and it remembers in favor of Colombia the sympathetic declaration made by the liberator, to the effect that "the separation of any people or province without the consent of the political association to which it belongs, to be of the nature of anarchy." The Argentine Government is of the opinion, moreover, that it would be well clearly to establish in the international resolutions to be adopted, the fact that there does not exist in Spanish America any territory which may be regarded as *res millus*, and that all it contains, however deserted or far off they may be, belong to the old Spanish provinces, which were invested after 1810 with the rank of free and sovereign states.

On reaching this point, the undersigned must make a few brief remarks on the subject of the lands which remain uninhabited, for in the event of the admission of any different pretensions, founded upon that fact, the tranquillity sought by Colombia would exist no longer. The American republics, being the owners of the broad lands embraced by the colonial demarkations, and the system of colonization having been recently begun by them as a means of rapidly increasing their population and fertilizing the deserts, they cannot admit that the circumstance of there being large tracts of uninhabited land is a reason why their right of possession should be called in question.

If lack of population were to be admitted as a reason for making away with the property of others; if the possibility of occupying places that are at present unoccupied might be urged as a legitimate reason for taking possession of them, disquiet would reign in the councils of the nations that have been designed by Providence to develop in the midst of confidence and universal cordiality. His Excellency the President does not accept any vacillations in this regard, and he believes that the efforts and aspirations of every government should unite to raise the truth of history and justice as the sole origin of territorial dominion in this part of the world. The Argentine Government believes it to be an easy matter to prevent, through prudent and timely stipulations, the possibility of claims for damages or other pecuniary indemnities being converted into motives for the setting aside of arbitration, and it believes that any resolutions tending to insure the impossibility of hostilities ever breaking out among the states of South America without due notice for conciliation would be received with joy by every one. The first of these suggestions is conformable with the liberal mind of these nations, and the second will permit the governments to encourage the advancement of the states over which they preside, without investing what they need for their peaceable development in elements of precaution or of defense. It is not impossible that notwithstanding the assent of the governments to the principle of arbitration, and that they may grant to the ideas held forth in this note, there may arise questions that shall break, as has been done on the Pacific, the good understanding between two or more nations, and it belongs to the conciliating programme recommended by Colombia to fix rules for the mitigation of the consequences of such a calamity.

If America unites for the purpose of hindering armed conflicts, it is natural that she should endeavor, in the event of any taking place in spite of the common effort against them, to insure that they be not marked by that devastation which accompanied the wars of olden times. The undersigned might dwell upon the patriotic purposes expressed in the note of invitation to which he replies, but that he deems it prudent to limit his observations more directly to what may contribute to consolidate general tranquillity, leaving it to the governments to touch upon further considerations which are surely worthy of being brought before the international congress.

The undersigned does not claim to have presented any new ideas to the consideration of the Government of Colombia, and he has no hesitation in saying that some of those brought forward already have been accepted by the nations, whilst the others are commenced by the vote of the men who excelled in the great events of the revolution.

His excellency Señor Santa Maria will argue from the foregoing that the Argentine Government does not consider the sole stipulation of arbitration as an efficacious means of eliminating international discords. That in its opinion we might only arrive at such a result by incorporating with American public law the principles that are here recorded, and others of a like nature, that banishing fruitless differences may be now and in the future the surest guarantees of peace.

His Excellency the President of the Republic has charged the undersigned to submit to the Government of Colombia the above remarks, returning thanks for its courteous invitation, and to express the hope that they may be accepted, with the assurance that the necessary means will be adopted for the republic to be represented at a con-

ference having more far-reaching objects than those proposed. His excellency considers that this one, being limited to the subscription of the convention recently celebrated at Bogotá, would be to respond but feebly to the elevated views of Colombia, and would leave unprovided for many requirements and aspirations that are worthy of attention. His Excellency the President has also charged the undersigned not to end this communication without renewing his assurances that the Argentine Government, ever faithful to its antecedents, will contribute, by all the means in its power, to prevent those hapless wars that destroy the links of a glorious union.

The undersigned avails himself of this opportunity to assure his excellency the minister of foreign affairs of his highest and most distinguished consideration.

BERNARDO DE IRIGOYEN.

His excellency the minister of foreign affairs of the United States of Colombia, Don EUSTAQUIO SANTA MARIA.

No. 3.

Mr. Blaine to Mr. Osborn.

No. 144.] DEPARTMENT OF STATE,
Washington, June 13, 1881.

SIR: I have read with deep interest the report you made to this Department in your No. 317, of the 4th of April last, touching the efforts of yourself and your colleague at Santiago de Chili to lessen the strain which exists between the Argentine Republic and Chili in the matter of the Patagonian boundary dispute, and to bring about the peaceful and final arbitrament of the question.

I need not, at this late day, in view of the consistent attitude of the United States in favor of international arbitration as a means of averting unfriendliness, or the deplorable horrors of warfare between nations, express the gladness with which this government would do any and every thing in its power to aid in so fortunate a disposition of this long pending and dangerous issue. I am sure that the readiness of the United States to lend its good offices in this direction, on any honorable and practical basis, is already appreciated on both sides. You should, however, lose no fitting opportunity of impressing this benevolent disposition on the mind of the Government of the Argentine Republic. In doing so you should take especial care to create the trusting conviction on its part that the United States, whether as counseling peaceful arbitration or in the possible resort of being chosen as arbitrator, would approach the question with absolute impartiality, having no bias toward either phase of the contention, and no desire for aught save the ascertainment of the right and the manifestation of justice. You should also let it be distinctly seen that we do not seek the position of arbitrator, but if the offer were made, our duty to our sister republics of the distant South would forbid our declining it.

A similar instruction is this day written to Mr. Thomas A. Osborn at Santiago.

I am, &c.,

JAMES G. BLAINE.

No. 4.

Mr. Osborn to Mr. Blaine.

No. 324.] LEGATION OF THE UNITED STATES,
Buenos Ayres, July 1, 1881. (Received August 19.)

SIR: Referring to my dispatch, No. 317, in relation to my correspondence with my colleague, Mr. Thomas A. Osborn, our minister to

Chili, with reference to the settlement of the boundary question between Chili and the Argentine Republic, I have the honor to state that my letter to Mr. Osborn, under date of January 4, in reply to his of November 15, 1880, up to date of April 10, 1881, remained unanswered and unacknowledged, and fearing that my letter might have miscarried, on that date, April 10, 1881, I directed to him a copy of the same, accompanied by the following note:

BUENOS AYRES, *April* 10.

MY DEAR GOVERNOR: On the 4th of January last I addressed you a letter in reply to yours of November 15, 1880, in relation to the question of limits between Chili and the Argentine Republic. I also addressed you a note on the 5th instant, which will be handed you by a Mr. Hansen, if he succeeds in getting across the mountains.

In that note I suggested that as this government has no legation at Santiago, and Chili none here, and as the two governments have no direct official communication with each other, we might, by our good offices, bring them to a good understanding and effect a peaceful settlement of the question.

I am inclined to think that this government would be willing to give me—privately—a line which it would accept, without war or arbitration, as the boundary line between the two countries, if Chili will consent to give you a line on the same conditions, and if there be any difference between them, then this government would be willing that we should take the matter of difference up, and at least make the attempt to bring about a settlement of the long-pending question.

Of course, I have no authority to make this suggestion, still I am satisfied the arrangement can be made if Chili will consent. I am also satisfied that if they will submit the differences to us we can keep them from war, into which they will drift sooner or later, by settling the matter with little or no delay.

Please give me your views on the matter suggested, at your earliest convenience.

I am, governor, yours, &c.,

THOS. O. OSBORN.

To this note, in answer, I received telegram No. 1, a copy of which, with others, for your information, I have the honor herewith to inclose.*

On the reception of the telegram, I had an interview with the minister of foreign affairs, Dr. Irigoyen, and submitted to him the same, with the contents of my personal note to Mr. Osborn, on which the telegram was based.

The minister at once thanked me for my good office, and informed me that as soon as possible he would furnish me with a memorandum as to the line his government would accept, the contents of which is incorporated in telegram No. 2, and at the same time tendered me the free use of the national telegraph wire to Chili.

In accepting the wire, I assured the minister that I would take no step that would commit him or his government, or send any dispatch without consultation with him or without his approval, and at the same time informed him that at the conclusion of the negotiations, if it be failure or success, I should lay before my government all that I had done in the matter, and it would become a matter of record, and doubtless my colleague would do the same.

To this the minister readily assented, expressing his willingness to proceed, and said that he and his government were animated with the spirit of peace, did not want war, and were willing to use all honorable means to terminate the long pending question.

In the many, I might say, almost daily interviews with Minister Irigoyen, during the discussion, I always found him kind and courteous, clear and clever, master of the subject in all respects, and especially in relation to dates and documents in the long past, and always full of the determination to put an end, if possible, to the vexed ques-

* Inclosures omitted from the publication on account of their great length.

tion which has so often threatened the peace between the two republics.

The whole correspondence or negotiations were carried on by wire, and about the 1st of June a basis of settlement was substantially arrived at, and June 3 and June 6, respectively, the ministers of foreign affairs for Chili and the Argentine Republic made it official.

The boundary line adopted is a definite one, and nothing is left for arbitration, or to disturb the friendly relations of the two countries.

The boundary is from north to south, up to parallel 52° latitude, the cordillera of the Andes. The frontier line will run in that direction along the highest peaks of said cordillera as may divide the waters, and will pass between the springs that course down either side.

In the southern part of the continent, and to the north of the straits, the boundary will be a line starting from Point Dungeness, will be continued overland up to Mount Dinero, thence will proceed westward, following the highest elevation of the chain of hills, until reaching Mount Aymond.

From this point the line will be continued to the intersection of meridian 70° with parallel 52° latitude, and thence westward, coinciding with this last parallel, to the watershed of the Andes.

The territory to the north of this line, Argentine; to the south, Chilian.

In Tierra del Fuego a line will be drawn, starting from the point called Cape Espiritu Santo, latitude 52° 40′, continuing towards the south, coinciding with the western meridian of Greenwich 68° 24′, until it should strike Beagle Channel.

On the east side of this line will be Argentine, and the west side Chilian.

The islands of Los Estados, the remaining small islands there may be in the immediate vicinity thereto on the Atlantic, to the east of Tierra del Fuego, and eastern coast of Patagonia will belong to the Argentine Republic, and all the islands to the south of Beagle Channel up to Cape Horn, and such as there may be to the west of Tierra del Fuego, will belong to Chili.

The waters of the straits are neutralized forever and its free navigation insured to the flags of all nations, and it will be forbidden to raise on either of its coasts fortifications or military establishments.

After the settlement of the starting point on the straits—Point Dungeness—we met with the greatest obstacle in wording the fifth basis or article of the six bases.

The whole matter as to what was being done, or had been done, by way of settling the question, had been kept secret until one of the morning papers issued a bulletin, giving a dispatch from Chili, saying that the question was settled forever, which caused much excitement and rejoicing.

The arrangement appears to be acceptable to the press, the people, and all parties. Gold dropped, on receipt of the news, almost ten per cent., and is now only at a premium of about two per cent.

It is now understood that the treaty will be drawn up here, wired to Chili, and repeated back by wire, and that the Chilian consul here will be appointed minister plenipotentiary, for the time, to sign it with the minister of foreign affairs, Dr. Irigoyen, and it is proposed to submit it to the congresses of both republics on the same day, if possible, for approval.

I have, &c.,

THOS. O. OSBORN.

No. 5.

Mr. Osborn to Mr. Blaine.

No. 329.] LEGATION OF THE UNITED STATES,
Buenos Ayres, July 23, 1881. (Received Sept. 5.)

SIR: The treaty of limits between the Argentine Republic and Chili was signed this, 3, p. m. by Dr. Irigoyen, minister of foreign affairs, and Mr. Echevarria, Chilian consul-general, who was constituted minister plenipotentiary *ad hoc* by telegraphic dispatch from his government.

Same delay was caused by failing to come to an agreement on the part of Chili in reference to the wording of basis or article fifth.

On the 20th instant I received a note from the minister of foreign affairs informing me that Mr. Echevarria had been instructed by his government to confirm arrangement arrived at, a copy of which, with a copy of my reply, I have the honor to inclose herewith.

The arrangement arrived at appears to be acceptable, at least no opposition, either by party or press, has as yet made its appearance.

I have the honor, &c.,

THOS. O. OSBORN.

[Inclosure 1 in No. 329.]

Mr. Irigoyen to Mr. Osborn.

Private.] FOREIGN OFFICE, *July* 20, 1881.

MY ESTEEMED MR. MINISTER: I have the honor to communicate to you that the Chilian Government has sent, by telegraph, powers to Mr. Echevarria, its consul-general, for the signing of the arrangement which we have arrived at through the co-operation of you and your honorable colleague in Chili.

Accept, &c.,

BERNARDO DE IRIGOYEN.

[Inclosure 2 in No. 329.]

Mr. Osborn to Mr. Irigoyen.

LEGATION OF THE UNITED STATES,
Buenos Ayres, July 20, 1881.

MY DISTINGUISHED AND ESTEEMED MR. MINISTER: I have the honor to acknowledge receipt, at this moment, of the information which you were pleased to send me, by note of this date, that the Government of Chili had sent, by telegram, powers to Mr. Echevarria, consul-general, with instructions to confirm the arrangement arrived at in relation to the limits question between the two republics, and I embrace this the first moment to congratulate you, my esteemed Mr. Minister, that by your steady and untiring efforts, the vexed and long pending question is, in my opinion, at this moment, substantially brought to a happy, peaceful, and lasting termination, and I beg to assure you that if the good offices to which you have referred, which were cheerfully given by my colleague at Santiago and myself, have been of any assistance in accompanying you and your colleague, the Chilian minister of foreign affairs, in the journey to the end of this delicate question, we shall find our reward in the approval of our government, which expects of its representatives to shrink from no effort, labor, or proper responsibility in the interest of peace and the service of justice.

Please accept, &c.,

THOS. O. OSBORN.

No. 6.

Mr. Blaine to Mr. Osborn.

No. 147.] DEPARTMENT OF STATE,
Washington, August 25, 1881.

SIR: I have to acknowledge the receipt of your No. 324, in which you communicate the exceedingly welcome information that the question of boundary lines between the Argentine Republic and Chili has, at length, been peacefully settled. This government is the more gratified to learn that a result so significant and brilliant has been brought about by negotiations carried on, with the consent of both governments, between our legations at Buenos Ayres and Santiago.

The Department cannot delay to congratulate the two governments on the momentous agreement of which you furnish the interesting details in your above-named dispatch.

Commending the judgment and discretion exercised in the conduct of the negotiations and observing that the substance of your dispatch has been communicated to the press,

I am, &c.,

JAMES G. BLAINE.

No. 7.

Mr. Hitt to Mr. Osborn.

No. 150.] DEPARTMENT OF STATE,
Washington, September 10, 1881.

SIR: I have to acknowledge the receipt of your No. 329, and to observe that the approval of this government, which (as appears by your note of July 20, last, to the Argentine minister of foreign affairs) you then anticipated would be given in respect of the efforts of yourself and of our minister at Santiago, in the settlement of the question of limits between the Argentine Republic and Chili, has already been accorded in a previous instruction.

I am, &c.,

ROBERT R. HITT,
Acting Secretary.

No. 8.

Mr. Osborn to Mr. Blaine.

No. 338.] LEGATION OF THE UNITED STATES,
Buenos Ayres, October 27, 1881. (Received November 28.)

SIR: I have the honor to inclose herewith an official translation of an authenticated copy of the treaty, of which ratifications were exchanged at Santiago by Chili and the Argentine Republic on the 22d instant, with a printed copy of the note of the minister of foreign affairs, addressed to this legation, under date of the 26th instant, in reference to the same.

In consequence of the failure (caused by the snow and the state of the roads) of the Argentine courier to reach Santiago with the document on time, the ratifications were exchanged by wire at 10 p. m. on the 22d instant.

The treaty, which might be called the Wire Treaty, meets with approval and gives general satisfaction to all parties and to the whole Argentine press.

I have, &c.,

THOS. O. OSBORN.

[Inclosure 1 in No. 338.]

THE CHILIAN TREATY.

Mr. Irigoyen to Mr. Osborn.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Buenos Ayres, October 26, 1881.

SIR: I have the honor to inform your excellency that I am directed by the President of the Republic to forward you the annexed copy of the boundary treaty with Chili, signed on July 23 of this year.

The negotiations which have brought about the settlement were opened by the interposition of the worthy representatives of the Government of the United States accredited to this republic and to Chili. They were carried on in a spirit of moderation, and your excellency and your honorable colleague used every effort to smooth away difficulties and misunderstandings, and it is in part owing to this impartial interposition, born of the noble desire to re-establish the old good-will between two sister countries, that the settlement which renews and consolidates their traditional ties has been accomplished.

The Argentine and Chilian plenipotentiaries, on signing the boundary treaty, mentioned, in the protocol and the name of their respective governments, the high appreciation in which the latter held your excellency's noble endeavors and those of your colleague.

Public opinion has been spontaneous in similar manifestations, and I am directed by the President of the Republic to thank your excellency for the friendly offices that you have interposed in representation of the elevated policy of your country and of its enlightened government, and to congratulate you on the fact of your name being connected with an international act that guarantees cordiality and peace to two nations.

For my part, I shall ever remember with lively satisfaction this period of the official relations that it affords me so marked a pleasure to maintain with your excellency, and I beg to tender you my sincerest wishes for your happiness, and to renew to you the distinguished consideration with which I have the honor of remaining

Your excellency's obedient servant,

BERNARDO DE IRIGOYEN.

His Excellency General T. O. OSBORN, United States Minister Resident.

BOUNDARY BETWEEN THE ARGENTINE REPUBLIC AND CHILI.

In the name of Almighty God.

As the Governments of the Argentine Republic and of the Republic of Chili are desirous to settle in a friendly and becoming manner the existing dispute between the two countries as to boundaries, and in fulfillment of the thirty-ninth article of the treaty of April, 1856, they have resolved to draw up a boundary treaty, and to this end have appointed their plenipotentiaries, viz:

His Excellency the President of the Argentine Republic, Don Bernardo de Irigoyen, secretary for foreign affairs; His Excellency the President of the Republic of Chili, Don Francisco de B. Echeverria, the consul general for said republic;

Who, after exhibiting their full powers and found them in due form for the purpose, have agreed on the following articles:

ARTICLE 1. The boundary between the Argentine Republic and Chili is, from north to south, up to parallel 52° latitude the Cordillera of the Andes. The frontier line is to run in that direction over such of the highest peaks of said cordillera as may divide the waters, and is to cross the springs that start from both sides. Any difficulties that should arise on account of there being certain valleys that are formed by the bifurcation of the cordillera and wherein the divisional line of waters may not be clear, will be amicably settled by two experts, one to be named by each party. Should these experts not come to any understanding, a third one appointed by both governments, will be called upon to decide said difficulties. A record will be drawn up of the operations the experts may make, in duplicate copy, signed by both experts, as regards the points they may have agreed upon, and, besides, by the third expert as to the points he may settle. This record will carry full weight with it, once signed by them, and will be held to be good and valid without any necessity of other formalities or steps. A copy of the proceedings will be sent to each of the two governments.

ART. 2. In the southern part of the continent and to the north of the straits the boundary between the two countries will be a line, which, starting from Point Dungeness, will be continued overland up to Mount Dinero; thence it will proceed westwards, following the highest elevations of the chain of hillocks that exist there, until reaching Mount Aymont.

From this point the line will be continued up to the intersection of meridian 7 with parallel 52° latitude, and thence westward, coinciding with this last parallel to the watershed of the Andes.

The territories to the north of said line will belong to the Argentine Republic, and those to the south will belong to Chili, without this affecting what Article 3 determines as regards Tierra del Fuego and the adjacent islands.

ART. 3. In Tierra del Fuego a line will be drawn, which, starting from the point called Espiritu Santo, latitude 52° 40′, will continue southwards, coinciding with the western meridian of Greenwich 68° 34′, until it shall strike Beagle Channel. Tierra del Fuego, divided in this manner, will be Chilian on the western and Argentine on the eastern side.

As regards the islands, the islands of Los Estados, the remaining small islands there may be in the immediate neighborhood thereof on the Atlantic to the east of Tierra del Fuego and eastern coast of Patagonia, will belong to the Argentine Republic; and all the islands to the south of Beagle Channel up to Cape Horn and such as there may be to the west of Tierra del Fuego will belong to Chili.

ART. 4. The same experts referred to in article 1 will determine on the ground itself the lines indicated in the two preceding articles, and will proceed in the same manner as that determined on therein.

ART. 5. The Straits of Magellan are neutralized, and free navigation thereon insured to the flags of all nations. With a view to guaranteeing this freedom and neutrality, no fortifications nor military defenses will be raised that may clash with that object.

ART. 6. The governments of the Argentine Repbulic and of Chili will exert full dominion ever after over the territories that respectively belong to them by virtue of the present agreement. Any question that should unfortunately arise between the two countries, whether it be in connection with this compromise or owing to any other cause, will be submitted to the decision of some friendly power, the boundary line, whatever the issue, such as is fixed by the present arrangement to be the unalterable one between the two republics.

ART. 7. The ratifications of this treaty will be exchanged within 70 days, or before, if possible, and the exchange will take place in the city of Buenos Ayres or in Santiago, Chili.

In witness whereof the plenipotentiaries of the Argentine Republic and of the Chilian Republic sealed, with their respective seals, and signed in duplicate the present treaty in the city of Buenos Ayres on the 23d of July, in the year of our Lord, 1881.

[L. S.] BERNARDO DE IRIGOYEN.
[L. S.] FRANCISCO DE B. ECHEVERRIA.

[Inclosure 2 in No. 338.]

Mr. Osborn to Mr. Irigoyen.

LEGATION OF THE UNITED STATES,
Buenos Ayres, October 26.

Mr. MINISTER: I have the honor to acknowledge the receipt at this moment of a copy of the boundary treaty, signed by the two Republics on the 23d of July of the present year, accompanied by a note from your excellency of the present date.

Permit me to thank your excellency for presenting this legation the first authenticated copy at the disposal of your excellency, and, at the same time, I beg you will excuse a reply to your excellency's so personal and complimentary note.

Had my colleague at Santiago and I done less than tender our good offices when peace and the good-will of two sister republics were involved, we should have failed to represent that interest which our government has and will always have in the peace and prosperity of her sister republics of South America. I am glad to know that the treaty is an accomplished fact, and in the name of my government I congratulate your excellency, His Excellency the President, and the two republics, and desire to assure your excellency that if our government, by friendly intervention through its representatives, contributed in the least to the happy conclusion of negotiations, it, with its representatives, will find their reward in the hope and desire that the treaty which at this hour links the two republics in the bonds of peace and friendship may be as durable as the wire which was so faithful in the good work, and as lasting as the two republics. And may they live forever.

I cannot conclude this note nor take my leave of your excellency, or of His Excellency the President, in this very important matter in which others besides the two republics and their peoples were deeply interested, without referring to the days and nights of your patriotic labors and anxious thoughts for one whole year in order to preserve the boon of peace to your noble country, and which has connected you and his excellency your chief, the President, with glory.

I have no fitting words with which to express to your excellency my appreciation of the invariable kindness with which your excellency and His Excellency the President received me into your confidence and counsels, and be assured that I shall ever look with pride upon the fact that my name has been connected with the crowning work of your life and the glory of President Roca's administration.

Your excellency will please to accept my sincere wishes that you may be long preserved to your country and enjoy the renown which you have so successfully achieved.

I remain, Mr. Minister, &c.,

THOMAS O. OSBORN.

His Excellency Dr. DON BERNARDO DE IRIGOYEN,
Minister for Foreign Affairs.

No. 9.

Mr. Blaine to Mr. Osborn.

No. 156.] DEPARTMENT OF STATE,
Washington, November 29, 1881.

SIR: The attitude of the United States with respect to the question of general peace on the American continent is well known through its persistent efforts for years past to avert the evils of warfare, or, these efforts failing, to bring positive conflicts to an end through pacific counsels or the advocacy of impartial arbitration.

This attitude has been consistently maintained, and always with such fairness as to leave no room for imputing to our government any motive except the humane and disinterested one of saving the kindred states of the American continent from the burdens of war. The position of the United States as the leading power of the New World might well give to its government a claim to authoritative utterance for the purpose of quieting discord among its neighbors, with all of whom the most friendly relations exist. Nevertheless, the good offices of this government are not and have not at any time been tendered with a show of dictation or compulsion, but only as exhibiting the solicitous good-will of a common friend.

For some years past a growing disposition has been manifested by certain states of Central and South America to refer disputes affecting grave questions of international relationship and boundaries to arbitration rather than to the sword. It has been on several such occasions a

source of profound satisfaction to the Government of the United States to see that this country is in a large measure looked to by all the American powers as their friend and mediator. The just and impartial counsel of the President in such cases has never been withheld, and his efforts have been rewarded by the prevention of sanguinary strife or angry contentions between peoples whom we regard as brethren.

The existence of this growing tendency convinces the President that the time is ripe for a proposal that shall enlist the good-will and active co-operation of all the states of the western hemisphere, both north and south, in the interest of humanity and for the common weal of nations. He conceives that none of the governments of America can be less alive than our own to the dangers and horrors of a state of war, and especially of war between kinsmen. He is sure that none of the chiefs of governments on the continent can be less sensitive than he is to the sacred duty of making every endeavor to do away with the chances of fratricidal strife. And he looks with hopeful confidence to such active assistance from them as will serve to show the broadness of our common humanity and the strength of the ties which bind us all together as a great and harmonious system of American commonwealths.

Impressed by these views, the President extends to all the independent countries of North and South America an earnest invitation to participate in a general congress to be held in the city of Washington on the 24th day of November, 1882, for the purpose of considering and discussing the methods of preventing war between the nations of America. He desires that the attention of the congress shall be strictly confined to this one great object; that its sole aim shall be to seek a way of permanently averting the horrors of cruel and bloody combat between countries, oftenest of one blood and speech, or the even worse calamity of internal commotion and civil strife; that it shall regard the burdensome and far-reaching consequences of such struggles, the legacies of exhausted finances, of oppressive debt, of onerous taxation, of ruined cities, of paralyzed industries, of devastated fields, of ruthless conscription, of the slaughter of men, of the grief of the widow and the orphan, of embittered resentments, that long survive those who provoked them and heavily afflict the innocent generations that come after.

The President is especially desirous to have it understood that, in putting forth this invitation, the United States does not assume the position of counseling, or attempting, through the voice of the congress, to counsel any determinate solution of existing questions which may now divide any of the countries of America. Such questions cannot properly come before the congress. Its mission is higher. It is to provide for the interests of all in the future, not to settle the individual differences of the present. For this reason especially the President has indicated a day for the assembling of the congress so far in the future as to leave good ground for hope that by the time named the present situation on the South Pacific coast will be happily terminated, and that those engaged in the contest may take peaceable part in the discussion and solution of the general question affecting in an equal degree the well-being of all.

It seems also desirable to disclaim in advance any purpose on the part of the United States to prejudge the issues to be presented to the congress. It is far from the intent of this government to appear before the congress as in any sense the protector of its neighbors or the predestined and necessary arbitrator of their disputes. The United States will enter into the deliberations of the congress on the same footing as the other powers represented, and with the loyal determina-

tion to approach any proposed solution, not merely in its own interest, or with a view to asserting its own power, but as a single member among many co-ordinate and coequal states. So far as the influence of this government may be potential, it will be exerted in the direction of conciliating whatever conflicting interests of blood, or government, or historical tradition may necessarily come together in response to a call embracing such vast and diverse elements.

You will present these views to the minister of foreign relations of the Argentine Republic, enlarging, if need be, in such terms as will readily occur to you, upon the great mission which it is within the power of the proposed congress to accomplish in the interest of humanity, and upon the firm purpose of the United States to maintain a position of the most absolute and impartial friendship towards all. You will thereupon, in the name of the President of the United States, tender to His Excellency the President of the Argentine Republic, a formal invitation to send two commissioners to the congress, provided with such powers and instructions on behalf of their government as will enable them to consider the questions brought before that body within the limit of submission contemplated by this invitation. The United States, as well as the other powers, will, in like manner, be represented by two commissioners, so that equality and impartiality will be amply secured in the proceedings of the congress.

In delivering this invitation through the minister of foreign affairs, you will read this dispatch to him and leave with him a copy, intimating that an answer is desired by this government as promptly as the just consideration of so important a proposition will permit.

I am, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF THE ARGENTINE REPUBLIC AT WASHINGTON.

No. 10.

Mr. Carrié to Mr. Blaine.

[Translation.]

ARGENTINE LEGATION,
Washington, July 28, 1881. (Received July 29.)

MR. SECRETARY OF STATE: I have the honor to inform your excellency that I have this day received a telegram from Dr. Don Bernardo de Irigoyen, our minister of foreign relations, in which he informs me that a treaty has been signed with Chili, which puts an end to the long disputed boundary question, which had been under discussion for so many years, without the possibility of reaching a definitive arrangement. This happy result, Mr. Secretary of State, is due, according to the telegram aforesaid, to the unremitting efforts of the representatives of the United States in both countries, who, being actuated by the most hearty good-will, and taking a warm interest in the welfare and prosperity of those two sister republics, spared no pains to bring about an understanding between the two governments, and to smooth the obstacles which prevented the settlement of this vexed question, in return for which they have had the satisfaction of seeing their efforts crowned with complete success.

The only international question that we still had unsettled has been set at rest by the peaceful adjustment of this dispute, and the only cloud that threatened to disturb the tranquillity of the political horizon of the Argentine Republic has thereby been dispelled; the citizens of that republic may now devote their energies to profitable industry, with the certainty that they will not be disquieted by menaces either from within or without, rendering it necessary for them to take up arms in defense of their imperiled country.

As the representative, at this time, of the Government of the Argentine Republic in the United States, I deem it a high honor to inform your excellency of the grateful sentiments which are entertained by the Argentine people towards this great republic and its worthy representatives, who have just furnished palpable evidence of the feeling of genuine friendship which is cherished by the United States for the South American republics, and of their desire for the existence among those republics of the cordial relations which should ever exist among nations having a common origin.

I avail, &c.,

JULIO CARRIÉ.

No. 11.

Mr. Blaine to Mr. Carrié.

DEPARTMENT OF STATE,
Washington, August 5, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, conveying the gratifying intelligence of the signing of a treaty between the Argentine Republic and Chili, whereby the long-disputed boundary question is permanently settled. This government rejoices with its sister republics of the far south in so happy an event, and trusts that the harmonious relations now established between them may remain unbroken.

Accept, &c,

JAMES G. BLAINE.

No. 12.

Mr. Carrié to Mr. Blaine.

[Translation.]

ARGENTINE LEGATION,
New York, November 28, 1881. (Received November 29.)

Mr. SECRETARY OF STATE: I have the honor herewith to inclose a communication which this legation has just received from the ministry of foreign relations of the Argentine Republic, addressed to your excellency, and which my government instructs me to transmit to you.

In so doing I take pleasure in reiterating to your excellency the assurance, &c.,

JULIO CARRIÉ.

[Inclosure.—Translation.]

Mr. Irigoyen to Mr. Blaine.

MINISTRY OF FOREIGN RELATIONS,
Buenos Ayres, October 27, 1881.

The undersigned minister secretary of state in the department of foreign relations, in obedience to the instructions of the President of the Republic, has the honor to address his excellency the Secretary of State of the Government of North America for the purpose of informing him of the kind co-operation which has been lent by General Thomas O. Osborn, the honorable representative of the Union in the settlement of the boundary question between this republic and that of Chili. After the negotiations had been initiated by the American ministers residing in both countries, the latter contributed largely towards keeping them under the influence of that moderation and kindly feeling which were necessary for the adjustment of differences of very long standing.

The Argentine Government which has observed the perseverance with which General Osborn worthily interpreting the friendly sentiments of his government has labored for the settlement of difficulties which were fraught with danger to the harmony between these republics, and when their traditional ties were reunited it signified to him, through the undersigned, its distinguished appreciation of the valuable services which he had so nobly lent.

The President has instructed the undersigned to address this communication to his excellency Mr. Blaine, not doubting that the Government of the United States will be pleased to learn that General Osborn, faithfully carrying out the American policy, has contributed to the successful termination of a negotiation which has re-established harmony and peace between two nations.

The undersigned offers, &c.,

BERNARDO DE IRIGOYEN.

No. 13.

Mr. Carrié to Mr. Blaiae.

[Translation.]

ARGENTINE LEGATION,
New York, December 5, 1881. (Received December 7.)

Mr. SECRETARY OF STATE: I have the honor to inform your excellency, in obedience to instructions which I have just received from my government, that the treaty for the settlement of the boundary question which was concluded between the Argentine Republic and Chili, with the co-operation of the representatives of the United States in both republics, in the month of July last, as I had the pleasure to announce to you by my note written at the close of that month, has been ratified by both governments. Thus has an end been put to the long-pending question which for so many years has caused the relations between those two countries to lack warmth and cordiality, and which has at times been on the point of plunging them into the horrors and calamities of war.

By the adjustment just concluded, which does honor to both countries, the waters which might have become the scene of bloody hostilities between two nations bound by the ties of nature and history, are secured from the casualties of war and brought under the beneficent reign of tranquillity and peace.

As I know that your excellency has been thoroughly informed by the communications of the American legation at Buenos Ayres of the terms which serve as the basis of that treaty, I deem it unnecessary for me to state them in detail here.

But what I wish to do before concluding is to call your excellency's attention to the conciliatory spirit which has always guided the counsels and deliberations of the Argentine Government, and the efforts which it has made in behalf of peace between two sister republics, and of the great commercial interests of the same, during the long and complicated dispute which has now been happily terminated by the treaty which was concluded on the 23d of July last, with the co-operation of the worthy representatives of the United States in both countries.

I avail, &c.,

JULIO CARRIÉ.

AUSTRIA—HUNGARY.

No. 14.

Mr. Deleplaine to Mr. Evarts.

No. 355.] LEGATION OF THE UNITED STATES,
Vienna, August 10, 1880. (Received August 30.)

SIR: The Imperial Royal ministry for foreign affairs has advised this legation that a certain Marcus Cohn has renounced his citizenship of the United States, acquired by naturalization, and has again become an Austrian subject.

I deem it proper to communicate this to the Department, and append hereto a copy of the note of the foreign office, with translation.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure in No. 355.—Translation.]

Count A. Volkenstein to Mr. Kasson.

The ministry for foreign affairs has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. John A. Kasson, that according to a note of the imperial and royal Statthalterei in Prague, Marcus Cohn has renounced his citizenship of the United States of America, acquired by naturalization, and that in conformity with the treaty of 20th September, 1870, Austrian citizenship has been conferred on him.

At the same time, the undersigned avails himself of this occasion to renew to the envoy the assurance of his distinguished consideration.

Vienna, August 4, 1880.

For the minister for foreign affairs.

COMTE A. VOLKENSTEIN.

To the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Mr. JOHN A. KASSON.

No. 15.

Mr. Delaplaine to Mr. Evarts.

No. 377.] LEGATION OF THE UNITED STATES,
Vienna, October 26, 1880. (Received November 13.)

SIR: My attention has been called by the United States consul at Pesth to a law passed by the Hungarian Diet during the past year on

the acquisition and loss of citizenship in that kingdom (especially to paragraph 48), and the possible liability of American citizens to the provisions of the same.

I have consulted Ritter Von Riedl, chief of the juridical section in the foreign office, as to whether the exceptions under treaties as stated in § 47 are not applicable to our citizens, native and naturalized, resident in Hungary. After an examination by him of the naturalization convention of September 20, 1870, he expressed an opinion in the affirmative, but recommended that a note should be addressed to the imperial and royal ministry for foreign affairs for the purpose of ascertaining the opinion of the Hungarian Government on the question.

I herewith inclose a copy of the law, together with a translation, and respectfully ask the opinion and instructions of the Department.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure in No. 377.—Translation.]

Articles of the law of the year 1879 *on the acquisition and loss of Hungarian citizenship.*

(Sanctioned on the 20th December, 1879. Proclaimed in both Houses of the Diet on the 24th December, 1879.)

§ 1. In the collective provinces of the Hungarian Crown citizenship is one and the same.

§ 2. Hungarian citizenship is acquired only in the following manner:

1. Through descent.
2. Through legitimation.
3. Through marriage.
4. Through naturalization.

§ 3. *Descent.*—Through descent the legitimate children of an Hungarian citizen and the illegitimate children of an Hungarian female citizen acquire Hungarian citizenship in both cases even when the place of birth is in a foreign country.

§ 4. *Legitimation.*—Through legitimation the illegitimate children of an Hungarian citizen who are the offspring of a foreign female acquire Hungarian citizenship.

§ 5. *Marriage.*—Through marriage each foreign female who marries an Hungarian citizen acquires Hungarian citizenship.

§ 6. *Naturalization.*—Through naturalization each foreigner who receives a certificate of naturalization from one of the authorities named in § 11, or receives a diploma of naturalization from His Majesty, in compliance with § 17, and takes the oath or vow of Hungarian citizen, acquires Hungarian citizenship.

§ 7. The Hungarian citizenship acquired by a man received into the state-union extends to his wife and to the minor children being under his paternal authority.

§ 8. As to the acquisition of the Hungarian citizenship through naturalization that foreigner only can obtain a certificate of naturalization who (1) possesses the capability for the performance of correct actions, or when the consent of his lawful representative replaces the deficiency in this respect; (2) is received in the union of any native community, or whose reception by the community is in view; (3) lives uninterruptedly since five years in the country; (4) is of irreproachable previous life; (5) possesses so much property or such a source of income as enables him to support himself and his family according to the circumstances of his place of residence; (6) has been received for five years past in the list of tax-payers.

By the naturalization of a foreigner whom an Hungarian citizen has adopted in accordance with our laws the conditions of the points 3, 5, 6 of this paragraph can be remitted when the adopted party fulfills the conditions of §§ 5 and 6.

§ 9. For conferring Hungarian citizenship a properly-composed petition is to be addressed to the first officer (*vicegespan Burgomaster*) of that municipality, or at the military frontier, to that district bureau, or to that town magistrate in whose jurisdiction or district the petitioner resides.

§ 10. The authority indicated in § 9 examines the petition, with the accompanying papers, eventually directs the petitioner to supply the necessary documents which may be wanting, and in case where any suspicion arises as to the form or contents of these documents he requests from the competent authorities explanation, and submits the whole documents, accompanied by a developed opinion, to the ministry of the interior,

or to the Croatian-Slavonic-Dalmatian Banus, or to the provincial authority of the military frontier.

§ 11. In the matter of the reception into the state-union, to be effected according to §§ 8, 9, and 10, the minister of the interior decides in regard to those who live in the territory of Hungary and Fiume; the Croatian-Slavonic-Dalmatian Banus, respectively; the military frontier, provincial authorities as regards those who live in the territory of Croatia-Slavonia, and in the event the petition be granted a certificate of naturalization will be delivered to the party. However, each separate case is to be brought to the knowledge of the minister president for the purpose of proof.

§ 12. In the certificate of naturalization shall be clearly expressed that the party has been received among the Hungarian citizens; and, in the case of § 7, also the names of the wife and of those children of the same to whom the naturalization extends shall be mentioned.

§ 13. After the certificate of naturalization has been submitted to the authority representing the affair, the same informs the authority indicated in § 9, which notifies the petitioner and fixes the day for taking the oath of citizen (vow).

The oath is to be taken before the first officer of the municipality; in the military frontier, before the chief of the district, respectively, before the burgomaster or his representative.

§ 14. The contents of the citizen-oath (vow) is as follows:

"I, N. N., swear (vow) by God, that I will be faithful to His Imperial and Royal Majesty the Apostolic King of Hungary and to the constitution of the provinces of the Hungarian Crown, and I promise that I will faithfully fulfill my duties as Hungarian citizen."

§ 15. A protocol is to be prepared in the matter of the taking of the oath (vow), that the taker of the oath (vow) is to subscribe; the day of the taking of the oath (vow) is to be indicated on the certificate of naturalization with the signature of him before whom the oath was taken, and this certificate is to be delivered to the party received into the state-union.

The party received into the state-union is, beginning from this day, Hungarian citizen, but can—the case provided in § 17 excepted—become a member of the legislature only after ten years subsequently for his reception into the state-union.

§ 16. When the party for whom the naturalization certificate has been issued, and who has been cited to take the oath (vow), does not appear and take the same within one year from the day of the citation, the naturalization certificate loses its validity, and is to be submitted to that authority which has issued it, together with evidence of the service of the citation.

§ 17. The ministry can propose to His Majesty the conferring of the right of citizenship on those foreigners who have performed extraordinary and distinguished meritorious services to the provinces of the Hungarian Crown, and either live in the country or declare that they will settle here, even when they do not possess the requirements enumerated in the points 2, 3, and 6 of the § 8.

When the party who has in such manner acquired the right of citizenship has not yet sought to be received in the union of a native community, then the community to which he belongs will be preliminarily Buda-Pest.

The enactments of the former §§ 12, 13, 14, 15, and 16 are also applicable to those who have acquired citizenship with royal certificates.

§ 18. A foreigner does not acquire through naturalization Hungarian nobility.

§ 19. So long as their foreign nationality is not proved are to be considered as Hungarian citizens: (1) Those who are born in the territory of the provinces of the Hungarian Crown; (2) those who as foundlings have been found and educated or brought up in this territory.

§ 20. *Of the loss of Hungarian citizenship.*—Hungarian citizenship ceases: (1) Through discharge; (2) through decision of the authorities; (3) through absence; (4) through legitimation; (5) through marriage.

§ 20. *Discharge.*—As regards discharge, the decision depends, in time of peace, as to those who belong to the union of communities in the territory of Hungary and Fiume, from the minister of the interior, but as to those who belong to the union of the communities in the territory of Croatia-Slavonia, from the Banus of Croatia-Slavonia-Dalmatia, respectively, from the provincial administration of the military frontier.

In this decision, when approval is given to the petition, it shall be declared that the party is discharged from the union of the Hungarian state. Such decisions are for necessary proof to be submitted to the minister president.

§ 22. Individuals who stand under engagement to perform service in the line (marine), in the reserve, or substitute reserve, can be discharged from the union of the Hungarian state only in the case when they have received from the common minister of war of the monarchy (Honveds, however, only then when from the minister of defense of the country) a certificate of their discharge from the union of the militia.

Individuals who are not subject to the above-mentioned military duty, but are not definitely relieved from the same, can, in case they have already terminated their sev-

enteen years, only be discharged from the union of the Hungarian state in the case that they exhibit through an attest of the respective jurisdiction that they do not apply for their discharge with the object of escaping military duty.

§ 23. Exceptions from the provisions contained in § 22 are on the ground of reciprocity in respect to those to whom the acquisition of Austrian citizenship is in view. These persons are to be discharged from the Hungarian state-union when they prove that they possess all the qualities enumerated in points 1, 2, and 3 of § 24.

§ 24. The discharge from the union of the Hungarian state can in time of peace not be denied for other reasons than those enumerated in § 22 to the party who proves (1) that he has capacity for correct action, or that his father, respectively his guardian or trustee, in the manner approved by guardian authorities, gives his consent to the application; (2) that he is not in arrears with any state or communal tax; (3) that he does not, within the territories of the provinces of the Hungarian crown, stand under criminal examination, or that a criminal sentence has been pronounced against him which has not been executed.

§ 25. In time of war His Majesty, on the proposal of the ministry, decidesin every separate case in regard to the discharge from the Hungarian state-union.

§ 26. The discharge extends to the wife of the discharged man, and so far as no exception exists in accordance with § 22 to the minor children being under paternal authority when they emigrate with the father, respectively parents.

§ 27. The properly-composed petition for discharge from the Hungarian state-union is to be delivered to the first officer (vicegespan, burgomaster) of that jurisdiction, respectively, in the military frontier, by that district bureau, in whose territory the petitioner belongs.

This authority observes in regard to the petition the proceedings enacted in § 10.

§ 28. In the decree of discharge it is to be clearly declared that the party is to be discharged from the union of the Hungarian state, and in the case provided in § 6 the names of the wife and those children of the discharged party are to be mentioned to whom the discharge extends.

§ 29. The decree of discharge brings, from the day of its presentation, the loss of Hungarian citizenship with it.

However, the discharge is invalid when the discharged party, before obtaining the decree of discharge up to the emigration, is involved in one of the obstacles included in the points 2 and 3 of § 24, or also besides, when the discharged party does not emigrate within one year after receiving the decree of his discharge.

§ 30. The authorities named in § 11 can pronounce the loss of citizenship in respect to such Hungarian citizens who belong to the communities in the territory standing under their administration, and who, without their permission, enter their service of another state; when these persons, after summons, do not leave this service within the appointed time.

The decisions mentioned in this § are, from time to time, for necessary proofs, to be submitted to the minister president.

§ 31. *Absence.*—The Hungarian citizen who, without order of the Hungarian Government or of the Austro-Hungarian common ministers, resides uninterruptedly for ten years out of the boundaries of the territory of the Hungarian crown, loses hereby Hungarian citizenship. The time of absence is to be reckoned from that day on which the party left the boundary of the territory of the Hungarian crown without having announced his retention of Hungarian citizenship to the competent authority indicated in § 9, or when he departed with a passport, from the day on which the passport expires.

The continuance of absence is interrupted when the absent party announced to the mentioned competent authority the retention of his Hungarian citizenship or obtained a new passport, or receives a certificate of residence from some Austro-Hungarian consulate or is entered in the register of an Austro-Hungarian consular district.

§ 32. The loss of Hungarian citizenship occurring in this manner extends to the wife living together with her absent husband and to their minor children with him and being under paternal authority.

§ 33. *Legitimation.*—Those children lose Hungarian citizenship who are legitimated in accordance with the laws of the native country of their natural father of foreign nationality, excepting when they, through this legitimation have not acquired the citizenship of their father, and also after their legitimation lived in the territory of the provinces of the Hungarian crown.

§ 34. *Marriage.*—The female loses her Hungarian citizenship who marries a man that is not an Hungarian citizen.

§ 35. The native female does not lose her Hungarian citizenship, who, marrying an Hungarian citizen, becomes widow, is judicially divorced, or when their marriage is annulled.

§ 36. The Hungarian citizen, who is at the same time citizen of another state, is to be considered as an Hungarian citizen so long as he has not lost his Hungarian citizenship.

§ 37. *Reacquisition of citizenship.*—The female reacquires her citizenship, who has married a foreigner, when her marriage is declared by a competent tribunal to be invalid.

§ 38. *Re-reception into the state-union.*—To those persons who have lost Hungarian citizenship and apply for re-reception among Hungarian citizens, the foregoing enactments in relation to reception in the state-union are applicable, in so far as the following sections, exhibit no exception.

§ 39. Whoever has lost Hungarian citizenship through discharge or absence, and has not acquired another citizenship, can also again be received among Hungarian citizens when he has not returned to live in the territory of the provinces of the Hungarian crown.

In the latter case the party again received into the state-union recovers his former belonging to the community.

§ 40. Whoever has lost his Hungarian citizenship through discharge or absence, and has returned to the territory of the provinces of the Hungarian crown, is received into the union of any native community respectively, receives this reception in view, can by means of his petition again be received among Hungarian citizens.

§ 41. The female who through discharge, absence of her husband, or her marriage with a foreigner, has lost her Hungarian citizenship, can, when she has been judicially divorced from her husband, her marriage has been annulled, or when she becomes a widow and has been received in the union of a community in the territory of the provinces of the Hungarian crown, or this reception has been placed in view, be received on application again among Hungarian citizens.

§ 42. Whoever as minor has lost his Hungarian citizenship through the discharge or absence of his legitimate father, can, after the death of his father, or after he has attained his majority in accordance with the laws of his new fatherland, and after he in both cases received in the union of a community of the territory of the provinces of the Hungarian crown, respectively, this reception has been placed in view, be received among Hungarian citizens on the base of his application to which, when he is minor, the consent of his guardian is requisite.

§ 43. The petition for renewed reception in the state-union is in the cases of §§ 38, 39, 40, 41, 42, to be presented to the authority indicated in § 9, to whose territory that community belongs, in whose union the party is received, or respectively, this reception is placed in view.

§ 44. To the reacquisition of citizenship that provision of § 15 does not extend that the party can become a member of the legislature only after a lapse of ten years, excepting when Hungarian citizenship is acquired by naturalization, and ten years have not elapsed since acquisition of the same.

§ 45. *Final enactments.*—The municipalities, respectively, in the military frontier, the district bureaus, and the town magistrates, are obliged to keep separate registers in two copies each in regard to conferring of citizenship, and in regard to discharge from the state-union.

I. The titles of the registers to be kept in respect to grants of citizenship, are—

1. The current number on the first day of the beginning year.
2. Name, age, occupation of the party received in the state-union, respectively, again received.
3. The former fatherland and the community to which the party received belongs.
4. Name and age of the members of the family to whom the reception in the state-union extends.
5. Date and number of the documents in regard to the reception into the state-union.
6. Annotation, in which is to be indicated in regard to the parties again received in what manner they lost their former citizenship.

II. The register to be kept in regard to discharges is to be provided with similar titles, with the difference that in the 6th title it is to be made clear whereby the party discharged from the state-union has acquired Hungarian citizenship. A copy of these registers is to be submitted to the authority named in §§ 11 and 21.

§ 46. In addition to the normal dues to be paid for the conferring of the right of citizenship and emigration, no due or tax is to be paid for the reception among Hungarian citizens, and for the discharge from the Hungarian state-union.

§ 47. Exceptions from this law are admissible to those states with which treaties on this subject have been concluded, so far as such treaties contain provisions at variance with the present law.

§ 48. All laws and ordinances contradictory to the present law are abolished. Through the present law the right of citizenship of those persons is not affected who acquired the reception up to the coming in force of this law.

Those persons are also to be considered as Hungarian citizens who have lived in the territory of the provinces of the Hungarian crown up to the day of the coming in force of this law at least five years without interruption, even when in various places, and are received in a native community in the list of tax-payers, when they do not prove within one year, reckoned from the coming in force of this law, before that jurisdiction

respectively in the military frontier, before that district bureau or town magistrate in whose territory, respectively, whose district their last place of residence is, that they have retained their foreign citizenship.

The ten years fixed for the time of absence in § 31, are in regard to those who before the coming in force of the present law departed from the territory of the provinces of the Hungarian crown, to be reckoned from the day of the coming in force of the present law.

§ 49. The special enactments in respect to the Croatian-Slavonic military frontier, and to the provincial authorities of the military frontier contained in the present law are only provisional, and their operation lasts only until the military frontier is united also in an administrative way with Croatia-Slavonia.

§ 50. The ministry, respectively, the minister of the interior, the Banus of Croatia-Slavonia-Delmatia, and the provincial authorities of the military frontier are charged with the execution of this law.

No. 16.

Mr. Delaplaine to Mr. Evarts.

No. 381.] LEGATION OF THE UNITED STATES,
Vienna, November 5, 1880. (Received November 29.)

SIR: In the Austrian delegation, on the 3d instant, the imperial and royal minister for foreign affairs, Baron Haymerle, elaborately defined the motives and course of the Oriental policy of Austria-Hungary. I had designed at first the transmission of a summary analysis only, but in consideration of its interest and importance, I have made a translation of the whole speech, which I herewith inclose.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure in No. 381.—Translation.]

Speech of Baron Haymerle.

The temptation for the minister for foreign affairs not to speak upon so wide a sphere of policy as has been here touched certainly is very great, because so many questions are introduced for discussion that he must impose upon himself great caution in his expressions.

The initiative to this so interesting, and I must allow, for the minister for foreign affairs, exciting debate, has been taken by the delegate, Baron Hübner. His speech culminated in the wish declared to the government, that inasmuch as complications are to be feared, endeavors should be made for having a postponement of the Oriental question. I, like most European statesmen, am deeply penetrated with the conviction that it is in the interest of Europe and in the interest of the populations of the Balkan Peninsula to avoid complications and to refrain from all precipitation in the Oriental question. I need not first give the assurance that the government will use its endeavors as well generally to avoid complications as to remove all acuteness from those which may possibly occur. The means which Baron Hübner has indicated to us does not appear to me altogether adapted to attain this postponement of complications, inasmuch as he has at once commenced by dividing the European powers into two groups which he appeared to assume had diverging interests, and they certainly possess powerful resources at their command. Yes, if Europe should at once be divided into two such groups, then it would perhaps be difficult to avoid complications and certainly it would be still more difficult to divest them of their dangerous character. It is not my task to inquire how the several powers should be here qualified, and in what manner their policy should be indicated. I should be obliged otherwise to raise objections against much which has been here expressed on both sides. I can, however, only say that the aim of our policy, the aim of those powers which stand with us on one line, especially of one power, is directed to the object, not of splitting Europe, but of uniting it in a common programme of peace and of tranquillity. This endeavor may be success-

ful, it may have to struggle against greater or less difficulties, but in every case there are some powers in Europe, and especially two, which engage in this programme, and which, as I believe, form a firm nucleus around which others will group. Even if that programme should consist in the postponement of the Oriental question, it is not to be exclusively in the hands of the government.

The purpose of the Oriental concert is not, as the illusion is entertained, that all difficulties will be overcome, but that the hope is cherished, in case the opposing opinions should be reconciled, that a peaceful solution may be produced without prejudice to the vital interest of one or the other party. When this programme shall be maintained then it will naturally result that nothing can happen that is not considered as absolutely correct by one or the other power. All the questions to-day touched upon do not first issue from the Berlin Congress. The Bulgarian question already cast its heavy shadow upon the Constantinople conference of 1877, with which the ambassadors of the powers were then occupied. Similarly, the Greek question does not date from to-day; it is to be traced back to the years of 1820 and further. Accordingly, to find means to bring them to a settlement at a fixed time, even the concert of the European powers will not unconditionally succeed in effecting that object.

I will further reply to some remarks of Baron Hübner, upon the Dulcigno question, as also of the reporter on the Albanian question and the Greek question. It may be true that the non-intervention policy is the correct one, and that the most cautious use of international exceptional rules is to be made there where national passions are antagonistic, but non-interference is only then an arcanum when one is sure that others also do not interfere. But when a power proclaims in advance the principle of non-intervention, without the other powers at the same time engaging themselves to material and moral non-intervention, then this power becomes in advance disarmed. So in regard to the question of Dulcigno, which, owing to its tedious phase of development, the powers were unable to bring to a definite solution. In regard to the right of Montenegro to enter into possession of the territorial limits allotted to it in the treaty of Berlin; finally, in regard to the further questions whether an executional accomplishment of this question in a determined course might be proper, there were offered various ways which our policy might follow. We could decline simply every proposition aiming at that end, even oppose ourselves to it, and thereby be held liable to engage to act for not fulfilling the treaty of Berlin; we could unconditionally assent; we could finally advise as to our own interest and so far limit the European action that every danger for our own interest, as well as for the general interest of peace, would be avoided. Now, it is requisite for us, in our own interest, to see this question regulated since it is not desirable for any state that, on its immediate frontier, the scene of a conflagration which, although not locally of much extent, might become so, should conceal within itself glowing sparks, and we could, secondly, not well permit that on the immediate frontier of our empire, foreign powers should act without our participating in such action in friendly or antagonistic manner.

The expenditure of material means, the possible compromise of our policy, present themselves by the non-employment of the above-indicated means as alike small; there can therefore be no question of sacrifices, of a submission of Austrian and of a substitution of foreign interest. Finally, we have also our individual interests in this question so far as they, through a really unimportant object, could be brought in sympathy, and maintained. In this way we have claimed the extension of the new coast of Dulcigno to be ceded to Montenegro, and the right of maritime and sanitary police, granted to us in the treaty of Berlin over the ceded territory of Antivari; which claim of ours was assented to by all the signatory powers of the treaty of Berlin. The question of Dulcigno is, unfortunately, not yet finally settled. I believe, however, that the solution of the same must soon occur if one may believe the repeated assurances of the Porte, and may infer that, in Constantinople at present, the impression exists that it is extremely important for the Porte to put an end to the situation in which it stands to disadvantage with the other powers.

As to the Greek question, the reproach has been uttered that we have gone too far, inasmuch as we have assented to the determined boundaries. I have, in another place acknowledged, and I here acknowledge it anew, that we consider the Greek element as an element, the endeavors of which are accompanied with our sympathy. It is an ancient element of culture, and whatever culture in the Balkan Peninsula has been saved, owes thanks to the endeavors of the Greek element. The reproof that we have consented to a fixed frontier, is not exactly correct, inasmuch as the treaty of Berlin had already, in principle, settled the boundaries. We have, however, not stated the determined line as a compulsory line, but to hold fast to the idea "mediation," a mediation to which we were engaged, after Greece, in accordance with the treaty of Berlin had called for it. A decided engagement to accomplish this decision exists no more than on any of the other enactments of the treaty of Berlin.

In respect to the strength of the Greek element, not only does the extension of the boundaries of those provinces, in which since the last twenty years it has been decidedly repressed, belong to our interests, but I consider it requisite for the government

to employ suitable means in order that the significance of the Hellenic element should have its right position acknowledged on convenient occasions and without prejudice to our own interest. How far the Austrian Government will proceed in this matter will be a subject of mature reflection, since there are political objects for which one makes a certain expenditure of means, but for which one is determined not to bring further sacrifices, nor to have recourse to measures which might lead in their consequences to greater complications. Whilst I, in this respect must maintain reserve, I notice the point has also reference to the question which the honorable delegate Demel has repeatedly presented, namely in reference to the question as to the aims followed in the East by the Austro-Hungarian Government. He has indeed dispensed with a strict answer being given, but desired to see the respective explanations fully communicated, particularly to know the general formula laid down for the aims of our Grecian policy. Now I might perhaps define the formula to this effect; that we will endeaver to preserve the equilibrium between the populations of the Balkan Peninsula, as well as also the equilibrium of the influence of the European powers.

I have still some words in reply to that which the reporter Plener has said in regard to the Albanian question and with regard to the relations with the neighboring states.

First, as regards the neighboring states, I am deeply penetrated by the wish to maintain with them the most friendly relations. A state which follows no egotistical policy, which does not wish for an aggrandizement of its territory or the annexation of another nationality to its territory, can only observe a friendly policy towards its neighbors.

The Austro-Hungarian monarchy can do it for the greater reason, since it is a question of nationalities which have already become a part of our Fatherland, and must therefore be dear to us. I believe it is the best policy to maintain friendship with neighboring states and to labor for the development of mutual prosperity. But here, again, the character of the reciprocal relations, and thereby, the result do not depend on us. One may be determined to be a good neighbor, and in that respect, I can only give the assurance, that my endeavors are always directed to maintaining friendly relations with our neighbors. But should one of the latter not receive the proffered hand, should he fail to discover that all his interests recommend him to maintain similar friendly relations, and should he occupy an antagonistic position, then would Austria-Hungary be in the condition of making her national might palpably felt. This is no boasting self-estimation, but may prove a necessity at a particular moment. That we are friendly neighbors, and can find friendly neighborhood, is evidenced by the greatly improved relations for some years past with Roumania. Certainly I might address an appeal to public opinion and its organs in Austria-Hungary, not to magnify into great conflicts the occasional frictions of interest and divergences of opinion which may arise (and which perhaps, I admit it will not be treated by those little states with the proper calm with which they should be treated) and not to artificially destroy the friendly relations which we are disposed to maintain.

The delegate Dr. Von Plener has also thought of one more nationality, which lays very near his heart, that is the Albanian. Gentlemen, that which I have already said in regard to our relations with the neighboring states, partly refers also to these races, which, in consequence of the occupation of Bosnia and the Herzogovina, have become our neighbors, and from whose legitimate expansion no menace for us can be foreseen, and which we have every reason therefore to aid and to further in their development. But so accurate a judge and so sharp a discerner as Dr. Von Plener is, still I must say, that the word "Albanian nation" is an idea that is, only now, on the point of being realized.

I will here make no ethnographic "excursus," but until a few years ago the Albanians knew extraordinarily little about an Albanian national feeling; and when one goes back into their history it is found that Northern Albania, under a prince like Skander-Beg (later under another native prince) and Southern Albania (about the time of Ali-Pasha) endeavored to have closer communication with each other, in order to give expression to their feelings of independence of the Porte; but their perfect understanding was never attained, and even to-day, in point of fact, prominent antagonistic views exist. This nation was divided into races, just as Scotland in the twelfth century was divided into clans, which were at one moment foes, at another formed alliances. When even the antagonistic views usually were not so sharp as in other oriental countries, still the difference between Mussulmen and Catholics was much more pronounced than between Mussulmen and orthodox in the south of the country. Recently and the merit belongs to the Porte, the national sentiment has begun to arise in Albania, and as I apprehend, not to the disadvantage of the Porte; but first of all, it must unite itself with the Islam world, particularly with the Sultan. Another junction of the Oriental Mohamedan element I cannot foresee, and from my experiences, I must say, that we shall have a great deal of trouble to protect these oriental elements against the oppression of the Mussulmen. In respect to the regulation of the Montenegrin question the treaty of Berlin has, in fact, made certain encroachments on the Albanian provinces. To oppose these the Mussulman inhabitants in the first place have made resistance, after the conferences of April, so also did the Catholic races. Dulcigno

itself, does not properly affect the Albanian question; the best evidence for that is, that the resistance did not proceed from Dulcigno, but exclusively from outside instigation.

Much has been said, and also the delegate Dr. Von Plener has spoken—of alliances, secret understandings, and the like. If one reads the newspapers of the last few months, he will not find two countries in Europe, which have not concluded alliances and again have separated from each other. As regards Austria-Hungary, in the policy of the last few years—and this I may claim as well for my predecessor as for myself—constancy in our political relations and in our political aims has been our characteristic. I will abstain from giving assurances on my side as to this point, since these might only result in weakening a stable action for our general policy under all circumstances. It only remains to me to reply to the interpellation of the delegate Professor Suess.

I believe that it is well known with what lively interest I anticipated the commencement of the works at the iron Gate; I believe that it is a national economical interest of Austria-Hungary of the highest importance. I believe that though we have assumed no engagement in a juridical sense, but a right, we are still morally bound towards Europe to open the finest water highway of the continent, and elevate the Danube to the importance which it may gain along wide districts and extents of country. The question is at present between both governments of the Emperor and King in course of negotiation, and as regards the influential agency of the ministry of foreign affairs, which consecrates the most lively protection to this question as a task transferred to us by the treaty of Berlin; nothing, therefore, will be omitted to promote the affair, and to bring it to an early accomplishment; the ministry for foreign affairs, in fact, will regard it as its task to protect in every way and to foster the economical interest of Austria-Hungary.

But here I should not pass in silence the fact, that many varying influential circles in our population connect excessive and unwholesome expectations with the action of the government. The government can open a way. But that people shall go through it it is not in their power to effect, and when we wish to follow in these economical interests, then pioneers of economical progress from among the people must go before. We enjoy advantage by reason of geographical position, and also from Bosnia and the Herzogovina being opened to us, as if we were in them, upon Austro-Hungarian soil. The railways will, it is hoped, be constructed; in every case the government will make the necessary endeavors in order that they may be constructed, and it will direct to this question the greatest attention. Also in other departments of industry and commerce we do not occupy less favorable footing than other nations. I do not believe that in any highly developed people, it was the action of the government which alone, or even chiefly, has produced the advancement of economical prosperity. I would remind you of the example of little Switzerland which, under unfavorable circumstances, has produced a vast commerce and industry, and representations even into the countries of Eastern Asia, which far surpass those of other nations. Switzerland has no navigable rivers, is surrounded by foreign custom-house territories; is a mountainous, poor country, and possesses no diplomatic representation abroad, and yet there are in China and Eastern Asia Swiss firms which dispute the rank with the greatest German and English houses.

Hereupon the preliminary estimates for the ministry of foreign affairs, presented for demands and for covering expenditures, according to the propositions of the committee, was in special debate adopted.

No. 17.

Mr. Evarts to Mr. Delaplaine.

No. 199.] DEPARTMENT OF STATE,
Washington, November 26, 1880.

SIR: Your dispatch No. 377, of the 26th ultimo, inclosing a translation and a copy of the Hungarian law of 1879 on naturalization, has been received.

The view expressed to you by the chief of the judicial section of the foreign office as to the applicability of the exceptions of article 47 of that law to our citizens, native and naturalized, resident in Hungary, is believed to be the correct and true interpretation of that article; and inasmuch as this may be assumed as the proper construction of the ar-

ticle, it is not deemed advisable at present, and in the absence of an actual, practical question, to interrogate the imperial and royal government on that point. Your care and prudence in submitting the suggestion, however, is commendable.

I am, &c.,

WM. M. EVARTS.

No. 18.

Mr. Delaplaine to Mr. Evarts.

No. 390.] LEGATION OF THE UNITED STATES,
Vienna, November 30, 1880. (Received December 23.)

SIR: Yesterday was observed not only in this capital, but throughout the Austrian Empire, as a festival in commemoration of the day, on which a century before, the truly great and illustrious monarch, Joseph II, ascended the throne of the Habsburgs.

An equestrian statue stands opposite the Imperial Library, and the pedestal bears the inscription: "Josepho II, Aug. qui saluti publicae vixit ,non diu sed totus," thus laconically and gracefully recalling to the passing citizen and stranger the name and merits of a prince whose lofty philanthropy, enlightened patriotism, restless energy in the cause of education and in reform of abuses and in promoting the culture and welfare of his subjects, have gained for him an honorable record in history, more lasting than that brazen monument now adorned with wreaths. This noble epithet associated with his name: "Schätzer der Menschheit," indicating the high esteem cherished by him for the whole human race, is well deserved, and truly manifested by his public and private acts of benevolence. In the former may be enumerated the founding of the General Hospital of Vienna, which is accounted even now the largest and best conducted in the world, by the edict of religious toleration, by the abolition of many feudal franchises of the nobility, by his opening to the citizens of Vienna the Prater, the Augarten, and other resorts to which, previously, only the privileged classes enjoyed admittance. In the suppression of numerous monasteries and convents originated the inimical feelings of the clerical party towards him which have not diminished during the last hundred years. This has been shown in the absolute refusal of the clergy to confer upon the commemoration their approval, or to lend their co-operation

The performance of the official part of the programme has been appointed for to-day, being the visit by the civil authorities of Vienna to his last resting place in the vault of the Capuchins. To-night a voluntary and almost general illumination of the city is anticipated.

The most interesting of the festivities has probably been the banquet or "commers" of the students of the university and high schools who are connected with the Greman-Austrian Reading Association. It was held in the great hall of the Musikverein, where at least 4,000 persons were assembled to do honor to the illustrious regenerator of the Austrian Empire.

In response to an invitation addressed to me by the committee, I proceeded to the hall. Through its extent long tables were spread, at which the students were seated, while the larger portion of the invited guests, including numerous ladies, occupied the boxes and galle-

ries. On a raised dais fronting the chair of the president, Baron Camerlander, was the "ehrentisch" or table of honor, to which, upon my arrival, I was conducted, and at which were also seated the ex-ministers Baron von Hofmann and Ritter von Hasner, the rector of the university, Dr. Lorenz, the vice-burgomaster of Vienna, Dr. Schrank, the eminent author Nordmann, also all the prominent liberal members of Parliament; Dr. Sturm, Baron Max Rubeck, Plener, Dr. Herbst, &c.

The president welcomed from the chair each of the invited guests by name, and upon the acknowledgment by each in rising from his seat and saluting, the cheers of the assembly followed in turn.

In the spirited speeches of Ritter von Hasner, Dr. Kopp, Dr. Herbst, and others, as well as in those of several members of the committee, not only the name and deeds of the enlightened Emperor were eulogized, but also his liberal ideas and lofty aspirations were recited, amid bursts of acclamation.

Ritter von Hasner remarked that in rising to address the assembly in a moment of such enthusiasm for the immortal Emperor Joseph, three phases of his life and of his personal experience came vividly to his memory.

I was [he said] professor in two high schools of this empire, and that period was the happiest of my life. When I now feel as professor, while I speak as such, I speak also as a Josephiner, as an admirer of that man to whom freedom of thought and moral and intellectual culture of his people were the highest aim and task of his life. When I speak as ex-minister of instruction, I speak the first word and express the first sentiment of a Josephiner. When I speak as a member of the House of Peers, then I speak as one of that old guard, each member of which adopts the distinction and title of Josephiner, and is proud of the privilege of being called by that name.

If I may be permitted to refer especially to one act among the many which the glorious Emperor performed, I am happy to have noticed it extolled in the glowing, patriotic spirit which has pervaded the eloquent speeches to which we have listened—his energetic support of the idea of unity in this empire. The present situation demands that this idea should be most warmly cherished. Austrian unity alone is the soil on which the fruits of our application and industry can flourish. The true statesman must possess one virtue, one quality, namely, patience and confidence in the triumph of truth, and this I commend to you as the statesmen of the future. Await the ripening of that which has been sown.

After citation of an apt metaphor in illustration of his opinion, he concluded with a toast, "To the immortality of the spirit of freedom and of patriotism in the academic youth of this empire."

The eminent advocate, Dr. Joseph Kopp, said:

I crave permission to comment on the reproach made against the Emperor Joseph, that he was in his home policy too precipitate and too much in advance of his period. Where is the source of this so-styled error? It is in the enthusiasm for all that is good and noble; in the impulse and the ardent ambition to deliver his subjects from the night of ignorance and from the bonds of servitude. Such truly great and eventful acts are offspring of the brightest virtues, and they ever originate in enthusiasm; they ever result from rapid action following firm determination. He had a reign of but ten years, and he wisely and efficiently employed this brief period. Had he omitted to do so—had the time been spent in cautious reflection only as to opportunity or advisability—then he would have left behind him nothing but unexecuted plans and projects, the evidence of his will indeed, but not the results of his acts.

After commending the laudable ambition and passion for the ideal which animate youth, but often decline and depart after later experience and under difficulties, he urged upon them the value of the lesson to be derived and expressed in the motto, "Be practical."

The orator concluded by offering a toast to "The prosperity of the German youth of Austria—our future, our hope, the inheritors of our toils, the successors to our conflicts, and to enjoyment of the fruits of our victories."

The tone of all the speeches of the evening was similar to that of the two from which I have quoted the above brief extracts, thus proving that the spirit of progress, of order, of obedience to law, and of constitutional liberty is deeply rooted and warmly cherished by the people of this empire, while their loyal attachment and devotion to their sovereign have ever been conspicuous on every occasion where an appeal has been made.

I have, &c.,

J. F. DELAPLAINE.

No. 19.

Mr. Delaplaine to Mr. Evarts.

No. 392.] LEGATION OF THE UNITED STATES,
Vienna, December 6, 1880. (Received December 27.)

SIR: I have received from the United States consul at Buda-Pesth a note inclosing clipping from the Pester Lloyd, published in that city, which I herewith append. It is a notification to British subjects resident in Hungary and the territories belonging thereto from Her Britannic Majesty's consul-general at Buda-Pesth, wherein is suggested the entry of their names in a register at his office, in order to avoid difficulties which might arise in establishing their nationality.

Mr. Sterne informed me that the Swiss consul had published a similar notice to his countrymen, and asked whether a like action on his part would be advisable.

Not having received a reply from the Department to my No. 377, on the subject of the law relative to Hungarian citizenship, and in view of the brief interval before the law in question would come into force, it appeared to me that a similar notification might be expedient and to the interest of American citizens in that country. Upon consultation with Consul-General Weaver on the subject, he expressed full concurrence with my opinion, and I accordingly communicated the same to Mr. Sterne, at Buda-Pesth.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure in No. 392.]

NOTICE TO BRITISH SUBJECTS.

The undersigned, Her Britannic Majesty's consul-general for Hungary, desires to draw the attention of British subjects resident in Hungary and the territories belonging thereto to paragraph 48 of Law L of December 24, 1879, which prescribes that—

"Whosoever shall have resided in Hungary, or the territories belonging thereto, at the time the present law came into force, (namely, the 24th of December, 1879,) for a period of at least five consecutive years, although at different places, and whose name has been entered in the register of tax-payers in any parish within the said dominions, shall be deemed to be a Hungarian subject, unless he shall prove within one year from the date above referred to (the 24th of December, 1879) to the magistrate of the place in which he resides, that he has retained his foreign nationality."

Under these circumstances, and in order to obviate difficulties which might arise to subjects of Her Britannic Majesty in establishing their nationality, the undersigned suggests the advisability of British subjects resident in Hungary having their names entered in a register kept for that purpose at Her Britannic Majesty's consulate-general at Buda-Pesth.

AUDLEY GOSLING,
Her Britannic Majesty's Consul-General.

26 WAITZNER BOULEVARD,
Buda-Pesth, November 30, 1880.

No. 20.

Mr. Kasson to Mr. Evarts.

No. 400.] LEGATION OF THE UNITED STATES,
Vienna, December 24, 1880. (Received January 18, 1881.)

SIR: The questions arising under our laws of naturalization appear in endless variety, particularly in their application to children born before or after the naturalization of the parents, whether born in America or in foreign countries, and residing abroad after the return of their parents either to their original or other foreign country.

Another frequently recurring question relates to the action of a naturalized citizen in leaving the United States, returning to his original country and there residing, without any intention to ever return to the United States, and without actually resuming his former allegiance.

I beg to submit the points of three cases recently presented to this legation, and upon which I have been obliged to act:

I.—THE CASE OF GUSTAV SCHWETZER.

This applicant stated his case as follows:

Native of Austria; migrated to the United States 1851; naturalized in New Jersey in 1856; returned to Europe August, 1859, with a passport signed by Lewis Cass, dated August 10, 1859, and has ever since resided in Austria, and has no intention of returning to the United States.

To my inquiry if he had conducted business or had property in the United States, he answered that he "had never conducted business or had possessed property there." He is here married and has three children, born in Austria.

Thereupon I notified him that this legation entertained so serious a doubt respecting the continuance of his American citizenship that it would await instructions from the government before affirming it.

II.—THE CASE OF ANTON WURGLETS AND FAMILY.

Wurglets emigrated from Hungary in 1851, with the Kossuth emigration, to the United States; became a citizen August 6, 1856, in New York; lived sixteen years in America, working at his trade of shoemaker, and had children born there; after proclamation of amnesty in 1867 returned to Europe, and since 1869 has lived as a farmer in Hungary. His son Attila, born in New York in 1862, wishes to return there soon to live. All his children wish to return there, "to their native land."

I directed in this case that passports should be granted, and regarded the United States citizenship of the family as continuing, though the father does not appear to intend personally to return to America.

III.—THE CASES OF HENRY HUBER AND FAMILY AND FREDERICK HUBER AND FAMILY,

arrested through the consulate at Prague, are as follows:

The father born in Switzerland in 1823; married there in 1846; his five eldest children also born there; emigrated with his family to the United States in 1854; naturalized in Ohio December 31, 1859; returned with his family to Europe May, 1860; one daughter, Fredericka, born in the United States April, 1858; his next daughter born in Bohemia (where the family then lived) in 1862; his eldest son, Heinrich,

returned to the United States in 1864, and still lives there. His son Frederick married an Austrian subject in Austria, in 1876, and has one child born here. The son Frederick "intends," at some time hereafter, "to return to America." The father's "return is not distant."

All the children were minors at the time of arriving in, and departing from, the United States, and the family is included in the passport issued by Lewis Cass in 1860.

He applies for renewal of this old passport, and for an original passport for the son Frederick above named.

My difficulty in arriving at a satisfactory decision in these cases arises from the language of our statute. Section 2167 seems to contemplate the case of minors emigrating without their parents, but may include other minors. Section 2172 intends minors living with their parents at the time of naturalization, but employs as to these the dubious expression "shall, *if dwelling in the United States*, be *considered* as *citizens* thereof." Does that mean that our laws make them citizens by virtue of the father's naturalization while they are minors living with him? or does it mean that the law considers them to be citizens only during their residence in the United States and withholds protection from them outside of the domestic jurisdiction? or that they are not to be considered our citizens at all, anywhere beyond their minority? Are they thrown back on arriving in Europe upon their born allegiance?

These cases bring up all these questions.

I have decided to grant the passport upon the facts alleged to Henry Huber, accompanied by his wife and *minor* children, and (with greater reluctance) to Frederick Huber, accompanied by his wife and infant child. Had they been living in the country of their birth, I should have declined it.

Calling the attention of the Secretary to the uncertainty of the law, and to my action thereunder,

I have, &c.,

JOHN A. KASSON.

No. 21.

Mr. Kasson to Mr. Evarts.

No. 402.] LEGATION OF THE UNITED STATES,
Vienna, December 31, 1880. (Received January 15, 1881.)

SIR: In connection with the question of equality of rights secured to the Hebrew and other races in Servia, in accordance with the Berlin treaty, it will be of interest to you to know the recent step in advance taken by the new government at Belgrade.

As I have formerly advised you, in addition to the members of the Skuptchina elected by the people, the government itself appoints forty members. It is now stated that the Prince has just signed the decree, naming this list, which instead of embracing, as formerly, government officials only, now contains the names of persons of the various professions of the country, and includes one Hebrew of Belgrade, and one Turk of Nisch.

I am, &c.,

JOHN A. KASSON.

No. 22.

Mr. Evarts to Mr. Kasson.

No. 210.] DEPARTMENT OF STATE,
Washington, January 14, 1881.

SIR: Mr. Delaplaine's No. 392, relative to a recently promulgated law on the subject of Hungarian citizenship is received.

The notification, a copy of which accompanies his dispatch, and which, as he states, has been suggested by Mr. Sterne, consul of the United States at Buda-Pesth, appears to be a timely precaution calculated to subserve the convenience of citizens of the United States residing or sojourning in Hungary; and although, in view of the provisions of the Hungarian law referred to, the observance of such a formality may not be indispensable to the security and enjoyment of their treaty rights, it furnishes the most convenient mode of making the status and intentions of the parties public, and is therefore approved.

I am, &c.,

WM. M. EVARTS.

No. 23.

Mr. Kasson to Mr. Evarts.

No. 411.] LEGATION OF THE UNITED STATES,
Vienna, January 15, 1881. (Received February 1.)

SIR: Pursuant to your instruction No. 206 (referring to legation dispatch No. 367), I have to say, that in response to my application to the ministry for foreign affairs for the information desired, that office transmitted to me the certified protocol of the act of renunciation of American citizenship by Marcus Cohn, together with other information requested by me.

I have the honor to transmit herewith, copies and translations of the correspondence on the subject with the ministry for foreign affairs, as stated below.

I am, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 411.]

Mr. Kasson to Baron Haymerle.

LEGATION OF THE UNITED STATES,
Vienna, December 31, 1880.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, referring to the note from the foreign office (I, 1475-9), under date of August 4, 1880, announcing that one Marcus Cohn, had renounced his American citizenship, and assumed that of Austria, begs that his excellency Baron Haymerle, minister of the imperial house and imperial and royal minister for foreign affairs, will be so good as to cause the transmission to this legation, of a statement which will certify the *place* and *time* of this act of renunciation by the aforesaid Cohn, together with a copy of the record of the same showing the *formal act* of renunciation, certificate of which appears to be required for use in the United States.

The undersigned will also be glad to receive, for the information of the Department

of State at Washington, a copy of the law, if any, under which such acts of renunciation are recorded.

He avails himself of this occasion to renew to his excellency Baron Haymerle, the assurance of his very distinguished consideration.

KASSON.

His excellency, Baron HAYMERLE, *&c.*

[Inclosure 2 in No. 411.—Translation.]

Baron Haymerle to Mr. Kasson.

VIENNA, *January* 8, 1881.

In response to the esteemed note of the 31st December last, (F. O. 68,) the imperial and royal ministry for foreign affairs has the honor respectfully to transmit to Mr. J. A. Kasson, envoy extraordinary and minister plenipotentiary of the United States of America, the inclosed protocol, taken with Marcus Cohn by the district captaincy in Bischof-Teinitz, on the 16th of July, 1880, whereby the said Cohn expressly renounced the citizenship of the United States of America, acquired through naturalization.

With regard to the information desired by the envoy at the close of his note, the imperial and royal ministry for foreign affairs, has the honor to remark that in respect to the renunciation provided in article IV of the convention of 20th September, 1870, by a citizen of the United States of America of his allegiance, no special legal enactments exist in this empire.

With regard to the renunciation of Austrian citizenship, the same is, article 4 of the Austrian state fundamental law of December 20, 1867 (A. G. L., No. 142), "on the part of the state, only limited by duty of military service," and accordingly, males no longer liable to such service and females do not require a formal document of discharge in order to be released from their allegiance. The delivery of a declaration to this effect before the competent political authority at first resort is sufficient, which authority, upon application, issues a certificate to that effect.

The undersigned, avails himself, &c.

For the ministry for foreign affairs.

WOLFARTH.

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Mr. JOHN A. KASSON.

[Inclosure 3 in No. 411.—Translation]

Protocol of Marcus Cohn, taken July 16, 1880, *at Bischof-teinitz.*

[50 Kreu'r stamp.]

Taken at the K. K. district captaincy, at Bischof-teinitz, on the 16th of July, 1880.

SUBJECT.

The Hon. K. K. Statthalterei, in Prague, has, under edict of July 5, 1880, (Z. 40985) based on the present application of Marcus Cohn for re-reception into relations with the Austrian state, ordered, that a document shall be required and produced from him wherein he expressly renounces the citizenship of the United States of America, acquired by him through naturalization.

Marcus Cohn to-day appeared here and begs, in pursuance of the edict of the beforementioned Hon. Statthalterei, that protocol of the following declaration, be taken:

"I hereby expressly declare, that I renounce the citizenship of the United States of America, acquired by me through naturalization.

"MARCUS COHN."

JOSEPH MAYER, *witness.*
WILHELM WURSCHER, *witness.*

Concluded and executed.

SWOBODA,
K. K. District Captain.

EIMER.
K. K. Custode.

[Inclosure 4 in No. 411.]

F. O., 1, 70.] *Mr. Kasson to Baron Haymerle.*

UNITED STATES LEGATION,
Vienna, January 15, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, acknowledging the reception of the note from the imperial and royal ministry of foreign affairs (II, 66, 7), dated January 8, 1881, and returning thanks for the communication with its inclosure, herewith returns the declaration of renunciation of American citizenship made by Marcus Cohn, and begs to say that Mr. Evarts desired the information with a view to understand the customary forms adopted in such cases by the Austro-Hungarian Government.

The undersigned avails himself of this occasion to renew, &c.

KASSON.

His excellency Baron HAYMERLE,
Imperial and Royal Minister for Foreign Affairs, &c., &c., &c.

No. 24.

Mr. Kasson to Mr. Evarts.

No. 415.] LEGATION OF THE UNITED STATES,
Vienna, January 22, 1881. (Received February 5.)

SIR: Referring to legation numbers 392 and 400, and as bearing upon the general question of the rights of naturalized citizens who have resumed their residence in Europe, I beg to submit to the Department the correspondence between this legation and the consulate at Pest, copies of which are appended hereto.

I suppose the Hungarian law in question to be aimed at other and more numerous classes of their population than the American citizens who happen to reside there. Still, it is probable the question may soon be raised touching one who bears American papers, when, of course, the question can be more considerately discussed.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 415.]

Mr. Sterne to Mr. Delaplaine.

No. 245.] CONSULATE OF THE UNITED STATES OF AMERICA,
Budapest, December 12, 1880.

DEAR SIR: I do not like to trouble you with frivolous questions and have therefore tried to avoid doing so in the present case, but my questioner insists on my obtaining your opinion upon his case, and I therefore herewith submit the same to you.

Mr. Adolph Klein, born here, but a citizen of the United States since 1863, returned to this city in 1865 and resided here again until 1874; from 1875 to 1878 resided again in Germany and America, but since then in Germany and Austria-Hungary, and now during the last nine months again as a fixed resident here in Budapest, but wishes to continue his United States citizenship. Klein wants to know whether he can be included among those by the Hungarian authorities, who, on account of a residence in this state of five years, should make a declaration, as per section 48 of the new Hungarian law relating to such foreign citizens and on which subject I have already written to you.

Though in my private opinion this new Hungarian law will not hold good, because it is not based upon mutuality and should be also approved of by the United States Government, yet I fear it will be the cause of a good deal of trouble to our citizens

here and through them to us, from whom they will claim protection; and have published that card calling our citizens' attention to their case, but no doubt it will not reach all those interested, and since the officials here seem to be very fond of acting quite arbitrarily, some of our citizens will have trouble. I should therefore be glad to soon receive definite instructions from the Department concerning my duties in the new case.

Thus far I have pursued the following course: I issue to those United States citizens who require it a declaration like the inclosed copy, and hope my doing so does not conflict with my duties or privileges. Before I give my declaration the respective citizen of course has to satisfy me that he is a United States citizen, and for this purpose I accept only of a regular passport.

Please tell me whether naturalization papers alone would be sufficient evidence of citizenship in such cases; also whether the date of a passport will affect its validity, most passports being older than two years.

Since I have troubled you so much this time, I further beg to include another question upon a subject frequently submitted to me, but upon which my mind is not quite clear. It is as follows: Can a former Hungarian citizen, but now a United States citizen, be placed in the army upon his return here, if he emigrated after having been already notified to appear for "*assentierung*" (which means to present himself for physical inspection about his fitness to become a soldier), but who not being then found fit to serve is temporarily placed on the list for the following year, but in the mean time emigrated. I think such American citizen can upon his return be taken into the army, but I would thank you for your opinion and decision upon the subject. However, I may be wrong, because such men are not required to take the oath to the flag (*farneueid*) until they are physically found fit to serve.

I hope you will please excuse me for all this trouble to you, and remain, very respectfully,

Your obedient servant,

HENRY STERNE,
United States Consul.

Hon. J. F. DELAPLAINE,
United States Secretary of Legation, Vienna.

[Certificate inclosed.—Translation.]

The undersigned, American consulate in Budapest, hereby certifies that the American citizen Mr. ———, belonging to New York, United States of America, and since 18— residing in Budapest, together with his family, consisting of his wife and —— children, has in the undersigned consulate given the express declaration that he does not desire to renounce his American citizenship, but to retain it also for the future. He has been received into the list of American citizens, as such will be held in evidence, and so as well now as henceforth, is to be regarded exclusively as American citizen.

The American consulate.

———.

[Inclosure 2 in No. 415.]

Mr. Kasson to Mr. Sterne.

AMERICAN LEGATION AT VIENNA,
December 15, 1880.

SIR: In answer to the inquiries of your note of the 12th instant, I have to say:

1st. The law of Hungary, it is well understood, cannot change the provisions of our treaty of September 20, 1870. Our naturalized citizens have on their return to Austria-Hungary all the rights guaranteed by the first and fourth articles of that treaty. The latter article shows that one can only become a citizen "of his own accord," and cannot be "*constrained* to resume his former citizenship." The law in question, if applied to former Austro-Hungarian subjects naturalized in the United States, and not "of their own accord" accepting the new citizenship, it seems clear, would be a *constraint* in violation of the treaty. My opinion is based upon the translation of the law published over the signature of the British consul-general. This law states that the residence is to be for "at feast five *consecutive* years" within the state of Hungary; and the name must also have "been entered in the register of tax-payers" in some parish. The fair construction of the law would be for the five consecutive years next preceding the time when they claim to apply the law to a foreign citizen.

But the construction which the Hungarian courts will give to it cannot, of course, be foreseen by this legation. If he was not between 1865 and 1874 "entered in the register of tax-payers," it would seem that Klein could not be affected till the lapse of five years from 1878, if at all.

2d. I see no objection to your delivering to each American citizen a certificate of the purport of that of which you transmit a copy in your letter of the 12th instant.

3d. Touching the evidence of citizenship upon which you would feel justified in acting, I have only to say that there are two classes of persons claiming to be citizens who have from time to time presented themselves to this legation. The one class is composed of either native or naturalized citizens who have had homes and business in America, and who evidently regard that country as their real home, and its government as the one to which their allegiance is due. For them a passport of whatever date or a final naturalization certificate (their identity being shown) would be enough to justify your proposed certificate. The other class is composed of those who appear only to have lived long enough in the United States to obtain their papers, and then returned to their original country, and there resided without the intention of returning to the United States to live. This class often is composed of people who have only obtained papers by which they hope to escape the obligations of allegiance to the country of their birth without assuming any toward the country in which they were naturalized, Our laws are not intended to aid such persons in their objects; and this legation has refused, in clear cases, to recognize them as lawful citizens of the United States. The only occasion when they actually claim to be such is when they seek to escape some duty of a subject, or demand charitable relief. It must be left to your good judgment to make the proper distinction.

4th. If the emigration of a man from whom military service is claimed occurred before he was "drafted at the time of conscription" (see article 2, convention with Austria of September 20, 1870), he cannot afterward be held to military punishment for such emigration, nor is he liable to army service while remaining *bona fide* an American citizen. The case you give does not appear to be such a case of drafting.

Very respectfully,

JOHN A. KASSON.

HENRY STERNE, Esq.,
United States Consul, Budapest.

No. 25.

Mr. Kasson to Mr. Evarts.

No. 426.] LEGATION OF THE UNITED STATES,
Vienna, February 23, 1881. (Received March 10.)

SIR: Referring to my No. 401, I have now the honor to transmit herewith the concluding correspondence on the subject of a representative of the United States to reside at Belgrade, which appears to be earnestly desired by the government of that principality.

I venture to express the hope that my government will favorably appreciate the dignified but touching appeal involved in the contrast of the financial condition of the two countries, suggested in the last note of the Servian envoy, and will lend to that government the moral support of an American representative at its capital. Servia is struggling to establish its independence with the civilization of western Europe, under many difficulties arising from powerful intervening neighbors, and from the burdens imposed on it by the provisions of the Berlin Congress. It would seem to have a moral right to the generous consideration of the freer, richer, and more disinterested members of the family of nations.

I have, &c.,

JOHN A. KASSON.

[Inclosure 2 in No. 426.—Translation.]

Mr. Kasson to Mr. Christitch.

AMERICAN LEGATION AT VIENNA,
February 1, 1881.

MONSIEUR LE MINISTRE: Referring to my note of the 24th December, 1880, addressed to your excellency, I have now the honor to advise you that my government has re-

ceived with the most sincere satisfaction the expression of the friendly sentiments entertained by the Servian Government, and of its desire to have at Belgrade a representative of the United States.

Mr. Evarts, the Secretary of State for foreign affairs, while awaiting a communication from the Servian Government relative to the rank of the representative which it might desire to send to the United States, will submit the proposition communicated to him to the consideration of the President and of Congress.

Accept, Monsieur le Ministre, &c.,

JOHN A. KASSON.

His Excellency Mr. PH. CHRISTITCH,
Envoy Extaordinary and Minister Plenipotentiary of Servia, at Vienna.

[Inclosure 4 in No. 426.—Translation.]

Mr. Christitch to Mr. Kasson.

PRINCIPALITY OF SERVIA,
LEGATION IN AUSTRIA-HUNGARY,
Vienna, February 13, 1881.

MONSIEUR LE MINISTRE: I have just received the response of the minister for foreign affairs following the communication of the contents of the note which you were pleased to address to me on the 1st instant. The government sincerely regrets that the present condition of our finances does not allow it to nominate its representative near the United States of America; still, it indulges the hope that the great and wealthy Republic will not for that reason be less disposed to nominate its representative at Belgrade.

I avail myself, Monsieur le Ministre, of this fresh occasion to renew to your excellency the assurances of my highest consideration.

PH. CHRISTITCH.

His Excellency Mr. JOHN A. KASSON,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America, &c., &c., &c., at Vienna.

No. 26.

Mr. Evarts to Mr. Kasson.

[Telegram.]

WASHINGTON, *February* 24, 1881.

See minister foreign affairs and protest firmly against proposed decree. Certainly, it should not operate except after a due interval of notice and should not condemn except for actual disease. Without these qualifications the measure would be regarded as oppressive and intolerable.

EVARTS.

No. 27.

Mr. Kasson to Mr. Evarts.

[Extract.]

No. 430.] LEGATION OF THE UNITED STATES,
Vienna, March 1, 1881. (Received March 17.)

SIR: * * * I called upon Baron Haymerle, when a conversation took place, a memorandum of which, on my part, he desired me to write

out and leave with him, that he might send a copy to each of the governments of Austria and Hungary.

That memorandum was to-day sent to him, and is as follows:

FEBRUARY 28, 1881.

Mr. Kasson said that his government had been very much surprised by the sudden action of one or two European Governments in respect to the prohibition of American pork. As Baron Haymerle was aware, it was an important article of American commerce, and such unexpected action affecting its importation necessarily produced a serious effect upon the market. Thinking it possible that the same interests which had elsewhere induced action by a government might also be brought to bear in Austria and Hungary, Mr. Evarts had instructed him to see Baron Haymerle in person and explain to him the views of the American Government.

It was very easy to create alarm by false reports, and unfortunately there are in all countries, including the United States, two rival interests, one wishing to raise, the other to depress prices, and which sometimes use unscrupulous means to attain their object. In France, for example, where a family was reported to have been attacked by *trichinosis* from the use of American pork, it was ascertained on inquiry (after governmental action had produced its effect on the market) that the attack resulted from the use of French pork, not American. Undoubtedly, trichinæ may exist in the pork of any country in special cases. But it was less likely to exist in American pork than in European because the American pigs are generally fed and fattened on Indian corn (maize) a perfectly pure food; while the trichinæ are supposed to come from the use of unclean food, from eating unclean carcasses, as of rats, &c. In the pork-producing regions of the United States the conditions of the disease hardly exist, while they are often found in Europe. The United States first knew of the disease called *trichinosis* from hearing of its existence in Germany.

It would be a great injustice to exclude on suspicion American pork alone, when the suspicion should more strongly attach to all European pork. Indeed, it would be regarded as oppressive and intolerable. Naturally there can be no objection to the refusal of meat found to be diseased, from whatever country it should come. But exceptional rules of importation suddenly imposed on a great branch of trade, and without notice, are to be protested as contrary to the safe conduct of trade, and as tending to embarrass international relations and commerce.

In presence of the enormous consumption at home of American pork without injury to the consumer, and without fear, his government believes that no cause exists for an exceptional rule applicable to this American export, and cannot regard its exceptional treatment as due to legitimate sanitary considerations. It believes the Austro-Hungarian government will appreciate the equity of these views.

In the course of the conversation, when I alluded to the action of France, he said: "There is another country which has also taken action against the importation of your pork, is there not?" I answered that Germany had, I believe, done so; but only against a certain class of the pork, as I understood; but I had not seen the order myself, and could not speak positively. He also spoke of the fact, well-known, that the "protection" of home production was an element which undoubtedly influenced European action in this subject. He said nothing of the proposed action of the two governments of Austria and of Hungary, but proposed to communicate to them my memorandum. He received my representations in a very friendly manner, and gave no indication of any other than a friendly and just treatment of the subject.

I have, &c.,

JOHN A. KASSON.

No. 28.

Mr. Kasson to Mr. Evarts.

No. 432.] LEGATION OF THE UNITED STATES,
Vienna, March 8, 1881. (Received March 26.)

SIR: I beg to advise the Department of the circumstances attending the arrest and expulsion from Austrian territory of one Jacob Erasmus,

who claimed to be an American citizen, and so applied to this legation for protection, and of my intervention therein.

This intervention was promptly made, and developed the fact that he was arrested for recruiting emigrants for the United States, to be shipped by a particular line of steamers, and for a reward to be paid by the steamship company; that the statements of his telegram to me were of questionable veracity; the official report stating his business to be quite other than the "arrangement of his affairs," and that he himself emigrated only three years ago, in which case he could not now be an American citizen.

The official reports are of further value as indicating the laws and ordinances of this empire, applicable to efforts to induce emigration.

No further communication has been received from Erasmus. Copies of the correspondence are herewith inclosed for the full information of the Department.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 432.—Translation.]

Mr. Erasmus to Mr. Kasson.

[Telegram.]

VIENNA, *Dorothee-gasse* 11.

Jacob Erasmus, citizen of the North American States, according to certificate taken from him, has come to his birth-place Roza, Galicia, for the purpose of arranging his affairs. Rudolf Ciszka, district captain in Pilzno, arrested me, caused me to be judicially examined by the court and the papers to be transferred to the public prosecuting office in Tarnow. Public prosecuting office has found nothing punishable in me, District Captain Ciszka, notwithstanding, detains me under arrest and will to-day, without any just cause expel me at the frontier. Beg speedy assistance and answer. To-morrow all particulars in writing.

JACOB ERASMUS.

His Excellency Mr. JOHN A. KASSON,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[Inclosure 2 in No. 432.—Translation.]

Mr. Kasson to Mr. Erasmus.

[Telegram.]

JACOB ERASMUS, *Radomysl*:

Your case is before ministry for foreign affairs. Immediate action requested in your behalf.

KASSON.

FEBRUARY 17, 1881.

[Inclosure 3 in No. 432.]

Mr. Kasson to Baron Haymerle.

UNITED STATES LEGATION,
Vienna, February 19, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, referring to the telegram from one Jacob Erasmus, claiming to be an American citizen, and addressed to this legation, and which was, on the 17th in-

stant, informally submitted, through Monsieur de Kallay, to the ministry for foreign affairs for their examination and following inquiry, has now the honor to request that the telegram referred to may be returned to this legation when the same shall have been duly examined and a copy taken if desired. He will also be glad to be informed of the result of the inquiry into the truth of the complaint therein made that Erasmus, as an American citizen, was illegally arrested, and without cause deprived of the formal document attesting his nationality.

The undersigned avails himself, &c.,

KASSON.

His Excellency Baron HAYMERLE, *&c., &c., &c.*

[Inclosure 4 in No. 432.—Translation.]

Baron Haymerle to Mr. Kasson.

VIENNA, *February* 21, 1881.

In response to the esteemed note of the 19th instant the imperial and royal ministry for foreign affairs has the honor to transmit with thanks to the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. John A. Kasson, the accompanying telegram of Erasmus, placed at the disposition of the said ministry, referring to his detention at Pilzno, and to add the copy of a telegram which the imperial and royal statthalterei in Galicia, to whom telegraphic advice was forthwith sent, addressed to the ministry on the 19th instant, from which the envoy will perceive that proceedings have been instituted by the imperial and royal authorities against Erasmus, on account, as appears, of recruitings for America, in contravention of existing ordinances.

The imperial and royal ministry for foreign affairs proposes, as soon as the particulars of the case shall have been communicated to it, as promised in the telegram, to bring them without delay to the knowledge of the envoy.

Meanwhile the undersigned avails himself, &c.

For the minister for foreign affairs :

WOLFARTH.

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Mr. JOHN A. KASSON.

[Inclosure 5 in No. 432.—Translation.]

Baron Haymerle to Mr. Kasson.

VIENNA, *February* 27, 1881.

In pursuance of the respectful note of the 20th instant (No. 3339–7), the imperial and royal ministry for foreign affairs now has the honor to communicate to the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Kasson, the particulars reported to the ministry by the imperial and royal statthalterei at Lemberg, relative to the seizure and arrest of the naturalized American citizen, Jacob Erasmus.

At the end of last month the gendarmery post command in Zassow ascertained that Jacob Erasmus, landlord from Roja district, Pilzno, who three years previously emigrated to America, had returned to his native place, and was occupied in the recruiting of his countrymen for removal to America.

On the basis of this notification Erasmus was arrested in his own house, which the imperial and royal gendarmery found formally besieged by people from the whole vicinity, and was, by the imperial and royal district captaincy in Pilzno, delivered to the imperial and royal district court of the same place for official penal action.

The correspondence found in Erasmus's possession exhibited evidence that he was charged by the attorney of the North German Lloyd, Carl Behmer, of Berlin, and by Carl Johan Klingenberg, ship agent of Bremen, to recruit in Galicia passengers for the voyage to America, for which service a compensation of 3 florins for each grown person and 1½ florins for each child was promised to him.

Inasmuch as Erasmus abode in Roja but a few days previous to his arrest, and, accordingly, by reason of the shortness of the time, could neither accomplish his mission nor cause any damage to the recruits, therefore the imperial and royal state prosecut-

ing office in Tarno, to which the preliminary examination had by the imperial and royal district court of Pilzno been sent for the purpose of suggestion as to disposition of the case, found no tenable point for a further penal prosecution of Erasmus, and delivered the examination papers to the imperial and royal district captaincy in Pilzno, in the sense of the ministerial ordinance of September 30, 1857 (A. G. B. No. 198), for further official action in respect to the arrested party.

Hereupon Jacob Erasmus was condemned by the imperial and royal district captaincy in Pilzno, under sentence of the 17th instant, on account of unauthorized recruiting for America, based on the before-mentioned ministerial ordinance, to fourteen days' confinement; and, since he had, under a naturalization certificate of the American Union, given proof of his status, it was forthwith decreed that he, as a foreigner, in the sense of paragraph 2 of the imperial law of 27th July, 1871 (St. G. B. No. 88), under peril of the consequences stated in paragraph 323 of the penal law, should be expelled from all the crown lands of the Austrian monarchy.

Erasmus has entered no appeal against this judgment, and immediately submitted to the punishment.

The undersigned avails himself, &c.

For the ministry of foreign affairs:

WOLFARTH.

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Mr. JOHN A. KASSON.

No. 29.

Mr. Kasson to Mr. Evarts.

No. 433.] LEGATION OF THE UNITED STATES,
Vienna, March 8, 1881. (Received March 25.)

SIR: The foreign office has voluntarily transmitted to this legation a further communication on the subject of renunciation of Austrian citizenship, indicating the present condition of the law. It further states that now emigration is only limited by the duty of military service.

I inclose herewith a copy of the original communication, and a translation of the same.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 433.—Translation.]

Baron Haymerle to Mr. Kasson.

VIENNA, *March* 1, 1881.

With reference to the inquiry contained in the esteemed note of the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. John A. Kasson, of the 15th ultimo, what customary forms may be observed in the case of renunciation of Austrian citizenship, the imperial and royal ministry for foreign affairs has the honor now to complete the communications contained in the note of the 8th ultimo. (No. II, 60, 7.)

According to section 32 (*a. b* G. B.) the loss of citizenship is fixed through emigration or through marriage of a female citizen with a foreigner.

The emigration patent of March 24, 1832 (political law collection, vol. 60, page 73), is in many respects no longer applicable, in consequence of article 4, paragraph 3, of the fundamental state law of the 21st December, 1867, relative to the general rights of citizens.

The enactment of section 2 of the emigration patent, according to which every one who wishes to emigrate must apply to the provincial magistrate's office for his discharge from Austrian citizenship, has no longer special significance, inasmuch as the

said article 4 contains the enactment that emigration is on the part of the state only limited by the duty of military service.

Hence, in the case of males not liable to military duty, and of females who wish to emigrate, an authorization thereto or a formal discharge from their connection with the Austrian Empire, is no longer required, and accordingly in the case of such persons an express renunciation of Austrian citizenship can only then become of practical use when the object is to obtain a formal consent to emigrate, notwithstanding the existing liberty of emigration, in order to prove the discharge from political connection with the empire, which is required in some countries for the purpose of being received into political connection with them.

Such a consent will then, upon each special application, be imparted by the political authorities of first resort of the place to which the party belongs, in the name of the provincial authorities; or, in places possessing there our statutes, when the affairs of the political authorities of first resort are managed by the commune, the consent is imparted by the provincial authorities themselves in the form of a certification that the emigrant in question has been discharged from political connection with the Austrian Empire.

Austrian citizens, subject to military duty, namely, those who (*a*) are in connection with the standing army, the recruit-reserve or militia (landwehr), or (*b*) being of the prescribed age for performance of military duty—that is, who can be drafted for the performance of proper war service or other service for war purposes—these citizens require, when they intend to withdraw from the Austrian political connection, a special permission to emigrate; that is, the formal discharge from connection with the army for the purpose of emigration; for the granting of which to persons, who stand under obligation to the standing army, the imperial and royal ministry of war for the empire is appointed, but for others the imperial and royal ministry for defense of the country is appointed according to the instructions for carrying out the existing enactments of the militia law of December 5, 1868 (R. G. bl. No. 151), and of the existing enactments relative to the militia men, on the basis of the law on the militia of the 13th May, 1869 R. G. bl. No. 68).

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

For the minister for foreign affairs,

WOLFARTH.

No. 30.

Mr. Kasson to Mr. Blaine.

[Extract.]

No. 434.] LEGATION OF THE UNITED STATES,
Vienna, March 12, 1881. (Received March 26.)

SIR: Recurring to the subject of my dispatches Nos. 428 and 430, I have now to add that on the 8th instant I received very opportunely your telegram of the following tenor:

Published statements of mortality among swine are false.

EVARTS.

I made it the occasion of a further communication to the minister for foreign affairs, as follows:

UNITED STATES LEGATION,
Vienna, March 8, 1881.

DEAR BARON HAYMERLE: Referring to my conversation with you of the 28th ultimo, and to my note of the 1st instant inclosing "memorandum," I beg to call your attention to a telegram received to-day from the Secretary of State at Washington, which denies the reports put in circulation by interested parties respecting the prevalence of disease among American swine.

In this connection I beg that the attention of the proper authority in Austria and in Hungary may be called to the fact, as reported to this legation, that examinations

have shown more condemnations of German and Servian swine meat on account of the prêsence of trichinæ than of American. A quantity of Westphalian hams are reported to have been recently confiscated in this city on that account. It is believed that when the reports made are duly considered by the respective governments, it will appear to them necessary to make one rule equally applicable to the importations from all countries.

Believe me, dear Baron Haymerle, your most obedient servant,

JOHN A. KASSON.

On the evening of the same day, meeting me in society, he said that he had received this note, and had already ordered its transmission to the Austrian and Hungarian Governments. Your telegram was opportune, especially because there had at the time appeared in the journals a statement that the municipality of Pest had just addressed to the government there a petition for the prohibition of the importation of lard, of pork, and of fat coming from America. By my advice the consul at Pest was instructed to remonstrate with the local authorities for reasons given, and his action thereon he afterwards reported to the consul-general.

I have now exhausted all the preventive means which occur to me as being in my power to reverse or modify the intended action of the two governments.

It has also been the subject of conversation between two of the ambassadors and myself, in which I sought to dissipate the groundless alarm, and indicated what is generally believed to be at the bottom of the difficulty, namely, the wish to obstruct and even abolish American competition in the home markets of Europe.

* * * * * * *

We are so far removed from the countries of interior Europe that their governments are not so careful in treating economic questions involving our interests alone as they are in dealing with like questions affecting their immediate neighbors. Their sense of international justice is also largely influenced by the widespread fear among their people of the effect of the recent development of the products and of the industry of the United States and of the resulting competition in European markets. These fears particularly apply to the agriculture of America. The taxation of real estate here is very burdensome. In America it is light. Rents must here, in large proportions, be paid to landlords. In America the farmer is usually free from rent charges. Here lands have been highly paid for. There they were bought comparatively cheap. These considerations are pressed upon the governments. It is more than possible that they will lead to palpable injustice and inequality towards the United States in the near future. Hence the question whether Congress ought not to arm the Executive with the power to impose temporarily a percentage of discriminating duties on the products of the soil and of the industry of those nations which apply discriminating duties or regulations against the products of the soil or industry of the United States.

Some two years ago I had the honor to advise you that the condition of public sentiment in this country, and on this continent generally, gave serious cause for alarm to American interests. I beg now, in view of the partial realization of those fears, to renew that declaration, and to direct attention to remedial and precautionary measures.

I have, &c.,

JOHN A. KASSON.

No. 31.

Mr. Kasson to Mr. Blaine.

No. 438.] LEGATION OF THE UNITED STATES,
Vienna, March 19, 1881. (Received April 2.)

SIR: The interests at work to obstruct the competition of American swine meat and swine product in the markets of this monarchy have finally succeeded in their purpose.

On the 16th instant appeared here in the official journal, the Weiner Zeitung, an ordinance, of which inclosure 2 is a translation. A copy of the original publication is inclosed herewith.

I had previously private information that the two governments had resolved to effect their purpose in some form, notwithstanding the official representations I had made of the absence of just sanitary grounds on which to base such an ordinance. If my remonstrances had any effect, it was only to induce them to abstain from alleging disease in the articles prohibited. The order is a simple, naked prohibition, without alleged sanitary causes or other reasons. It might equally apply to American flour.

But this form leaves it a patent and bare violation of the fifth article of our treaty of commerce of 1829. This appeared to me to more than justify a formal protest on my part against it, even had this not been required by the instructions of the telegram addressed to me by Mr. Evarts, under date of the 25th of February. A copy of my protesting communication to Baron Haymerle is inclosed herewith, and I hope it may be approved by my government as within my instructions, and as proper in form. I could not permit to pass without protest an order so plainly ignoring the obligation of a treaty.

If they should seek to justify the order by hereafter alleging disease in the American swine product, still there remain the need of proof, and even if proved, the inequality of national treatment against which the treaty stipulates. Their own official records show the presence of the disease in the like products of neighboring countries which are not included in the prohibition. The Secretary will observe that in my two previous notes to the foreign office, I carefully kept in view the two claims of my government—actual disease to be shown and one rule to be applied to all nations without discrimination against the United States.

The injustice and inequality of the order are evident. Its folly will be apparent from the fact that it will lead to the illicit introduction of American swine meat under the disguises of other nations.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 438.—Translation.]

Copy of ordinance of prohibition.

Ordinance of the ministries of the interior, of commerce, and of finance, of the 10th March, 1880, relating to the prohibition of the importation of hogs, swine meat, lard, and sausages from the United States of North America.

In agreement with the royal Hungarian government, the importation of hogs, of swine meat of every kind, of lard, of sausages of every sort from the United States of North America into the Austro-Hungarian monarchy is prohibited.

This prohibition will go into force with the day of its publication.

TAAFFE, M. P.
DUNAJEWSKI, M. P.
PINO, M. P.

[Inclosure 2 in No. 438.]

Mr. Kasson to Baron Haymerle.

UNITED STATES LEGATION,
Vienna, March 18, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, begs to call the particular attention of his excellency Baron Haymerle, imperial and royal minister for foreign affairs, to the following observations:

In the Wiener Zeitung of the 16th instant appears the following official publication:

Verordnung der Ministerien des Innern, des Handels und der Finanzen vom 10. März 1881 betreffend das Verbot der Einfuhr von Schweinen, Schweinefleisch, Speck und Würsten aus den Vereinigten Staaten von Nord-Amerika.

Im Einvernehmen mit der kön. ungarischen Regierung wird die Einfuhr von Schweinen, von Schweinefleisch aller Art, von Speck und Würsten jeder Gattung aus den Vereinigten Staaten von Nord-Amerika an die österreichisch-ungarische Monarchie verboten.

Dieses Verbot tritt mit dem Tage seiner Kundmachung in Wirksamkeit.

TAAFFE, M. P.
DUNAJEWSKI, M. P.
PINO, M. P.

From this it appears that alike in Hungary and in Austria, without previous notice to or understanding with the Government of the United States, an unconditional prohibition has been imposed on the importation of an important article of commerce, the produce of the United States. This prohibition appears to be exceptionally applied to the produce of the United States, and not to extend to other nations.

The treaty of commerce and navigation concluded between the two nations on the 27th of August, 1829, adopted a system of "perfect reciprocity, based upon principles of equity equally beneficial to both countries." Article V of that treaty, in conformity with that system, provided for mutual and exact equality of treatment, so that no other or higher duties should be imposed on the produce or manufactures of either than those imposed upon the like article the produce or manufacture of any other country. It is further, in the same article, expressly agreed as follows: "*Nor shall any prohibition be imposed on the importation* or exportation *of any article the produce or manufacture of the United States* or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, *which shall not equally extend to all other nations.*"

The Government of the United States is unable to reconcile the official order above quoted with the provisions of the treaty and the obligations imposed alike on both governments.

The undersigned must, therefore, protest in the name of his government against the said order and its enforcement, and reserves all rights of reclamation, both for his government and for its citizens, on account of the injury and damage which may result therefrom.

The undersigned begs his excellency Baron Haymerle to accept herewith the very cordial assurances of his distinguished consideration.

JOHN A. KASSON.

His Excellency Baron HAYMERLE,
Imperial Royal Minister for Foreign Affairs, &c., &c., &c.

No. 32.

Mr. Kasson to Mr. Blaine.

No. 440.] LEGATION OF THE UNITED STATES,
Vienna, March 25, 1881. (Received April 11.)

In the year 1753 was founded at Vienna the "Oriental Academy." It is an institution designed to prepare a corps of agents for the government, who shall be specially fitted to advance the political and commer-

cial interests of Austria-Hungary in the Oriental world. The Government of Maria Theresa believed that persons under direct training by and allegiance to the government which they served, and with all their interests identified with the home country, would be much more useful than the natives of some foreign land who would otherwise fill these posts.

Believing, myself, that an institution under the control of our government, and designed to teach the law of nations, the law of commerce, and the languages spoken in the most important foreign countries with which we now have or desire to develop commerce, will soon be appreciated as a necessity in the United States, I have carefully inquired into the cost, management, course of study, and rules of the "Oriental Academy" at Vienna. The result of that inquiry will, I hope, not be without interest to the Department of State. My report is based upon information obtained from the director, Mr. Barb, himself an eminent linguist and Oriental scholar.

I. The number of students is limited to fifty. Any student who has finished his course of study at the gymnasium may apply for admission to the academy. Precedence is given to those who have excelled in their gymnasial studies, and eight of the best students are maintained at the academy without pay. The others must pay 800 florins annually for board and tuition. To the funds thus provided, the government adds annually 22,000 florins as its grant toward the support of the institution. The total annual cost of maintaining the academy approximates the sum of 50,000 florins. There is an entrance fee of 100 florins.

II. The course of study covers five years. The corps of professors and tutors numbers fifteen. There are two divisions of study; the first embraces jurisprudence and political science; that is to say, the diplomatic history of states and international law (taught in French), statistics, national law and financial science, commercial law and bills of exchange, civil and criminal law and modes of procedure, and the consular system. The second division is that of languages. These embrace the Turkish, the written Arabic and common Arabic, Persian, modern Greek, French, Italian, and English. The students assume no obligation to serve the state. The eight excelling students have prefer, ence of admission into the consular and diplomatic service of the East and may be also transferred into the same career in the West. The salaries of the teachers range from 600 to 3,000 florins.

III. The present organization of the academy is as follows:

PLAN OF STUDY.

DIVISION I.—LAW AND POLITICAL SCIENCE.

Criminal law and criminal course of pleading: Prof. Dr. Ritter von Keller.
Civil law: Prof. Dr. Singer.
Civil judicial procedure in and without litigation: Prof. Dr. Pann.
Law of commerce and bills of exchange: Prof. Dr. Pann.
Statistics, national economy, and financial science: Prof. Dr. von Neumann Spallart.
Diplomatic history of states and international law (in the French language): Prof. Dr. Leopold Baron von Neumann.
Consular system: Prof. Dr. Leopold Neumann.

DIVISION II.—LANGUAGES.

Turkish language: Professor Plechacsek.
Turkish language: Corregititor Pekotsch.
Grammar and literature of the Arabic written language: Lecturer, Dr. Wahrmund.

Common Arabic language: George Dellal.
Persian language: Director Barb.
Modern Greek language: Tutor Damianis.
French language: Prof. Abbé Piqueré.
French language: Prof. Bréant.
Italian language: Prof. Abbé Adami.
English language: Tutor Comarek.

IV. I append to this dispatch a copy of the regulations for the admission of students to the academy as they appeared for the current academic year 1880–'81.

Some two years ago the attention of the diplomatic and consular officers of the United States was called by the Secretary of State to the best modes of improving the commercial relations of the United States abroad. But all lines of thought lead back to deficiencies in our agencies. We have the arts of manufacture and the facilities of production in the highest degree. But, on the other hand, we have almost no ships under our own flag, under American officers, controlled by American interests, and directed to the profit of American commerce. We have few American commercial employés who speak any other language than their own. We have few native-born consuls who are really masters of any other language than the English. Even after years of employment, when they have picked up shreds of a foreign language, they are often transferred to posts where the language and the usages are wholly unknown to them. A real knowledge of the interests and wants of a foreign people cannot be acquired without the facility of a common language.

As a rule such agents content themselves with mere routine, and for ordinary intercourse depend upon some poorly paid interpreter of foreign origin, of whom the English language becomes in turn the victim. The same is true of some of our legations. The real interpreter of our interests becomes at last an irresponsible and partially educated foreigner.

It is to be greatly desired that the United States should escape from this condition of inferiority. Occupying a continent in which it may almost be said a single language is spoken, we are almost without facilities for acquiring the practical mastery and use of foreign languages. The Pacific Ocean alone separates us from the vast commercial populations for whose trade all Europe is struggling and has been struggling for a century and more—nations which embrace nearly half the population of the globe. How many of our people can speak the language of Japan, or of China, or of the Indies? Our merchants ought to control the trade of the West Indies and of the South American states. How many of our native citizens can speak the Spanish, or write an order in that language? Both for international commercial transport and for commercial intercourse, we are dependent on foreign agencies.

There is no limit to private and public expenditure for abundant native agencies of our internal development, including schools of every grade. We have our special naval school, that men may be fitted for the work of national defense and commercial protection on the seas. We have our military schools, that they may be fitted to defend the country on land. But we fit nobody for the work of developing the influence and the commerce of the United States in countries speaking other languages and having other forms of civil and social life. Yet it is in intercourse with these that our future prosperity must be largely found, and with these that our geographical situation gives us a great advantage. In those countries strangers are jealously observed. Nothing makes a man so much a stranger as the inability to converse in the common language of the people, among whom he is only one in a million.

This sentiment is practically experienced in every part of the United States, in presence of the foreign-born, numerous as they are.

It is to destroy this inability and isolation of the American representatives in Asiatic and European countries, of diplomatic, consular, and commercial representatives especially, that I venture to call your attention to this foundation of an "Oriental Academy," and to raise the inquiry whether it would not inure greatly to the advantage of the United States to establish at Washington a school of languages and international law.

It would be in accord with the purposes of the Smithsonian Institution to give room for the classes. The expense of instructors would only require a moderate grant of money by Congress. Non-partisan admission could be secured by giving to State institutions, or boards of trade, the nomination of the scholars, who should be graduates of some advanced institution of learning. Its excelling graduates should be preferred for the clerkships of the State Department, and for the consular or inferior diplomatic posts, for which they should be best fitted. For the others the mercantile houses having foreign relations and foreign agencies should be eager competitors. The French, German, Japanese, and Chinese languages should be taught both as written and spoken languages.

Our diplomatic history and treaties should be studied together with general diplomatic history and international law.

So far as the development of our foreign relations and the reform of our foreign civil service are concerned, this seems to me to open a useful line of action, to promise better things than the present time affords, and to be attainable at a slight cost to the government.

I have only to add that the director of this Oriental Academy informs me that, at present, the Austrian Government requires for its service in consular and diplomatic posts more of its graduates than are now at its command.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 440.—Translation.]

Competitive regulation for the pupils of the imperial and royal Oriental Academy to be received in the academic year 1880–'81.

VIENNA, *August*, 1880.

Those students who are candidates for admission into the imperial and royal Oriental Academy must address the requisite application to the director of the institution to be presented by the end of September at the latest.

The candidates must attach to their applications these documents:

1. Certificate of birth.
2. Testimonial of vaccination.
3. Testimonial of health.
4. All testimonials in regard to the satisfactory result of the passed gymnasial studies, including the certificate of graduation. (*Maturität.*)
5. All existing testimonials in regard to previous learning of foreign languages, especially of the French.

. To the prescribed examination in writing for the purpose of admission which is to be held in the building of the imperial and royal Oriental Academy (3 Jacobe-gasse) only those candidates will be allowed who have duly produced the before-named documents.

The subjects of the said examination are the following:

a. History of the states composing the Austro-Hungarian monarchy.

b. A translation from Latin into German.

c. A translation from French into German.

d. A translation from German into French.

Each pupil must pay annually for board and instruction the sum of 800 florins, Austrian currency, which is to be paid in half yearly term installments in advance, at the pay office of the imperial and royal ministry of the imperial house and for foreign affairs; and further, he must, on his entrance into the academy, pay an outfit sum, occurring but once, of 100 florins, Austrian currency.

The allotment of the foundation places (by sovereign authority changed to state endowments) which are granted as emulation premiums to pupils of the institution who most excel, takes place always at the close of the academic year, or under particular circumstances also at the close of the first semestral term, and in this allotment preference is given to the students without means over those with means.

The pupils of the institution graduating as academic foundation scholars have before all others claim for consideration in filling the regular posts of consular clerks (*eleves*) which may become vacant; and until they may be provided for in this or in some other post in the government service, they will enjoy free board and lodging in the institution in the same manner as they had it in their former quality of foundation scholars; while on the other hand, those who during the five years' academic course of instruction were unable to obtain a foundation place can expect the appointment of regular consular clerk only as the service may require, and after the academic foundation scholars have been provided for.

The DIRECTORS OF THE IMPERIAL AND ROYAL ORIENTAL ACADEMY.

No. 33.

Mr. Kasson to Mr. Blaine.

No. 446.] LEGATION OF THE UNITED STATES,
Vienna, March 30, 1881. (Received April 20.)

SIR: In order to complete the information which I have believed to be interesting to the Department of State at Washington, I have procured copies of the official regulations established by the ministry of foreign affairs in Vienna for the examination and admission of candidates for appointment into the diplomatic and consular service.

The original and translations are transmitted herewith.

The rigidity and thoroughness of the examinations will compare well with those of undergraduates at our best institutions of learning.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 in No. 446.—Translation.]

Edict of the imperial and royal ministry for foreign affairs of December 13, 1880, *relative to the requisites for admission to the concept service of the ministry within the same or abroad.*

VIENNA, *December* 13, 1880.

Since the necessity has been manifested of a partial change in the regulations contained in the edict of the 11th April, 1869, relative to the holding of diplomatic examinations which form the condition for admission to the concept-service of the ministry of foreign affairs, the following enactments (the said edict being abolished) are hereby made known to aspirants for diplomatic service:

I. No person will be admitted to a paid place in the "concept" department, either in the service within the ministry for foreign affairs, or in an imperial and royal mission abroad, who has not passed the examination.

II. The admission to this examination is allowed by the ministry for foreign affairs only to such candidates as shall have fulfilled the following preliminary conditions:

a. The candidates must have completed their law studies in one of the universities of the empire, and must produce evidence of having there passed three theoretical state examinations with success, or have attained the degree of doctor of laws.

b. They must, in a special, prescribed preliminary examination, show thorough knowledge of the German and French languages. This preliminary examination, which is conducted before a member of the commission for the diplomatic examination in the ministry for foreign affairs, consists in the execution of a free treatise on a subject which must be offered without his being previously apprised of it. In case of total or gross deficiency in knowledge of the German or French language this examination for admission may be repeated at a fit period. The result of this examination will be orally communicated to the candidate.

c. Based on the proof of this education, and the satisfactory examination in languages, the admission of the candidate into the concept-service in the ministry for foreign affairs, or in an imperial and royal diplomatic mission abroad, takes place.

The possession of an annual income of at least 4,000 florins must be shown by documentary evidence in order to entitle to service in a mission. After one year's service in the ministry for foreign affairs, or two years at the farthest, in an imperial and royal mission abroad, the aspirant must at the next fixed period for holding the examinations, under penalty of losing his right of admission, submit to such examination (first applying in writing to the ministry for permission). Besides this application, however, the candidates who served in an imperial and royal mission abroad must transmit a treatise in the French language on the political-commercial situation, or other condition of the said foreign country, to the ministry for foreign affairs, at the beginning of the second half of the last year, through the chief of the mission, under whose special supervision the work is required to be done.

III. The diplomatic examinations are held every year in the course of the month of May or November, at the ministry for foreign affairs, by the commission appointed, with such candidates as have fulfilled the conditions prescribed in the foregoing paragraph II. One or several examinations take place at these terms, according to the number of candidates.

IV. The examining commission must consist of a chief of division, or in case he be prevented, of a court counselor of the ministry for foreign affairs, who is to act as president, and of three members; the latter are to be appointed from the higher officials of the ministry for foreign affairs, professors, or other experienced officials of the ministry. The president may examine at the close, but he is not required to do so. In case of a variance in opinion on the part of the commissioners the vote to which the president inclines is decisive.

V. The diplomatic examination is divided into one oral and one written. The latter will be first passed, and takes place on three successive days. The appointment of the days for the written and oral examination, as well as the succeeding order of the subjects, is left to the discretion of the president of the commission. There shall, however, not be an interval, of over eight days between the two examinations.

VI. Subjects of the oral examination are:

a. General European international law, especially the law of peace, of war, of neutrals, public laws of the high seas, law affecting envoys and consuls, with special reference to the peculiar Austro-Hungarian rules and international private law, especially the enactments in force in Austria-Hungary.

b. Diplomatic history of nations; formation of the system of European nations since the peace of Westphalia, and of the American States since the Independence of the United States of America, up to the present; analysis of the great international treaties, and especially those having relation to the Austro-Hungarian Monarchy.

c. Political economy and science of finance as applied to international relations, with a special consideration of policy, of trade and traffic, of currency and coin, of national debts, of the organization of credit and money system, &c., with continual reference to the special laws of administration.

Two subjects of questions of the law of nations, including international civil law, also on the diplomatic history of nations, must be answered in the French language.

VII. The examination in writing extends to international law, without comprising international civil law, to the diplomatic history of nations and international political economy.

On each of these subjects, a question in writing will be submitted to the candidate by the respective examining commissioner, which question relating to the two first-named subjects, is to be answered in the French language, and the question relating to the latter in German.

The candidate must prepare his compositions in a period between ten o'clock in the morning to six o'clock in the evening at the latest, under constant and careful supervision. He dare not employ any other auxiliary than the dictionaries belonging to the ministry, under the penalty of immediate annulment of the examination and unconditional rejection. At six o'clock all the compositions, whether finished or not, must be delivered to the inspector in attendance, who confirms their genuineness under his signature, and transmits them to the respective commissioner. The latter expresses in writing his vote in respect to the work, and sends both to the other commissioners, and finally to the president.

Should the examination in writing be judged by the commission as wholly unsuccessful, then the candidate will not be admitted to the oral examination. In this matter the commission alone decides.

VIII. Immediately after conclusion of the oral examination, the commissioners express their opinion, based both on their observations relative to the oral answers of the candidate, and on the written composition which they have carefully examined (after due consideration of the theoretical and practical attainments therein exhibited also of his talent of comprehension and judgment exhibited, his oral delivery and style), whether the candidate has shown or failed to show capability for the diplomatic concept-service.

IX. The commissioners must in a special report, accompanied by the compositions of the candidates and any casual private suggestions, inform the ministry for foreign affairs of their decision. In case of approval or rejection, immediately after the examination, a certificate signed by the president and the members of the commission will be delivered to the candidate, which will express the decision as to his capability, without additional remark thereto; as to his capability with unanimity; as to his capability with high distinction; in respect to some or all the subjects; or finally, decision of disapproval. In the latter case a repetition of the examination may be granted by the commission to the candidate either to take place in six months or a year; still such a repetition can take place only once and must be in the following May or November.

X. This regulation will take effect on the 1st of May, 1881.

XI. Special enactments exist for the scholars of the Imperial and Royal Oriental Academy and for consular examination.

[Inclosure 2 in No. 446.—Translation.]

Extract from the regulation of the year 1849 *relative to the creation of posts of consular clerks (eleves).*

§ 3. It is not only a primary condition for admission as consular clerk that he should be unmarried, but he must so continue during his tenure of this office.

§ 4. As conditions for attainment of the post of consular clerk, are further established:

a. Age under thirty years.

b. Jurdicial political studies finished with satisfactory result.

c. Performance of at least one year's service in concept department of the State, with public officers, where opportunity is afforded to obtain precise acquaintance with the organization and scope of the branches of the government and the forms of conducting business.

d. Commendable mental capacity and blameless moral character.

e. Complete knowledge of the German, Italian, and French languages.

f. Passing a competitive examination in writing.

§ 5. The requisite *a* is to be shown by a certificate of baptism; *b* by the testimonials of study; *c* and *d* by the reports of the official chiefs in the public offices with whom or under whose direction the candidate has served or is yet serving.

With regard to the requisite *e*, testimonials, duly attested by such official chiefs, are to be produced, but the result of the examination will afford satisfactory proof.

§ 6. To the competitive examination to be passed in writing only such candidates will be admitted whose possession of the requisites *a*, *b*, *c*, and *d* shall have been previously shown. The competitive examination will take place at the imperial and royal ministry for foreign affairs, and the time will be made known to such candidates as may be admitted to it. At this examination the candidates must, under official supervision, discuss in writing *three* themes or questions submitted to them, namely: One drawn from the Hungarian international law, or specially in relation to the treaties of commerce and navigation of Austria and foreign nations; one drawn from the Austrian laws and regulations relative to the consular system and relative to marine navigation; one drawn from political economy or the customs and commercial system of Austria, or from the statistics of Austrian commerce and industry.

One of these treaties must be prepared in the German, the second in the Italian, the third in the French language. The examination of the finished compositions will take place at the imperial and royal ministry for foreign affairs, and the result of it will, in connection with the requisites mentioned in § 4 and § 5, serve as reasons in influencing the nominations of consular clerks.

No. 34.

Mr. Blaine to Mr. Kasson.

No. 224.] DEPARTMENT OF STATE,
Washington, March 31, 1881.

SIR: Your dispatch of the 24th of December last, (No. 400), in relation to questions arising in regard to naturalization and citizenship before your legation, has been received.

You report three cases which you have recently been called upon to deal with, and in regard to each of which you submit your action to the judgment of the Department.

The cases are stated by you with such admirable clearness that the department finds no difficulty in reaching a conclusion in respect to each and all of them; and it affords me satisfaction to be able to add that your disposition of the questions involved, accords so entirely with the views entertained by it on these questions that it only becomes necessary to approve your proceeding. That approval is unqualified. As these several rulings may, however, serve as a valuable precedent to the legation in similar questions that may arise in the future, I deem it not out of place to notice them separately and with particularity.

The first is that of Gustav Schwetzer, a native of Austria, who came to the United States in 1851, became a citizen of this republic by naturalization in 1856, returned to Europe in 1859, bearing a passport from this department, has ever since resided in Austria, has no intention to return to the United States, has since his return to Austria married there and has three children, all born in that country. In this case you properly refused to issue a passport to Mr. Schwetzer. Within the spirit of the naturalization treaty of September, 1870, between, the United States and Austria-Hungary, no less than according to the recognized general principles of public and municipal law governing expatriation, Mr. Schwetzer has in the clearest manner renounced his American citizenship. Whether or not he has in any formal manner resumed his Austrian or native allegiance is a question wholly between him and that government, and one in regard to which this government is not called upon to concern itself. In this connection your attention is directed to the answer of my predecessor, Mr. Fish, to the questions submitted by the President for the opinion of the officers of his cabinet in August, 1873, which you will find in the "Foreign Relations" of 1873, part I.

The second case is that of Anton Wurglets, a Hungarian who came to the United States in 1851, was naturalized in 1856, returned to Europe after 1867, and since 1869 has lived as a farmer in Hungary. It further appears that he had children born in the United States, who desire to return to their native land; and that his son Attila, now nineteen years old, intends to come to the United States very soon. In this case you directed the desired passport to issue, regarding, as you say, the United States citizenship of the family as continuing. I concur entirely in the conclusion thus reached by you. Were there even some room for doubt on the question, and there appears to be little or none here, in a matter of so much importance to the individuals every legal intendment should be resolved in favor of the citizenship.

The remaining case is that of Henry Huber and family and Frederick Huber and family, the facts in regard to which you thus give: The father was born in Switzerland in 1823, married there in 1846, and had five children born in that country. He came to the United States

with his family in 1854; was naturalized in 1859, and returned with his family to Europe in 1860. One daughter was born in the United States in 1858. His oldest son, Heinrich, returned to this country in 1864, and still resides here; and his son Frederick married an Austrian subject in Austria in 1876, and has one child born there. The son Frederick "intends," in course of time, "to return to America." The father's "return is not distant." In this case, also, you decided to grant the passports, although it is evident that you did not consider the case entirely clear or free from difficulty. Here, also, I think you were right in resolving the doubts in favor of the citizenship. This, at least, is deemed to be the safest and best course for the executive branch of the government concerning questions partaking so much of a judicial character, and in which rights of property, as well as personal rights, may at some future time be involved. This department has always held the provisions of sections 2172 Revised Statutes as applicable to such children as were actually residing in the United States at the time of their father's naturalization, and to minor children who came to the United States during their minority and while the parents were residing here in the character of citizens. This view appears to be in consonance with the traditional policy of the government on the subject of citizenship.

Your interpretation of section 2167 of the Revised Statutes is believed to be the true one. The provisions of that section have reference to persons who come to the United States before attaining the age of eighteen years without any necessarily legal relation to the political status of the parents.

I am, &c.,

JAMES G. BLAINE.

No. 35.

Mr. Delaplaine to Mr. Blaine.

No. 453.] LEGATION OF THE UNITED STATES,
Vienna, April 1, 1881. (Received April 20.)

SIR: Referring to dispatch No. 438, I herewith inclose a copy of the reply (received to-day) of the imperial and royal minister for foreign affairs to Mr. Kasson's note of March 18, 1881, the latter containing a formal protest against the official order of prohibition of the importation of swine meat and swine products from the United States into Austria-Hungary.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure in No. 453.—Translation.]

Minister for Foreign Affairs to Mr. Kasson.

VIENNA, *March* 29, 1881.

The undersigned has had the honor to receive the esteemed note of the 18th instant, wherein the Hon. John A. Kasson thought proper, in the name of his government to protest against the order issued on the 10th instant, by the government of both halves

of the Austro-Hungarian monarchy, prohibiting the importation of swine, pork, bacon, and sausages from the United States of North America.

So far as this protest is based upon article V of the treaty of commerce and navigation, of August 27, 1829, the undersigned begs leave to remark that the prohibitory order in question was issued solely out of regard to the public health.

The stipulations of article V of the aforesaid treaty cannot be considered in this case, since the renunciation therein provided for of the issuance of orders, prohibiting importation, which are not of a general nature, cannot operate against the issuance of *prohibitory orders based upon sanitary grounds.*

All practice connected with treaties has confirmed this view, and this practice was enforced towards the United States of North America when Austria-Hungary was obliged to prohibit the importation of North American potatoes in order to prevent the introduction of the Colorado beetle. The American Government at that time made no objection.

The intention of the provisions of article V cannot possibly be to prevent the contracting parties from adopting such measures as may be required for the protection of public health in their respective countries. Supposing, for instance, that a pestilence should break out in one of the two countries, the country afflicted by the pestilence would have no ground of complaint against the other for a violation of the treaty if it should prohibit the importation, from the afflicted country, of any articles considered directly dangerous to health.

The case is similar, in the present instance, in which the importation of American productions has been prohibited, for the reason that the consumption of those productions must be considered, on the authority of experts, as decidedly dangerous to the public health.

The sanitary congress which met at Amsterdam in the year 1879, unanimously declared that the introduction into Europe of American pork, bacon, and sausages should, in its opinion, be prohibited.

In several places in this monarchy, especially at Trieste, since the year 1879, trichinæ have, on examination, repeatedly been discovered in American hams and shoulders.

The precautionary measures then adopted to prevent the introduction of trichinæ, consisting of a careful inspection and examination of all pork imported from North America, did not satisfy the people of the Austro-Hungarian monarchy.

The issuance of an order prohibiting the importation of swine and pork from the United States of North America, was therefore urgently demanded.

Similar orders are now in force in Italy, Germany, and France.

With regard to the failure to issue a proclamation notifying the Government of the United States, beforehand, of the proposed enforcement of the order in question, the undersigned begs leave to remark that sanitary regulations always take effect in Austria-Hungary on the day of their promulgation, and that, as a consequence, no previous notice in regard to the adoption of the measure in question could be given to the government of the country concerned.

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

For the minister of foreign affairs,

KALLÁY.

No. 36.

Mr. Delaplaine to Mr. Blaine.

No. 460.] LEGATION OF THE UNITED STATES,
Vienna, April 15, 1881. (Received May 5.)

SIR: For the purpose of covering the estimated deficiency in the budget of 1881, the Government of Austria has been authorized by a law, passed by both houses of the Reichsrath, and which has received the Emperor's sanction, to procure the sum of 50,000,000 florins, Austrian currency, through the issue of obligations of indebtedness, to be free of taxation, and not subject to conversion or redemption at any defined period, also bearing an annual interest of five per cent., payable in paper money. To effect this an emission of the amount of about 54,400,000 florins, in round numbers, being at the rate of 92, has been made by the minister of finance, which has been taken by a syndicate represented by the *Bodencredit* institution.

Yesterday this loan was introduced upon the Vienna Stock Exchange at the rate of 95, whereupon an enthusiastic speculation arose, and it advanced to a fraction above par. A reaction then ensuing, it closed at 98½. An evidence is hereby exhibited of the great quantity of foreign capital at present seeking investment, even in the depreciated public securities of this empire, national, as well as those of Austria and Hungary separately, all of which have long been regarded by capitalists with disfavor.

I have, &c.,

J. F. DELAPLAINE.

No. 37.

Mr. Delaplaine to Mr. Blaine.

[Extract.]

No. 471.] LEGATION OF THE UNITED STATES,
Vienna, May 23, 1881. (Received June 11.)

SIR: In pursuance of a law passed by both houses of the Hungarian Diet, and sanctioned by the Crown, for the conversion of the Hungarian six per cent. gold loan subscriptions to a new loan for the sum of 160,000,000 florins, bearing four per cent. interest, payable in gold, were opened on the 19th instant. The rate of subscription was fixed at 77⅜ per cent. in gold, being at about 89 per cent. in Austrian paper money. Now it has been ascertained that more than 4,000,000,000 florins, or 10,000,000,000 francs, have been subscribed. A favorable result was certainly anticipated, but in the present case it has far exceeded the most sanguine expectations, especially when it is compared with the recently successful issue of the five per cent. loan of Austria, referred to in my No. 460.

Hungary, by reason of her less cultivated soil, more sparse population, inferior means of communication, reduced amount of capital in the country, and her greater local distance from the moneyed centers of Europe, has always been obliged hitherto to contract loans on even more disadvantageous terms than Austria. The subscriptions in Austria, Hungary, and Germany are definitely estimated at 530,000,000 and 892,000,000 florins, while those in Paris and in London declared to be respectively more than 1,600,000,000 and 1,000,000,000 florins. * * * Subscribers for small amounts are for practical, if not political, reasons specially favored.

I have, &c.,

J. F. DELAPLAINE.

No. 38.

Mr. Blaine to Mr. Phelps.

No. 2.] DEPARTMENT OF STATE,
Washington, June 9, 1881.

SIR: I transmit herewith copies of an exhaustive report, prepared by the officer of this Department who was recently detailed to make a searching and impartial investigation concerning the truth or untruth

of the alarming rumors which have prevailed of late as to the alleged unhealthfulness of the pork products shipped to foreign countries from the United States.

This investigation was forced upon this government by the disastrous effects produced abroad by those rumors, and by the action of several European governments in stringently restricting or prohibiting the importation of the swine products of this country.

It was undertaken in the most impartial spirit, and with full recognition of the weighty responsibility which would rest upon this government should the prevalent rumors be substantiated. Had it been found that this great American industry was the means of disseminating disease and death abroad, no admission could have been too frank or prompt, and no repressive measures too urgent to vindicate our national good faith. As it is, the result goes beyond our most sanguine expectations in disproving the statements which have unhappily wrought such injury upon one of our most general and valuable branches of foreign commerce.

The files of your legation will show you the earnest efforts made by your predecessor to arrest the injurious rumors and prevent restrictive action on the subject by the Austro-Hungarian authorities. It is now desired that you should, after acquainting yourself with the facts shown in this report, bring it earnestly to the attention of the Austro-Hungarian government, adding thereto such representations as, in your own good judgment, may induce an abandonment or very material modification of the oppressive measures which have been adopted in Austria-Hungary with regard to the American pork trade. You may say that the entire good faith with which this investigation has been here conducted warrants us in expecting that the government of His Imperial and Royal Majesty will accept and act upon the result in equal good faith. You may also profitably advert to the singularly gratifying action of the Belgian Government, which, disregarding popular clamor and unscientific prejudice, and examining the question fairly upon its merits, reached some time since the conclusion to which this government is irresistibly led, that of the widely spread food-staples of the world's commerce, none is grown, packed, and exported under conditions more calculated to assure safety and wholesomeness than the pork product of America.

You will give to this report the widest possible publicity. A number of copies will be sent to you, for this purpose, under separate cover.

I am, &c.

JAMES G. BLAINE.

No. 39.

Mr. Phelps to Mr. Blaine.

No. 6.] LEGATION OF THE UNITED STATES,
Vienna, July 2, 1881. (Received July 16.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 2, and of the accompanying report, embodying the results of an examination had as to the truth or untruth of the stories that American pork was largely tainted with disease. Other copies, under separate cover, have since been received. In accordance with the wishes of the

Department, I have taken immediate action to give the gratifying results of this examination the widest circulation. I sent to the minister of foreign affairs a communication, in which I stated the results of the Department's investigation, and made an earnest request for an abandonment or very material modification of the oppressive measures which have been adopted in Austria-Hungary with regard to the American pork-trade.

I transmit herewith a full copy of this communication and beg leave to call the Secretary's attention to a few considerations which influenced me in drafting it.

I deemed it wise to recall the history of my predecessor's efforts to anticipate and prevent any action by His Majesty's Government. This recapitulation seemed valuable, as bringing into a single paper, for the convenience of all, the whole case as it stands to-day, and still more valuable as forcing the attention of the minister to the fact that the results of the examination strangely confirmed all the representations Mr. Kasson had made of his individual knowledge and belief.

I thought this history would also show with what zeal we had labored to escape from threatened injustice, and with what patience, under confidence of final redress, we bore the injustice when inflicted. Attention was also called to the spirit, the methods, and the results of the investigation, seriatim—the value of the conclusions depending so much upon the impartial and thorough search for the facts from which they are logically deduced.

The declarations of the Department as to the spirit of fairness and impartiality in which the investigation was inaugurated, were so frank and bold that I had no hesitation in repeating this assurance in the strongest terms; and the processes of the examination were so wise, comprehensive, and searching, that it was a pleasure to call them to attention. The results I endeavored to sum briefly and clearly, and, in sending them copies of the report, challenged them to find these results other than those properly deduced from the evidence accompanying them. Nor did I neglect to call attention to the gratifying action of the Belgian and Swiss Governments—taking care, as I was without official information, to qualify the assurance in the case of Switzerland.

In conclusion I called attention again to the patience we had shown in bearing an unnecessary restriction to our trade, to the quiet energy and transparent good faith in which the investigation was conducted, and to our exhibition of entire confidence in His Majesty's Government's readiness to undo the wrong, so soon as convinced that its view of the facts was incorrect, by refusing, except by allusion as a necessary pleading to save future rights, to urge the unpleasant charge that the restriction complained of was a gross violation of the fifth article of our treaty of commerce of 1829.

I hope the honorable Secretary will not be displeased with the position I have taken and the manner in which I have stated it; and if he shall find that any expressions in the communication to His Majesty's minister exhibit less than diplomatic indifference, that he will consider how inadequately they represent the impatience with which one bears restrictions upon trade so harmful and yet so needless.

I have, &c.,

WILLIAM WALTER PHELPS.

[Inclosure in No. 6.]

Mr. Phelps to Minister for Foreign Affairs.

LEGATION OF THE UNITED STATES.
Vienna, July 2, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, as preliminary to certain requests he has been instructed earnestly to address to the Imperial and Royal Government of Austria and Hungary, begs leave to recall to the recollection of his excellency the minister of foreign affairs certain past facts and circumstances connected with the subject, and to present certain new ones.

On the 28th day of February last, Mr. Kasson, then the representative of the United States at this court, solicited and obtained the honor of a personal interview with the imperial and royal minister of foreign affairs. He sought this interview in a laudable desire to prevent, if possible, any governmental action which should restrict or prohibit the trade in American swine-meat. There were rumors that such action was thought of, and confident, from his own knowledge of the subject, that it was unnecessary and would work injustice, he hoped, by a frank communication of his views, to bring the Austro-Hungarian Government to the same conclusion. It was important to anticipate and prevent action, for if once taken, though it were immediately revoked, it could not fail to excite suspicion and fear in the minds of ignorant consumers, and so injure the trade.

He made a memorandum of some of the points which he urged in this interview, and by request transmitted it to the ministry of foreign affairs.

A glance at that memorandum, doubtless still on its files, will show that, on personal knowledge and belief, Mr. Kasson urged that the popular outcry against American pork was the work of speculators on the two continents, who had skillfully manipulated the press for that purpose.

That for their selfish purposes, false news, even when of a kind which would be easily and directly contradicted, was of value; and cited the familiar fact that the price of American pork, which fell when the newspapers reported a French family as ill from eating American pork, remained low and did not rise upon announcement, after official examination, that the pork was not American after all, but French; that it was in Germany that Americans first heard of trichinosis; that animal and unclean food was a necessary condition of the disease, and yet in America, and in America only, was the food of the swine confined to Indian corn, the cleanest of vegetable products.

These considerations were urged by Mr. Kasson, it will be remembered, on his own knowledge and belief. On the next day his convictions were strengthened by the receipt of a telegraphic dispatch from the Secretary of State telling him that he was authorized by his government to deny the reports of disease among American hogs. This telegram—under the promptings of the zeal he had already displayed to save His Majesty's Government from what seemed to him a needless and unjust act—he communicated immediately to the minister of foreign affairs, and included in the same communication, from information otherwise obtained, the fact that more German and Servian pork had been condemned for trichinæ than American, and that in Vienna itself hams from Westphalia had been examined and condemned for this disease.

Mr. Kasson's hopes and efforts to avert what seemed to him an error and a wrong were in vain.

On the 10th of March the joint ministries of the interior, of commerce, and of finance signed, and on the 16th of the same month published, an ordinance which, immediately and without notice, prohibited the importation of the American hog in any form in the Austro-Hungarian monarchy. The prohibition was simple and direct. It gave no reason, and it included in the proscription the hog product of no other country.

Mr. Kasson immediately, on the 8th of March, forwarded to His Majesty's minister of foreign affairs a courteous but firm protest against this action as unnecessary, invidious, and in violation of treaty obligations; *unnecessary*, because the cause, if as conjectured it was disease, had not been shown to exist in American pork, or if shown not shown to exist in greater degree in American than in other pork; *invidious*, because the ordinance, notwithstanding, excluded none other than American pork, and a violation of the obligations of the treaty of 1829, which demand that there "shall be no prohibition on imports from the United States which shall not equally extend to all other nations."

To this protest His Majesty's minister of foreign affairs made, on the 29th day of March, courteous reply, informing Mr. Kasson that the prohibition was on sanitary grounds, and giving reasons why, in the judgment of his excellency, it was not considered by His Majesty's government any infraction of the treaty.

To the American Government this reply was unsatisfactory, as it assumed the fact of disease in American pork which the American Government did not believe to be a fact; ignored the fact, which seemed to be fairly proven, that the disease did exist in other pork, and offered as reasons why the exclusive prohibition of American pork was not in contravention of the treaty, only considerations grounded on these disputed facts as premises.

And yet the Government of the United States submitted in silence, and since the ordinance, the protest, and the reply, neither Mr. Kasson nor his successors in this legation have, by oral or written applications, vexed His Majesty's government with applications for reconsideration and redress.

To save annoyance to His Majesty's government, and in reliance on its good faith and its cordial desire to do no harm to a friendly country, the American legation preferred to await the result of an investigation which the Department of State had ordered to be made concerning the truth or untruth of the alarming rumors which have prevailed of late as to the alleged unwholesomeness of the pork products shipped to foreign countries from the United States.

This investigation is now finished, and the results of it have been sent to this legation. The results so fully confirm all that Mr. Kasson claimed in the premises that the undersigned deems it his duty to lay them immediately before his excellency, and to ask for them that prompt consideration their importance demands.

It may be proper, before submitting these results, to call your excellency's attention to the *spirit* in which the investigation was inaugurated and the *method and processes* of its conduct.

The officer in charge was instructed "to make a searching and impartial investigation," and the Secretary of State affirms "that the investigation was undertaken in the most impartial spirit, and in full recognition of the weighty responsibility which rested upon the government." Could more be said for the *spirit* in which the work was begun?

The *methods* adopted to complete it were such as were best calculated to obtain the sole object of the examination—discovery of the truth.

The examination was in public, in a country where the newspapers report everything and everybody reads the newspapers, and the subject of examination was a branch of trade so general and important as to attract the attention of all.

The examination was comprehensive, not restricted or local. It did not confine itself to a single city nor to the witnesses that could be brought to a single hall. It went forth and sought its witnesses everywhere that no restrictions of person or place might narrow and color its discoveries. It sought those engaged in the different branches of trade and so conspicuous in it, that they knew their words would be read by hundreds of rivals and thousands of employés whose personal knowledge would, on the spot, convict them of any attempt at concealment, prevarication, or falsehood. But not to those who raised swine, to those who slaughtered them, to those who packed them, to those who forwarded them was the examination confined. It was not limited to those of whom it could be said "They are in the trade and sordidly interested." Guardians of the public health, officers in chambers of commerce and boards of trade, high officials in railway management, economists and scientists of high reputation voluntarily, or by request, contributed their knowledge and experience to this exhaustive investigation.

In considering the conditions under which it was held your excellency cannot attach too much importance to this consideration. The market value of the staple must rise or fall with the nature of the evidence given. Many of those who gave the evidence were in a position where some would gain by a rise and some by a fall in the price, and yet, in the bright light of the publicity, where workmen, clerks, partners, and rivals were to hear each word, none dared to tell anything except the truth, and the truth all pointed to the same conclusion: The strange exemption of the American full-grown and marketable hog from disease.

Having called his excellency's attention to the *methods* of the investigation the undersigned begs briefly to sum the *results*.

The swine in America is fed on Indian corn or maize, the cleanest of vegetable products.

American swine are not more liable to disease than European.

That diseased hogs cannot pass the inspection preliminary to slaughter, or if this is possible, hog-meat cannot pass even the most careless inspection.

That merchantable lard cannot be produced from diseased animals.

That Chicago and Cincinnati—the great pork-consuming centers—are free from trichinosis.

That in all reported cases of human suffering it has been found that the pork was eaten uncooked.

That the hogs selected for the foreign market are equal to those selected for the home market.

That the rumors of great disease in American swine came from the confused use of the words "hog" and "pig." A hog is a grown swine ready for market. A pig is a young, ungrown swine, not of age for the market. And it is among young swine, that is, among pigs, that the larger proportion of deaths by disease occur.

As the investigation was public, so are the facts elicited by it and the conclusions derived from them—public for the purpose of challenging the widest criticism. The American Goverment has published them in pamphlet form and desires to secure for

them a large circulation. The undersigned has the honor to transmit herewith four copies of this pamphlet, and begs your excellency's careful attention to the contents. He would be gratified if he might trouble his excellency to make such disposition of the extra copies as will the more speedily bring them to the attention of those officers or ministers peculiarly interested in the subject.

Before addressing the request, which would naturally follow this presentation of the subject, the undersigned has the honor to suggest that if any doubt remain as to the value and truth of the results obtained by this investigation, it should not be forgotten that they are confirmed by the action of the Belgian Government. This government, disregarding popular clamor and unscientific prejudice, examined the question fairly upon its merits and reached the conclusions to which the American Government was irresistibly led, that, of the widely-spread food staples of the world's commerce, none is grown, packed, and exported under conditions better calculated to assure safety and wholesomeness than the pork product of America.

Nor will his excellency have failed to notice that Viennese journals report that the Swiss Government has followed the example of Belgium in removing all restrictions upon the importation of American pork.

In conclusion, the undersigned hopes his excellency will find ample apology for the length of this communication in the importance of the subject, one that concerns an important branch of American trade, and a restriction which his government believes to be unjust, invidious, and in violation of the treaty of commerce so long existing between the two nations; and he begs leave to inform his excellency that he is instructed by his government to bring these facts earnestly to the attention of the Austro-Hungarian Government, and to ask, in view of them, an abandonment or very material modification of the oppressive measures which have been adopted by His Majesty's government in regard to the American pork trade. He is further instructed by the honorable Secretary of State to say that the entire good faith with which this investigation has been conducted warrants the American Government in expecting that the government of His Imperial and Royal Majesty will accept and act upon the results in equal good faith.

The undersigned ventures to hope that in the consideration of this request your excellency will have in mind the patience with which a restriction—seeming to the American Government so unnecessary and unjust—has been borne; the promptitude, thoroughness, and good faith in which it put itself to the task of gathering arguments which should convince others of a needlessness and injustice, so patent to itself, and that in reliance upon the disposition of His Majesty's government to instantly remove a restriction which seemed unfriendly and harsh, so soon as convinced that it was unnecessary, it has avoided any allusion, except in the protest (where mention was made of it, that the right to plead it might not be lost), to the view the American Government believes it might take of a restriction which singles out an important product which America shall not import into Austria-Hungary, but all other countries may, as a plain and palpable violation of the treaty of 1829, and bearing these evidences of American patience, faith, and good-will in mind, that your excellency will be pleased to give this matter prompt attention.

The undersigned takes this opportunity to express to his excellency the imperial and royal minister of foreign affairs his most distinguished consideration.

WILLIAM WALTER PHELPS.

No. 40.

Mr. Phelps to Mr. Blaine.

No. 9.] LEGATION OF THE UNITED STATES,
Vienna, July 15, 1881. (Received July 30.)

SIR: I have the honor to acknowledge the receipt of the Department's dispatches* numbered 3 and 4.

Both refer to the desire and attempt of the Colombian Government to secure the protectorate of the leading European powers for the Isthmus. Dispatch No. 4, which conveys the fortunate discovery by the Department that the desire of the Colombian Government has passed into an effort making or to be immediately made, was received this morning.

In view of the importance of the subject, I thought no time should

* No 3 is the same as instruction No. 187 dated June 24, addressed to the United States minister at London, see *post.*

be lost in laying the matter, as I was instructed to do, before His Majesty's minister of foreign affairs. I immediately sought an interview, which was promptly accorded, and it is of that interview I beg leave to present this minute. The Baron Haymerle, minister of foreign affairs, has been and for some weeks will continue absent from his post, being at some watering place on the Rhine. Baron Kallay, in his absence, represents him at the ministry.

I laid the matter fully, clearly, and frankly before Baron Kallay in a private interview. I read to him slowly and carefully the complete statement of our case, so well put in the Department's first dispatch on the subject. I took advantage of my right to suppose that the minister's knowledge of the tongue in which the dispatch was written was not so perfect, but that he might be glad to receive a running commentary and analysis in the simpler language of the *salon*, and this enabled me at least to perceive still more clearly, and I hope it did him, how strong was the case of the government even in literary or undiplomatic dishabille.

I labored in respectful but earnest language to enforce your stronger reasons—that it was not the birth of a new and aggressive spirit, prompted by the nation's rapid and imperial growth, but only an old policy and the declaration of an old right, which was founded in solemn treaty more than a generation ago.

I impressed upon him that the treaty was not one the value of which we had but recently discovered, but that at the time we knew and felt its value, and since on frequent occasions, by acts in its defense and by frequent and formal statements, we had made it plain that we still recognized the value of what we had in 1846 acquired, and that we meant to keep it.

I hope I made plain to him the distinction between a commercial neutrality and a political one, and that while in commerce we claimed nothing more on any isthmian highway of land or water than belonged to the world, yet, in the view of international policy, a view which would become practical almost exclusively in time of war, we claimed the rights given us by the treaty—political rights which, by its provisions, we shared only with the United States of Colombia.

I suggested that as we did not interfere with European protectorates or guarantees where European interests were chiefly concerned, that it was not reciprocal or just for the European powers to interfere in American where American interests were preponderant.

I also read to Baron Kallay extracts from the President's explicit statement at his inauguration as to his policy—following the historical policy of our government—in that regard. Of dispatch No. 3, and of this extract, I promised, at the Baron's request, to send him copies.

His comments were brief and can be briefly stated:

"This was the first his government had heard of it."

"His government's interest in the question was very slight."

"His government would certainly take no initiative in the matter."

"He would study the question, but he doubted if it would give either of us any trouble."

The general impression, with which a pleasant interview terminated, was that Baron Kallay as yet had heard no mention of any application as likely to be made by the Colombian to the Austria-Hungarian Government, and that Austria-Hungary really felt very little interest in the question.

I have, &c.,

WILLIAM WALTER PHELPS.

No. 41.

Mr. Blaine to Mr. Phelps.

No. 8.] DEPARTMENT OF STATE,
Washington, July 27, 1881.

SIR: I have read with pleasure your No. 6, of the 2d instant, relative to the restrictions upon the importation of American pork into Austria-Hungary. Your representations thereon appear to have been energetic and discreet, and are approved, as reflecting the views of this Department.

I am, &c.,

JAMES G. BLAINE.

No. 42.

Mr. Blaine to Mr. Phelps.

No. 10.] DEPARTMENT OF STATE,
Washington, August 5, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 9, of the 15th ultimo, reporting an interview recently had by you with the acting minister for foreign affairs on the subject of the apprehended desire and attempt of the Colombian Government to secure the protectorate of the leading powers of Europe for the Isthmus of Panama.

The promptness with which you sought and obtained an interview with Baron Kallay, and the discreet and forcible manner in which you carried out the Department's instructions in regard to the subject are approved.

I am, &c.,

JAMES G. BLAINE.

BELGIUM.

No. 43.

Mr. Putnam to Mr. Evarts.

No. 51.] LEGATION OF THE UNITED STATES,
Brussels, February 9, 1881. (Received February 24.)

SIR: My predecessor, in his dispatch No. 70, gave an account of the controversy over the new school law of 1879 for Belgium. He stated that the law was resisted by the Roman Catholic priesthood as an attempt to overthrow the religion of the country, while it was admitted by the liberal party and the state ministry that it was designed to lessen the priestly domination in secular affairs; that by the law of 1842 the priests had the right, in common with the civil authorities, to have committees selected from their order to inspect all the public schools, and the right of appointment of teachers, and, in fact, had almost exclusive management of the secular education of the youth of Belgium; that in the normal schools from which school instructors came it was

taught that Leopold and Belgium were second to the Pope and Rome; that under the new law a state normal school superseded that institution, and priests could no longer act as school inspectors, public secular education being wholly placed under control of officers of the state, and that a bitter controversy had grown out of this movement.

As this domestic question of Belgium has attracted wide attention, I have thought a brief statement of its present status and relations might be of interest. For a just appreciation of the subject, two facts in Belgian politics and society should be noted. First, that Belgium is, and for centuries has been, an intensely Roman Catholic country. The Protestant element numerically is so insignificant that it is not a considerable factor in Belgian society. The "liberal" element not in sympathy with any religious organization, yet intense in its political character, is undoubtedly strong in the large towns, and acts politically with the "liberal" in contradistinction from the ultramontane party.

The second fact is the liberal character of Belgian political institutions. Monarchical in form, the government has the spirit of a free republic, and has laid the basis of individual liberty as maintained by modern constitutional governments in its fundamental law. The following are some of its provisions relating to education and worship:

> Freedom of worship and its public exercise, as well as the right of expressing opinions upon every question, guaranteed, saving the punishment of crimes committed during the exercise of these rights. No person can be required to take part in any manner whatsoever with the acts or ceremonies of any form of worship, nor to observe any days of rest.
>
> Teaching is free. Every preventive measure is prohibited; the repression of crimes is regulated only by law.

Founded in 1830 by a revolution which separated the kingdom from Holland, the first two years after its independent organization the exigencies of the new state prevented the development of sharply defined parties, and it was not until the country felt well assured of its unquestioned independence that radical differences of opinion sought very distinct party organization.

The policy of King Leopold I of selecting a mixed ministry of strict Catholics and Liberals, with the hope of preventing the antagonism of parties, largely contributed to this passive condition.

But it is no less true that in the very beginning there were the elements which would not permit Belgium to escape the internal collisions incident to all free states. The attitude of Gregory XVI toward the liberal features of its constitutional power fully contributed to shape the future politics of the country. In his Encycle of 1832 he declared that—

> Indifferentism alone could flow from that absurd and erroneous maxim, that it was necessary to guarantee and assure to all liberty of conscience.

He condemned the liberty of the press and declared that—

> Calamity to religion and governments must be the result of following the wishes of those who would separate the church from the state, and would break the mutual concord between the priesthood and the civil authority.

The leading Catholic press of Belgium, as well as the Catholic colleges and seminaries, took the position of hostility to the liberal features of the constitution before the famous syllabus of Pius IX, and since that time that attitude has been uncompromisingly maintained by them.

In a dispatch of Frère Orban, minister of foreign affairs, to the chargé d'affaires of Belgium near the Holy See, of date November 12, 1878, he says:

Liberal Catholics have been pursued in later years with great rigor. Their opinions have been condemned by Pius IX, and themselves declared more dangerous than communists. They are denounced as enemies of religion, although the immense majority of them profess the Catholic faith. In the schools opened by the clergy all the public liberties are treated as dangerous heresies.

To maintain his declarations he quotes from several Belgian Catholic journals. From the Bien Public as follows:

What is liberal Catholicism except an absolute error which expects excellent results from a policy based upon the false and mischievous principle of liberty in all things, and for all. We cannot see in the provisions of our constitution *fundamental laws* which are appropriate for a *people ripe for their liberty*. We believe, on the contrary, that legislation full of scepticism, neutral between error and truth, as foreign to religion as to geometry, indifferent to the rights of God, opening the door to blasphemy and corruption.

The Gazette de Liege says:

In presence of the false principles laid down in the Belgian Constitution, the ecclesiastical authority discharges its duty in making known to the people the points which need amendment.

The Catholic et Politique, of March, 1878, says:

We shall make the complete modification of the constitution in a Catholic sense the end of our efforts. To be a child of the church, it is necessary to accept with all our hearts the condemnation recently uttered by her in the syllabus of 1864 and the encycles of 1832 and 1864. It is hard for some, but not less an obligation indisputable. Our adversaries know this as well as we do, and on every occasion they repeat it to the good members of the right and blow the constitutional trumpet as if there had been no syllabus. * * * We shall accord nothing to them which can harm the church; neither the constitution nor justice can make us yield such concessions.

Our adversaries have liberty of press, liberty of education, liberty of worship, liberty of association. Let them keep them so long as we have not the right by a revised constitution to take them from them.

The following is from an address of the Bishop of Liege:

No Catholic can, in conscience, hereafter vote at any political or administrative election in favor of a candidate belonging to the so-called liberal associations, or patronized by them.

The foregoing will, I think, sufficiently illustrate the antagonism of which I have spoken. It has been a cardinal doctrine of the liberals, that the state schools should be wholly separated from the control of the church, and whenever they have been in power they have proposed a modification of the school law which would transfer the control of the public education of the youth of the country from the priests to the officers of the state and the municipalities, and in this have been opposed by the Catholic party. As a very able and devoted press was in the hands of the latter interest, and as all the educational institutions of the country were under priestly management, it is easy to see that the liberals would regard the lessening of that clerical influence over the peasant population a first necessity, not only on the lower ground of fortifying their own position as a party, but from the higher motive of bringing the educational system of the country into harmony with the constitution.

Therefore, it was almost a matter of course that upon the advent to power of the liberals in 1878, under the leadership of Mr. Frère Orban, the modification of the school system should be a foremost measure of their administration.

In January, 1879, the new school law was passed. It transfers the entire control of public education to the state and municipal governments, and wholly separates the secular side of the schools from the church. But while it does this, it makes certain provisions for the

religious education of the children in accordance with the faith of their families, and leaves absolute freedom to establish private or parochial schools. Article 4, of Title 1, of the law is as follows:

Religious instruction is left to the care of families and to the clergy of the different forms of worship. A room in the school is put at the disposition of the clergy to give therein, either before or after school hours, religious instruction to the children of their communion attending the school.

ART. VII. The teacher shall neglect no occasion to inspire the pupils with respect for the national institutions and the public liberties.

Accompanying the law is an "*exposé*" of its motives, in which it is stated that—

the school law of 1842 imposed upon the state the obligation to include in public primary instruction, a religious dogmatic education; that experience had demonstrated the impossibility of reconciling the application of that principle with the spirit of the Belgian constitution, which separated in the most absolute manner the state from churches; that the constitution established among different faiths absolute equality; that the law of 1842, relating to primary education, had, in violation of this principle, required the state to associate its action in the school with the action of a favored church, that representing a majority of the pupils of the school.

Recognizing the fact that the immense majority of the pupils are of the Roman Catholic religion, provision had been made by the new law by which the clery could give daily religious instruction to the pupils; that if this privilege was not availed of, the teachers, if willing so to do, would hear recitations from the religious text-books of the church, and if unwilling, some other proper person would be appointed for that purpose.

Before the passage of the law the church authorities resisted its passage with all their ability, and after it was put in operation, their opposition was uncompromising. The state schools were declared to be "Godless" and nurseries of atheism and immorality.

The following is from a mandate of the Catholic bishops to the lower orders of their clergy:

The holy communion must be publicly refused—

1st. To instructors who without special license or dispensation exercise their functions in an official school.

2d. To active members who serve upon the school committees.

3d. To school inspectors, principal or cantonal.

4th. To all persons who publicly and actively favor the state schools, and are their defenders and protectors. All to be first forewarned.

5th. When it is a question of administering the last sacraments, one rule must be observed. *In extremes, extremes must be resorted to.* So that if nothing else can be obtained, it will suffice if the sick will promise to do everything which the church requires of him.

The clergy at once organized church schools in their parishes throughout the kingdom, to which Catholic parents were required to send their children.

The state schools suffered so much under these attacks from pulpit, press, and the execution of the mandate of the bishops, losing, as they did, a large percentage of their pupils, although in many instances the old teachers were retained, that at the succeeding session of the House of Deputies a committee was raised to take testimony in the different cantons as to the operation of the law and the action of the church authorities. That committee has been engaged for several months, taking testimony in the different cantons, and hundreds of witnesses have been examined; with few exceptions they reveal a single line of action. The testimony of most any one of the witnesses taken at random will reveal about the same facts.

Refusal of the sacraments to teachers, to school committees, and to parents sending their children to the state schools.

Refusal of the holy communion to the dying except upon promise to transfer their children to the church schools.

Refusal of absolution to the same parties.

Refusal of first communion to the children attending the state schools.

Some of the witnesses testify that wives who are named were in some instances advised by their priests to desert their husbands and to beg from door to door with their children, rather than live with the fathers who would send their children to the state schools. In other cases, according to the evidence, children are advised to leave their parents for the same reasons.

Such is the present attitude of the controversy and both parties are preparing to make their appeal upon the school-law issue to the ballot in 1882.

As the suffrage is qualified in Belgium by a small tax-paying test, a large majority of the peasant population who mostly support the clergy in the conflict, have no vote for members of either house of Parliament. This gives to the liberal party, which is strong in the large towns, an advantage they seem confident of maintaining. But should a reaction restore the Catholic party to power, and they should be able by a two-thirds vote to change the organic law by broadening the basis of suffrage so as to include the peasantry in the voting class, such a change would enable them to establish and long maintain the former system. It may be doubted whether any party will attempt so radical a measure.

To one who has witnessed the conflicts of parties over the slavery question in the United States, or noted the political struggles of the century under constitutional governments, there is nothing in this controversy to surprise; it is Belgium's "irrepressible conflict between opposing and enduring forces." The Catholic party accepts the doctrines of the syllabus, and believe there can be no virtuous society and no pure and stable government except in accordance with the principles of that authoritative declaration. The liberals on the other hand, as absolutely accept the modern doctrine that the state is and should be supreme and wholly separate from any church; that the citizen should look to it for his secular education and that while seeking religious guidance at the hands of a consecrated clergy, his manhood should be trained to intelligent and independent individualism in all citizen relations.

The struggle is interesting as it represents a leading conflict between opposing ideas of the century. Incidental to this controversy occurred the rupture of diplomatic relations with the Holy See. Through a voluminous correspondence and in many speeches before the House of Deputies, Mr. Frère-Orban, secretary of foreign affairs, represents the alleged approval by the Pope of the hostile action of the bishops to the school law, while, as the secretary insists, the Pope was representing to the Belgian Government his disproval of it to have been the immediate cause of the rupture. The cardinal secretary, on the other hand claims that the attitude of his Holiness had been uniform.

It should be added that it is the theory of the liberal party that since the suppression of the temporal power there is no good reason why Belgium should maintain diplomatic relations with the Vatican.

I have, &c.,

JAMES O. PUTNAM.

No. 44.

Mr. Putnam to Mr. Evarts.

No. 54.] LEGATION OF THE UNITED STATES,
Brussels, February 25, 1881. (Received March 10.)

SIR: I have the honor to state that an incident in the debates of the House of Deputies of Belgium on the 22d instant was the following brief discussion upon the question of diseased American pork.

Mr. WILLEQUET. A decree of the French Government has prohibited the introduction of American salt pork provisions. This measure has produced some disquiet in our country. I rise to ask if there are any dangers arising from their use in Belgium.

Mr. ROLIN-JACQUEMYNS, minister of the interior. No case of trichinosis has been discovered in our country. Some cases of it have been found in pork destined for foreign countries, which were in transit through Belgium. Moreover, all danger disappears when the meat is sufficiently cooked.

Mr. DE DECKER: Salt pork provisions constitute one of the important branches of the commerce of Antwerp. I believe there is no real danger, and I hope the Belgian Government will not follow the example of France.

I regard the statement of Mr. Rolin-Jacquemyns, the secretary of the interior, indicative of the friendly policy of the Belgian Government toward our salt meat provisions entering the port of Antwerp.

I have, &c.,

JAMES O. PUTNAM.

No. 45.

Mr. Putnam to Mr. Blaine.

No. 59.] LEGATION OF THE UNITED STATES,
Brussels, March 9, 1881. (Received March 26.)

SIR: I have the honor to state that finding in the London morning papers of the 6th instant a telegram from the United States embodying the substance of the resolutions of the Cincinnati Chamber of Commerce, and the Indianapolis Board of Trade, relating to the alleged diseased condition of American pork exported to Europe, also the substance of a communication of the English consul at Indianapolis to the English consul at Philadelphia, certifying the generally healthy character of that branch of our commerce, I inclosed it to-day with a note to the minister of foreign affairs, calling his attention to the statements. I handed it to Baron Lambremont, the chief secretary, and had some conversation with him on the general subject.

He stated that the action of the French Government in relation to American meats had made a "panic" in Belgium, particularly among the peasantry, with whom our hams and lard are a large element of subsistence. The lard is used in place of butter. That it was the purpose of the Belgian Government to thoroughly examine the questions involved, which were, first, Are American salt provisions diseased, as alleged? Second, If so, is the difficulty overcome by proper care in their cooking? That it was a very important matter, both to the United States and to Belgium, and the government wished to learn the exact facts.

He spoke with all due reserve, but it is my opinion that the Belgian

Government will take no prejudicial action in the matter except upon positive proof that sanitary considerations demand it. I believe the feeling here is most friendly to that branch of our commerce on general principles. How little the government is disposed to yield to any panicky feeling I think I revealed by my dispatch No. 54.

I have, &c.,

JAMES O. PUTNAM.

No. 46.

Mr. Blaine to Mr. Putnam.

No. 37.] DEPARTMENT OF STATE,
Washington, March 11, 1881.

SIR: Your No. 54, of the 15th ultimo, giving the outline of a recent interpellation in the House of Deputies touching the importation into Belgium of American salt-pork provisions, has been received. It is gratifying to perceive that the Belgian cabinet is disposed to look at the question fairly and practically, and without heeding the adverse clamor against American pork which is now prevalent in certain quarters of Europe, and which the earnest inquiries of this government fail to trace to any other source than nefarious speculation to the injury of legitimate trade.

I have telegraphed to our legations in London, Paris, and Vienna emphatic denial of the alleged alarming mortality among American hogs. The concurrent testimony of the great packing centers of the West is that the swine of that region have never before been so free from contagious disease or mortality.

I am, &c.,

JAMES G. BLAINE.

No. 47.

Mr. Putnam to Mr. Blaine.

No. 60.] LEGATION OF THE UNITED STATES,
Brussels, March 25, 1881. (Received April 11.)

SIR: I have the honor to state that yesterday Monsieur Descamps was elected president of the Chamber of Deputies, or, as we should say, "Speaker of the House," in place of Mr. Guillery, who resigned a few days since, after three and a half years' service. His resignation was the culmination of a sharp debate over a question of parliamentary rule. Mr. Guillery, as well as Mr. Descamps, is a member of the liberal party, of which Mr. Frère-Orban, minister of foreign affairs, is the recognized leader.

The liberal ministry, among other acts, introduced a measure cutting off the salaries of priests officiating in the barracks of the soldiers. It was stoutly resisted by the Catholic party, who regard it one of a series of measures seeking to separate the church from the state.

In the course of the debate on the war budget, Mr. Woeste, of the

Right, said he had always before voted the war budgets, but the minister of war had proposed several party measures which the army had severely condemned.

Mr. Frère-Orban, minister of foreign affairs, in a very animated speech declared these words tended to anarchy, insubordination of the army, and revolt, and demanded that the member be called to order. This is understood to involve a degree of censure much stronger than the same call in our Congress.

Mr. Woeste, in response to the request of the president to withdraw his words, did withdraw them as "inopportune," but declared at the same time they expressed his opinion.

The president then ruled there was no occasion for the call to order, of the propriety of which he claimed he was the sole judge.

The minister of foreign affairs appealed to the house from the decision of the chair.

The president stated that such an appeal was an encroachment on his prerogative; that an appeal to the house against the decision of the president had not been made in fifty years, and his own dignity and self-respect demanded his adherence to the usage. He would not put the vote on the appeal, and tendered his absolute resignation.

The incident caused quite a "flurry," and the parliamentary question remains undecided.

I have, &c.,

JAMES O. PUTNAM.

No. 48.

Mr. Putnam to Mr. Blaine.

No. 67.] LEGATION OF THE UNITED STATES,
Brussels, April 30, 1881. (Received May 16.)

SIR: Referring to my dispatches, Nos. 54 and 59, relating to the favorable expressions of the Belgian Government regarding American pork, I have the honor to inclose herewith a circular letter from the minister of the interior on the same subject, published this morning in the official journal. The subject-matter, after the prohibitory action of the French Government, was referred to the official council of public health, and the minister of the interior states that he has adopted the conclusions of the council in their fullest extent.

The substance of their report, made after careful examination, is as follows:

1st. That disease generated by trichinose is unknown in countries where, as in Belgium, pork is sufficiently cooked; that it has been demonstrated by many experiments that the trichinose cannot resist a temperature of 56° centigrades, and that they are invariably killed at a temperature of 75° to 100° C.

It is important [continues the report] to make known the fact that pork well cooked whatever trichinose it may contain is entirely inoffensive, and that consequently no one need suffer from this cause unless he wishes to, and nothing is necessary except scrupulous persistence in use of needful precautions of the kitchen.

It concludes with a few details of the proper method of cooking pork, and the circular letter of the minister of the interior closes as follows:

These simple and easy precautions are dictated by experience and recommended by

those most competent to judge. I pray you, Monsieur le Gouverneur, cause them to be published in the official journal, to the end that the communal administrations may bring them to the knowledge of all citizens, and that they may receive the widest publicity.

This final action of the Belgian Government, from considerations so broad and just, is in accord with its original determination to make no change in its friendly policy toward that branch of our commerce, except upon good and sufficient reasons.

The action of the French Government naturally created a distrust among the peasantry of Belgium. That distrust, amounting to a panic, has been met by the Belgian Government in the just and enlightened manner I have herein indicated.

I have assured the Government of Belgium that the Government of the United States will learn with great satisfaction of this its action, based upon a careful and scientific examination of the whole question.

I have, &c.,

JAMES O. PUTNAM.

No. 49.

Mr. Blaine to Mr. Putnam.

No. 45.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: I have to acknowledge the receipt of your No. 67, "relating to the circular of the minister of the interior concerning the harmless character of American pork," and to say in reply that the President is much gratified by the exhibition of this candid spirit on the part of His Majesty's minister.

You will please avail yourself of an early occasion to make known to His Majesty's government the satisfaction which has attended the receipt of the intelligence conveyed in your very welcome dispatch of the 30th ultimo (No. 67).

I am, &c.,

JAMES G. BLAINE.

No. 50.

Mr. Blaine to Mr. Putnam.

No. 46.] DEPARTMENT OF STATE,
Washington, May 31, 1881.

SIR: By dispatches received from the minister of the United States in Central America, this Department has been informed that the governments of Costa Rica and Colombia have executed a convention by which (article 1) the Republic of Costa Rica and the United States of Colombia agree to submit to arbitration the question of boundaries existing between them and the designation of a line which shall divide forever and with all clearness, the territory of the first from the territory of the second, each one remaining in full, quiet, and peaceful dominion with respect to each other, of all lands left on its side of the aforesaid line, which shall remain without special charge or grievance whatever in favor of the other.

Under article 5, in consonance with the preceding articles, and for their execution, the high contracting parties name as arbitrators: His

Majesty the King of the Belgians; in the unlooked-for case that he shall not choose to accept, His Majesty the King of Spain; and in the event, equally unlooked for, that he shall also refuse, His Excellency the President of the Argentine Republic, in all of whom the high contracting parties "have, without any difference whatever, the most unlimited confidence."

This convention was signed in San José on the 25th December last; was ratified by the council of state of Costa Rica, signed by President Guardia, and transmitted to the Colombian Government for due ratifications.

No formal communication, either by the Republic of Costa Rica or the United States of Colombia, has been made to this government, of their intention to negotiate or the actual execution of this convention; and we are still without information of its ratification by the Government of Colombia.

It is sufficient for your present instruction to say that the boundary in dispute is the line of territorial division between the Republic of Costa Rica and the State of Panama, one of the component states of the United States of Colombia, and its final settlement by this arbitration will define the limits of the State of Panama and the extent of the rights of the sovereignty of the United States of Colombia over its territory.

You are aware that by the thirty-fifth article of the treaty of 1846–'48, with the United States of Colombia, then known as New Granada, the United States of America guaranteed not only the neutrality of the Isthmus of Panama, but the sovereignty of the United States of Colombia over the territory of that state. You will observe by reference to the provisions of that treaty that this obligation was assumed by the United States of America, not only that any interoceanic communication through the isthmus might be protected by the power of the United States of America, but that they should also be in position to assert and maintain the rights which they have acquired under the treaty. This guarantee is therefore not only an obligation which they may be called on to perform upon the demand of the United States of Colombia, but it is also a right which they may claim to exercise in their own discretion, for the maintenance of their own interests.

The effort, apparently a very earnest one, which is now being made to construct an interoceanic canal across the isthmus, and the necessity which this government now recognizes of establishing under its treaty privileges such coaling and naval stations on the Atlantic and Pacific coasts of the isthmus as will enable it to discharge, if required, the obligations of guarantee which it has assumed, make it a matter of direct interest to the United States of America to have ascertained what are the limits of the State of Panama, and especially its littoral extent on either ocean.

The guarantee of the United States of America has now been in force for over thirty years, and upon more than one occasion they have been called upon to discharge the duties which it imposes, in the interests of other powers, while recent events have given increased and increasing importance to the rights which it confers, it cannot be a matter of indifference to the United States of America whether the littoral line of either ocean in the neighborhood of any projected interoceanic communication is within the guaranteed territory of the United States of Colombia, or within the lawful boundaries of the Republic of Costa Rica, with whom its treaty obligations are of a different character.

While, therefore, the Government of the United States of America does not claim or desire that the Republic of Costa Rica and the United States of Colombia should on all questions of difference which may arise between them seek either the advice or arbitration of this government, I cannot but feel that in a question of such direct concern to its interests and to its treaty rights and obligations it was not only warranted in expecting the formal communication of such action as has been already taken, but that its opinion, both as to the character of the submission and the selection of any arbitrator to be chosen, is entitled to the most respectful consideration.

It belongs, of course, to His Majesty the King of the Belgians to determine how far his acceptance of the arbitration which has been asked of him, will be influenced by the fact that he may be called upon to decide questions of grave consequence and direct interest to this government, which have been raised without our knowledge, and are to be settled without our participation. But it is proper, in order to avoid any future misunderstanding, or anything that may then be construed into intentional disrespect of the decision which His Majesty may make, that His Majesty should be informed that while the Government of the United States has neither formed nor desires to express any opinion upon the merits of the convention between Costa Rica and the United States of Colombia, yet it will not hold itself bound by any decision which would modify or limit either the rights or interests which may have been secured to it by the treaty of 1846, the obligations of which it has discharged, from the date of its signature to the present day, with scrupulous fidelity, unless it has had full opportunity to explain and enforce those rights and interests before an arbitrator in whose appointment it has been consulted and in whose selection it has concurred.

The method in which you will make this communication must be left to your own judgment. I desire, if possible, to avoid a communication so formal that it might be misinterpreted into a protest, and you will take care before approaching the subject at all to learn that the invitation to arbitrate either has been, or will positively be, given to His Majesty.

Should it then become necessary you will take care that your representation of the feelings and opinions of your government are made in the most respectful form, and you will endeavor to satisfy His Majesty that they are communicated to him with no pretensions of interference with the exercise of his own discretion, but with the earnest desire of guarding against the possibility of such a misunderstanding on his part of the position of the United States of America as might tend to diminish the friendly feeling and high consideration for His Majesty which this government has always entertained and expressed.

I am, sir, &c.,

JAMES G. BLAINE.

No. 51.

Mr. Putnam to Mr. Blaine.

[Extract.]

No. 72.] LEGATION OF THE UNITED STATES,
Brussels, June 13, 1881. (Received June 25.)

SIR: I have the honor to acknowledge receipt of dispatch No. 45, and to state that I have in person, and by note, expressed to the min-

ister of foreign affairs the satisfaction with which the Government of the United States has learned the action of the Belgian Government relating to the importation and use of American pork.

* * * * * * *

I have, &c.,

JAMES O. PUTNAM.

No. 52.

Mr. Putnam to Mr. Blaine.

No. 73.] LEGATION OF THE UNITED STATES,
Brussels, June 20, 1881. (Received July 4.)

SIR: Referring to your dispatch No. 45, I have the honor to send copy of my last note to the foreign office, and of its reply, received to-day.

I have, &c.,

JAMES O. PUTNAM.

[Inclosure 1 in No. 73.]

Mr. Putnam to Mr. Frère-Orban.

LEGATION OF THE UNITED STATES,
Brussels, June 11, 1881.

MONSIEUR LE MINISTRE: I had the honor, in a late communication, to state that I had the pleasure of forwarding to my government the recent letter of Mr. le Ministre of the Interior concerning American pork, and that I felt sure it would be received with great satisfaction.

I have now the honor to state that I am in receipt of a dispatch from the Government of the United States which states that "The President is much gratified by the exhibition of the candid spirit revealed by the letter of His Majesty's minister." It also instructs me to make known to His Majesty's minister the satisfaction with which my advisement of the action of the Belgian Government on the subject matter of my note has been received.

In view of the exceptional circumstances in which that branch of our commerce finds itself in some European quarters, without, as my government believes, any justifying reason, the broad commercial spirit of the Belgian Government is specially grateful to the people and Government of the United States.

I have, &c.,

JAMES O. PUTNAM.

[Inclosure 2 in No. 73.—Translation.]

Mr. Frère-Orban to Mr. Putnam.

MR. MINISTER: I have the honor to acknowledge the receipt of the letter which you had the kindness to address me in regard to the manner in which the action of the government of the King relating to the entrance into Belgium of American pork has been appreciated at Washington.

I at once placed these communications under the eyes of the minister of the interior.

I avail myself of this occasion, Monsieur le Ministre, to thank you for the interesting information you have been pleased to give me relative to the experiments made to determine whether or not trichinose existed in the provisions in question.

I have, &c.,

FRÈRE ORBAN.

No. 53.

Mr. Putnam to Mr. Blaine.

No. 74.] LEGATION OF THE UNITED STATES,
Brussels, June 27, 1881. (Received July 9.)

SIR: I have the honor to state that your dispatch No. 46, relating to the proposed treaty arbitration between the governments of Costa Rica and Colombia, duly arrived at the legation.

An incident which occurred within a few days left no doubt in my mind that the question of His Majesty's acceptance of the trust as arbitrator had in some form come before him for his consideration. I felt so assured of it that I felt justified in calling upon Baron Lambermont, assistant secretary of the foreign office. I soon introduced the subject of the treaty, and stated that I was under the impression that His Majesty had the subject of acting as arbitrator between those two governments under consideration, if he had not already decided as to its acceptance. He said that as yet His Majesty had not received the formal official notice, but that informal communications on the subject had been made to the foreign office by the minister of Costa Rica. This satisfied me that I did not mistake in believing that the subject-matter of accepting the appointment had already, at least informally, been placed before His Majesty, and that the necessary formal notice—necessary even that the office of arbitrator might be declared and the duty transferred to His Majesty the King of Spain—would be positively given.

I stated to Baron Lambermont that, as he was aware, the Government of the United States had very important treaty rights and obligations in connection with the isthmus and territory of the State of Panama. That there were special and controlling reasons why the Government of the United States felt it due both to His Majesty and to itself that if the question of acting as arbitrator was presented to His Majesty he should be advised of the exact position of the Government of the United States toward the proposed arbitration; that it deemed this necessary to prevent any future misunderstanding or misapprehension on the part of His Majesty that might arise from any attitude the Government of the United States might feel it its duty hereafter to take, in view of its existing treaty rights and obligations; that I was instructed by my government if the question of acting as arbitrator was submitted to His Majesty, to seek an opportunity in a method most agreeable to himself to present to him its position in connection with the proposed arbitration; that the object was not to seek to influence in any degree any decision of His Majesty, nor to present any view of its own on the question to be submitted, but solely that its own position in connection with the arbitration might be understood by His Majesty; that it felt all the more desirous that it be understood because of the high consideration the government entertained for His Majesty.

Baron Lambermont asked me if my instructions were to present what I might have to communicate in writing. I replied that my government, I felt, would prefer a less formal method, as what it desired was in as simple manner as possible to make known its own position, as I had stated. At this point in the interview the assistant secretary said he would ask in Mr. Orban, chief of the "Direction Politique" of the office of foreign affairs, with whom all the communications on the subject had been made.

I repeated in substance to Mr. Orban, on his coming in, what I had previously stated to Baron Lambermont. He confirmed the statement

of the baron, that the communications relating to the acceptance by His Majesty of the office of arbitrator had so far been informal; that it was proper His Majesty should be informed of the position of the Government of the United States to the proposed arbitration; that after the official notice had been duly given and His Majesty had decided to accept the trust, should he so decide, the opportunity I desired would be afforded me. I then replied that my government might desire its position to be understood by His Majesty while yet deliberating upon the question of accepting the office of arbitrator, that the subject might be fully before him, and, if so, that I would be glad of the opportunity to present it at that stage of the proceedings.

Mr. Orban then said:

I see your view, Mr. Minister. This is the situation. The treaty provides its arbitrator in this order:

1st. The King of Belgium.

2d. The King of Spain.

3d. The President of the Argentine Republic.

As yet only informal communications on the subject have been made. After the formal official notices have been given and before His Majesty's decision upon the question of acting as arbitrator, you will undoubtedly have the opportunity you wish, as you have here expressed, and be duly advised through the foreign office. This subject will be laid before the minister of foreign affairs, who will doubtless inform His Majesty.

With that understanding terminated the official interview. Nothing could be more kind than the manner in which the subject, as I presented it, was treated. I entered into no details, generalizing throughout as I have indicated.

I have, &c.,

JAMES O. PUTNAM.

No. 54.

Mr. Putnam to Mr. Blaine.

[Extract.]

No. 84.] LEGATION OF THE UNITED STATES,
Brussels, July 18, 1881. (Received July 30.)

SIR: I have the honor to state that Mr. Frère, director-general of the foreign office, called upon me at the legation on the 16th instant. Referring to the interview narrated in my dispatch No. 74, he said that the statement he then made was informal, but that he now called, by instruction of the minister of foreign affairs, to state to me officially that His Majesty the King of Belgium, when officially informed of his selection as arbitrator under the treaty between Costa Rica and Colombia, would decline that trust. * * *

I have, &c.,

JAMES O. PUTNAM.

BOLIVIA.

No. 55.

Mr. Adams to Mr. Evarts.

No. 43.] LEGATION OF THE UNITED STATES,
La Paz, November 12, 1880. (Received December 27.)

SIR: I have the honor to submit herewith a brief report of the political situation in Bolivia, since my last dispatch upon that subject, No. 27, dated September 3 last.

During the absence of the ministers and myself at Arica, everything was very quiet, especially as it was generally believed that our mediation would certainly bring about peace, if not directly at least by arbitration.

In that sense the National Assembly of Bolivia after a session of five months adjourned *sine die* on October 24, without passing any direct laws looking towards an active prosecution of the war. It gave, however, full powers to the President as to the enrollment of troops, the raising of a foreign loan, in compliance with which a financial agent has already been sent to Europe, the purchase of arms and employment of other means for defense; it approved the Bravo concessions, in spite of Peru's protest, for the colonization of its eastern territories and building of highways, railroads, and canals from the east via the La Plata and Amazon Rivers, and it referred the acceptance of the Peru-Bolivia confederation to popular vote in the future; so that for the present that brilliant idea of Dictator Périola of Peru may be considered a failure; it passed an excellent mining law, and in general, being very conservative, may be considered to have worked for the interest of the country as best it could.

The Government of Bolivia having declined to declare commercial interdiction with Tacna and Arica at the request of Peru, the prefect of the narrow strip of country still nominally occupied by Peruvians between the above places, and the borders of Bolivia, had imposed upon all goods passing through his jurisdiction a transit duty in itself forbidding all trade, and had actually seized goods then en route for nonpayment, which action excited the public feeling here very much, and came near leading to a rupture, but the Peruvian minister at La Paz ordered the goods released and a compromise was effected, whereby an additional 5 per cent. duty is to be paid to Peru, so that with the duties to Chili, Peru, and Bolivia, about 65 per cent. ad valorem, and the enormous costs of transportation prices of even the necessaries of life and especially clothing have risen to extreme figures, while money retains its full value, exchange being almost at par.

When the failure of the conferences became known here, the President made a spirited address to the troops in public; but the people are very dejected, an invasion is feared, and especially the inhabitants of this city already see their property burned and destroyed, and themselves fleeing from the cruelty and brutality of the enemy, their only hope being still that in some way or other the United States will intervene in what is now considered by all the most cruel and barbarous war of devastation, vandalism, and conquest on the part of the enemy, and that no mercy need be expected.

Minister Carrillo informed me yesterday that he, with his colleagues

of the cabinet, had resigned, being forced thereto on account of the failure of the mediation; that they having held out the hope of peace to the country, and being unsuccessful, must now leave the work to others, who propose a different policy, and that the change in the cabinet would take place as soon as their report of the matters connected with the mediation with the protocols of conferences at Arica is published and submitted to the country.

What the future will bring, it is impossible to say; a hope still remains that the Argentine Republic may take part in the war against Chili; but I have not much confidence in this, and the present allies, I believe, will have to fight to the bitter and scarcely doubtful end.

I have, &c.,

CHARLES ADAMS.

No. 56.

Mr. Adams to Mr. Evarts.

No. 46.] LEGATION OF THE UNITED STATES,
La Paz, November 17, 1880. (Received January 3, 1881.)

SIR: I have the honor to transmit herewith a copy of a note received from Señor Carrillo, and one of the printed pamphlets mentioned therein, containing the report of the Bolivian plenipotentiaries, the protocols of the conferences and the acknowledgment of the government.

Inasmuch as a translation of the protocols will be furnished by Mr. Christiancy, I transmit herewith only that of the report itself.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 46.—Translation.]

Mr. Carrillo to Mr. Adams.

MINISTRY OF FOREIGN RELATIONS,
La Paz, November 13, 1880.

SIR: Repeating the acknowledgments of my government for the benevolent offices and personal attitude of your excellency during the peace negotiations, I have the honor to transmit three copies of a pamphlet, in which these conferences have been published.

I improve the opportunity to again subscribe myself, with all consideration and respect, your excellency's, &c.,

J. C. CARRILLO.

To his excellency the MINISTER RESIDENT
OF THE UNITED STATES OF NORTH AMERICA,
Present.

[Inclosure 2 in No. 46.—Translation.]

Report of the Bolivian plenipotentiaries.

PLENIPOTENTIARIES OF BOLIVIA ON SPECIAL MISSION,
La Paz, November 5, 1880.

To the MINISTER OF STATE AND FOREIGN RELATIONS:

SIR: We have the honor to transmit to the department with this report the autograph protocols of the peace conferences which have taken place in the waters of

Arica and on board of the American corvette Lackawanna, between the plenipotentiaries of the three republics engaged in the present struggle of the Pacific.

In accord with the high and sincere sentiments of the national government, we have tried, with decided ardor, to arrive at an arrangement for peace compatible with the honor of the allied republics and the great interests of South America.

We understood that such result would not be probable if we did not accept to a certain extent the necessary effects produced by the advantages gained on the battle-field. This consideration induced us to calculate quietly the favorable results which the allies might obtain, as well as the sacrifices which they might have to make without loss of dignity, not vaguely invoked, but defined in the course of events.

At the first step of the negotiations the designation of the place for the conferences became a point of diplomatic consideration, and might have definitely made these impossible. To obviate this incident, we agreed that one of us should go to Arica on a particular mission, accompanied by their excellencies the American ministers, Messrs. Christiancy and Adams, which was done with the consent of their excellencies the plenipotentiaries of Peru. There we were enabled to speak to the delegate from the most excellent the Government of Chili, who transmitted to it our different conciliatory propositions, which were, however, decidedly rejected. On our responsibility thereupon, we chose that the negotiations should take place on board of the corvette Lackawanna, in the waters of Arica. The estimable arguments of their excellencies the ministers of the United States in the same sense facilitated the final opening of the conferences.

In these we maintained the same spirit which animated us. In the first we expressed our hope that the most excellent negotiators might consider the subject in accordance with its responsibility and as Americans, putting aside the inspirations of interior politics and the popular clamor of the day, considering only the serious and permanent necessities of the three republics. Our confidence in the noble action of the United States was strengthened above all when we heard his excellency Mr. Osborn, as organ of his colleagues and appreciating exactly one point in our history, declare in these words, "That for the first time the institutions of our continent were on trial."

Notwithstanding that the propositions of Chili when presented were of such a character as to shut off all discussion, we endeavored to maintain it patiently in the limits of natural development.

Consequently we introduced for the sake of peace and the high interests of America what we thought a measure of conciliation, counting upon the approbation of our government. Its sense and deductions, as well as the substance of our observations, are contained in the proper protocol. We will only add that their excellencies the plenipotentiaries of Chili declared this measure inconvenient and opposed to their instructions.

We favored decidedly the arbitration proposed by their excellencies the ministers of Peru, and did not omit to show all the advantages held out by this means even to the Republic of Chili.

Nothing was sufficient to change the unalterable resolution maintained by their excellencies the plenipotentiaries of Chili in regard to the definite annexation of all the Bolivian coast, and that of Peru as far as Camorones, as a basis *sine qua non* of any arrangement.

With satisfaction we have to refer to the distinguished attitude of their excellencies the plenipotentiaries of Peru in discharging their delicate and difficult task, wherein they were assisted materially by their clear and practical reasoning.

We also express our acknowledgments of the personal efforts of their excellencies the ministers of the United States, and we are well aware of what we owe to those particularly employed by his excellency Mr. Charles Adams; but, considering the antecedents of the mediation and the high object manifested in the first conference, we cannot conceal our lively regrets that it was not possible for the most excellent mediators to assume a different diplomatic attitude from that which his excellency Mr. Osborn marked out, and which reduced itself to a polite invitation to meet and preside over our discussions, without giving their presence any other character than that of the most simple and initiatory good offices.

Our efforts to re-establish an honorable and secure peace between the three republics have been without result. Arbitration, the most dignified mode of settling disputes among civilized nations, has been rejected. America will decide on which side justice remains.

Begging you to bring this report, with the protocols attached, to the knowledge of the President of the Republic, we herewith tender our respects and subscribe ourselves.

Your very, &c.,

MARIANO BAPTISTA.
JUAN C. CARRILLO.

No. 57.

Mr. Adams to Mr. Evarts.

No. 49.] LEGATION OF THE UNITED STATES,
La Paz, December 3, 1880. (Received January 21, 1881.)

SIR: Since the publication in pamphlet form of the protocols of the Arica conferences, one of which, with the report of the Bolivian plenipotentiaries, I had the honor to transmit in my dispatch No. 46, another document relating to the same subject has been issued by the department of foreign affairs, a copy of which is herewith inclosed, in which Mr. Carrillo recites all the steps taken by him in regard to the mediation, and finally closes by offering his resignation on account of its failure. The manifest, as it is called, is quite lengthy, and as all the points are well known to you from my former dispatches, and the annexed correspondence with the memoranda of official interviews have all been transmitted by me, a complete translation seems unnecessary.

Mr. Carrillo begins by saying that as soon as the mediation had been offered he had, full of hopes of a successful issue, communicated these to the National Congress, which had approved of the policy to be pursued; and now, inasmuch as it had failed, he felt himself obliged to show to the country the reasons whereupon his hopes and policy were based. He then gives in detail the history of our correspondence from its commencement of our two interviews, and lays particular stress upon the idea advanced by me that if the representatives of the three republics could not agree, it seemed to me advisable that the settlement should be left to arbitration; at any rate that the different plenipotentiaries ought to have full power to accept arbitration if mediation failed, especially as this had been offered, not as a compliment, but actually with a view to end the conflict. He then proceeds to give his correspondence with his minister in Lima; refers to the offered mediation of the European powers, and states his reasons why the latter could not be accepted. He then briefly mentions that the expedition to and destruction of private property at Chimbote had nearly frustrated all hopes of the conferences taking place, but that finally, all obstacles being removed, the actual meeting seemed to hold out a hope of a successful issue.

Passing to the conferences, she ascribes the failure of the mediation to the determined and not-to-be-modified proposition of Chili to annex the Bolivian and Peruvian coast provinces by right of conquest simply, and leaves it to America and the world to judge whether this demand of Chili and the acknowldgement of being conquered by Peru and Bolivia would be consistent with the honor of the latter and with American interests at large.

He then calls attention to the curious history of this mediation, which was first accepted by Chili in August last, then even its existence denied by its cabinet, then again officially accepted on October 7, although my correspondence, as well as the fact that the day for the conference was fixed by Mr. Christiancy and Mr. Osborn for the 5th of October, borne out by the further fact that the Chilian admiral actually permitted the Peruvian vessel with the plenipotentiaries on board to leave Callao on the 1st of the same month, would demonstrate that the second acceptance was an act hardly in accordance with the honor of an American nation. Then, speaking of the attitude of the American ministers and the course pursued by us, he continues:

The spirit of conciliation consistent with the good offices of a mediating power has never entered into the designs of Chili. Arbitration proposed with full acknowledgment of the advantages gained in the war was hotly rejected. All discussion, all agreement was impossible. The mediation, the diplomatic action of the allied govern-

ments, and the universal wish for the return of peace, I repeat, were doomed by the determined attitude of the representatives of Chili.

In such extreme emergency what action would have been most consistent with the dignity of the most excellent ministers of the United States and the high prestige of its government?

With perfect right and in accordance with the first step in the mediation they might have proposed acceptable bases, or they might have approved the propositions of the plenipotentiaries of the allies, if they considered these just and proper. They might have advised, and even honored with their decided approval, the acceptance of arbitration, which, considered in the Bolivian ministry as the essential basis of mediation and frankly authorized by the representative of the United States was the only possible solution since the beginning of the negotiations. This, and much more, and on a greater scale, corresponded with the noble and fervent desires with which the most excellent Government of the United States proposed to aid in the restoration of peace.

But this important step, which might have been taken by the representatives of the United States, preceded those haughty and determined declarations as well as the protest that under no considerations would these be changed; and they, convinced also that the sentiment of Chili was for war at any price, preferred to reserve their diplomatic action in order to avoid a sure rejection of their proposition and the grave consequences which might have followed such action. Without instructions towards such extreme eventuality they were obliged to limit their action to bringing the unexpected and unsuccessful conclusion of the offered mediation to the knowledge of their government. So by this step, prudent as well as of great foresight, they have preserved the prestige of the government of the Great Republic and the respect due its policy of conciliation.

Mr. Carrillo then gives it as his opinion that the Government of Chili at first was prepared to offer moderate conditions, but that under the influence of public clamor it had abandoned the path of justice, and thereby, perhaps, endangered its political future, and he concludes by offering, as stated above, his resignation because the policy advocated by him before the Congress and the country had failed.

It may not be out of place, nor uninteresting to add, that so far this resignation has not been accepted, nor is it likely to be, as the press and people, as far as heard from, are united in declaring the action of Señor Carrillo to have been upright and statesmanlike, and President Campero last night informed me that, unless public sentiment in the interior should be different, Mr. Carrillo would certainly remain at the head of affairs.

At the same time I was also informed that Mr. Baptista, the other plenipotentiary at Arica, and Mr. Aramayo, the secretary, had been appointed minister and secretary of legation at Buenos Ayres, so that it seems that instead of being considered a failure, the Bolivian diplomats engaged in the negotiations are rewarded, their action and position are fully approved, and the result is considered an advantage, because it is hoped by some that the so openly exposed policy of conquest on the part of Chili, coupled with the rejection of arbitration, may induce our government to intervene; while, on the other hand, there is no doubt that it will compel the Government of the Argentine Republic, which also has its frontier disputes with Chili, to demand guarantees for its own security, in which case it is expected here that war between those two powers will be unavoidable.

I have, &c.,

CHARLES ADAMS.

No. 58.

Mr. Evarts to Mr. Adams.

No. 24.] DEPARTMENT OF STATE,
Washington, December 14, 1880.

SIR: You dispatch No. 36, of the 24th of October last, written while

on board of the United States ship Lackawanna, Bay of Arica, has been received. It narrates the personal movements of yourself and the Bolivian plenipotentiaries to join the conference, under the mediation of the United States, between the belligerent powers.

Your action, as reported therein, is approved by the Department.

While upon the subject of the mediation between the plenipotentiaries of Bolivia, Chili, and Peru, I have to inform you that Mr. Christiancy has, in his dispatch No. 200, of the 2d ultimo, inclosed the protocols of the conferences of such representatives, held at Arica from the 22d to the 27th of October last.

Although this government would have been glad to have received intelligence that its efforts in the direction of securing peace between the belligerent powers had been efficacious to that desirable end, and although it cannot cease to entertain the most serious regret that such efforts have met with so little apparent success thus far, the Government of the United States still stands ready to render its assistance to that end in every proper way.

I am, &c.,

WM. M. EVARTS.

No. 59.

Mr. Adams to Mr. Evarts.

No. 52.] LEGATION OF THE UNITED STATES,
La Paz, December 16, 1880. (Received February 5, 1881.)

SIR: I have the honor to transmit herewith a diplomatic circular addressed to the governments of South America by the minister of foreign relations of Bolivia, and which, in connection with his manifest, a copy of which has heretofore been transmitted, is intended to fully demonstrate the position of Bolivia in the present war, the unjust demands and cruel mode of warfare on the part of Chili, and seems to have in view an active intervention of the other South American states as against the encroachments on the part of Chili.

Much of what is contained in this circular is a repetition of former declarations, especially as to the policy of Chili, now openly acknowledged to be one of conquest, and which Mr. Carrillo thinks, if accepted in silence and without protest by the other governments of South America, would, after what has happened at Arica, place these in a position of virtually acknowledging it to be proper and right.

The principal reasons for invoking the intervention of the other States against Chili are its policy of conquest, contrary to American ideas, traditions, and interests; the cruel mode of prosecuting the war by destruction of private property and undefended towns; and, principally, the rejection of the proposed arbitration.

If the first should be accepted as the future policy of America, Mr. Carrillo explains, all the different republics would be obliged to keep large standing armies, which heretofore had never been necessary, and constant wars might be apprehended.

Chili had never pretended to claim any part of the territory now demanded as the price of peace; while even when the small Republic of Paraguay, after a long war, and completely at the mercy of its enemies—the powerful Empire of Brazil and the Argentine Confederation—it was

especially declared that the victory did not give them title to disputed territory, but the decision on that point was left to the President of the United States as arbiter; and in accordance with it the Argentine Republic returned to Paraguay, territory to which it had claimed and believed to have rights, and Brazil kept only such as it fully was entitled to.

The coast district of Bolivia, small as it is, had given it an outlet to the Pacific Ocean, and its possession was never questioned until natural deposits of salitre and guano were discovered, and should it now be taken, its only outlet would be gone, and thereby its very existence and certainly the equilibrium of South America be threatened.

Passing to the second consideration, the various acts of devastation in the present war are enumerated and compared to the policy of England during our own war of 1812–'14, when Admiral Cochrane destroyed our undefended towns on the Atlantic and even the public buildings of our capital, for which action he had not only been denounced in his own country, but all over the civilized world, and which like action, in addition to what already has been done, is now threatened against Lima, the old and historical city of the Pacific, destruction of which has been authorized by Chili.

The third consideration, the rejection of arbitration by Chili, is especially commented upon, because a month before the conference at Arica it had entered into a treaty with the Republic of Colombia on the following terms:

Desiring to affirm the sentiments of international friendship which should be the foundation of peace and fraternity in America, they have, with this object in view, resolved to make a treaty and have signed the following articles:

First. The two republics are forever obliged to submit to arbitration all controversies and difficulties of whatever nature may come up between both nations.

Second. In case of failure to agree, the President of the United States of America is fully authorized as arbiter to carry out his functions as such.

Third. Colombia and Chili shall try, at the first opportunity, to hold like conventions with the other American nations, so that the solution of all international conflicts by means of arbitration be a principle of American public right.

A month after this had been signed the very principle was disowned, one entirely contrary to its protestations proposed, and the very power which so solemnly had been designated as arbiter by Chili itself as solemnly rejected.

Mr. Carrillo, in summing up, refers also to the other conditions imposed upon the allies, which virtually deprive them of their sovereignty, as it prohibits them from entering into future treaties, besides declaring null and void a former one, and forbids Peru even to fortify its own ports in the future; thereby assuming such domination as no nation could submit to if not totally conquered. Mr. Carrillo, therefore, believes that the governments of the other republics, convinced of Chili's bad faith, barbarous acts and intentions, its false position, lust of conquest and domination, will in their wisdom take such steps as will stop these ambitions, preserve the traditions of America, and define such a policy for the future which, in accord with the division of Spanish-America, and the definition of the limits of the different republics as agreed upon in 1810, will forever avoid further complications and conflicts; to which end he advises that an American congress should meet, deliberate upon all questions at issue, and establish such guarantees as will keep intact these limits, and in that way procure a lasting peace. On account of a severe illness, from which I still suffer, and having no assistance whatever, I have not been able to make a

translation of the circular, but trust that the above summary may answer the purpose.

I have, &c.,

CHARLES ADAMS.

No. 60.

Mr. Adams to Mr. Evarts.

No. 56.] LEGATION OF THE UNITED STATES,
La Paz, January 9, 1881. (Received February 15.)

SIR: I have the honor to transmit herewith a second diplomatic circular,* addressed by Mr. Carrillo to the other American governments, relating to the present war with Chili, and which is especially intended as an answer to and in refutation of the position assumed by the minister for foreign affairs of Chili, as expressed in his diplomatic circular of November 10, 1880, a copy of which has no doubt reached the Department.

The charges contained in the latter circular as against Bolivia, "that she has failed to comply with the provisions of former treaties, that she had rejected arbitration, and that she had entered into the 1873 treaty with Peru with hostile intent towards Chili," are *seriatim* considered in this paper, and the whole question is carried back to the outbreak of the war and the causes leading to it, which, from a Bolivian standpoint, are shown to be for a long time entertained and premeditated by Chili in order to conquer and utilize the rich coast districts belonging to Bolivia.

I have, &c.,

CHARLES ADAMS.

No. 61.

Mr. Adams to Mr. Evarts.

[Extract.]

No. 57.] LEGATION OF THE UNITED STATES,
La Paz, January 17, 1881. (Received March 2.)

SIR: I have the honor to report that on the 15th instant the Carrillo cabinet, whose probable dissolution after the failure of the Arica conferences was foreshadowed, went quietly out of office, and a new cabinet was announced, which consists of Dr. Nuñez del Prado, minister of government and public instruction; Señor Villazon, for treasury (retained); Dr. Aguirro for war, and Dr. Jiménez for foreign affairs and public worship. The latter, at present prefect of the province of Cochabamba, has as yet not arrived at La Paz, so that Dr. Nuñez del Prado is charged also with the business of the foreign department for the time being.

This cabinet may be considered representing the extreme war party, as Dr. Aguirro will be the soul of it, who, as a member of the late Congress, was daily and hourly advocating fresh measures for resistance and aggression, and has ever been opposed to President Campero's policy of inaction and expectancy.

While Chilian cannon are thundering at the very doors of Lima, and all Bolivia is trembling for its fate and praying for its deliverance, this change of cabinet takes place, and with it a ray of hope comes from the south, from the government of the Argentine Republic, which at last has granted free transit for Bolivian arms and ammunition, and should the anticipated capture of Lima be delayed, Chili may find in a short time a Bolivian army in its rear occupying Tacna, Arica, and Iquique, which might force it to abandon its plans regarding Lima, and to fight again for the possession of Atacama and Tarapaca, which provinces it has already fondly considered its own by right of possession and conquest. I am also informed by the Peruvian minister that the government at Buenos Ayres has decisively declared its intention to oppose any annexation of territory in South America, and its press and public opinion have lately assumed such bitter hostility towards Chili, that even before you receive this the latter may have considered it wiser to abandon its position.

This city, although rumors of revolution are frequently circulating, remains quiet. The other day a plot of mutiny was discovered amongst the soldiers, and a sergeant promptly shot, and the editor of La Patria, who advocated peace with Chili at the expense of Peru, might have shared the same fate if he had not been granted asylum in the Brazilian legation, but had to leave the republic within twenty-four hours, which measures seem to have established General Campero only the firmer in his seat, so that I do not expect any serious attempts against him, unless events now taking place near Lima should deprive Dictator Piérola of power, and in sympathy should also affect Bolivia. * * *

I have, &c.,

CHARLES ADAMS.

No. 62.

Mr. Adams to Mr. Evarts.

[Extract.]

No. 59.] LEGATION OF THE UNITED STATES,
La Paz, February 3, 1881. (Received April 26.)

SIR: Referring to my dispatch No. 57, of the 17th ultimo, I have the honor to report that Dr. Nuñez del Prado, of whose appointment as minister for foreign affairs *ad interim* I had advised you, has now entered upon the duties of that office in the full character. * * *

The news of the defeat of Dictator Piérola, of Peru, before Lima, and the capture of that city, at first discredited but within the last days fully confirmed, has so demoralized all classes and parties that opinions as to the probable consequences here are as yet simply speculative, and must remain so until the course of Peru in its defeat, and that of victorious Chili, develops itself.

The foreigners here not represented by ministers, or consuls even, are in the greatest terror since it has become known that Lima would have been pillaged and plundered only for the energetic action of the diplomatic corps, backed by a powerful fleet; and they fear that, if a Chilian force should approach La Paz and the government be compelled to abandon the city, not only the soldiers of the enemy, but also the lower classes of the population here might commit excesses, directed of course mainly against the property and persons of foreigners.

Should this eventuality occur, I hope to be able to save life and property in exerting myself to bring about a peaceful occupation of the city by the enemy, and in organizing an armed city guard of the foreign residents, in imitation of the course taken at Lima.

Allow me to add that I still remain without mail of any kind from the United States.

I have, &c.,

CHARLES ADAMS.

No. 63.

Mr. Adams to Mr. Evarts.

No. 60.] LEGATION OF THE UNITED STATES,
La Paz, February 15, 1881. (Received April 26.)

SIR: I have the honor to transmit herewith a copy of a diplomatic circular from the Bolivian minister of foreign affairs, issued under date of February 1, with translation, in which the position of Bolivia is defined as influenced by the late defeat before Lima.

I do not think it necessary to add any opinion of mine regarding this circular and the very strong views of the Bolivian Government therein expressed, as it quite corresponds with what I have foreshadowed in former dispatches. I may, however, say that although Bolivia is apparently exhausted and looked upon by Chili as an enemy not worth troubling herself about, it may carry on for an indefinite period a guerrilla warfare, which will be a continuous menace to Chili, and well calculated to threaten its peaceful possession of the conquered territory, necessitating the support of a large standing army, while at the same time it will no doubt turn Bolivia's commerce toward the Atlantic, via the La Plata or Amazon River. At any rate, I consider Bolivia stronger to-day than Peru, as it has more means of resistance and a more united people, and has suffered less in the actual war.

The original document, addressed to the minister of Bolivia at Washington, I beg to inclose for transmittal to its address, as requested in the accompanying note of the Hon. Dr. Nuñez del Prado, and have the honor to be, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 60.—Translation.]

Mr. Prado to Mr. Adams.

MINISTRY OF FOREIGN RELATIONS OF BOLIVIA,
La Paz, February 1, 1881.

SIR: I have the honor to transmit to your excellency the original and a legalized copy of a diplomatic circular * which this office directs to that of the United States, and in which, by occasion of the new defeat which the allied armies have suffered, it again expresses the unalterable intention of Bolivia to defend its rights and repel the ideas of conquest entertained by Chili.

Meanwhile I beg of your excellency to please have it reach its high destination, and accept the sentiments of my most perfect consideration.

DANIEL N. DEL PRADO.

* For inclosure see document No. 66, page 89.

No. 64.

Mr. Adams to Mr. Evarts.

No. 61.] LEGATION OF THE UNITED STATES,
La Paz, February 24, 1881. (Received April 26.)

SIR: I have the honor to transmit herewith the correspondence which has taken place between some Spanish subjects residing in La Paz and myself, upon the question of a war-tax levied upon the people of Bolivia by the late Congress and now about to be enforced.

You will perceive that I have refused to accommodate these gentlemen, for aside from the consideration that the request for my official interference should have come from the Spanish Government directly, or its minister at Lima, I consider the tax referred to not one of an extraordinary character as implied by the treaty mentioned in the petition, as it was decreed by a Congress and imposed upon all inhabitants of the republic in proportion to their property.

A question of this kind upon application of American citizens residing in Mexico was at the time decided by the then minister, Mr. Corwin, in the same spirit, and his action was approved by the Department, so that although my reply to this—a test petition, which was to have been followed by others—has obviated all further resistance on the part of other foreigners. I feel that in advising Americans, even, to pay, I have acted properly and in accordance with international comity.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 61.—Translation.]

LA PAZ, *February* 11, 1881.

To his Excellency General CHARLES ADAMS,
Minister Resident of the United States of America, present:

MR. MINISTER: We, the undersigned, Spanish subjects resident in this city, see ourselves obliged to trouble your excellency and to request your assistance towards a petition, which we are compelled to direct to the supreme government of this republic, which petition, praying for an exemption from the extraordinary contribution now actually demanded from Bolivian citizens, is attached to this note.

We request your protection, most excellent sir, on account of the known absence of a diplomatic representative of His Majesty the King of Spain to a simple consular agent in all the territory of the republic, in which case the international practice of civilized nations authorizes us to have recourse to the representative of a nation friendly to our own, who cannot refuse to assist us if he is convinced of the justice of the reclamation.

In the present case your excellency will perceive that our request cannot be more just, and the minister of the United States, a nation so friendly to Spain, cannot do less than accede to our demand.

Your excellency will, therefore, be kind enough to present our petition to the supreme government near which you are worthily accredited, and to duly favor the same, being assured that by so doing you will not only earn our gratitude, but also, as may be imagined, that of the Government of His Catholic Majesty.

With this motive we have the high honor to subscribe ourselves your excellency's obedient and respectful servants,

MIGUEL SARAIZABEL.
JAIME DAVIN.
EDUARDO Q. MALDONALDO.
ANJEL BAJINETA.
CELSO COMELLAS.
DOMINGO DE ITURDE.
JUAN FORRENS.
JUAN RUDON.
LIZANDRO RUDON.
MIGUEL SOL.
JUAN CORES.
JOSÉ HERRERA.

[Inclosure 2 in No. 61.—Translation.]

Mr. PRESIDENT OF THE REPUBLIC: Asking a declaration of exemption of what they mention, founded on the international laws they quote:

The undersigned, Spanish subjects resident in this city, through the organ of the minister for foreign affairs, and by the mediation of the minister resident of the United States of America, not having a diplomatic or consular agent of their own nation, most respectfully submit to your consideration:

That the supreme Government of Bolivia, making use of its legitimate authority, has ordered the carrying out of a law of the late national convention, by which an extraordinary forced war contribution was ordered to be levied, assessed equitably and proportionately.

That for this purpose and in this department of La Paz, in which we are residents, a commission of most honorable and competent persons has been appointed to assign to each citizen the quota he has to pay according to the judgment of said commission.

That in the distribution of the said forced war contribution and its assessment, not only the inhabitants of this city, without distinction or exemption whatever, have been included, but also the foreigners; as the said honorable commission has not weighed the powerful and imprescriptible exemptions established as a general rule in favor of foreigners by international law, and fixed especially in our behalf by solemn international treaties in full force to-day between Bolivia and Spain.

On this account we are obliged to address ourselves to the justification of the government of the republic, asking a declaration of exemption from all extraordinary war loans or taxes, on account of our being Spanish subjects, protected not only by international law, but by the formal engagements of this nation towards ours.

The legal reasons on which we base our claim are obvious, and fearing to offend the recognized knowledge and integrity of the government of the republic, we will briefly and summarily mention just only in order to bring them to mind.

By the treaty made between this republic and His Majesty the King of Spain, at Paris, on the 29th of August, 1879, ratified and exchanged in the same city on January 19, 1880, and promulgated as a law of the republic in this city of La Paz on the 30th of August last (third article), are re-established in full force the stipulations of the treaty made between the said nations on February 12, 1861. The eleventh article of said treaty says literally: "Neither Bolivians in Spain, nor Spaniards in Bolivia, are obliged to serve in the army, navy, or militia, and they are exempt from all extraordinary impost tax or loan, and in the ordinary taxes which they pay on account of their industry, commerce, or landed property, they must be treated just as the citizens or subjects of the most favored nation." One cannot find a more clear, peremptory, and reciprocal exemption in favor of the citizens of both states, living in each other's territory, and which involves their exemption from all forced or extraordinary taxes (of war) in strict compliance with the doctrines of international law.

And even if this positive law referred to did not exist—a law that, like all international treaty law, is supreme and modifies even the constitution of the state—it is enough to legitimate our claim by stating that the practical jurisprudence of all civilized nations and the doctrine established by all the authorities on the subject are all in our favor.

There is no need to quote Vattel, Pradier, Forderé, Fioré, Jenner, Block, Bello, and so many other eminent writers, who unanimously sustain this doctrine; but we will refer to all the treaties of amity and commerce in force to-day between different nations, all of which establish the doctrines of exemption with rigorous uniformity.

To insist on this would be tiresome and superfluous. We are sure that the government has had no doubt about it, and that, taking duly into account our petition, the government will modify the proceedings of the assessing commission, and that it will proclaim a doctrine which is a law of the nation and attested by a sacred agreement, by declaring that the subjects of His Majesty the King of Spain are not obliged to pay now, and are not subject to any other tax of the kind, either of blood, money, or otherwise.

We expect our petition will be duly and justly appreciated, and granted as it is founded on justice.

La Paz, 11th February, 1881.

MIGUEL SARAIZABEL.
JAIME DAVIN.
EDUARDO Q. MALDONALDO.
CELSO COMELLAS.
ANJEL BAJINETA.
DOMINGO DE ITURBE.
JUAN FORRENS.
JUAN RUDON.
LIZANDRO RUDON.
MIGUEL SOL.
JOSÉ HERRERA.
JUAN CORES.

[Inclosure 3 in No. 61.]

Mr. Adams to Mr. Saraizabel et al.

LEGATION OF THE UNITED STATES,
Cotaña, February 18, 1881.

Messrs. SARAIZABEL, DAVIN, MALDONALDO, and others, subjects of Spain in La Paz, Bolivia:

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 11th instant, in which you ask me to transmit to the Government of Boliva, in an official manner, a document signed by the Spanish subjects of La Paz, praying for an exemption from the forced loan lately decreed, and in which you ask my help and protection, basing your request upon the fact that Spain has no representative of its own near the Government of Bolivia, and that you feel yourselves authorized by common international usage to call upon me as the representative of a friendly nation.

In reply to your polite and dignified letter, I am sorry to be obliged to inform you that I cannot comply with your request, inasmuch, by the established usage of nations, and in compliance with the rules made for the ministers of the United States by its government, it is required that the request for diplomatic protection of subjects of another country by any minister of the United States should come from the government of such country, and should be acknowledged by the government where both reside.

In cases where the life, liberty, or property of a foreign subject or citizen, not represented, has been in danger either from local persecution or foreign invasion, it has been customary for such foreigner to claim the help and protection of the representative of a friendly nation, and, without a previous request from his own government and the usual formalties, it has been accorded freely and fully, especially by ministers of the United States, at different times and occasions; but this case, involving as it does no act of persecution or injustice even, but simply the rights and duties of foreigners under established treaty stipulations, into a discussion of which I am not prepared to enter, offers no reason for my official interference, especially as I cannot deny that a sovereign nation has the right, even in time of war, to levy extraordinary taxes, not upon the person, but the property and business of its inhabitants, and as long as no distinction is made in the assessment of this tax—called strangely, for what reason I know not, a forced loan (*emprestito forzoso*), although legally authorized by a constitutional Congress of the republic—I do not feel warranted in throwing obstacles in the way of the government, and did and shall advise my own countrymen to pay the said tax.

I have the honor, in returning to you, gentlemen, the document referred to, to assure you of my highest respect and consideration, and to subscribe myself,

Your very obedient servant,

CHARLES ADAMS.

No. 65.

[Extract.]

Mr. Adams to Mr. Blaine.

No. 75.] LEGATION OF THE UNITED STATES,
La Paz, June 8, 1881. (Received July 18.)

SIR: Regarding the political situation of Bolivia, I have the honor to report that everything remains *in statu quo*. The Congress of the country has been called to meet in extra session on the 13th of this month, but it is simply expected to approve the measures of the government since its adjournment last November. President Campero seems to be established firmer in his seat than ever, and his policy of quietly strengthening the army, drilling and equipping it, and of getting the national guard ready for active service, if necessary, seems to meet the approval

of the country, based as this policy is upon the expressed will of the people to resist any invasion Chili might contemplate.

Meanwhile, the visit of President Piérola to La Paz has strengthened the alliance between Peru and Bolivia, and I do not believe that one will make peace without the co-operation and approval of the other. Nobody here so far acknowledges the government of García Calderon at Lima while it is upheld by Chilian bayonets. While an invasion from Chili in the near future is entirely improbable, as Chilian soldiers could never endure an Andean winter, and so no immediate fighting is expected, it is still hoped here that our government may be pleased to put an end to the war, and in the interest of commerce, humanity, republican institutions, and American traditions and ideas may compel Chili, if necessary, to grant to Peru and Bolivia honorable terms of peace, instead of holding both countries by the throat, so to speak, by demanding continuous contributions and excluding them from all commerce on the sea. * * *

I have, &c.,

CHARLES ADAMS.

CORRESPONDENCE WITH THE LEGATION OF BOLIVIA AT WASHINGTON.

No. 66.

Mr. Nuñez del Prado to Mr. Evarts.

[Translation.]

MINISTRY OF FOREIGN RELATIONS OF BOLIVIA,
La Paz, February 1, 1881. (Received May 10.)

SIR: This ministry has the honor to inform your excellency's government of Bolivia's unshaken determination to defend her rights and to repel the doctrines of absorption and conquest which are sustained by Chili.

This attitude, which is the only one that my government considers compatible with the dignity and lawful privileges of an American nation, is in accordance with the conviction which it entertains, that the vast proportions which the war on the Pacific is daily assuming affect not only the territorial integrity of the allied nations, but even their future autonomy and the permanent interests of America in a serious manner.

In order to defend this idea, Bolivia has sacrificed her bravest sons, and is anxiously waiting for every American country to protest against the acts of that nation which has originated this sanguinary conflict.

Meanwhile the allied forces, whose arms have been attended with very ill success during the course of the struggle, have just met with another reverse near Lima.

The loss of that maritime city, and the total destruction of the allied fleet, oblige the government of the undersigned once more solemnly to declare to the friendly nations of this continent that it is resolved unflinchingly to persevere in the defense of its autonomic integrity and in that of American interests.

The occupation of Lima, far from shaking the determination of this republic, has stimulated its patriotism, and it is now prepared to continue the struggle with Chili at any sacrifice.

This resolution is strengthened by the remembrance of an act which will be condemned by all America. The war, which was inaugurated by the forcible occupation of the maritime districts of Bolivia, is not a dispute concerning a right that is more or less doubtful among the belligerent powers; it is one for the settlement of serious and highly important questions. Chili, confiding in the strength of her navy, hoists the standard of conquest and of territorial annexation. Bolivia and Peru reject these doctrines and offer their blood and treasure in behalf of the triumph of the principle of right.

There is, then, an immense chasm between the objects aimed at by the two contending parties; and peace with Chili, which is at the present moment impossible, cannot be restored save by the absolute triumph of the one and the utter overthrow of the other.

The justice of the cause which Bolivia is defending is in itself a powerful stimulus to maintain the contest, and the cheering conviction which she entertains, viz, that in sacrificing herself in her own defense she is sacrificing herself for the great interests of America, increases her warlike enthusiasm and adds fuel to the flame of her patriotism.

My government feels persuaded that by resolutely accepting this situation it furnishes evidence of its good faith towards its ally and of its devotion to the principles which it professes.

If the final result shall be unfavorable to her, Bolivia will have the glory of having sacrificed herself in defense of her rights in preference to accepting the galling yoke of the conqueror.

Such, most excellent sir, are the declarations which my government desires to make to friendly nations, inasmuch as they are watching with increasing interest the prolonged struggle on the Pacific coast, and as for the continuance of that struggle it relies upon the favorable opinion of your excellency's enlightened government.

This occasion affords to the undersigned, minister of foreign relations of Bolivia, the high honor of offering your excellency the assurances of the esteem and respect with which he subscribes himself,

Your excellency's obedient servant,

DANIEL NUÑEZ DEL PRADO.

To his excellency the MINISTER OF FOREIGN RELATIONS
of the United States of North America, Washington.

No. 67.

Mr. Cabrera to Mr. Evarts.

[Translation.]

LEGATION OF BOLIVIA IN THE UNITED STATES,
Washington, February 18, 1881. (Received February 19.)

SIR: In reference to the subject which I had the honor to broach to your excellency, in the name of my government, on the 3d instant—the conference which you were pleased to accord to me, at my request, having then remained pending—I take pleasure in laying before your excellency's government the latest intelligence that I have received from the

Pacific touching the war subsequently to the occupation of Lima by the Chilian army.

According to this intelligence the government of Peru had retired to the departments of the south. Mr. Pierola, the president, having declared that the seat of government is where the executive is, Mr. Aurelio Garcia y Garcia had been appointed secretary-general.

The government of Peru, on taking its departure for the department of Arequipa, was firmly purposed to continue the war to the utmost extremity. This information is contained in a telegram which has been received by Mr. Ramon I. Garcia, chargé d'affaires of Peru near your excellency's government.

General Baquedano, moreover, who is in command of the Chilian forces which have occupied Lima, had addressed an official communication to the municipal government of the capital of Peru, apprising it of the necessity of forming a board composed of the principal citizens, that it might designate a provisional government with which an armistice might be concluded or some other arrangement made. The municipal government had replied that, inasmuch as President Pierola's government was still existing and had received its powers from the nation, no municipal government or board of principal citizens could arrogate to itself the right to appoint another government.

General Baquedano had likewise addressed a communication to the supreme court of Peru, requesting it to re-enter upon the discharge of its functions, but the court had replied declining to do so.

As to Bolivia, it is known that her army was to march against Tacna under the command of General Campero, the president of the republic, and in concert with a portion of the army of Arequipa, on the 15th of last month.

It was also known that she had received a supply of arms, and expected to receive more, through a reliable channel.

All this shows that the occupation of Lima has not ended the war, and that, so far from this being the case, the governments of Peru and Bolivia will continue it with greater activity than ever.

Nevertheless, some solution must be sought that will put an end to the present state of things, and I firmly believe that, an earnest desire existing to secure an honorable peace, and one that will meet all present as well as all future requirements of the belligerent nations, some combination acceptable to all parties is not impossible.

To this effect I beg leave to offer the plan contained in the documents numbered 1 and 2, and herewith inclosed, to the consideration of your excellency's government.

This plan, if carried out, would, in my judgment, meet all the difficulties that have given rise to the war, they being simply the wealth of Peru and Bolivia.

It would systematize the working and management of that wealth in the interest of universal commerce; in the interest of the markets which purchase guano and saltpeter; in the interest of the owners of the territory containing these valuable substances, and in the interest of modern civilization, which loves peace and detests war.

In a political point of view it would prescribe the right of conquest; and as regards the stability of the South American nations, it would firmly establish the *uti possidetis* principle, which is the foundation of their nationality and independence.

Moreover, with regard to the manner in which the guano and saltpeter deposits of Peru and Bolivia have hitherto been worked by Euro-

pean capital, long years of experience have shown that there is need of a new element, capable of giving renewed vigor and a different form to the industry and commerce of those republics.

With the most respectful and cordial sentiments, I am, &c.,

LADISLAO CABRERA.

[Document No. 1.]

PLAN.

1st. The organization of a company in the United States is suggested, for the purpose of working the guano and nitrate deposits of Peru and Bolivia, the company to consist of powerful capitalists, and the effective capital and organization to meet the approval of the Governments of Chili, Peru, and Bolivia.

2d. The three governments to turn over to the company, for the period of ——— years, the entire and exclusive control and administration of the districts claimed by Chili by right of conquest, as well as any guano deposits not so claimed, and to guarantee their pacific occupation by the company.

3d. The United States Government to guarantee that the company shall remain in peaceable and undisturbed possession and administration of the districts to be designated in the contract.

4th. From the proceeds of the working of the guano and nitrate deposits, the company to retain such amounts as may be indicated in the contract, and to apply the remainder in such proportions as Chili, Peru, and Bolivia may arrange by treaty—

First. To the war indemnity which may be agreed upon.

Second. To the payment of nitrate certificates.

Third. To the existing foreign loans of Peru.

Fourth. To the Peruvian Government.

Fifth. To the Bolivian Government.

5th. The company is to establish its own agencies in the various markets of the world, conduct and manage all sales of the guano and nitrate, and manipulate both products within limits to be agreed upon; but the entire operations of the company shall be subject to periodical report and inspection.

6th. The contract company to have authority to capitalize, in the form of a public loan, the war idemnity and the nitrate certificates; and, if it be found convenient by the company, the Peruvian loans of 1870 and 1872 may be included in a single consolidated issue; the rate of interest, sinking fund, issue-price, commission, &c., to be agreed upon in consultation with the three governments.

Should a loan be negotiated, Chili to be paid the full war indemnity at once, and to release all claim and charges upon the guano and nitrate deposits and districts of both Peru and Bolivia held by the company, but not to retire her obligation guaranteeing the pacific occupation by the company of the districts confided to its administration.

WASHINGTON, D. C., *February* 18, 1881.

[Document No. 2.]

FINANCIAL STATEMENT.

	Tons.
Annual guano product of Peru	350,000
Annual nitrate product of Peru	275,000
Annual nitrate product of Bolivia	60,000

	£	*s.*	*d.*
Total cost of the guano delivered to the buyers in Europe, per ton	4	10	0
Lowest selling price	12	10	0
Cost of nitrate delivered in Europe to the buyers, per ton	9	0	0
Average selling price of nitrate for ten years, per ton	14	14	0
From the above data we have on guano a profit of, per ton	7	10	0

Or on 350,000 tons per annum	£2,625,000
Profits per ton on nitrate £5 14*s.* 0*d.*, or on 335,000 tons per annum	1,909,500

Total annual income	£4,534,500
Deduct 7½ per cent. for profits of the contract company and contingencies on gross product of £4,200,000 of guano and £4,924,500 of nitrate	684,337
We have net annual income	£3,850,163

DEBTS.

Chilian war indemnity, say	£6,000,000
Nitrate certificates	4,000,000
	10,000,000

Suppose the issue of a loan to pay off the war indemnity and the nitrate certificates, say, including discounts and commissions, £11,000,000. Five per cent. interest and 1 per cent. sinking fund would require as annual service £660,000. The total net income above calculated is £3,850,163. Deduct annual service of loan above estimated, £660,000. Remainder, £3,190,163, applicable to the Peruvian loans of 1870 and 1872 and to the Governments of Peru and Bolivia.

WASHINGTON, D. C., *February* 18, 1881.

No. 68.

Mr. Cabrera to Mr. Blaine.

[Translation.]

LEGATION OF BOLIVIA IN THE UNITED STATES,
Washington, May 9, 1881. (Received May 9.)

MOST EXCELLENT SIR: In the month of February last I had the honor to have a verbal conference with Mr. Evarts, then Secretary of State, with regard to the urgent necessity of putting an end to the long and disastrous war between Peru, Bolivia, and Chili.

For the purpose of reaching some practical result, I proposed, after some preliminaries, the bases of a peace contained in my note of February 18th, and the two inclosures therewith transmitted.

His excellency, Mr. Evarts, although he considered the plan submitted to his consideration as possessing a high degree of importance, had not time to give it the necessary attention, owing to the change in the administration of the United States Government, as he had the kindness to state in his note of March 5.

I duly reported what had been done to the governments of Bolivia and Peru, calling their attention at the same time to the necessity of proposing those bases of a peace to Chili as their ultimatum.

Since that date the character of the war has not changed much, notwithstanding the occupation of Lima by the victorious forces of Chili. In the south and north of Peru resistance is still continued, and in Bolivia public spirit has been invigorated by the news of the occupation of Lima, all of which renders it probable that the war will be interminable.

This view is confirmed by a telegram which was published by the New York Herald in its issue of the 6th, in which it was stated that the King of Holland had authorized his representative to tender his (the King's) good offices, in conjunction with France, England, and Italy, to the three belligerent nations for the restoration of peace.

I cannot believe, under these circumstances, that your excellency's government, which during the course of this war has manifested so deep an interest in the restoration of peace among the nations of South America, will permit foreign powers to claim the merit of having restored peace, while the plan which I had the honor to propose is still pending before it. In presenting that plan my object was manifold, viz, to bring about an honorable peace; to strengthen and develop the wonderful productive power of North America by opening new and profitable markets to its commercial activity; to secure to your excellency's government that influence in South America which rightfully belongs to it by reason of its proximity, its civilization, and the similarity of its institutions; and, finally, to satisfy the pecuniary demands of Chili, the conqueror of Lima.

In order to secure such great benefits to humanity, to whom war must ever be repugnant; to bring two continents of the New World into immediate contact by closely uniting them in the bonds of industry and commerce; and, finally, to secure even the rights of the conqueror (although they are improperly so called), what is it that the plan proposed by me asks of your excellency's government?

Nothing but the fulfillment of an obligation, which is to be common to all the governments, viz, to guarantee that capital invested by citizens of the United States in the management and working of the guano and nitre deposits of Peru and Bolivia shall not be disturbed in its industrial application.

I take the liberty to submit these passing reflections to your excellency, that they may receive attention when you may see fit to consider my plan, and to secure a new title to glory to your government by restoring peace in South America, and by opening up new sources of wealth to North American labor and activity.

I purposely avoid presenting any further considerations, but I feel sure that the foregoing will not be disregarded by your excellency.

With sentiments of true respect and high esteem, I am your excellency's obedient servant,

LADISLAO CABRERA.

No. 69.

Mr. Blaine to Mr. Nuñez del Prado.

DEPARTMENT OF STATE,
Washington, June 14, 1881.

SIR: I have the honor to acknowledge the receipt of your excellency's note of February 1 last, setting forth the reasons which animate and control the Government of Bolivia in resisting to the last extremity the encroachments of the Chilian Government.

The people of this country have watched, not without the deepest interest, the continued struggle between the three nations on the Pacific, whose institutions and forms of government are allied to their own, in the sincere hope that the differences of whatever nature which engendered the present conflict might be amicably and satisfactorily adjusted, and the perpetuity and prosperity of those republics guaranteed.

Still cherishing this confident hope, I bid you accept, sir, in the name of the Government and people of the United States the assurances of my highest consideration.

JAMES G. BLAINE.

BRAZIL.

No. 70.

Mr. Evarts to Mr. Hilliard.

No. 123.] DEPARTMENT OF STATE,
Washington, November 15, 1880.

SIR: Referring to your No. 185, I inclose herein a letter from the President to His Majesty the Emperor of Brazil, in which is expressed the appreciation entertained by this government of His Majesty's courtesy in the appointment made by him of the third commissioner provided for in the American-French claims convention of January 15 last; also a copy of the same.

You will please transmit the copy to the office of the minister of state, and present the original in a manner most agreeable to His Majesty.

I am, sir, &c.,

WM. M. EVARTS.

[Inclosure in No. 123.]

President Hayes to the Emperor of Brazil.

Rutherford B. Hayes, President of the United States, to His Majesty Dom Pedro I, Constitutional Emperor and Perpetual Defender of Brazil:

GREAT AND GOOD FRIEND: I have received intelligence from the envoy extraordinary and minister plenipotentiary of the United States in Brazil of the nomination by your Imperial Majesty of the Councillor, Baron de Arinos, the envoy extraordinary and minister plenipotentiary of Your Majesty at Brussels, as the third commissioner, provided for by the text of the convention concerning claims, entered into on the 15th of January last between the United States and France.

The Government of the United States fully appreciates the courtesy of Your Majesty in acceding to the invitation respecting this appointment, and will be peculiarly gratified to welcome to the scene of his labors a gentleman already distinguished by the regard of Your Majesty.

May God have Your Majesty in His wise keeping.

Written at Washington the 9th day of November, in the year 1880, and of the Independence of the United States the one hundred and fifth.

Your good friend,

R. B. HAYES.

By the President:
WM. M. EVARTS,
Secretary of State.

No. 71.

Mr. Hilliard to Mr. Evarts.

No. 198.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, December 6, 1880. (Received December 30.)

SIR: The session of the Parliament of Brazil is drawing towards its close.

The senate has been for some time almost exclusively engaged in considering the new electoral reform bill, a measure of great importance. Several articles have already been agreed to, among them one which removes the disabilities of naturalized Brazilians and non-Catholic subjects, and makes them for the first time eligible to office under the imperial government.

It is believed that the bill will be finally adopted by a small majority. This is a great step in the right direction, and when the measure becomes a law it will greatly advance the prosperity of the country.

Another subject has engaged the attention of the senate; the relations between Brazil and the Argentine Republic. A few days since Senator Silvria Martens, ex-minister of finance, addressed the senate on the subject, and referred to the threatening armament of the Argentine Republic. He said:

> There is something which to me is worth more than direct election, than internal improvements, than party, more than all else; it is the existence of our country, the integrity of its territory. We have a neighbor who is now armed to the teeth. The Argentine Republic has accumulated an immense supply of war material, and the President who has just retired from power boasts in articles attributed to him that he has made his country the first military power in South America. In their arsenal they have 80,000 Remington rifles; they are just now receiving eleven Krupp batteries; they have a squadron of iron-clad torpedo boats, and in three months can arm 100,000 men, at which I do not wonder, as they receive thousands of immigrants every month to whom, in emergencies, and without making a question of religion or nationality, as with ourselves, are intrusted banners and arms for defending their new country.
>
> At their front to-day is found a youthful President, a distinguished general flushed by the victories won in civil war, but ambitious of the military glory which can only be found in an international war in the name of the country, and not in that of a faction.

He proceeded to say that it was the purpose of the Argentine Republic to annex Paraguay and Uruguay, which would of course involve Brazil in war, as Brazil is obliged by treaties to maintain the independence of those two countries.

Mr. Saraiva, the prime minister, replied in moderate terms, admitting that Brazil had been for some time dominated by the desire, almost exclusively, to develop the material growth of the empire, and to make economies that should establish an equilibrium in the budgets without prejudice to the improvements already begun. He proceeded to say that the material of the navy would be renewed, and attention given to increasing the army. He added that he hoped peace would be maintained with the Argentine Republic, as there were no questions which could disturb the relations between the two countries, and that the armaments of the Argentine Republic could be explained by the exigencies of its internal policy and the defense of its territory. Appropriations will be made both for the navy and the army to make them more efficient. There is a good deal of interest felt in this matter.

It is rumored that the Argentine Republic has invited Brazil to intervene between Chili and Peru; upon what authority I do not know. Count Koskull, the Russian minister, spoke to me on the subject a few days since.

The financial condition of Brazil is not satisfactory, though she maintains her credit abroad, and I have great confidence in the good faith of the government. I feel a deep interest in the country and entertain the best wishes for its prosperity.

I have, &c.,

HENRY W. HILLIARD.

No. 72.

Mr. Hilliard to Mr. Evarts.

No 203.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 22, 1881. (Received March 7.)

SIR: The liberal administration has at last achieved a great triumph in the passage through both chambers of the electoral reform bill. It removes the political disabilities from all classes. Naturalized Brazilians, non-Catholics, and freedmen are now eligible to office under the imperial government.

The success of this important measure is a great step in advance for Brazil, and must contribute largely to its prosperity. Other reforms will be accomplished at an early day, and this great country will make steady progress in the civilization which brightens the closing years of the nineteenth century. After the adoption of the electoral reform bill the ministry in a body tendered their resignations to the Emperor. This act created great surprise. The ministry of Mr. Saraiva had been successful in its policy and had secured the adoption of its measures. The ministry had been sustained by the Parliament and enjoyed the confidence of the Emperor. The ministry, too, enjoys a large share of the confidence and esteem of the people. Mr. Saraiva and his colleagues, however, took the ground that they had been chosen to perform a special task—the accomplishment of electoral reform—and having succeeded in that, it seemed to them proper now to retire, or to receive a new confirmation of official tenure on general grounds.

The Emperor promptly declined to receive the tendered resignations, and expressed his wish that the present ministry should continue in power, as it had his fullest confidence. Of course the ministry may now enter upon the accomplishment of other measures without the sense of being restricted in the consideration of a general policy for the advancement of the interests of the country. I do not doubt that its measures will be liberal and beneficent.

I have, &c.,

HENRY W. HILLIARD.

CENTRAL AMERICA.

No. 73.

Mr. Logan to Mr. Evarts.

No. 141.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, January 17, 1881. (Received February 15.)

SIR: Under cover of this dispatch, I inclose a printed copy of the new constitution recently promulgated by the authorities of Honduras.

But three articles claim my attention as worthy of particular notice, which I hereby translate in the body of this dispatch:

ARTICLE 1. Honduras is to be considered as a section disintegrated from the Republic of Central America. In consequence it recognizes as its principal duty and most urgent necessity, a return to a union with the other sections of the dissolved Republic. The present constitution shall not stand in the way of the accomplishment of

this prime object, but it may be amended or abolished by Congress in order to ratify the facts, treaties, and conventions which may result in the national reconstruction of Central America.

This declaration is so open and significant as to require no comment from me.

ART. 22. Neither Hondureños nor foreigners shall have the right in any case to make a claim against the state for damages or injuries which they may sustain in person or property by reason of the acts of *facciones*.

As explained in my No. 44, when treating of the new constitution of Guatemala, the word *faccion* (plural *facciones*) may mean a military exploit, engagement, or action. It may also mean a faction or turbulent body of men, who, in the name of revolution, may rob the store of a foreigner, tear up the railroad built and owned by foreigners, &c. Under cover of my dispatch No. 45, I inclosed the copy of a declaration made by the representatives of the United States, Great Britain, France, Germany, Spain, and Italy, to the Government of Guatemala upon the adoption of a similar article, giving notice of a determination to protect their fellow-citizens in person and property to the extent authorized by the laws of nations, and irrespective of the local enactments of the Government of Guatemala. A precisely similar declaration was made in the present case by the representatives above mentioned with the exception of your own, who preferred in the present instance awaiting instructions from his government. I respectfully solicit any which you may think the case requires.

ART. 30. Hondureños by birth, (1) all persons who may be, or were born in the territory of the republic. The nationality of the children of foreigners born in Hondureño territory, and that of Hondureños born in foreign territory will be determined by treaty. Where no treaty exists, children born in Honduras of foreign parents domiciled in the country are Hondureños, &c.

This article, with the exception of a power to stipulate differently by treaty, is the same as that adopted by the Guatemala constitution, and commented upon at length in my dispatch No. 44. In that dispatch, the history of the article as relates to Spain and her colonies was given. The point I have desired chiefly to illustrate is this: If the United States makes a declaration that children born of foreign parents within her territorial limits are citizens of the United States, she must concede the right to all other nations to make the same declarations in reference to children born of American parents within the limits of such other nations. This has been practically conceded in the opinion of Attorney-General Hoar, as quoted in the Digest of Opinions, &c., wherefrom it appears that it is not competent for the United States to interfere with the relation its foreign-born citizens may hold under the laws of the country of domicile to that country, although the statute of February 10, 1855, sweepingly declares that all persons born out of the limits of the United States, of American fathers, shall be deemed and considered American citizens. The opinions of the Attorneys-General are not in the legation library and are therefore inaccessible to me. But the reciprocity of usage in this case, or whatever else it may be called, is altogether unfair in its practical operation and outcome.

There is no hardship in being a citizen of the United States, while one remains within her jurisdiction. The laws are mild, just, liberal, wholesome; justice is quickly obtained, and within the reach of all, however poor or lowly. There is no oppression or arbitrary acts of personal rulers; no forced loans and no compulsory military service to the State. The person is free to remain or go as he chooses.

These things cannot be said of all nations, and much less of those of

Central America. There is an American citizen born in New York, who has been domiciled in Guatemala for the past eighteen years, where he has valuable properties. He has never for a moment relinquished the idea of returning for residence to the United States and wishes to do so, within the next two years. He has a son, born in this country, who next year will reach the age of eighteen years. Under the Guatemala law this son is a citizen of the country, and when he reaches his eighteenth year, he will be placed in the army of the republic for military service. During the term of such service, he cannot leave the country to return to his own, and it is possible that he may meet his death in involuntarily fighting the intestine battles of a foreign country.

More than this, to be a Guatemalteco subjects the individual to all of the caprices of an arbitrary and personal government. He may be suspected of disloyalty and thrust into prison under rude forms of military law. He may be violated in his person or property, and after the most absurd forms of law, the most exhausting delays, and the most excessive draughts upon his purse, find himself entirely unable to obtain justice. If he desire to flee the country he finds that he cannot do so without a passport from the government, which latter may easily trump up reason for a refusal. These possibilities are not at all overdrawn.

In case of the boy above alluded to, the father recently made application to me for a passport, to protect the son from the obligations of Guatemalteco citizenship. I referred him to the opinion of Attorney-General Hoar, above cited. If you have any instructions as to his case I should be glad to receive them.

The matter stands thus: He is the son of a native American citizen, though accidentally born in Guatemala. Under the organic law of this state he is a Guatemalteco, and subject to all of the requirements of a citizen of this republic. He is liable to military duty, and to all of the abrupt and arbitrary methods of a personal government. While he remains here and it is possible that his departure may be legally prevented as that of any other citizen, he is entitled to no protection from the government which has declared him, as the son of an American, an American citizen. But the person who has acquired naturalization under our laws, though he may not have resided in the United States two weeks, who has permanently abandoned our country, and engaged in business by the side of the unprotected American boy, laughs at the obligations of a Guatemalteco, prosecutes his business, feels assured of his goods, and lives in peace and quietude under the protection of the American flag.

I trust I do not draw the picture larger than the facts will warrant. If I err in my statements or conclusions, I shall be happy to be corrected.

I have, &c.,

C. A. LOGAN.

No. 74.

Mr. Logan to Mr. Evarts.

No. 145.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, January 25, 1881. (Received March 8.)

SIR: I have information that the boundary dispute between Costa Rica and Colombia is to be settled by arbitration. A convention was

signed in San José on the 25th of December last, which was ratified by the council of state of Costa Rica, signed by President Guardia, and afterwards transmitted to the Colombian Government for like ratification. By the terms of the convention the King of Belgium is named arbitrator, and in case of his non-acceptance of the trust the King of Spain is to be requested to assume it; and in case of his declination also, the President of the Argentine Republic is to be solicited to accept the office.

The parties are to be heard by the arbitrator, and the sentence is to be pronounced within ten months from the acceptance of the position by the arbitrator. Both parties bind themselves to submit to the decision, and the *status quo* is to be preserved until the decision is formally made.

The selection of the arbitrator does not indicate a very favorable feeling towards the United States by the plenipotentiary of Colombia, at whose instance, as I am informed, the nominations were made.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 145.—Translation.]

Copy of convention between Costa Rica and the United States of Colombia.

THOMAS GUARDIA, GENERAL OF DIVISION AND PRESIDENT OF THE REPUBLIC OF COSTA RICA.

Whereas the Grand National Council has decreed the following:

No. 8.

The Grand National Council of the Republic of Costa Rica:

Considering—

That between the respective plenipotentiaries of Costa Rica and the United States of Colombia has been concluded and signed in this city, on the 24th of the present month, the convention, which, submitted by the executive power to the deliberation of this high chamber, word for word, is as follows:

The Republic of Costa Rica and the Republic of the United States of Colombia, equally animated by the sincere desire of maintaining and consolidating their amicable relations, convinced that to obtain this benefit, so important to their prosperity and good name, it is necessary to remove the only source of the difference existing between them, which is no other than the question of boundaries, that is foreseen in articles 7 and 8 of the convention of the 15th of March, 1825, between Central America and Colombia, has been since that time the object of divers treaties between Costa Rica and Colombia, none of which were ratified; and both nations understanding that this antecedent counsels the adoption to-day of other means, more expedient, prompt, and sure of terminating the aforesaid question of boundaries by means of the designation, in perpetuity, of a dividing line, clear and incontrovertible, for the whole extent in which their respective territories are contiguous; in consequence, the president of the Republic of Costa Rica, by virtue of the powers invested in him, has conferred full powers on his excellency Dr. José Ma. Castro, secretary of state and of the department of foreign relations, and the President of the United States of Colombia, specially and fully authorized by the legislative chambers of that nation, on the Hon. Dr. José Ma. Quijano Otero, chargé d' affaires near this government, who, after having mutually communicated their respective full powers, and finding them in good and due form, have agreed upon the following articles:

ARTICLE 1. The Republic of Costa Rica and the United States of Colombia agree to submit to arbitration the question of boundaries existing between them, and the designation of a line which shall divide forever and with all clearness the territory of the first from the territory of the second, each one remaining in full, quiet, and peaceful dominion with respect to each other of all the lands left on its side of the aforesaid line, which shall remain without special charge or grievance whatever in favor of the other.

ART. 2. The arbitrator who shall be pleased to accept the charge stipulated in the preceding article shall, in order that the decision may be binding, complete its duties

within the period of ten months, dating from the period of his acceptance, and this notwithstanding either of the high contracting parties shall fail to be present to maintain his rights by means of a representative or attorney.

ART. 3. In order that the acceptance of the arbitrator may be held to be duly notified to the high contracting parties, and that these may not be able to allege ignorance thereof, it shall suffice that it be published in an official periodical of the nation of the arbitrator or in that of either of the high contracting parties.

ART. 4. The arbitrator having heard by oral or written argument the parties or party presenting, and having considered the documents that they may produce or the arguments they may make, shall emit his decision without other formality, and this decision, whatever it may be, shall be held immediately as a compact concluded, perfect, obligatory, and irrevocable, between the high contracting parties, who renounce formally and expressly all reclamation of whatever nature against the decision of the arbitrator, and oblige themselves to respect and fulfill it immediately, faithfully, and forever, pledging to this the national honor.

ART. 5. In consonance with the preceding articles and for their execution the high contracting parties name as arbitrator His Majesty the King of Belgium; in the unlooked for case that he shall not choose to accept, His Majesty the King of Spain, and in the event, equally unlooked for, that he shall also refuse, His Excellency the President of the Argentine Republic; in all of whom the high contracting parties have, without any difference whatever, the most unlimited confidence.

ART. 6. That one of the high arbitrators named who may come to exercise the arbitration may delegate his functions, not failing to intervene directly in the pronunciation of the definitive sentence.

ART. 7. If, unfortunately, none of the high arbitrators named can lend to the high contracting parties the eminent service of accepting the charge, they, by common agreement, shall make new nominations, and so successively until some one shall take effect, for it is agreed, and hereby formally stipulated, that the question of boundaries and the designation of a dividing line between the limiting territories of Costa Rica and Columbia shall never be decided by other means than the civilized and humane one of arbitration, preserving in the mean time the *statu quo* agreed on.

ART. 8. The present convention shall be submitted to the approbation of the Grand National Council in the Republic of Costa Rica and of the legislative chambers in that of Colombia, and shall be exchanged in the city of Panama within the shortest time possible.

In testimony whereof the plenipotentiaries above mentioned sign and affix their respective seals to two originals of the present convention.

Done in the city of San José, capital of the Republic of Costa Rica, on the twenty-fifth of December, one thousand eight hundred and eighty.

[SEAL.] JOSÉ MA. CASTRO.
[SEAL.] J. MA. QUIJANO OTERO.

National palace in San José, twenty-seventh of December, one thousand eight hun dred and eighty.

Finding the foregoing convention arranged in all its parts according to the instructions given to the plenipotentiary, who has adjusted it on the part of this republic, let it pass to the Grand National Council for the fulfillment of article 8.

T. GUARDIA.

The secretary of state in the department of foreign relations.

JOSÉ MA. CASTRO.

Considering that this convention is correct in its form, reasonable and equitable in its foundation, and evidently useful and necessary to the two contracting nations,

Decree.

SOLE ARTICLE. Let the above convention be approved and ratified in all its parts, which shall have the force of law when they shall have been exchanged in due form.

To the executive power.

Done in the hall of sessions in San José, on the thirtieth of December, one thousand eight hundred and eighty.

BRUNO CARRANZA,
President.
JESUS SOLANO,
Secretary.

Therefore—

Let it be executed.

Presidential palace, San José, December thirtieth, one thousand eight hundred and eighty.

T. GUARDIA.

The secretary of state in the department of foreign relations.

JOSÉ MA. CASTRO.

No. 75.

Mr. Blaine to Mr. Logan.

No. 145.] DEPARTMENT OF STATE,
Washington, May 7, 1881.

SIR: Your dispatches in regard to the union of the Central American States have been received. You have hitherto been confidentially instructed as to the opinions of this government on that important subject.

It would have been a matter of great gratification if your dispatches had indicated the prospect of an early consummation such a confederation, or if you had been able to suggest some directly practical method by which the United States could aid in the establishment of a strong and settled union between the independent republics of Central America.

There is nothing which this government more earnestly desires than the prosperity of these states, and our own experience has taught us that nothing will so surely develop and guarantee such prosperity as their association under one common government, combining their great resources, utilizing, in a spirit of broad patriotism, their local power, and placing them before the world in the position of a strong, united, and constitutionally governed nation.

Precluded both by sentiment and interest from the indulgence of any desire for increased territory; anxious to open to its commerce beneficial interchange with foreign products, and to give to such commercial relations the freest extension; taking a profound interest and a just pride in the system of republican government which its own example has introduced and encouraged on the American continent, the Government of the United States would do all in its power to foster the growth of stable and strong institutions in its sister republics of the south.

You cannot impress too strongly upon the government to which you are accredited or upon the public men with whom you associate the importance which the Government of the United States attaches to such a confederation of the states of Central America as will respond to the wants and wishes of their people.

The population of the Central American states, taken together, is not far from three millions; nearly, if not quite, as great as the population of the thirteen colonies at the time of the revolution against the British Government in 1776. The growth, prosperity, and power of this country, since that period, has been almost entirely due to a union of the States, such as is now warmly commended to Central America. Our popular maxim, that "In union there is strength," finds its counterpart in the equally manifest truth that, "In division there is weakness." So long as the Central American States remain divided they will fail to acquire the strength and *prestige* to which they are entitled.

The rapid improvement and the promise of prosperous development, which is exhibited in the neighboring Republic of Mexico, may well serve as an encouragement. It cannot be long before the relations between the United States and Mexico will become closer and more valuable by the completion of those railroad connections, which so peacefully combine and reconcile the interests of independent countries, and so surely and safely concentrate the intelligence and spirit and power of the people whose territory they enrich. And the statesmen of Central America may feel certain that, with a common representative govern-

ment, wielding the power and consulting the interests of the separate states, their connection with the railway system of the continent will be eagerly sought, and they will both give and receive the advantages which always follow the establishment of commercial relations and political sympathy. All internal improvements, including the great project of an interoceanic canal, would receive great stimulus and aid from a firm union of the Central American states and the strong government that would grow from that union.

It would, however, be premature for this government to do more than express this general conviction until it had officially learned, not from one, but from all of the Central American States, that public opinion there was ripe for the execution of such a plan.

I have not deemed it necessary to refer specially to the probability of any attempt on the part of any European power to acquire territory within any of the Central American States, or to interfere by force with the free political action of these republics. This government has no reason to believe that such acquisition or intervention is anywhere contemplated. But should closer and more careful observations induce you to apprehend any such attempts, you will assure the government of those states that upon this subject the policy of the United States is fixed. That policy was long since announced, and has been steadily maintained, and this government has every reason to believe has been generally acquiesced in by the European powers. Should unforeseen and unfortunate circumstances ever bring it into question, the United States will be prepared to repeat and enforce the principle declared by its highest authority, more than a half century ago, that—

> With the governments (of the American continents) which have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing or controlling in any other manner their destiny by an European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

In the confidential instruction of this department of August 3 last, No. 85, you were authorized to visit the capitals of the several Central American States, with a view of ascertaining and reporting the condition of the public feeling upon the subject of confederation. No formal report has been made by you of such visit.

In a dispatch of the 29th of October last, No. 109, it was also suggested that an effort should be made to induce those States separately to enter into the Postal Union. If in your opinion this latter purpose could now be effected, the opportunity might be thus afforded without attracting undue attention of putting yourself in communication with the friends of the movement for a closer political union between those independent republics, and thus enabling this government to decide whether the project had taken such practical shape as would enable us to give it substantial assistance.

You will understand that great discretion must be exercised in such a proceeding, lest the local prejudices and interests of the separate States should be excited or antagonized, and that any appeal to the support and assistance of this government should not only be direct in its character, but should represent the wishes and purposes of all the States which expect to become members of such a confederation.

While a direct and unfriendly interference by European powers with the sovereign rights or the domestic policy of the Central American States is not anticipated, there is understood to exist on the part of the subjects of those powers a financial interest, which it may become the duty of their governments to protect. As one of the necessary and

most important objects of any proposed confederation would be the establishment and maintenance of a stable national credit—indeed, as without such a foundation, there could be no permanent and prosperous union—this government would wish to receive from you the fullest information you can obtain as to the financial condition of those States, the condition of their public debt, the extent to which any foreign government has gone in enforcing the claims of its subjects and the methods by which the Central American States have undertaken the discharge of their obligations.

In short you are requested to give a comprehensive exhibit of the political, social, and financial condition of the Central American States, and to furnish it as promptly as the necessary labor of the investigation will allow.

I am, &c.,

JAMES G. BLAINE.

[Personal.]

At your discretion you can read this dispatch in full to the ministers of foreign affairs of the different republics of Central America.

No. 76.

Mr. Logan to Mr. Blaine.

[Extract.]

No. 179.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, May 24, 1881. (Received June 17.)

SIR: In previous dispatches I have had occasion to mention the unsatisfactory relations between Guatemala and Mexico, arising from their unsettled boundary line. I have now to report that these relations are growing still less satisfactory, and that an open rupture between the two countries is not an improbable result of the near future.

The State of Chiapas, in Mexico, as well as Guatemala, belonged to the old captain-generalcy up to the period of the termination of the latter, when the people of the former State elected to attach themselves to Mexico under the short reign of Iturbide, whom the Guatemaltecos now charge with having forced the State from them. A certain portion of Soconusco, a province of Chiapas, has become the modern bone of contention between the two countries, not so much because of the value of the territory, perhaps, as because of an important river, with a fair harbor on the Pacific, which traverses it. Two or three expensive commissions have been appointed to survey and report upon a line to divide the two countries, whose work, up to this time, has not amounted to anything. In the mean time local disturbances, consisting of raids over the border, have occurred at intervals until the feeling has become quite embittered.

* * * * * * *

In confirmation of the disposition of Mexico to make a rupture with Guatemala is the fact I learned from a reliable person last evening, that Mexico had lately sent 1,000 well-armed men into Soconusco, and that 2,000 more are expected soon to arrive there.

I give you these statements for what they are worth. I believe that Mexico has every disposition to come to an open rupture with Guatemala on the boundary question, and that she may do so. Barrios is intensely hated in Mexico, and he returns the feeling with compound interest. Though Barrios does not realize it, yet his government, in one sense, is a very weak one. * * * His old opponents * * * are held down with an iron hand, made up, so to speak, of muskets and brass bands. By themselves they can do nothing, but if Mexico, with a few thousand men, were to call away the Guatemala troops from the capital to defend the border, twenty-four hours would not elapse before the clericals would be massed into an aggressive army, and, being in the majority, Barrios would soon be crushed.

* * * * * * *

The conquest of Central America, however, would be a different thing. Were Mexico prosperous, and with ability to maintain an army and prosecute a war, Montufar's idea would not be an improbable one, nor would the mere conquest be a thing of very difficult accomplishment; but the Mexicans must certainly know that no republican form of government could hold together territory so separated by physical barriers as that comprising the countries herein spoken of. Nothing but the strong arm of an absolute monarchy, supported by ample resources of money, ships, and men, could tie them into a single government. When railroads and telegraphs are built so that quick communication can be had from Mexico to Costa Rica such a project may be entertained. At present it is impracticable, and operating upon a smaller scale; the difficulty mentioned constitutes the chief obstacle against a federal union of the Central American States, as heretofore stated to the Department in my dispatches; but a single agency—the protectorate of a powerful country—can make such a union possible in Central America.

The situation, however, is sufficiently interesting to call for this report to you. I shall promptly inform you of any additional matter of interest.

I have, &c.,

C. A. LOGAN.

No. 77.

Mr. Blaine to Mr. Logan.

No. 148.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: Your dispatch, No. 145, of the 25th of January last, inclosing copy of the convention between Costa Rica and Colombia, for the settlement by arbitration of their boundary differences, has been received.

As no official communication has been made to this government, either by Costa Rica or Colombia, of the execution of this convention, no formal representation can be made upon the subject.

But you will take an opportunity, informally, to bring to the knowledge of the Government of Costa Rica that you are aware of the impression which has been made upon your own government by this information. You will say that while the Government of the United

States recognizes the wisdom of the method of arbitration for the solution of such differences, and while it neither pretends nor desires that it should be considered the necessary or only arbitrator between the Republics of South and Central America, it feels that by the thirty-fifth article of the treaty of 1846 with Colombia it is placed in a position in which it has a direct interest in the question submitted to this arbitration; that its guarantee of the sovereignty of the United States of Colombia over the territory of the State of Panama and of the neutrality of the Isthmus entitles it to know how and to what extent the territory of that State is to be changed, and that its control over any interoceanic communication across the Isthmus gives it an interest recognized by treaty in any settlement of the littoral possessions of either republic in the neighborhood of any projected canal; that taking these circumstances into consideration, the United States of America are naturally surprised that such an arbitration should have been determined upon without communication with them. You will add that while having no possible objection to the character of the arbitrators selected, and expressing no opinion as to the merits of the contention between the two republics, the United States of America will not hold themselves bound, so far as their rights, obligations, or interests may be concerned, by the decision of any arbitrator in whose appointment they have not been consulted and in whose selection they have not concurred.

You will make this communication temperately and expressly for the purpose of avoiding any future misunderstanding, and you will make it as coming from yourself, with the knowledge of your government, but without instructions to make any representations on the subject.

I have not deemed it necessary to state at large the reasons for this determination, as your own knowledge of our relations with the South and Central American States will sufficiently explain them.

I am, &c.,

JAMES G. BLAINE.

No. 78.

Mr. Logan to Mr. Blaine.

No. 181.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,

Guatemala City, May 27, 1881. (Received June 17.)

SIR: I have to inform you of the following state of affairs in Nicaragua:

Several weeks since the government, through its local officers, compelled a lot of Indians resident in the department of Matagalpa, which is about 125 miles from Leon, in the mountains, to perform some public work, as is usual with most of the republics of Central America. Dissatisfaction arose among them, and an open difficulty occurred, which resulted in the Indians occupying the town of Matagalpa for some two days. After this they were driven back, and, assembling in the mountains to the number of some 6,000 or 7,000 men, threatened an invasion of the lower country. Five hundred troops were dispatched at once from Managua to Matagalpa. The officers in command soon learned that the Jesuits were at the bottom of the insurrection, upon

information of which the government had them conducted under guard to Managua.

The town of Leon is the headquarters of the Jesuit establishment, and great excitement immediately began therein. Large numbers of men, women, and children, with all sorts of weapons, assembled, crying, "Down with the government," "Long live the Jesuits," &c. The crowd were meditating an attack upon the cuartel, which contained about 70 soldiers. They were prevented in this, however, by a number of foreigners and the quieter class of citizens. Some lives are reported as being lost, however, in street fights.

Soon after this 400 government troops arrived at Leon with the purpose of restoring order and carrying out a decree of expulsion against the Jesuits. My latest advices up to the 14th instant represent a state of great perturbation, with a possibility of serious trouble.

Should further events require it, I shall promptly advise you of their nature.

I have, &c.,

C. A. LOGAN.

No. 79.

Mr. Logan to Mr. Blaine.

[Extract.]

No. 183.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala City, May 27, 1881. (Received June 17.)

SIR: My dispatch No. 179 informs you of matters relating to Guatemala in their connection with the adjacent republic of Mexico. I have now to inform you that President Barrios returned yesterday from his visit to San Marcos, near the border. To-day I had a few minutes' interview with him, during which he informed me that he could not leave here until the 15th of June. His manner convinced me that he has already abandoned the idea of leaving, although as other persons were present I could get no opportunity to talk privately with him. Later in the day, however, I talked further with Montufar about these affairs, when he told me plainly that every day they seemed more threatening. Information of the fact communicated to you in my No. 179, that regular troops were being sent to Soconusco by the Mexican Government has just reached the Guatemala Government, and preparations are now being made to dispatch troops from this capital to the border. * * *

What Mexico may really be meditating you are probably better advised of through our minister, Mr. Morgan, than myself. It is without doubt simply a question of ability with her, not one of disposition or desire. It seems altogether certain that the border raids, often resulting in loss of life, which have been frequent of late, must precipitate a collision between the two governments if some basis of agreement be not soon reached. * * *

My policy has been, and will be, an evasive one, until instructions from Washington may be received. Montufar, who is altogether the best informed man upon our political system in Central America, tries to argue away the probable objections to be interposed by our govern-

ment against any unwarranted interference in the affairs of our neighbors, and especially the acquisition of territory, and rather regretfully, as it seemed to me, informed me that with the Democratic party in power, the acquisition of Soconusco would be but a question of two days. All this amounts to nothing, however, except that when hope of assistance from the United States is abandoned, Guatemala will undoubtedly make this proposition to one of the European powers. Great Britain, France, and Germany are striving for commercial supremacy in Central America, and there are some possibilities in the case of a character not favorable to our own interests.

Hence, until I hear from you, my policy will be not to give the Barrios government any positive encouragement of favorable action by the United States, and yet not peremptorily to crush every hope in that direction, lest it drive them into another quarter.

Though the present threatening aspect of these affairs may again pass away without open hostilities between the two countries, yet I consider the situation sufficiently grave to recommend it to your careful consideration.

I have, &c.,

C. A. LOGAN.

No. 80.

Mr. Blaine to Mr. Logan.

No. 151.] DEPARTMENT OF STATE,
Washington, June 21, 1881.

SIR: Your Nos. 179 and 183, of the 24th and 27th instant, respectively, have just been received, and have commanded my earnest attention. The posture of affairs between Guatemala and Mexico, therein shown, had already received urgent consideration on the representations of the Guatemalan minister, Señor Ubico, and an instruction to Mr. Morgan, at Mexico, had embodied the views of this government thereon for formal communication to the Mexican Government. The fuller details of the situation, now received from you, have led me to instruct Mr. Morgan still further in a more explicit, but to a certain extent, confidential sense.

The correspondence in full is herewith transmitted to you for your confidential perusal. The distinctness with which the President's policy in the premises is set forth will, I think, make it unnecessary just now to give you the special instructions as to your conduct which you ask for at the close of your No. 183. I may say, however, that the President deems it no less incumbent upon Guatemala than upon Mexico to endeavor to so shape the course of the dispute as to avoid open hostilities and conduce to an honorable settlement in the interest of all parties.

You will, of course, do all you consistently can in this sense.

I am, &c.,

JAMES G. BLAINE.

No. 81.

Mr. Logan to Mr. Blaine.

No. 192.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, June 22, 1881. (Received July 18.)

SIR: Referring to my dispatch No. 181, in relation to the difficulties with the Jesuits in Nicaragua, I have now to inform you that order having been completely restored in Matagalpa and Leon by the authorities, a decree of expulsion against the brothers of the Company of Jesus was issued by the executive, and, under it, all of the Jesuits in the country left Nicaragua on the 8th instant. There was a very strong pressure brought to bear on President Zavala to induce him to permit the Jesuits to remain; among others uniting in a petition to that effect being ex-President Chamorro, ex-Minister Rivas, and other prominent persons. Zavala was firm, however, holding that they were foreigners, ruling the state by their influence over the common people, and living in religious congregations against the laws of the country. Their passage was paid to Panama by the government. Their expulsion was accomplished without any belligerent demonstrations or breaches of the public order. They are the same body of men expelled by Barrios from Guatemala in 1871. The President feels confident that the legislature will ratify his acts in the premises.

I have, &c.,

C. A. LOGAN.

No. 82.

Mr. Logan to Mr. Blaine.

[Extract.]

No. 197.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, June 28, 1881. (Received July 20.)

SIR: My dispatches No. 179, under date of May 24, and my No. 183, under date of May 27, ultimo, treat of the relations between Guatemala and Mexico; while my No. 195 informs you of a recent note received by the former from the latter government of a very threatening character.

Mr. Montufar, the minister of foreign relations, showed me the whole correspondence to-day, and having an opportunity to catch the steamer carrying my mail sent by the dispatch bearer, I hasten to advise you of the posture of affairs. The present difficulty relates to the same class of troubles detailed to you in my Nos. 179 and 183, viz: the question of limits and raids over the border. It seems that in December last, a band of Mexicans appeared upon ground which has always been under the jurisdiction of Guatemala; ground occupied by Carrera, the former President of Guatemala, when Barrios and Grenados began their revolution against his government and upon which, one or more battles were fought. His band carried off four Guatemaltecos as prisoners, among them an alcalde of the government. The Jefe Politico of San Mar-

cos, with 100 men, went to a place called Tonintaná for the purpose of a reconnaisance, but nothing further happening they went back to San Marcos. Tonintaná is not in Soconusco, but considerably this side of it, and was not even claimed by Santa Anna when he took the latter from Guatemala. No claim to this portion of territory has ever been made by Mexico heretofore.

This occurrence has become the basis of a fresh correspondence upon the old subject, between the Mexican minister at this capital and the Guatemala Government; the former claiming that Mexican territory had been invaded by Guatemala troops; and at a later period demanding satisfaction through instruction of his government. Guatemala then addressed Mexico directly, endeavoring to show that no offense had been committed; that Mexican territory had not been entered upon, &c. The Mexican Government replied that Guatemala was endeavoring to meet the questions at issue by a policy of delay; that the formation of a treaty which both governments had agreed to in amendment of the treaty of 1877 was being intentionally postponed by the Guatemala minister in Mexico, Señor Herrera; that the territory in question belonged to Mexico; that her dignity had been violated; and that satisfaction—which is understood to mean the punishment of the leaders of the force, Margarito Barrios and Manuel Rocas, a salute to the flag, &c.—was demanded; failing in which, the inauguration of hostilities is very plainly intimated by the note.

The Guatemala Government is greatly alarmed, of course, feeling its utter inability to cope with a power like Mexico. A pacific reply has been tendered and the result of events is awaited.

Guatemala claims that Mexico is pushing her line further every year, and she is confident that it is the settled purpose of Mexico to slice territory from Central America, and perhaps to absorb one or all of the States. She has proposed arbitration to Mexico, upon the boundary question a number of times, but is always met with the reply, that the dispute must be settled by themselves.

This is the Guatemala side of the story. If Mexico really have ulterior designs looking to the acquisition of territory, it seems important that the United States should be in position to consider whether or not her own interests are to be affected thereby. The Guatemala Government in determining to cede Soconusco, or her right to it, at least, to a foreign power, hopes to put a stop in that way to the aggressions of her powerful neighbor. The idea is not a bad one. I am confident that, as yet, no communication upon the subject, with the representative of any other power, has taken place. I have a belief, however, that should the United States decline any interest in these affairs a proposition will be made in some other quarter. I shall watch the matter as closely as possible. * * *

I have, &c.,

C. A. LOGAN.

No. 83.

Mr. Logan to Mr. Blaine.

No. 210.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala City, July 19, 1881. (Received August 16.)

SIR: Referring to your dispatch No. 151, under date of June 21, ultimo, which incloses copies of instructions to Minister Morgan, in rela-

tion to the matters at issue between Mexico and Guatemala, I have to report that I have conversed with President Barrios in the spirit of your instruction to me, and find him to be in full sympathy with the ideas advanced by you, in the whole matter.

Nothing new has been developed in the affair, as sufficient time has not elapsed to hear from the Mexican Government in reply to Mr. Montufar's note spoken of in my No. 196.

As to the full merits of the dispute, it is, of course, difficult to form a judgment. It is hardly probable that Guatemala is wholly free of blame, it being a rare case that in any dispute one party is entirely right and the other wholly wrong. As Guatemala, however, is a very small nation compared with Mexico, she is in no position to be aggressive; and the probabilities of ulterior purposes by Mexico, as related in my previous dispatches, are, from *a priori* reasoning, very strong.

I shall keep you posted in relation to the march of events as observed from my own stand-point.

I have, &c.,

C. A. LOGAN.

No. 84.

Mr. Titus to Mr. Blaine.

No. 2.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA.

Guatemala City, August 22, 1881. (Received September 17.)

SIR: The last coast mail brought a note from the minister of foreign relations of Costa Rica in answer to the one sent him, according to your instructions, by Mr. Logan, concerning the proposed arbitration between Costa Rica and Colombia. I inclose a copy of the note clipped from the official journal of Costa Rica, and a translation of the same.

As being calculated to throw some light on the views of the Costa Ricans on this subject, I also inclose a translation of an article from the Mensajero, a journal of San José, sent to the legation with the Gaceta Oficial, commenting upon the notes.

I have, &c.,

FRANK H. TITUS.

[Inclosure 1 in No. 2.—Translation.]

Mr. Castro to Mr. Logan.

NATIONAL PALACE, *San José, July* 28, 1881.

SIR: I have received the note, dated June 23, ultimo, which your honor was pleased to remit me, because of having seen in a periodical of Central America the reproduction of the treaty celebrated the 25th of December last, between Costa Rica and Colombia, and by which the high contracting parties submit to arbitration the question of boundaries pending between the two mentioned countries.

Your honor addresses me in an unofficial manner, on account of not having any official notice that the said treaty was ratified by the Government of Costa Rica, and that it had been sent to Colombia to receive like authorization; and that you *must believe*—these are the exact words of your note [Mr. Logan said, "I am led to believe," which the translator has rendered "*debosuponer*"]—that it is not yet "definitely approved," because the government of your honor has received no notification of the fact.

Being aware, nevertheless, of the impression produced on the mind of your government by the information you have furnished it, your honor enters, in the note to which I am replying, into considerations of a grave character concerning the form in which the treaty was celebrated, and its possible consequences, arriving at the extreme of assuring me that "the United States of America will not consider themselves as obliged, where their rights, duties, and interests are concerned, by the decision of any arbitrator in whose nomination they have not been consulted, and in whose election they have not taken part," and your honor invokes for the justification of such a surprising assertion the existence of a treaty in which, as you assure me, the United States of America and the United States of Colombia were bound in the year 1846.

Your honor accompanies your observations with expressive protestations of the friendship which happily unites our governments, reminds me of the cordiality of your personal sentiments towards myself, and terminates, asserting that you proceed with the knowledge but without instructions from the Government of the United States of America, in the communication which you make me.

Permit me to observe that the celebration of the treaty of 1846, to which your honor's note refers, was not notified to the Government of Costa Rica, neither before nor after the said treaty received "the final ratification;" but with regard to the *apreciaciones* (untranslatable) which spring from that antecedent, and to the reply made necessary to the various points touched upon by your honor, I am obliged to delay them until the instructions being received, which I have no doubt the Cabinet of Washington will transmit you concerning this interesting affair, the words of your honor may have official signification, the only one with which I am permitted to submit them to the examination of his excellency designated for the exercise of the executive power, that he may instruct me concerning the answer which they merit.

With regard to the instructions which your honor will receive, I am flattered by the hope that they will be inspired by that noble spirit of respect for the liberty, sovereignty, and independence of other peoples, and to the immovable principles of justice, which keep the government of your honor so highly recommended to the estimation of the enlightened world, and to the favorable judgment of history.

I conclude, renewing to your honor the assurances of my esteem, and of my very distinguished consideration.

JOSÉ MA. CASTRO.

[Inclosure 2 in No. 2.—Extract from El Mensajoro, August 4, 1881.—Translation.]

TWO DIPLOMATIC DISPATCHES.

The Diario Oficial, No. 1030, publishes a dispatch from the legation of the United States of America, directed on the 23d of June last to the honorable minister of foreign relations of our government, and the respective answer dated the 28th of July ultimo, concerning the legality and efficaciousness of the convention celebrated between Costa Rica and Colombia, for the settlement by arbitrators of the question of boundaries pending.

The pretensions revealed in the dispatch of the honorable minister of the United States of intervention in the arrangement of boundaries between the said nations, manifested by rumors more or less consistent, and by some New York periodicals of recognized political importance, have now come, from being mere rumors of opinions and conjectures, to be affirmations of a diplomatic representative of the Government of the United States of America.

The honorable minister, Mr. C. A. Logan, after manifesting his surprise at his government's not having had any official knowledge of the convention between Costa Rica and Colombia, which furnishes the motive for his dispatch, and making the most cordial protestations of delicacy and friendship, establishes that by article 35 of the treaty of 1846, between the United States and Colombia, that government has a direct interest in the question of boundaries submitted to arbitration; that this treaty likewise gives it the right to know how, and to what point, the Colombian territory is to be modified; that the preponderance of the United States in any interoceanic road across the Isthmus gives it interest, based on a treaty, in any arrangement of the littoral possessions of countries situated in the vicinity of any projected canal; and this being considered, the Government of Washington is surprised that such decision of arbitration should not have been officially communicated to it. And from all this argumentation, he concludes that the said government *will not consider itself bound*, as concerns its rights and interests, *by the decision of any arbitrator for whose nomination it has not been consulted, and in whose election it has not taken part.*

The honorable minister of foreign relations of our government, Dr. José Maria Castro, in the substantial part of his answer expresses himself thus: [See inclosure 1.]

This precise and adequate answer will reveal to the Hon. Mr. Logan and his government the disposition and attitude of the Costa Rican chancellory to treat the question which gives rise to the diplomatic correspondence of which we write.

Grave and most transcendental certainly is the question, advanced by the Cabinet at Washington, concerning the arrangement of the boundaries between Costa Rica and Colombia, and the interpretation of the treaty of 1846, between the United States of America and Colombia, so much the more, in our opinion, because the principle of intervention, a principle of international policy admitted in exceptional cases, and with prudent reserve will come to be sanctioned by the pretensions of the United States in an application as arbitrary in its foundation, as perilous in its consequences, seeing that such pretensions obey no other motives nor recognize other object than the exclusive interests, industrial and maritime, of the United States.

All that is definitely expressed and revealed by the dispatch of the honorable minister, Mr. Logan, is, without doubt, material for a serious and conscientious discussion; but at the same time it demands a very attentive and reflective examination. So we shall limit ourselves for the present to a few observations which rebut, under a general point of view, the dispatch of the American legation in Guatemala.

The treaty of 1846, invoked by the Hon. Mr. Logan, whatever might be the interpretation and efficaciousness given it, can only obligate the contracting parties, and it would be entirely absurd to derive from it obligations relative to Costa Rica, or any consequence whatever that would affect the fundamental rights of sovereignty, independence, and jurisdiction of this republic.

The more that the guarantee of the Government of the United States respecting the neutrality of the Isthmus of Panama and the integrity of the territory of Colombia, conventionally established, would limit the transient (*transeunte*) sovereignty of this last nation; said guarantee could not in any manner determine an intervention which would attack the rights of a third which would be beyond the means proportionate to the end for which the guarantee is intended and not authorized by international right. (*Bluntschli, Droit international codifie.*)

On the contrary, the United States could sustain the integrity of the Colombian territory not in the real and lawful conditions of the latter, but in virtue of the most extreme pretensions of Colombia, extended on one side to Cape Gracias á Dios and on the other to the furthest points of the frontiers with Venezuela and Brazil, deducing from the litigious character of those same frontiers since long before the celebration of the treaty of 1846 referred to.

The interest alleged by the Hon. Mr. Logan, in favor of the United States emanating from the preponderance of that nation in regard to the construction of any interoceanic canal across America, great and legitimate as that interest might be, could never serve as a criterion in a matter of international right, and for results that would affect the rights and licit conveniences of other nations, also interested in undertakings of the nature treated of, and in the free development, sure and prosperous of their commerce and their industry.

Regarding the consideration that the United States neither pretend nor desire that they should be considered the indispensable and sole arbitrator in questions between the republics of South and Central America, we say that, without doubting the sincerity of this declaration, the moral incompetence of the government of the American Union, by reason of the interest which it so emphatically alleges having in any arrangement of the littoral possessions of the countries in the vicinity of any way of communication in this case inhibits that government from the exercise of the impartial functions of judge, as has been opportunely brought to its notice by, among other periodicals, the Courrier des Etats Unis and the Sun of New York.

In conclusion we can do no less than declare with profound emotion, that we would suffer a martyrizing undeception (*desengaño*), if the Government of the United States representing a great people, ruled by exemplary democratic institution, should adopt with the other sister nations of America, before the world, which looks on with lively interest, a policy, troublesome, radically egotistical, that would sacrifice the sacred principles of justice to the spirit of *mercantilism* overpowering and dangerously developed; if it should not be inspired with profound respect for the autonomy and independence of other nations; and we would suffer this undeception, which we dare to qualify as melancholy, because we are fervent republicans, and admirers of the great republic of America, and because without destroying the most founded and flattering hopes of the complete triumph of republican institutions in America and Europe, we cannot attribute to that powerful and free nation which inspires us with such hopes any other policy than the truly human, according to the expression of Mr. Pradier Foderée the universal policy of all epochs and all places, which is the sovereign science of obtaining the good by means of justice and liberty.

L. R.

CHILI.

No. 85.

Mr. Evarts to Mr. Osborn.

No. 108.] DEPARTMENT OF STATE,
Washington, October 13, 1880.

SIR: I transmit herewith, for your perusal, copy of a dispatch,* No. 205, of the 7th ultimo, from Mr. Ernest Dichman, the United States minister resident at Bogota, transmitting the text of a convention concluded at that capital on the 4th ultimo, between the representatives of Chili and Colombia, for the preservation of peace between the two republics.

It does not seem necessary to transmit to you the text of the convention itself, inasmuch as it will probably have been brought to your notice before this instruction reaches you. I may, however, remark that besides advocating the general principle of arbitration in settlement of international disputes, this convention establishes that system of appeal as between the co-signatory states, and provides for the designation of the President of the United States as arbitrator between them in event of a case arising incapable of settlement without recourse to arbitration.

The intelligence conveyed by Mr. Dichman's dispatch is viewed with lively satisfaction, as indicating not merely concurrence with the great principles of international arbitration, which this country has so signally and practically maintained, but as evincing also that confidence in the impartial amity of this government for the sister republic of the American continent which it has always been our high privilege to welcome on every fitting occasion, and to strengthen by our own example of good will and kindly interest in their welfare.

The convention provides, in its concluding article, for ratification and exchange, at Santiago or Bogota, within a year from its date. It may be premature to instruct you to make any official declaration in the premises in advance of the subject of the treaty being brought to your cognizance by the Chilian minister for foreign affairs, but you may now informally say to him, repeating the statement officially in due time if the Chilian Government should invite such a course, that, should occasion for arbitration between the two countries arise under the treaty, the President will deem himself privileged in being able to respond to the flattering trust thus reposed in him, and so evincing the friendship of the people and Government of the United States for both republics.

I am, &c.,

WM. M. EVARTS.

No. 86.

Mr. Osborn to Mr. Evarts.

No. 181.] LEGATION OF THE UNITED STATES,
Santiago, Chili, November 23, 1880. (Received January 3, 1881.)

SIR: I have the honor to inclose a copy of a circular note addressed by this government to the diplomatic representatives in Santiago, ex-

* For inclosure, see page 331, Foreign Relations, 1880.

planatory of Chili's purposes in the war in which she is engaged, as also an English translation thereof.

The government evidently fears that the discussion in the Aria conference may have left an impression that in exacting Tarapacá as a condition for peace, Chili has proclaimed the right of conquest, and the minister's note seems to be directed mainly to the removal of any such belief. It is insisted, as you will observe, that the territory mentioned was demanded as indemnity for damages sustained by Chili because of the war-damages which, it is claimed, Peru is powerless to liquidate in any other way.

The minister also touches upon the proposition made by the allies in the conference to submit the questions in dispute to the arbitration of the United States, justifying the action of his government upon the ground that the results of the war have given to Chili certain rights which cannot well be determined in the manner proposed. As I have heretofore written to you, my judgment is that the proposition for arbitration was not made with the expectation that it would be seriously entertained. Had the reverse been true, I assume that it would have been submitted in some practicable form, rather than in the intangible shape in which we find it.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 181.—Translation.]

Chilian circular to the foreign representatives.

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, November 10, 1880.

SIR: At the commencement of the war into which Chili was provoked by the injustice of Peru and Bolivia, my government made haste to lay before the friendly powers the all-powerful reasons that compelled her to seek in war satisfaction for her grossly offended honor and seriously imperiled interests, ends which, notwithstanding Chili's repeated efforts, it had been impossible to attain by conciliatory measures.

The absence of all military organization consequent upon years of peace; the habits of the people of Chili, devoted to peaceful toil and industry; the financial crisis that then weighed upon the country, the wholly unarmed condition of the republic, which had reached the point even of disbanding the national guard, her sale at public auction of a number of her war vessels; will demonstrate to your excellency's government how distant from Chili was the thought of her tranquility being interrupted, how sincere was her love of peace.

The Republic of Chili would never have abandoned her peaceful attitude had it not been for the continued violations of her most sacred treaty obligations on the part of Bolivia, the discovery of the existence of a secret compact against her integrity, entered into between Peru and Bolivia, at a time when the outward relations of these powers with Chili were of the most friendly character, and finally the outrages committed against her citizens, all of which compelled her to resort to arms in vindication of her rights. Involved thus in a war against her will, and after having exhausted all peaceful means, she found herself compelled to accept it, as a last resort, and she now relies to the end upon the justice of her cause and the unfailing zeal of her people.

The hopes entertained by Chili have not been disappointed by the course of events; since the declaration of war her navy has annihilated the maritime power of Peru, and now holds her principal seaports under blockade. Her armies, in numerous engagements, have everywhere overcome her enemies; and she is now the mistress of all the Bolivian coast, and a very considerable portion of that of Peru. An uninterrupted series of defeats have made it impossible for the allied forces to recuperate their losses, and rendered them powerless to resist our attacks. In the face of events already consummated, and the stern reality of what has already occurred, the attempts made by them to conceal the truth or misrepresent facts are futile.

Under this condition of affairs, so unquestionably in favor of Chili, the Govern-

ment of the United States, through its representatives near the three republics, tendered their good offices as meditator for the re-establishment of peace. The Government of Chili, true to its traditions and sincere in its international policy of loyal friendship with all nations, with a firm resolution that she would interpose no obstacle toward securing peace upon a firm and lasting basis, accepted the offer of the great Republic of the North, notwithstanding her repeated successes against the allied powers.

Mediation having been accepted by Peru and Bolivia, it was also accepted by Chili, and for this purpose a conference was held at Arica. The mode and result of this meeting your excellency will find by a perusal of the copies of the documents I have the honor to herewith transmit.

By the protocol at the first meeting of the conference, a memorandum was submitted of the conditions that Chili deemed essential for the attainment of peace, which, as I will proceed to explain to your excellency, were the only ones that could have permanently and equitably put an end to the war.

In view of the situation of the belligerents, the series of victories obtained by Chili, both on land and sea; the enormous expenditure of blood and treasure that the war had cost the country; the blind tenacity with which the enemy persisted in carrying it on, thereby uselessly increasing the expense and injury; the outrages committed on our citizens whose property was confiscated and they expelled from the country; the obstacles thrown in the way of the development of our industries and commerce; in view, I repeat, of these antecedents, it was not reasonable to suppose that Chili would appear at the conference of Arica with other than a firm resolution to insist upon an indemnity that should, in part at least, compensate for so many and so great sacrifices on her part.

But two courses presented themselves that could make the attempt at an understanding and peace a success. One, the surrender of the territory according to the first clause of the memorandum submitted to the plenipotentiaries of the allies, as indemnity for the expenses and damages of the war, or the exaction of a stipulated sum of money upon the same grounds, Chili holding the territory now in her possession as security and until the final payment of such idemnity.

The adoption of the latter course found an insuperable obstacle in the deplorable condition of the finances of both Bolivia and Peru. For years past the embarrassed financial condition of the allied powers has been well known. Crushed by the weight of an enormous debt, without credit abroad, and, what is still worse, without order or stability at home, they had totally ignored their obligations. Unable to meet the interest on their debt, the fact of the bonds of Peru appreciating in value upon the occupancy of her territory by Chili, will show the point of insolvency she had reached in the estimation of Europe. How, then, would it have been possible for Chili to obtain from such powers the payment of the indemnity to which she was justly entitled?

An arrangement by which Chili should hold the territory occupied by her armies as security for the payment of the expenses of the war by means of the income derived from the same, was wholly inadmissible. The holding of this territory would necessarily involve the military occupation of it by the conquering power, and this could not be done without a heavy outlay to be paid by the allies. On any other terms the result, as far as regarded Chili, would be illusive. Such an arrangement never could have put an end to the war; however moderate the sum agreed upon as indemnity might be, it, increased by interest and the charges of a military occupation, would very soon place the sum beyond the power of the debtors to pay, while the irregular condition of affairs in the territory, by reason of the coexisting authority of Peru and Bolivia on the one side, and the forces of Chili on the other, would be productive of serious conflicts that could not long delay in again resulting in war, thus defeating the prime purpose that Chili has in view, the attainment of a solid and lasting peace.

The security being thus inadequate, Chili had no other resource but to demand the surrender of the territory as the only means of securing indemnity for her sacrifices and expenses. The government, in insisting on this stipulation in its instructions to its plenipotentiaries, did not simply seek an extension of its frontier. The faithful exponent of the feelings of its people, it adopted the only means that the depressed condition of the finances of the allies rendered it possible for them to grant; one that circumstances had imposed, and which they were powerless to change.

The allied governments will no doubt endeavor to make it appear, as did their plenipotentiaries at the conference, that Chili maintains the right of conquest.

The truth, however, will prevail in spite of all that may be said. The fact, clear and indisputable, alone remains, and that is, that Chili is entitled to indemnity for the expenditures and sacrifices incurred by her in the war, and that the allied governments have not the means of satisfying them.

The surrender of the territory furthermore involved on the part of the successful power a recognition of the mortgages and incumbrances created upon it by Peru to her foreign creditors.

The Republic of Chili possesses an extensive and fertile soil whereon her people

may toil in peace. She has always lived in harmony, devoted to her own internal improvements. She has ever given proofs of her desire to seek a peaceful solution of all international questions. She has always been ready to defend the integrity and independence of her sister republics, when threatened. She has been the champion of Peru herself, and never could she have suspected that her demand that Bolivia should live up to her treaty obligations would have been the cause of war. The Republic of Chili, with such antecedents, never appeared at the Arica conference for the purpose of maintaining the principle of the right of conquest. She appeared there solely for the purpose of obtaining indemnity for the expenses of the war, and the assurance of a solid and lasting peace in the future. Such was her right and the natural consequence of the justice of her cause, confirmed by the successes of her armies. The powers that forced her into an unjust war and that still insist on carrying it on, notwithstanding their reverses, are the ones responsible for the sacrifices and damages of which they were the cause. Chili under these circumstances commits no more act of conquest than does a creditor commit an act of despoliation when he seeks payment of the debt due him through the real estate of his debtor who has nothing else with which to discharge his obligation.

The demand of Chili is, furthermore, founded on other considerations not less worthy of notice. The territory belonging to the allied powers, lying south of the Camarones Valley, consists for the most part of desert lands with a very small native population. The greater part of its occupants are foreigners, of which the Chilians are the most numerous. It is they who are the principal owners and workers of the country. It is their capital and enterprise that have given value and importance to those hitherto barren wastes. The peculiar topographical conditions of this territory, the fact of its being at so great a distance from the seat of its own government, while its commerce and traffic largely depended on Chilians, made the character of the surrender demanded, as far as national susceptibilities were concerned, much less obnoxious than may have been the case in other instances of the annexation of neighboring territories. National susceptibilities, as is well known, do not exist in that locality, and this would have gone very far toward facilitating an easy assimilation of its elements, tending to the development of its wealth and prosperity.

Chili seeks that compensation to which she is justly entitled; she seeks a guarantee of peace for the future. In assuring these important ends, she proposes as a basis of arrangement a means that is not now and never has been ignored among civilized powers. Her frank and open demands should not be viewed with suspicion, nor should they inspire the other portions of the American continent with any feelings of uneasiness.

The other conditions demanded by Chili are the natural sequences of the first condition. They are in perfect harmony with the obvious and rightful considerations emanating from the subject.

The war has not only entailed enormous sacrifices of treasure and of blood upon Chili as a nation, but it has also been productive of similar sacrifices to her commerce and industries, and to her private citizens who were business residents of the territory of the allied powers from whence they were forcibly expelled after being despoiled of their real estate, their capital, and their personal property. The second and third stipulations of the memorandum provide for the indemnification of such injured parties. Their future, after the manner in which they were treated, cannot be a matter of indifference to my government.

The fourth stipulation is open to no objection whatever. It simply provides for the delivery to Chili of a transport that was the property of the republic.

The fifth becomes a matter of absolute necessity, when we take it into consideration that the war grew out of a secret treaty, and that the incentive to the treaty of alliance now sought to be brought about between Peru and Bolivia, as stated by these governments themselves, was to more effectually hostilize Chili. Such a treaty would be a standing menace to the peace that Chili so earnestly desires.

The sixth stipulation, with reference to the holding of certain territory as a guarantee for the fulfillment of the other conditions imposed on the allied powers, is absolutely necessary.

The seventh and last becomes important, in order to give to the peace sought to be obtained that stability which the interests of the belligerents themselves, as well as the other powers of the Pacific, demand. If the northern frontier of Chili should be established at the Camarones Valley, and the port of Arica thereafter fortified and converted into an impregnable fortress, it would be a constant source of danger to Chili, obliging her also to fortify her own frontier. In either case peace would always be in jeopardy, and this may be avoided by making the said port for all time simply and exclusively a commercial port.

Furthermore, it is known that when the boundaries of Bolivia were arranged, she was given a geographical position inimical to the logical development of her resources. It is also known that the port of Arica is the most suitable and best adapted to the commercial requirements of Bolivia. This fact would render its fortification still more dangerous and improper.

Before concluding the present communication I deem it proper to notice two important points submitted to the Arica conference, viz, the proposition of the plenipotentiaries of the allied powers to bring the war to a close through the arbitration of the power then acting as mediator, and the interpretation given by his excellency Mr. Baptista, the Bolivian plenipotentiary, to the secret treaty of alliance, offensive and defensive, so mysteriously entered into between Peru and Bolivia in 1873, and which has been the cause of the lengthened struggle in which we now find ourselves involved.

Unquestionably the method most in harmony with the interests of humanity, the one best calculated to preserve friendly international relations, is, in cases of conflict, to submit to the arbitration of a third power, which might impartially and without prejudice decide as to which side was right; but this method has its appropriate time for application; unfortunately, the time at which it was suggested by the plenipotentiaries of the allied powers deprived it completely of its applicability. When diplomacy had exhausted all its resources and war appeared to be inevitable, Chili proposed arbitration to Bolivia and it was peremptorily declined. War was the consequence, and your excellency is aware of the results and sufferings that have followed. Chili, through her efforts, has obtained decisive advantages over her adversaries, and has by reason of the war become invested with clear and important rights. What point, therefore, would the arbitrator be called upon to decide? The question of rights is one no longer open to discussion; it is now simply a question of accepting or declining through war what has already been accomplished by war.

Success has its obligations, and they increase in the ratio of the sacrifices and the risks incurred in obtaining it. These obligations are still further increased when dealing with an enemy who, although defeated by land and sea, tenaciously holds out in the struggle when resistance is vain.

Bolivia rejected arbitration when it was offered by Chili; Peru became her ally with a full knowledge of all the facts, and it is now both logical and natural that she should accept the consequences of a war that she might have prevented, but did not choose to prevent. If such was not the case, if it should be held that a power is obliged to suspend hostilities at the request of its antagonist, when the antagonist had provoked the war and been unsuccessful in its issues, war would cease to be a right. In the midst of the train of evils that it entails it would fail to achieve the only benefit to be derived from it, that of compelling the vanquished to repair the injury they had caused, and to respect in the future the rights of others in accordance with international treaties. But for these considerations Chili would have accepted the proposed arbitration with full confidence in the impartiality of the arbitrator.

With regard to the interpretation of the secret treaty of 1873 given by his excellency Mr. Baptista at the conference, I will take occasion to say that the circumstances under which it was negotiated, and the means adopted to give it effect, show a purpose directly the opposite of the one sought to be attributed to it, viz, that of strengthening the fraternity and union of the republics of America. In no other light can explanation be given for the secrecy that was observed with regard to it for more than six years; for the irregular manner in which it was passed by the congresses of Peru and Bolivia; the denial of its existence by the former of these powers when interrogated by Chili with regard to its existence; and, finally, the exclusion of Chili from it when Chili at the same time was the ally of the powers that were conspiring against her. The treaty was a measure directed against Chili, and my government so demonstrated at the commencement of the war.

The foregoing statement I trust will convince the sober judgment of your excellency's government that Chili took part in the conference with a sincere desire of putting an end to the war; that the conditions submitted by her plenipotentiaries were the only ones that could be productive of a lasting and equitable peace; that her conditions were neither exaggerated nor onerous under the circumstances in which the belligerents are now placed, and that whatever may be the consequences of the continuance of the war, the allies, through their persistence in refusing to accede to the just demands of Chili, are alone responsible for it.

My government, sir, profoundly regrets that the Arica conference has been barren of results, and that the noble efforts of the mediating power in its endeavor to re-establish peace have been sterile, for all of which efforts Chili is sincerely grateful.

With the request that your excellency will be pleased to make this statement known to your government, I have to beg you will accept the assurance of my distinguished consideration, and remain your most, &c.,

MELQUIADES VALDERRAMA.

No. 87.

Mr. Osborn to Mr. Evarts.

No. 182.] LEGATION OF THE UNITED STATES,
Santiago, Chili, November 30, 1880. (Received January 21, 1881.)

SIR: On the 21st instant I received the following cablegram:

WASHINGTON, *November* 19.

OSBORN, *Minister, Santiago, Chili:*

You are authorized to unite with your colleagues in pressing upon Chili the adoption of the measures agreed upon in a diplomatic conference at Lima for securing the lives and property of neutrals when Lima is attacked. This authority is to be used only in case these measures are approved by Christiancy and yourself as within neutral policy and this concurrent representation seems to you useful. You are also authorized to join in asking a direct answer from Chili, if in your judgment the requirement is justified by the situation. Telegraph your action.

EVARTS,
Secretary, Washington.

A few brief interviews with my colleagues touching the details of the measures adopted at the Lima diplomatic conference, and the steps hitherto taken, having in view their acceptance by this government, served to impress me with the belief that any movement now by this legation in the direction indicated in your dispatch would be exceedingly impolitic, and this belief was strengthened to conviction by the informal conversation which I subsequently had with the minister of foreign relations, Mr. Valderrama.

As you know, the measures referred to provide for the protection of all private property, neutral and otherwise, in Lima, and determine the manner in which the Chilian army may bombard, occupy, and police the city. This programme was submitted to the consideration of the Chili cabinet early in October by the European representatives. In response, this government declared that it was its purpose to protect as far as possible the interests of neutrals in Lima, but maintained, in justification of a refusal to adopt unqualifiedly the measures proposed, that such action might tend to seriously embarrass the army in its legitimate operations. With this answer, it seems, the European governments were not satisfied; hence this renewed effort in the direction indicated.

I have had frequent conversations with Minister Valderrama concerning the protection of lives and property of neutrals in Lima in case that city should be attacked, and on the 24th instant, in an interview with him, I intimated a desire to know what measures had been adopted to that end. He was quite unreserved in his answer, asserting that it was the sincere desire of his government that neutral interests should be fully protected, but justified the refusal to adopt the measures proposed by my colleagues upon the ground heretofore stated; that is, that the army might thereby become seriously crippled in its proper operations against the enemy. He informed me, however, that, with a view of affording the protection desired, the general in command had been directed to confer with the dean of the diplomatic corps at Lima, and, in so far as the same could be done without interfering with the legitimate operations of the army, to adopt his suggestions to that end. An English translation of the note of Minister Valderrama, repeating the assurances given me in conversation, will be found inclosed.

In addition to what is said in the minister's note, I may add that I have known for some time that the government was desirous of avoid-

ing a scandal growing out of the operations at Lima, and that precautions were being taken to that end. The minister of war is with the army in the field, as is also Mr. Altamirano, the intendente of Valparaiso, who has gone north as secretary for the general-in-chief. These gentlemen are men of high standing, and I am assured that the chief reason for their attendance upon the army is the solicitude of the government upon this subject.

On the 26th instant I telegraphed you as follows:

EVARTS, *Washington:*

Regard pressure of Lima measures useless and impolitic. Government adopts stringent measures for protection of neutrals in Lima, but rejects European pressure.

OSBORN.

I am credibly informed that the Lima measures were not pressed upon this government by the European representatives with much earnestness; but, be that as it may, the response to their efforts was substantially the same as that received by me.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 182.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, MINISTRY OF FOREIGN RELATIONS,
Santiago, November 25, 1880.

SIR: Referring to the conference that I had yesterday with you, and in which you expressed a desire to know if my government had taken any measures for the purposes of protecting, in as far as may be possible, the persons and interests of foreigners located in Lima and Callao, in case hostilities against said cities should be undertaken, I now have the honor to repeat to you what, in that respect, I expressed to you verbally.

My government feels a deep interest in that the persons and property of foreigners should remain as far as possible exempt from all damage in the future operations that it may be necessary to undertake against those cities, and to this end has recommended very especially to the chief of our forces that he should respect these persons and properties. In order that this protection should be more efficacious, my government has directed that the chief of our forces should hear all the suggestions that the dean of the diplomatic corps in Lima should be pleased to make to him in this regard, and to accept them in so far as they should not be opposed to or should not embarrass the legitimate operations of our army. My government believes that on the field of actual operations the Chilian commander, upon the representations of the dean of the diplomatic corps, will be the better able to protect the important interests of neutrals, which the government ardently desires may be protected in the military operations which our army has been directed to carry out.

I avail, &c.,

MELQUIADES VALDERRAMA.

No. 88.

Mr. Evarts to Mr. Osborn.

No. 115.] DEPARTMENT OF STATE,
Washington, December 27, 1880.

SIR: My attention has been called to the following passage of your remarks at the conferences held at Arica, Peru, on the 15th of October last, as reported in the second protocol of those conferences:

His excellency Mr. Osborn remarked that it seemed proper to him, as well as to his

colleagues, to place upon record that the Government of the United States does not seek the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and, while he could not doubt that his government would accept the position if properly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction.

As it is not quite clear what the meaning and scope of your remark on that occasion was, I will thank you for explanation upon the subject. There was no impropriety in your making it clear to the representatives of the belligerent states that this government had no desire to unduly urge its arbitration upon them. If, however, it was your purpose to convey the impression that we would not cheerfully assume any labor and trouble incident to arbitration in the interest of peace and the service of justice, you have not correctly appreciated the views and wishes of this government. It is the sincere desire of the President to see an honorable and lasting peace secured among the South American republics now engaged in war, and he will shrink from no effort or responsibility which can properly tend to the accomplishment of such a desirable result.

In order to remove a possibly wrong impression which your language may have made upon the representatives of the belligerent powers, you will read this instruction to the minister for foreign affairs of Chili; and I will instruct Mr. Christiancy and Mr. Adams to read a copy of it to the ministers for foreign affairs of Peru and Bolivia, respectively.

I am, &c.,

WM. M. EVARTS.

No. 89.

Mr. Osborn to Mr. Evarts.

No. 187.] LEGATION OF THE UNITED STATES,
Santiago, Chili, January 3, 1881. (Received February 24.)

SIR: In the circular note which Minister Valderrama addressed to the diplomatic corps on the 10th of November last, a copy and translation of which accompanied my No. 181, is found the following sentence:

The cession (meaning the cession of Tarapacá by Peru), carried with it, moreover, the obligation on the part of the victorious nation of accepting as its own all the hypothecate bonds given by the Peruvian Government to its foreign creditors.

The guano beds in the Tarapacá district, as is well known, have been mortgaged by Peru to secure the payment of a large part of her public debt, and the expression here quoted was very generally accepted as a formal recognition of these obligations in the event of a change in the sovereignty of the district. Subsequent discussion in the newspapers and in the two houses of Congress, however, apparently developed the fact that the country was not prepared to accept this doctrine as its policy, and the minister has felt himself called upon to explain in another note, a copy of which I herewith inclose, with English translation.

It will be observed that the interpretation which had so very generally been accepted was entirely erroneous, and that the minister does not desire to be understood as having committed his government to the payment of any part of the Peruvian debt or the recognition of any of its mortgages, but that all claims in the district referred to are to be settled in accordance with the principles of international law.

If the influences which have driven Minister Valderrama into writing the inclosed note shall continue in the ascendency, I fear that Peruvian mortgage bonds are likely to remain a very precarious investment.

I am not aware that any of these mortgage securities are held by American citizens. The loan for which they were issued was raised in Europe, principally in Great Britain and France.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 187.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, MINISTRY OF FOREIGN RELATIONS,
Santiago, December 24, 1880.

SIR: On the 10th of November ultimo I had the honor of addressing you informing you of the result of the conference held on board the Lackawanna in the bay of Arica, in the last days of October.

In view of the instructions given to our plenipotentiaries in the event of certain contingencies arising in connection with the conference, I then stated that the ceding of the territory claimed by Chili would have implied on the part of Chili a recognition of the mortgages executed by Peru to her foreign creditors. This expression has not been properly understood, as appears from the interpellations directed to the government in both houses of Congress.

By some, without taking into consideration the special circumstances of the case, the circular of the 10th of November was understood to be an absolute definition of the rights of creditors in the nature of an assertion of a principle; such an interpretation of it is not correct. The statement referred to is intimately connected with the instructions given to our plenipotentiaries, and both refer to the occurrences of certain contingencies that never took place.

It is known that the conference at Arica was productive of no result, and that matters continued in the same condition they were before the said conference was held. This statement thus becomes merely an expression of a fact which might have occurred had the allies accepted all the conditions with which it was connected. It might also have been a result of certain compensations or advantages provided for in the instructions, but it embraces no recognition of a right as has been supposed by some.

It was not intended in the circular alluded to, to define the rights of creditors. Its scope was confined to certain facts that had already occurred and others that might have grown out of the Arica conference if certain circumstances then in view had taken place. The failure of the negotiation left matters in the same condition in which it found them, and consequently the rights alleged by certain parties with regard to the Tarapacá district will be settled according to the precepts of international law. This is the line of conduct which the Government of Chili has observed from the beginning, and in which it has the purpose of continuing.

With this explanation of the true meaning of the statement which has been so imperfectly understood, I avail myself of the opportunity of offering to you the sentiments of high consideration with which I am, &c.,

MELQUIADES VALDERRAMA.

No. 90.

Mr. Osborn to Mr. Evarts.

No. 190.] LEGATION OF THE UNITED STATES,
Santiago, Chili, January 14, 1881. (Received March 7.)

SIR: Referring to your instruction No. 108, conveying information of the convention concluded between the representatives of Chili and the United States of Colombia, at Bogota, in September last, for the preservation of peace between those republics, and directing me as to my

duty in the premises, I have the honor herewith to inclose a copy, with English translation, of a note received by me from the minister of foreign relations, together with a copy of my reply.

You will observe that the minister, after informing me of the execution of the convention referred to, says that it meets with the approval of his government, and will be presented to the National Congress for its action. He adds a request to be informed whether the designation of the President of the United States to act as arbitrator in certain contingencies mentioned in the convention will prove acceptable to the Government of the United States.

My reply, as you will see, is an assurance that the President will deem himself privileged in being permitted to respond to the flattering trust reposed in him, if his services should be required.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 190.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI,
DEPARTMENT OF FOREIGN RELATIONS,
Santiago, December 23, 1880.

SIR: I have the honor to inform you that on the 3d of September last a convention "ad referendum" was entered into at the city of Bogota by the minister of foreign relations of Colombia and the chargé d'affaires of Chili near that republic, copy of which accompanies the present, by the terms of which both countries agree to submit to arbitration the decision of all questions that may arise between them and which it may be found impossible to decide by diplomacy.

My government has no hesitancy in accepting the principle of arbitration thus established, and will submit the convention to the National Congress.

With regard to the designation of His Excellency the President of the United States of America as umpire in the cases specified in article II, my government hopes that it will not prove unacceptable to your excellency's government, and that in it your government will see a reciprocation of the many and strong proofs of friendly feeling that Chili has received from it.

Notwithstanding these marks of confidence, I am directed by His Excellency the President of the republic, in bringing this subject to your notice, to inquire whether the Government of the United States will give a favorable consideration to the selection which has been made of the President of the Union for the cases referred to.

I avail myself of the occasion to renew the assurance of my distinguished consideration.

MELQUIADES VALDERRAMA.

[Inclosure 2 in No. 190.]

Mr. Osborn to Mr. Valderrama.

LEGATION OF THE UNITED STATES,
Santiago, January 7, 1881.

SIR: I have to acknowledge the receipt of your excellency's note of the 23d ultimo, inclosing a copy of the convention entered into on the 3d of September last "ad referendum" between the Republic of Chili and that of Colombia, providing for the settlement by arbitration of all such questions as may arise between the two governments which it may be found impossible to arrange through diplomatic intercourse, designating at the same time the President of the United States as umpire, and inquiring whether the government of the United States would lend favorable consideration to the selection therein made of its President as umpire for the cases provided for by the convention referred to.

In reply I have to say that I can best answer your inquiry by transcribing the text

of a communication on this subject received from my government under date of October 13, and which is as follows:

"That should occasion for arbitration arise under the treaty, the President will deem himself privileged in being able to respond to the flattering trust reposed in him, and evincing the friendship of the people and Government of the United States for for both republics."

I may add that my government experiences the liveliest satisfaction at the course proposed by your excellency's government and that of the Republic of Colombia, regarding it as a concurrence in a great principle successfully inaugurated and put in practice by the Government of the United States.

I have, &c.,

THOMAS A. OSBORN.

No. 91.

Mr. Evarts to Mr. Osborn.

No. 119.] DEPARTMENT OF STATE,
Washington, February 10, 1881.

SIR: The information which the Department gleans from the press reports that the Chilian forces have taken Lima and Callao, and that the Peruvian forces and government have fallen back into the interior.

Under these circumstances, of which I have as yet no confirmation from yourself and Mr. Christiancy, it is naturally to be inferred that the time has come when the Peruvian Government would not refuse to treat for peace upon any supportable basis, and that it would turn to the good offices or mediation of this government, with hope, if not expectancy, of an end to the war being reached.

I have, to-day, instructed Mr. Christiancy to press upon the Government of Peru, and upon such Chilian authorities as he may have access to, the earnest desire of this government to bring about a peace without delay and upon reasonable and honorable terms, compatible with the true welfare of all the belligerents, so as to be lasting. I have directed him to urge the desire of this government with all that pressure which, under the circumstances, may appear to him to be admissible and proper to the gravity of the occasion.

Your own urgent efforts will be exerted in the same direction.

I am, &c.,

WM. M. EVARTS.

No. 92.

Mr. Osborn to Mr. Evarts.

No. 195.] LEGATION OF THE UNITED STATES,
Santiago, Chili, February 24, 1881. (Received April 5.)

SIR: Referring to your instruction No. 115, wherein you quote from remarks made by me at the Arica conference touching the suggestions there made concerning the submission of the questions in dispute to the President of the United States as arbiter, and in which you express an apprehension that possibly I may not have correctly interpreted the views of the Government of the United States in that regard, I have to say that I have read your instruction to the minister of foreign relations,

as therein directed, and am assured by him that his government has not been misled in the least by the remarks quoted by you from the protocol.

For nearly two years this government has known of the earnest desire of the President of the United States to see an honorable termination of the unfortunate war in this section, and of his willingness to contribute in every proper manner to the accomplishment of that result. This assurance in the precise sense of your instruction, if not in its exact language, has been given not once only, but repeatedly, until there has been left no room for doubt upon that subject.

The remarks quoted, to be correctly appreciated, should be read in connection with the discussion which was then going on in the conference, and in the light of surrounding facts. They were not intended to qualify or change, in the slightest degree, the views of the Government of the United States as hitherto made known to the several belligerents. Their purpose was to cover the single question then being discussed, and I am not informed that either of the belligerents understood them in any other sense.

As you well know, since the Chilians succeeded in getting possession of the province of Tarapacá this government has not been willing to listen to suggestions regarding peace which did not involve a cession of such province by Peru. The State Department contains many dispatches from me to this purport, and I judge the allies were well informed on this point. It is impossible that they should have remained ignorant of the fact that the condition of public sentiment here was such as to preclude the possibility of a peace upon any other basis. When Mr. Christiancy was here, prior to the conference of Arica, President Pinto told him emphatically that our mediation would come to naught unless Peru was ready to make this concession. I assume that the Piérola government was informed of this by Mr. Christiancy, upon his return to Lima, and prior to the acceptance by Peru of our mediation; but, be that as it may, I am positively assured that President Piérola was made acquainted with the facts in this regard by the European representatives in Lima. That they could not have been ignorant in Peru on this point is evidenced by the fact that Mr. Christiancy felt himself warranted in saying to President Pinto that he was confident that the demand made by Chili would be conceded.

With this understanding, then, our mediation was accepted, and the conference convened at Arica in October. The ministers who went from Chili were instructed to demand, among other things, Tarapacá. The sentiment of the country was a unit upon this point, and the government could not have done less and stood.

In the presence of these facts you will, perhaps, be able to comprehend with what surprise and mortification I listened to the reply of the allies in the second conference, wherein they announced that the very condition which was irrevocable presented an "insurmountable obstacle" to the conclusion of a peace. It was after this announcement of the conclusion reached by the Peruvian ministers, that Mr. Baptista, of Bolivia, following an assurance that he and his colleague were quite in accord with the representatives from Peru, suggested that perhaps the difficulty might be solved by leaving the "*remaining questions*" to arbitration by the United States. The allies knew perfectly well that the "remaining questions" were comparatively nothing in the settlement of the difficulty. They understood then, as the Peruvian Government at least had understood before our mediation was accepted, that the unbending demand of Chili would continue to be the cession of Tara-

pacá, and that peace was impossible unless that point should be yielded. In view of all this, how hollow was the proposition touching arbitration; how insincere.

It will not be forgotten that circumstances conspired to make our mediation exceedingly unpopular in Chili. For present purposes it will be sufficient to refer to this fact generally without calling attention to the causes therefor. So strong was the sentiment in opposition to the movement immediately preceding the holding of the conference that I am confident the government would have gladly retraced its steps in that matter if it could have honorably done so. The country was exceedingly sensitive upon the subject, and there was very great danger that the government would fall. All this I knew perfectly well, perhaps better than my colleagues. I felt the full responsibility of my position, and endeavored to so discharge my duty as to leave the United States Government blameless, let what might be the result of the movement. With this knowledge, and this determination, the remarks which you quote were made, and now, in the light of subsequent events, I do not hesitate to say that if a different course had been pursued by us—if we had given to the proposition submitted regarding arbitration a *quasi* approval—American influence here would have been very seriously crippled, if not entirely destroyed. As it was, the United States Government came out of the movement standing better here than it had ever stood before.

Trusting that this explanation may prove satisfactory,

I am, &c.,

THOMAS A. OSBORN.

No. 93.

Mr. Osborn to Mr. Blaine.

[Extract.]

No. 198.] LEGATION OF THE UNITED STATES,
Santiago, Chili, March 23, 1881. (Received May 4.)

SIR: I have deemed it quite unnecessary to burden the archives of the State Department with the scattered information which has from time to time reached me from Peru since the occupation of Lima by the Chilian forces, as you have doubtless been placed in possession of all needed knowledge of events there by Minister Christiancy. Lima is but little farther from New York, in the matter of mail communication, than it is from Santiago, and you are, I judge, made acquainted with incidents there transpiring almost as soon as I am.

The negotiations regarding peace have, on the part of Chili, been intrusted to Messrs. Vergara and Altamirano, two of the ministers who participated in the Arica conference, and from what I learn I conclude that these gentlemen find their task by no means an easy one. While the war is practically at an end, yet serious difficulties appear to stand in the way of peace negotiations. Whether these difficulties might not in a measure have been avoided presents a question which I am not prepared to discuss, nor am I sufficiently informed to warrant an expression of opinion as to the real source of the blame, if blame there is. The fact is, there are two pretended governments in Peru, that of Piérola and that headed by Calderon.

The Chilian ministers, as you know, have emphatically declined to enter into negotiations with Piérola, alleging as a reason, as I understand, that his government is without the necessary strength. It is whispered, and perhaps truly, that other influences contributed to this determination, among which I may mention what is termed here an insulting and untruthful insinuation by Piérola in one of his recent official papers to the effect that the perfidy attached to the premature commencement of the battle of Miraflores, on the 15th of January, was chargeable to the Chilian army. It will be remembered that on the morning of the 15th, through the friendly efforts of the diplomatic corps in Lima, a qualified armistice was arranged between the two armies, which was to continue until midnight, but that notwithstanding at about two o'clock in the afternoon fire was opened, and the bloody battle of Miraflores followed. It is no secret here that in this engagement the Chilian army narrowly escaped serious disaster, and the government, the army, and the people, are alike severe in their denunciations of Piérola for what they term his treachery in this matter.

The government of Calderon has been accepted by several of the Peruvian provinces, but there still remains a considerable portion of country which has not acknowledged its authority. I am induced to believe, however, that President Pinto hopes that it will have acquired ere long sufficient strength to warrant this government in entering into negotiations with it. Mr. Altamirano is on his way down the coast now, and will reach Santiago in a few days. He comes, I infer, to confer with the government regarding the situation in Peru, and perhaps to receive final instructions touching the terms to be exacted in a treaty of peace.

There is every reason why Chili should conclude a peace at the earliest possible day, and I think the government so looks upon it. What terms are to be insisted upon I do not know, but judge they will be quite as severe as Peru, in its impoverished condition, can possibly comply with. In this regard, however, I see evidences here of a modification of public sentiment, and from this I expect much.

I need scarcely assure you that my efforts shall continue to be exerted in facilitating the restoration of peace. This, your instructions, as well as my sense of duty, would require; but I find an additional incentive in my great desire to avail myself of the leave of absence granted me by the State Department, and so long held in abeyance because of the war. Since the receipt of instructions No. 119, which came to hand by the last mail, I have had a friendly conversation with Minister Valderrama concerning the negotiations at Lima, and after the arrival of Mr. Altamirano I expect to see him again, when I may have something worth communicating. The information upon which the instruction above mentioned was based seems to have been somewhat faulty in that it indicated that President Piérola, with his army, had retired to the interior. It is reported here, and believed, that the Peruvian army was entirely dispersed, and that Piérola took refuge in the mountains surrounded by a few followers only.

About 6,000 of the volunteer troops have been returned to Chili and mustered out of the service. General Baquedano, the commander-in-chief, accompanied them, and they were received with universal rejoicing.

* * * * * * *

I have, &c.,

THOMAS A. OSBORN.

No. 94.

Mr. Osborn to Mr. Blaine.

No. 201.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 5, 1881. (Received May 17.)

SIR: In my No. 198, in speaking of the prospects of peace, I informed you that Mr. Altamirano, one of the ministers authorized to treat with Peru, was on his way to Chili. Since his arrival he has had extended interviews with the government regarding the situation in Lima, and as a result I have good reason for believing that the President's hopes touching the government of Calderon have been very seriously weakened. The impression seems to be gaining ground that the demoralization prevailing in Peru is so great as to prevent the establshment, at present, of any government with sufficient solidity to warrant Chili in negotiating with it. If this should become the view of the government, as seems probable, the indications are that the policy for the future would involve the removal to Chili of all valuables belonging to the Government of Peru, the destruction of all means of defense, and the withdrawal of the Chilian forces to Arica. From this point, it is inferred, they would watch with interest the movements of the factions in Peru in their struggles for the ascendency. Minister Vergara has been sent for, and is expected in a few days, when it is understood a definite course is to be determined upon.

If the policy which I have outlined should be adopted, all talk regarding a formal peace would be mere speculation.

I have, &c.,

THOMAS A. OSBORN.

No. 95.

Mr. Osborn to Mr. Blaine.

No. 202.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 6, 1881. (Received May 17.)

SIR: The representatives here of Great Britian, France, and Italy, acting jointly under instructions, have tendered the mediation of their respective governments, with a view of putting an end to the war, but this government has deemed it advisable to decline their offer.

I conclude that the agents of the European powers were not dissatisfied with the answer which they received. They probably regard the present unsettled state of affairs in Peru as presenting a serious obstacle to negotiations, and are, I judge, not disappointed that they should be excused, by the action of this government, from entering upon the performance of a work which would seem to have so little promise of a happy result.

I have, &c.,

THOMAS A. OSBORN.

No. 96.

Mr. Osborn to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
Santiago, Chili, May 7, 1881. (Received June 7.)

SIR: In my No. 201, of date April 5th, regarding the war in this section, I mentioned the fact that the minister of war, Mr. Vergara, who had been with the army at Lima, had been sent for, and was then on his way to Chili. Since his arrival the government has labored to reach a conclusion touching the course to be pursued with Peru, and to that end numerous and extended discussions among the ministers and prominent citizens of the republic who had been invited to participate, have taken place. Three plans or propositions were discussed: First, that spoken of by me in my No. 201, involving the withdrawal of the army to Arica; second, the occupation of the entire Peruvian coast by the Chilian forces, and its government by Chilian authorities; and third, the strengthening of the government of Calderon and the negotiation of a peace therewith. The propriety of entering into negotiations with Piérola was not even dignified with a consideration. After much labor the government reached the conclusion that the last proposition afforded the easiest way out of their complications, and it has been determined to send to Peru, in charge of the negotiations, Mr. Godoy, who in times past represented Chili in Washington. Mr. Godoy is well qualified for the delicate post which he is called upon to fill. He occupied the position of minister to Peru for several years immediately preceding the opening of hostilities, and is thoroughly informed of that country and its people, and of the causes which brought about the present war. In conversation with me yesterday, he expressed the belief that three or four months would serve to bring the difficulties to a conclusion, and it is to be hoped that the result may prove him to be not oversanguine.

The ministry has freely counseled with me regarding the difficulties of the situation, and, in view of their previous determination to have nothing to do with Piérola, I cannot but applaud the result of their deliberation. To vacate the country now would be to turn it over to anarchy, and to attempt to occupy the entire coast would in time involve both countries in ruin. The most feasible way to peace is, in my opinion, the one resolved upon. In fact it is the only one which offers any reasonable hope of a solution of the difficulties during the present generation.

I have endeavored to impress upon the authorities here, and not without, I judge, some measure of success, the propriety of their affording the government of Calderon greater freedom of action than it has hitherto enjoyed. I have urged upon them that if it is their purpose to strengthen and dignify the new government, and place it in a position to claim recognition at home and abroad, they should give it possession of the capital freed from the embarrassments of Chilian military rule, and should enable it to raise revenue for its proper support. It will be remembered that the new government has been confined to a small village in the neighborhood of Lima, which was exempted from the operation of martial law, while the capital has been occupied by the the Chilian military authorities; and it will also be borne in mind that the custom-house at Callao, almost the only source from which revenue can be readily raised, has remained in possession of the Chilians.

This government will unquestionably insist upon the relinquishment

by Peru of the province of Tarapacá, and unless the Peruvian authorities shall be found ready to concede this, the attempt to make peace will fail. It is probable, also, that Chili will demand the province of Moquegua, which includes the towns of Arica, Tacna, and Moquegua; but I incline to the belief that they will not insist upon this to the extent of endangering the negotiations. They will doubtless move cautiously, however, taking good care to see that they are to be sustained by the country; and as the public expectation has been raised to a most extravagant point, their way may be beset by serious difficulties.

I regard it as quite probable that the terms of the treaty may provide for the maintenance of Chilian garrisons at Callao and Arica until some minor conditions shall be complied with. And it is well perhaps for the interests of those who are concerned in the preservation of order there that the term of this occupation should not be limited to too brief a period.

I have, &c.,

THOMAS A. OSBORN.

No. 97.

Mr. Osborn to Mr. Blaine.

No. 210.] LEGATION OF THE UNITED STATES,
Santiago, Chili, June 7, 1881. (Received July 18.)

SIR: I have the honor to inclose a copy of the message of President Pinto, delivered to Congress at the opening, on the 1st instant, as also an English translation thereof.

You will observe that the President has seen fit to maintain silence touching the matter of the negotiations now being attempted with the belligerents on the north.

The boundary dispute with the Argentine Republic, of which the President makes brief mention, has continued to remain a source of much anxiety to the more thoughtful citizens of the republic. On more than one occasion the two countries have been on the point of going to war, and it has appeared of late that unless the controversy should be brought to a close, hostilities could not long be postponed.

Appreciating the desires of our government for an amicable arrangement fo this question, I have labored for several months, in concert with my colleague in Buenos Ayres, to find a basis which would seem to offer a solution of the difficulty, and I am now happy to be able to inform you that, as a result, the two cabinets are so nearly in accord that there can be but little doubt of a speedy and amicable settlement of the vexatious question. But of this I will write you in full hereafter.

I have, &c.,

THOMAS A. OSBORN.

No. 98.

Mr. Blaine to Mr. Osborn.

No. 133.] DEPARTMENT OF STATE,
Washington, June 13, 1881.

SIR: I have received from your colleague, Mr. Thomas O. Osborn, of Buenos Ayres, a confidential report concerning the praiseworthy efforts

made by yourself and him to lessen the strain which exists between Chili and the Argentine Republic, touching the Patagonian boundary dispute, and to bring about the peaceful and final arbitrament of the question.

I need not at this late day, in the light of the long maintained and consistent attitude of the United States in favor of international arbitration as a means of averting unfriendliness or the deplorable horrors of warfare between nations, and especially nations of one blood and one history, express the gladness with which this government would do all in its power to aid in so fortunate a disposition of this dangerous issue. I am sure that the readiness of the United States to lend its good offices in this direction on any honorable and practical basis, is already so appreciated on both sides as to need no formal declaration. Chili, especially, must be aware of this general disposition in view of our attitude with respect to the projected arbitration with Colombia, and in view also of the earnest efforts of the President to subserve alike the interests of peace and the material welfare of both Chili and Peru, as seen in the peace conferences of Arica.

You should, however, lose no fitting opportunity of impressing this benevolent disposition on the mind of the Chilian Government without undue insistence or obtrusiveness. In doing so, you should take especial care to create a trusting conviction on its part that the United States, whether as counseling peaceful arbitration, or in the possible resort of being chosen as arbitrator, would approach the question with absolute impartiality, having no bias toward either phase of the contention, and no desire for aught save the ascertainment of the right and the manifestation of justice. You should also let it be distinctly seen that we do not seek the position of arbitrator, but that if the offer were made at the common instance of the parties, our sense of duty toward our sister republics of the distant South would forbid our declining it.

A somewhat similar instruction is this day written to Mr. Thomas O. Osborn at Buenos Ayres.

I shall await, with interest, your report of whatever may transpire in this relation.

I am, &c.,

JAMES G. BLAINE.

No. 99.

Mr. Blaine to Mr. Kilpatrick.

No. 2.] DEPARTMENT OF STATE,
Washington, June 15, 1881.

SIR: The unfortunate condition of the relations between Chili and Peru makes the mission upon the duties of which you are now entering one of grave responsibility and great delicacy. Difficult as would be any intervention of the United States under ordinary circumstances, our position is further embarrassed by the failure of the conference at Arica, undertaken at our suggestion. It is evident from the protocols of that conference that Chili was prepared to dictate and not to discuss terms of peace, and that the arbitration of the United States upon any questions of difference with the allied powers of Peru and Bolivia was not

acceptable and would not be accepted by the Chilian Government. Since that time the war has closed in the complete success of Chili, and in what can scarcely be considered less than the conquest of Peru and Bolivia.

This government cannot therefore anticipate that the offer of friendly intervention in the settlement of the very serious questions now pending would be agreeable to the Government of Chili. It would scarcely comport with self-respect that such an offer should be refused, and it would be of no benefit to Peru and Bolivia that it should be offered and declined. But I am sure the Chilian Government will appreciate the natural and deep interest which the United States feels in the termination of a condition so calamitous in its consequences to the best interests of all the South American republics. It should also know that if at any time the interposition of the good offices of this government can contribute to the restoration of friendly relations between the belligerent powers, they will, upon proper intimation, be promptly offered.

While, therefore, no instructions are given you to tender officially any advice to the Government of Chili which is unsought, you will, on such opportunity as may occur, govern your conduct and representations by the considerations to which I shall now call your attention.

Without entering upon any discussion as to the causes of the late war between Chili on the one side and Peru and Bolivia on the other, this government recognizes the right which the successful conduct of that war has conferred upon Chili; and, in doing so, I will not undertake to estimate the extent to which the Chilian Government has the right to carry its calculations of the indemnities to which it is entitled, nor the security for the future, which its interests may seem to require. But if the Chilian Government, as its representatives have declared, seeks only a guarantee of future peace, it would seem natural that Peru and Bolivia should be allowed to offer such indemnity and guarantee before the annexation of territory, which is the right of conquest, is insisted upon. If these powers fail to offer what is a reasonably sufficient indemnity and guarantee, then it becomes a fair subject of consideration whether such territory may not be exacted as the necessary price of peace.

But at the conclusion of a war avowedly not of conquest, but for the solution of differences which diplomacy had failed to settle, to make the acquisition of territory a *sine qua non* of peace is calculated to cast suspicions on the professions with which war was originally declared. It may very well be that at the termination of such a contest the changed condition and relation of all the parties to it may make readjustment of boundaries or territorial changes wise as well as necessary; but this, where the war is not one of conquest, should be the result of negotiation and not the absolute preliminary condition on which alone the victor consents to negotiate. At this day, when the right of the people to govern themselves, the fundamental basis of republican institutions, is so widely recognized, there is nothing more difficult or more dangerous than the forced transfer of territory, carrying with it an indignant and hostile population; and nothing but a necessity proven before the world can justify it. It is not a case in which the power desiring the territory can be accepted as a safe or impartial judge.

While the United States Government does not pretend to express an opinion whether or not such an annexation of territory is a necessary consequence of this war, it believes that it would be more honorable to the Chilian Government, more conducive to the security of a permanent

peace, and more in consonance with those principles which are professed by all the republics of America, that such territorial changes should be avoided as far as possible; that they should never be the result of mere force, but, if necessary, should be decided and tempered by full and equal discussion between all the powers whose people and whose national interests are involved.

At the present moment, the completeness of the victory of Chili seems to render such a diplomatic discussion impossible. The result of the conflict has been not only the defeat of the allied armies, but the dissolution of all responsible government in Peru. Its soil is occupied, the collection of its revenues transferred to the conquerors, and its executive, legislative, and judicial functions in abeyance. It can neither enforce order within nor assure peace without.

An effort, and apparently a very earnest and honest one, has been made to create a provisional government, which shall gradually restore order and the reign of law. But it is obvious that for such a government to succeed in obtaining the confidence either of its own people or foreign powers, it must be allowed a freedom and force of action which cannot be exercised while Chili holds absolute possession and governs by military authority. This government, therefore, has been glad to learn from its minister in Chili, whom you succeed, that the Chilian authorities have decided to give their support to the efforts of Señor Calderon to establish on a steady footing a provisional government in Peru.

You will, as far as you can do so with propriety and without officious intrusion, approve and encourage this disposition on the part of the Chilian Government, and this Department will be exceedingly gratified if your influence as the representative of the United States shall be instrumental in inducing the Government of Chili to give its aid and support to the restoration of regular, constitutional government in Peru, and to postpone the final settlement of all questions of territorial annexation to the diplomatic negotiations which can then be resumed with the certainty of a just, friendly, and satisfactory conclusion.

In any representation which you may make, you will say that the hope of the United States is that the negotiations for peace shall be conducted, and the final settlement between the two countries determined, without either side invoking the aid or intervention of any European power.

The Government of the United States seeks only to perform the part of a friend to all the parties in this unhappy conflict between South American republics, and it will regret to be compelled to consider how far that feeling might be affected, and a more active interposition forced upon it, by any attempted complication of this question with European politics.

If at any time you shall judge it expedient and advantageous to read this dispatch to the minister of foreign affairs, you are authorized to do so. The decision on this point is left to your discretion.

I am, &c.,

JAMES G. BLAINE.

No. 100.

Mr. Osborn to Mr. Blaine.

No. 219.] LEGATION OF THE UNITED STATES,
Santiago, Chili, July 22, 1881. (Received September 22.)

SIR: I am gratified to be able to report that the cabinets at Santiago and Buenos Ayres have finally determined upon an amicable solution of their boundary dispute, and have executed a treaty to that end. As you know, this controversy has been one of long standing, and of much bitterness. It needs no rash foresight to comprehend that a war between these republics would be a most disastrous one. For years they have been engaged in supplying themselves at great expense with the elements deemed necessary for such a contingency. Millions of dollars which ought to have been devoted to the development of material interests have been expended in the purchase of powerful iron-clads and destructive artillery, all in anticipation of the war which has seemed inevitable.

Appreciating the dangers of the situation on the 15th of November last, after a confidential interview with President Pinto, I took upon myself to address my colleague at Buenos Ayres on the subject, urging that we should use our friendly offices for the purpose of putting the controversy in a way for amicable arrangement. My communication elicited a prompt and approving response, since which time we have exchanged many letters and numerous lengthy telegraphic dispatches, with the favorable result hereinbefore indicated.

The line of division fixed follows the water-shed of the Andes as far south as the fifty-second parallel of latitude, running thence east on said parallel until its crossing with the seventieth degree of longitude, from which point it extends in a southeasterly direction by way of "Monte Aymond" and "Monte Dinero" to "Point Dungennes," at the mouth of the Straits of Magellan. South of the straits the line commences at cape "Espiritu Santo," in latitude 52° 40′, and runs thence south upon the longitudinal line of 68° 34′, until its intersection with Beadle Canal. The territory to the east of this line, together with State Island and the adjacent keys, belongs to the Argentine Republic; that to the west, with the remaining islands, is conceded to Chili.

The provision regarding the straits is of vast importance to the commercial world, and I therefore quote it:

> The neutrality of the Straits of Magellan is hereby guaranteed in perpetuity, and such straits shall be forever free to the flags of all nations. To secure the neutrality and freedom of navigation above provided for, it is agreed that no fortifications or military establishments which might interfere with the same, shall be erected or constructed.

There will doubtless be considerable opposition in the Chili Congress to the ratification of the treaty; but it is the opinion of those usually best informed, that it will prove of no avail. The administration is strong, and is evidently determined to force the measure through Congress. The provision regarding fortifications in the straits will furnish the chief ground of opposition.

I cannot but regard this as a very happy termination of my diplomatic life here. With this question out of the way, it strikes me that there ought to remain no serious obstacle to a general disarmament in South America.

To-day I am in receipt of a note from the foreign office in acknowl-

edgment of my services in this matter, an English translation of which I herewith inclose.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 219.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, DEPARTMENT OF FOREIGN RELATIONS,
Santiago, July 22, 1881.

SIR: It is with special satisfaction that I now proceed to fulfill the instructions received from His Excellency the President of the Republic, by manifesting to you the very sincere gratitude of this government for your able and distinguished co-operation in the preliminary negotiations that have led to the establishment of the bases of the treaty fixing the boundaries between Chili and the Argentine Republic.

Both countries, as you are aware, are now about to close their differences by means of an arrangement which will establish a solid and loyal friendship between them; and it is to you, sir, as I am happy here to acknowledge, that the re-establishment of this friendly feeling is in a great measure due; a measure that insures a condition of things that is indispensable to the future welfare of the two neighboring nations.

Intimately connected as your name is with the making of this international treaty, a treaty which can be productive of but good to both nations, your residence here will be remembered for all time with feelings of the liveliest gratitude by Chili.

Be pleased, sir, to kindly accept, &c.,

MELQUIADES VALDERRAMA.

No. 101.

Mr. Kilpatrick to Mr. Blaine.

No. 3.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 15, 1881. (Received September 22.)

SIR: The considerations and instructions contained in your dispatch No. 2, dated June 15, 1881, relating to the course Chili should pursue in the final settlement of peace with Peru, have received my earnest attention.

You say in your dispatch that—

> The Department will be exceedingly gratified if your influence as the representative of the United States shall be instrumental in inducing the Government of Chili to give its aid and support to the restoration of regular constitutional government in Peru, and to postpone the final settlement of all questions of territorial annexation to the diplomatic negotiations, which can then be resumed with the certainty of a just, friendly, and satisfactory conclusion.

If I understand you aright this is the full intent and purport of your dispatch.

Taking this for granted, I have the honor to report that, so far as the assurances of public men can be relied upon, your instructions have been complied with, your ideas of final terms of peace accepted, not only by the present administration at Santiago, but, still better, by Señor Santa Maria, the President elect, whose administration will have begun when you receive this note.

I beg your patient attention to the somewhat lengthy explanation I am compelled to make of my action in the matter.

As soon as I received your instructions I made inquiries to ascertain the real intention of the Government of Chili regarding peace with

Peru. For a time I was completely misled; it seemed as if the government had no plan, but would leave the whole matter of final settlement to the incoming administration. In this I was mistaken, as were the public men of Chili with whom I conversed, outside the President and his cabinet. I discovered later on that the President was alarmed at the views you advanced, delicately brought to his attention, and in all probability would not be inclined to accept them. I at once became satisfied that the President and his cabinet held not only other views, but were contemplating absolute peace with the government of Señor Calderon. I therefore did not deem it wise to acquaint the secretary of state and the President with the full purport of your dispatch. I adopted what I thought to be a wiser course; I called upon Señor Louis Aldunate, the first friend of the President elect, a gentleman of great ability, who, I have reason to know, will occupy the first position in the cabinet of President-elect Santa Maria. I read him your dispatch, and at the same time informed him of my belief regarding the intention of President Pinto. After a full discussion of each separate point, and explanations of what I believed to be the result of misinformation on your part regarding "annexation of hostile territory" (to which I will refer again), your views were substantially accepted as wise and just. Señor Aldunate immediately acquainted President-elect Santa Maria with the contents of your note, and both have assured me—

That not one foot of Peruvian territory will be exacted by force unless all efforts of diplomatic negotiations shall fail, and that in no case can Chili treat finally with the government of Señor Calderon until it shall appear that his government is respected and obeyed throughout Peru, which does not obtain at this moment. That no doubt President Pinto would like to celebrate the last days of his administration by a proclamation of peace with Peru, with the government of Calderon, a government without a single element that constitutes a real government, and that would fall at once but for Chilian protection.

I was invited to attend Congress the following day, when the government would be interpolated regarding its plans and purposes. I went, found the House crowded with people, and, amid great excitement, heard the cabinet of President Pinto questioned and worried by Señor Lira, the first orator of Chili. I intended to send you translations of the speeches in this debate, but am too unwell to attempt it. I have been confined to my bed the greater portion of the time since my arrival in Chili. This debate developed the fact that President Pinto was contemplating peace with the government of Calderon—peace which, from the nature of the debate, I was satisfied, must of necessity include territorial annexation. Intimate friends of the administration not only confirmed this belief, but convinced me further that President Pinto was determined to accomplish his purpose; that he yet had time, and that the government of Calderon was in no condition to refuse any conditions Chili might impose. How to prevent this without giving offense to President Pinto I could not satisfactorily answer. I had gained the incoming administration; this was not sufficient. I determined finally to approach the administration, and change its purpose if possible. I sent for Señor Aldunate and Señor George Huneens, the solicitor for the government whose name you will find frequently mentioned in the paper relating to the Arica conference, and asked them to arrange for me a meeting with the secretary of state and secretary of war, the dominant members of the President's cabinet.

After some delay this was agreed upon, and a conference was held at my house last night between Señor Valderrama, secretary of state, Señor Vergara, secretary of war, Aldunate, and Huneens. The con-

ference lasted from 7 p. m. till one in the morning. I am too ill to give you a full account of the meeting; the result is all I can forward at this time.

Your dispatch was read and fully considered, and its advice and suggestions pressed upon the secretary of state. He finally replied. "The ideas indicated by Secretary Blaine are in direct conflict with those held by the Government of Chili, and if we abandon our policy it is out of respect for the opinion of the administration at Washington. You may therefore say to your government, that every effort would be given by Chili to strengthen the government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of territorial annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiations for peace. That no territory would be exacted unless Chili failed to secure ample and just indemnification in other and satisfactory ways, as also ample security for the future, and that in no case would Chili exact territory save when Chilian enterprise and Chilian capital had developed the deserts, and where to-day nine-tenths of the people were Chilians; and finally that Chili would never consent to submit her rights gained in battle to the arbitration of any European power." This embraces, I think, all the important points contained in your dispatch; and, if so, then I trust I have fulfilled my instructions.

The character of the territory, its people, &c., that Chili may finally be compelled to demand, I will speak of in my next communication. One other matter and I have done. The secretary of state has just placed in my hands the following telegram, dated Lima, August 16:

> Hurlbut, the United States minister, has notified Calderon that the United States will under no circumstances permit annexation of territory to Chili; he has also repeated this statement to outside parties. It is now the subject of conversation here, complicates and endangers our occupation.
>
> LYNCH,
> *Commandant in Chief.*

If this be true, which I cannot believe, it will not only create bad feeling here in Chili, but compromise my action. Certainly it is not in conformity with my instructions, for you distinctly say "Peru and Bolivia should be allowed to offer such indemnity and guarantee *before the annexation of territory, which is the right of conquest*, is insisted upon." Again, you say, "If these fail to offer what is a reasonable, sufficient indemnity and guarantee, then it becomes a fair subject of consideration whether such territory may not be exacted as the necessary price of peace." In no way can the letter or spirit of your dispatch be tortured into saying "The United States will not permit in any case annexation of territory to Chili." General Hurlbut has not sent me the Department cipher, or I would telegraph him, that he may know that he has been misunderstood or misinterpreted, and in time correct false impressions. If my mission is a delicate one his is still more so, for he has two governments to deal with, the Chilian Government, under Lynch, and the provincial government of Calderon. I have done what I could to satisfy the secretary of state that there must be some mistake; that you would not send one class of instructions to me and another to our minister at Lima.

Very respectfully, &c.,

J. KILPATRICK.

No. 102.

Mr. Kilpatrick to Mr. Blaine.

No. 8.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 14, 1881. (Received November 18.)

SIR: I have the honor to inclose copies of Señor Balmaceda's note of the 8th instant, and my reply of same date.

In a previous communication I called your attention to the great disquiet caused by the tenor of General Hurlbut's remarks when presented to Señor Garcia Calderon. This was soon largely increased by telegrams from persons in high position in Buenos Ayres, stating, in the most positive terms, my government had determined to prevent any annexation of Peruvian territory, and to oblige Chili to accept an indemnity in money or its equivalent. It was further added to by the general's note to Señor Garcia Calderon, and by the reports of his general and private conversation, in which he apparently confirmed the position assumed to have been taken by my government; and, lastly, by the terms of his memorandum to Admiral Lynch.

In replying to Señor Balmaceda, I deemed the time had arrived for me, as far as my strength would permit, to take advantage of the authority given in my instructions, and to make clear to the Government of Chili the entire uniformity in the instructions to both legations, and to establish beyond a doubt that my government holds fast to the policy adopted at the commencement of the war. I have ample assurances that my note has given great satisfaction.

Regretting that the unfortunate state of my health will not, for the moment, allow a more exhaustive statement of affairs, and trusting my action will meet your approval,

I am, &c.,

J. KILPATRICK.

[Inclosure in No. 8.]

Mr. Kilpatrick to Mr. Balmaceda.

UNITED STATES LEGATION,
Santiago, October 8, 1881.

SIR: I have the honor of acknowledging the receipt of your excellency's note of this date, in which you call my attention to the fact that the daily papers of Valparaiso and of this capital have given publicity to a memorandum sent by my colleague in Lima, the honorable Mr. Hurlbut, to Rear-Admiral Lynch, commander of the Chilian forces in the capital of Peru. Your excellency is surprised at the publicity given to a confidential document of little importance, considering the form and circumstances under which the same was produced. Your excellency therefore considers it convenient to direct a note to this legation with the view of establishing the good faith and sincerity of the relations so happily cultivated by our respective governments.

Although, as your excellency is aware, I have been for some weeks past, and still am, seriously unwell, recognizing as I do the serious consequences, complications, and misunderstandings that might possibly arise, consequent from the unwise publicity of the memorandum of Mr. Hurlbut to Rear-Admiral Lynch, and the spirit thereof, at least so far as may be judged from the documents as published, the circumstances oblige me, despite the warnings of my medical advisers, to accede without delay to the wishes expressed by your excellency, and replying, although perhaps not in so definite a manner as, owing to the occasion, I should desire.

In the first place allow me to assure your excellency in most unequivocal manner the Government of Chili has no reason for disquietude, either as respects the intention or the attitude that my government may assume as to the war on the Pacific coast.

The Government of the United States has not at any time interfered officiously in the public affairs of other countries, not even when its own interests have been compromised, and much less would it do so when the interests involved are those of friendly nations respecting whom there can be no motive inducing it to partiality.

I had read the memorandum of Mr. Hurlbut, as also the speech at his reception by President Garcia Calderon, both articles having been forwarded to me from Lima some time since, and I at once communicated with my government regarding the same. The first of said documents cannot be considered as having either official or diplomatic character, as the author himself says in the note of which your excellency has sent me a copy.

The instructions given me by my government are, undoubtedly, the same as those given Mr. Hurlbut, and it may be said in truth that they have none of the spirit predominating in the document to which your excellency alludes. The instructions of the Secretary of State, Hon. Mr. Blaine, contain nothing of doubtful meaning, he having such decided confidence in the intelligence, justice, and generosity of the Government of Chili that he authorized me to make them known to His Excellency the President, or his ministers, should I at any time consider it convenient to communicate them.

In order that no room for doubt may exist in your excellency's mind as to the position of my government in regard to the conditions of peace between Chili and Peru, and its determination to abstain from taking any part in the matter, I have no hesitation in subjoining a copy of a paragraph of said instructions which reads as follows:

"Since the suspension of the Arica conferences the war has ended in a complete success for Chili, and in what may be considered as little less than the conquest of Peru. This government cannot undertake to suppose that the offer of a friendly intervention in questions still pending would be agreeable to the Government of Chili. But I am sure the Government of Chili will appreciate the natural and profound interest taken by the United States in the ending of a situation so calamitous in its results to the best interests of the South American republics. The Government of Chili must also know that if at any time the interposition of the good offices of this government will contribute to the re-establishment of friendly relations, they (the United States) will promptly offer it whenever it manifests such wish."

It is further added in these instructions that in all conversation with persons of your excellency's government on this subject I am to observe established international law, and that under no condition whatever am I to offer unsought advice to the Government of Chili.

Again, in speaking of the provisional government of Señor Garcia Calderon, which the administration at Washington hoped to have seen established, my instructions are to encourage the same only to the extent that it may be done in a dignified and neutral way by a plenipotentiary, without officious interposition.

I think these extracts of the instructions given me by my government will be sufficient to convince your excellency that there exists no intention on the part of my government of interfering arbitrarily in the conflict existing on the Pacific coast, and that its acts and conduct are those of a friendly nation desirous of proceeding in the most delicate manner.

I trust, therefore, that your excellency's government will continue its full confidence in the long and well-established policy of the United States, whose friendship has lasted so many years and has never been more sincere than at the present moment.

With the considerations of the highest regards and esteem,

I am, &c.,

J. KILPATRICK.

No. 103.

Mr. Blaine to Mr. Kilpatrick.

No. 13.] DEPARTMENT OF STATE,
Washington, November 22, 1881.

SIR: Your dispatch, No. 8, conveying a copy of your reply to Señor Balmaseda, has been received. The communication to which it was a reply should have accompanied it, in order that the Department could properly judge of your answer.

Your letter is not approved by the Department. You had had ample opportunity, and, as you have before stated, availed yourself of it, to

make known to the Government of Chili the scope of your instructions, and to give it abundant assurance of the friendly feeling of your own government.

If the conduct of Mr. Hurlbut in Peru had given sufficient ground of complaint to the Chilian Government, that complaint should have been made in Washington. Mr. Hurlbut's presentation speech to President Calderon, his memorandum to Admiral Lynch, his letter to Garcia, and telegraphic reports from Buenos Ayres, were not subjects upon which you were called to pass judgment, nor upon which you should have been interrogated by the Chilian Government. Nothing in your conduct or language had excited its apprehensions, and no explanation was due or could have been expected from you, of the language or conduct of your colleague in Peru. I should have been glad if it had occurred to you to call the attention of the secretary for foreign affairs to the impropriety of such a communication, and, in referring to the fact, that your instructions, which you were authorized to communicate to him, gave all the assurance which he could either desire or ask, of the friendly disposition of the United States, I should have much preferred that you had furnished him with a copy of those instructions instead of submitting a paraphrase which does not fully represent their spirit and meaning.

Indeed, I find it difficult to understand how the Chilian Government could have been under any misapprehension as to the disposition or purpose of the United States, when the instructions both to yourself and to Mr. Hurlbut had, in fact, been already frankly communicated; the former, according to your dispatch No. 3, to the outgoing administration, and the latter by this Department to Mr. Martinez, the representative of the present government. It is still more difficult to understand the abolition of the Calderon government and the arrest of the President himself, in the face of your assurance in your dispatch No. 3, where you quote the following as having been addressed to you by Señor Valderrama, viz:

> You may therefore say to your government that every effort would be given by Chili to strengthen the government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of territorial annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiations for peace.

And it would only have been natural if you had asked, for the information of your government, if not for your own, for what reasons and by what means the Calderon government had, as Señor Balmaseda informed you, "come to an end."

The President has learned with great regret of the arrest and removal of President Calderon, but in the present state of his information will not undertake to appreciate its significance. He hopes that he will, when the facts are better known, be relieved from the painful impression that it was intended as a rebuke to the friendly disposition of the United States. The present condition of affairs, the difficulty of prompt communication with the legations of Peru and Chili, and the unfortunate notoriety of the differences between your colleague in Peru and yourself, have, in the judgment of the President, rendered a special mission necessary. You will inform the Chilian Government that a special envoy will be immediately sent, and you will assure that government that he will come in the spirit of impartial friendship, anxious to learn that recent occurrences have not been intended to disturb the long continued and friendly relations existing between us; and instructed by the President

to lay before the Chilian Government frankly, but with a scrupulous consideration for the rights and interests of that government, the views which he holds upon the deplorable condition of affairs in South America, a condition now fast assuming proportions which make its settlement a matter of deep concern to all the republics of the continent. The President cannot but anticipate that this step, suggested by the most friendly interest and justified by our existing relations, will be properly appreciated by the Chilian Government; and he sincerely hopes that no action of that government will tend further to complicate existing difficulties before the arrival of the minister.

I am, &c.,

JAMES G. BLAINE.

No. 104.

Mr. Blaine to Mr. Kilpatrick.

[Telegram.]

WASHINGTON, *November* 25, 1881.

United States does not understand the abolition of Calderon government and his arrest. Special envoy leaves Washington for Chili immediately. President hopes further action will await his arrival.

BLAINE.

No. 105.

Mr. Blaine to Mr. Kilpatrick.

No. 16.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You have already been made acquainted by my No. 13, of the 22d instant, with the determination of this government to send a special mission to South America for the purpose of adjusting whatever questions growing out of the contest between Chili and Peru and Bolivia may affect the relation of the United States to the three belligerent powers, or conduce to the restoration of good understanding among them.

I have now to inform you that William Henry Trescot, esquire, of South Carolina, has been commissioned as special envoy, with the rank of minister plenipotentiary, to the republics of Chili, Peru, and Bolivia and will forthwith set out on his mission.

The commission which Mr. Trescot receives will not supersede the ordinary duties of yourself and your colleagues at Lima and La Paz; but all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to Mr. Trescot's charge.

Under the instructions which have been given to Mr. Trescot, he will place himself in direct communication with the several governments to which he is thus specially accredited. It is, however, expected that he

will learn from you and your colleagues the exact condition of existing politicial relations, and receive such suggestions as your recent experience may enable you to submit for his consideration. The action he may take, however, must be decided upon his own responsibility, and in the exercise of his independent authority.

Mr. Trescot will be accompanied on this important mission by the Third Assistant Secretary of State. As it may be necessary to consult the representatives of the United States in Chili, Peru, and Bolivia at the same time, or to conduct a simultaneous negotiation with those governments, Mr. Trescot is empowered by the President of the United States to authorize Mr. Walker Blaine to represent the United States at any point where this necessity may occur.

I am, sir, your obedient servant,

JAMES G. BLAINE.

No. 106.

Mr. Blaine to Mr. Trescot.

[Extract.]

No. 1.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You will receive herewith your commission as special envoy with the rank of minister plenipotentiary to the republics of Chili, Peru, and Bolivia. This commission will not supersede the ordinary duties of the ministers plenipotentiary and resident now accredited to those governments. But, as they will be duly informed, all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to your charge. Under the instructions which will be furnished, you will place yourself in direct communication with those governments; but it is expected, as I am sure you would desire, that you should learn from the United States ministers now there the exact condition of existing political relations, and that you will give due regard to such suggestions as their recent experience enables them to submit to your consideration. Whatever action, however, you may take, must be decided upon your own responsibility, and will be in the exercise of your independent authority.

After full consideration of your suggestion that it may be necessary to conduct the same negotiation at more than one point, the President has directed the Third Assistant Secretary of State to accompany you. Should the occasion which you anticipate arise, you are authorized to give Mr. Blaine the necessary instructions; his official rank in the department, and his detail for special service on this mission being sufficient to authorize him, without a formal commission, to execute your instructions.

Your expenses, and those of the Third Assistant Secretary who accompanies you going and returning, and such as are incidental to your residence in South America and the mission upon which you are sent, will be allowed by this Department, in the confidence that with due regard to the proprieties of your position and the duties with which you are charged, these expenses will be reasonably and carefully regulated.

* * * * * * *

I am, &c.,

JAMES G. BLAINE.

No. 107.

Mr. Blaine to Mr. Walker Blaine.

DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You are aware that the President has deemed it proper to send a special mission to Chili, Peru, and Bolivia, and that the Hon. William Henry Trescot, of South Carolina, has been appointed special envoy.

As it is probable that the contemplated negotiations will have to be conducted at the same time at different points, you will, by direction of the President of the United States, be attached to this mission, on special service, with your official rank as Third Assistant Secretary of State. Mr. Trescot is authorized to empower you to represent the government in any of the countries named, should the necessity occur, under such instructions as he shall give you, and he is directed, in case of his own absence, to place the mission under your charge during such absence.

While with Mr. Trescot, you will render such assistance in the discharge of his duties as he may require.

As you are already a salaried officer of the United States, no compensation can be given you beyond the repayment of your proper and necessary expenses, for which you will render an account, with such vouchers as may be obtainable, such account to be audited by the Secretary of State.

You will, in the course of your special service, communicate freely with the Department, by telegraph and in cipher, when practicable and requisite; and you will from time to time receive such instructions as may be necessary.

The Secretary of the Navy has directed the commanders of our national vessels on the South American Pacific coast to assist Mr. Trescot's movements and yours in all possible ways. To this end, a vessel of war will await your arrival at Panama.

Trusting that the success of this mission will meet the confident expectations of the President and of this Department,

I am, sir, &c.,

JAMES G. BLAINE.

No. 108.

Mr. Blaine to Mr. Trescot.

No. 2.] DEPARTMENT OF STATE,
Washington, December 1, 1881.

SIR: While the circumstances under which the President has deemed it proper to charge you with a special mission to the republics of Chili, Peru, and Bolivia render it necessary that very much must be confided to your own discretion, it is desirable that you should be placed in full possession of his views as to the general line of conduct which you will be expected to pursue.

For this purpose it is not necessary at present to go further back in the history of the unfortunate relations between Chili on the one hand

and Peru and Bolivia on the other, than the time when the defeat of General Piérola, his abandonment of the capital and the coast and their occupation by the Chilian army seemed to have put an end to all responsible native government in Peru. Lima having been surrendered on the 19th January, 1881, Piérola driven across the mountains, the Chilian military occupation consolidated, and the Chilian Government refusing to recognize Piérola as representing the Government of Peru, it became absolutely necessary that some government should be established, if Peru was not to remain simply a military district of Chili.

On February 25, 1881, Mr. Christiancy, the United States minister at Lima, wrote this Department as follows:

A movement has, therefore, been initiated among some of the leading citizens of Lima and Callao *and encouraged by the Chilian authorities*, to establish a new government in opposition to that of Piérola [who is still at Tacna or Yareja].

From this date to April 13, 1881, Mr. Christiancy kept the Department informed of the probabilities of the establishment of the Calderon government, so called from the name of the eminent Peruvian statesman who had been chosen as President. On that date he wrote:

In my own private opinion, however, if the provisional government had come up without any appearance of support from the Chilian authorities, it would have had many elements of popularity and would probably have succeeded in obtaining the acquiescence of the people. This new government realizes the importance of an early peace with Chili, the necessity of which must be recognized by every thoughtful man; while that of Piérola professes to intend to carry on the war; but it has no means for the purpose at present, and my own opinion is that any effort to do so will end in still greater calamities to Peru.

On May 23, the same minister, in a postscript to his dispatch of the 17th says:

Since writing the above it has become still more probable that the threat of "indefinite occupation" was intended only to drive the Peruvians into the support of the provisional government, as two days ago they allowed the government to send seventy-five soldiers to Tacna, Oroyo, &c., to control that part of the country, so as to allow the members of Congress to come to Lima; and it now begins to look as if Calderon might secure a quorum (two-thirds) of the Congress. If he does succeed, it will be some evidence that Peru acquiesces in that government. And if he gets the two-thirds of the members, I think I shall recognize the provisional government, or that of the Congress and the President they may elect, unless in the mean time I shall receive other instructions.

On the 9th of May, 1881, instructions had been sent to him from the Department, which crossed this dispatch, in which he was told:

If the Calderon government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government with a view both to order within and negotiations with Chili for peace, you may recognize it as the existing provisional government, and render what aid you can by advice and good offices to that end.

Acting under these instructions, although with some expressed doubt as to the probable permanence of its existence, Mr. Christiancy, on the 26th of June, 1881, formally recognized the Calderon government. It is clear that this recognition was not an unfriendly intervention as far as the wishes and interests of Chili were concerned, for under date of May 7, 1881, two days before these instructions of the 9th were sent to Mr. Christiancy, Mr. Osborn, the United States minister to Chili, wrote from Santiago as follows:

In my 201, of date April 5, regarding the war in this section, I mentioned the fact that the minister of war, Mr. Vergara, who had been with the army at Lima, had been sent for, and was then on his way to Chili. Since his arrival the government has labored to reach a conclusion touching the course to be pursued with Peru, and to that end numerous and extended discussions among the ministers and prominent

citizens of the republic, who had been invited to participate, have taken place. Three plans or propositions were discussed: First, that spoken of by me in my No. 201, involving the withdrawal of the army to Arica; second, the occupation of the entire Peruvian coast by the Chilian forces, and its government by Chilian authorities; and third, the strengthening of the government of Calderon, and the negotiation of a peace therewith. The propriety of entering into negotiations with Piérola was not even dignified with a consideration. After much labor the government reached the conclusion that the last proposition afforded the easiest way out of their complications, and it has been determined to send to Peru, in charge of the negotiations, Mr. Godoy. * * * The ministry has freely counseled with me regarding the difficulties of the situation, and in view of their previous determination to have nothing to do with Piérola, I cannot but applaud the result of their deliberations. To vacate the country now would be to turn it over to anarchy, and to attempt to occupy the entire coast would, in time, involve both countries in ruin. The most feasible way to peace is, in my opinion, the one resolved upon. In fact it is the only one which offers any reasonable hope of a solution of the difficulties during the present generation.

In giving the support of recognition to the Calderon government, therefore, so far was this government from doing what could be considered an unfriendly act to Chili, that it was, in fact, giving its aid to the very policy which Chili avowed, and which, in the opinion of competent judges, was the only method of reasonable solution.

And this conclusion of the government was strengthened and confirmed by the information which was transmitted to the Department by General Kilpatrick, the United States minister to Chili. General Kilpatrick was appointed after the recognition of the Calderon government, and was furnished with instructions, to which I have already referred.

In his dispatch No. 3, under date August 15, 1881, he says:

I have the honor to report that, so far as the assurance of public men can be relied upon, your instructions have been complied with; your ideas of final terms of peace accepted, not only by the present administration at Santiago, but still better by Señor Santa Maria, the President elect, whose administration will have begun when you receive this note.

General Kilpatrick then proceeds to give a detailed account of a lengthy interview with the leading and most influential members of the Chilian Government, in which he quotes the following as the final assurances given to him by the Chilian secretary of state:

You may therefore say to your government that every effort would be given by Chili to strengthen the government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of Chilian annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiation for peace. That no territory would be exacted unless Chili failed to secure ample and just indemnification in other and satisfactory ways, as also ample security for the future; and that in no case would Chili exact territory save where Chilian enterprise and Chilian capital had developed the desert and where to-day nine-tenths of the people were Chilian.

But after this recognition, made in entire good faith to both parties, three things followed:

1. The presence of a United States minister at Lima accredited to the Calderon government, and the reception in Washington of a minister from that government, gave it, unquestionably, increased strength and confidence.

2. The adherents of Piérola, realizing the necessity of peace and the existence of a stable government to negotiate it, gradually abandoned the forlorn hope of continued resistance, and gave their adhesion to the Calderon government.

3. The congress which assembled within the neutral zone set apart

for that purpose by the Chilian authorities, and which was further allowed by the Chilian Government to provide for the military impositions by the use of the national credit, and thus recognized as the representative of the Peruvian people, authorized President Calderon to negotiate a peace, but upon the condition that no territory should be ceded.

As soon as these facts indicated the possibility of a real and independent vitality in the constitution of the Calderon government the Chilian military authorities issued an order forbidding any exercise of its functions within the territory occupied by the Chilian army—that is, within the entire territory west of the mountains, including the capital and ports of Peru.

Unable to understand this sudden and, giving due regard to the professions of Chili, this unaccountable change of policy, this government intructed its minister at Lima to continue to recognize the Calderon government until more complete information would enable it to send further instructions. If our present information is correct, immediately upon the receipt of this communication they arrested President Calderon, and thus, as far as was in their power, extinguished his government. The President does not now insist upon the inference which this action would warrant. He hopes that there is some explanation which will relieve him from the painful impression that it was taken in resentful reply to the continued recognition of the Calderon government by the United States. If, unfortunately, he should be mistaken, and such a motive be avowed, your duty will be a brief one. You will say to the Chilian Government that the President considers such a proceeding as an intentional and unwarranted offense, and that you will communicate such an avowal to the Government of the United States, with the assurance that it will be regarded by the government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse. You will inform me immediately of the happening of such a contingency and instructions will be sent you.

But I do not anticipate such an occurrence. From the information before the Department, of which you are possessed, it is more probable that this course will be explained by an allegation that the conduct and language of the United States minister in Peru had encouraged the Calderon government to such resistance of the wishes of Chili as to render the negotiation of a satisfactory treaty of peace with the Calderon government impossible. Any explanation which relieves this action of the Chilian Government of the character of an intentional offense will be received by you to that extent, provided it does not require as a condition precedent the disavowal of Mr. Hurlbut. Whatever may be my opinion as to the discretion of all that may have been said or done by Mr. Hurlbut, it is impossible for me to recognize the right of the Chilian Government to take such action without submitting to the consideration of this government any cause of complaint which it was prepared to allege against the proceedings of the representative of the United States. The Chilian Government was in possession of the instructions sent to that minister, as well as those to his colleague at Santiago. There was no pretense that the conduct of General Kilpatrick was anything but friendly. Chili was represented here by a minister who enjoyed the confidence of his government, and nothing can justify the assumption that the United States was acting a double part in its relations to the two countries. If the conduct of the United States minister seemed inconsistent with what Chili had every reason to know was the friendly intention of the United States, a courteous representation through the Chilian minister here would have enabled this government promptly to

correct or confirm him. You are not therefore authorized to make to the Chilian Government any explanation of the conduct of General Hurlbut, if that government, not having afforded us the opportunity of accepting or disavowing his conduct, insists upon making its interpretation of his proceedings the justification of its recent action.

It is hoped, however, that you will be able, by communication, at once firm and temperate, to avoid these embarrassments. If you should fortunately reach the ground where frank, mutual explanation can be made without the sacrifice of that respect which every government owes to itself, you will then be at liberty, conforming your explanation to the recent instruction to Mr. Hurlbut, with a copy of which you are furnished, to show to the Government of Chili how much both his words and acts have been misconceived.

It is difficult for me to say now how far an explanation would be satisfactory to the President which was not accompanied by the restoration or recognition of the Calderon government. The objects which he has at heart are, first, to prevent the misery, confusion, and bloodshed which the present relations between Chili and Peru seem only too certain to renew; and, second, to take care that in any friendly attempt to reach this desirable end the Government of the United States is treated with the respectful consideration to which its disinterested purpose, its legitimate influence, and its established position entitle it. The President feels in this matter neither irritation nor resentment. He regrets that Chili seems to have misconceived both the spirit and intention of the Government of the United States, and thinks her conduct has been inconsiderate. He will gladly learn that a calmer and wiser judgment directs her counsels, and asks in no exacting spirit the correction of what were perhaps natural misunderstandings. So he would be satisfied with the manifestation of a sincere purpose on the part of Chili to aid Peru, either in restoring the present provisional government or establishing in its place one which will be allowed the proper freedom of action necessary to restore internal order and to conduct a real negotiation to some substantial result.

Should the Chilian Government, while disclaiming any intention of offense, maintain its right to settle its difficulties with Peru without the friendly intervention of other powers, and refuse to allow the formation of any government in Peru which does not pledge its consent to the cession of Peruvian territory, it will be your duty, in language as strong as is consistent with the respect due an independent power, to express the disappointment and dissatisfaction felt by the United States at such a deplorable policy.

You will say that this government recognizes without reserve the right of Chili to adequate indemnity for the cost of the war, and a sufficient guarantee that it will not again be subjected to hostile demonstration from Peru; and further, that if Peru is unable or unwilling to furnish such indemnity, the right of conquest has put it in the power of Chili to supply them, and the reasonable exercise of that right, however much its necessity may be regretted, is not ground of legitimate complaint on the part of other powers. But this government feels that the exercise of the right of absolute conquest is dangerous to the best interests of all the republics of this continent; that from it are certain to spring other wars and political disturbances; and that it imposes, even upon the conqueror, burdens which are scarcely compensated by the apparent increase of strength which it gives. This government also holds that between two independent nations hostilities do not, from the mere exist-

ence of war, confer the right of conquest until the failure to furnish the indemnity and guarantee which can be rightfully demanded.

The United States maintains, therefore, that Peru has the right to demand that an opportunity should be allowed her to find such indemnity and guarantee. Nor can this government admit that a cession of territory can be properly exacted far exceeding in value the amplest estimate of a reasonable indemnity.

Already, by force of its occupation, the Chilian Government has collected great sums from Peru; and it has been openly and officially asserted in the Chilian Congress that these military impositions have furnished a surplus beyond the cost of maintaining its armies in that occupation. The annexation of Tarapacá, which, under proper administration, would produce annually a sum sufficient to pay a large indemnity, seems to us to be not consistent with the execution of justice.

The practical prohibition of the formation of a stable government in Peru, and the absolute appropriation of its most valuable territory, is simply the extinction of a State which has formed part of the system of republics on this continent, honorable in the traditions and illustrations of its past history, and rich in the resources for future progress. The United States, with which Peru has for many years maintained the most cordial relations, has the right to feel and express a deep interest in its distressed condition; and while with equal friendliness to Chili we will not interpose to deprive her of the fair advantages of military success, nor put any obstacle to the attainment of future security, we cannot regard with unconcern the destruction of Peruvian nationality. If our good offices are rejected, and this policy of the absorption of an independent state be persisted in, this government will consider itself discharged from any further obligation to be influenced in its action by the position which Chili has assumed, and will hold itself free to appeal to the other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chili and Peru, but which threaten with extremest danger the political institutions, the peaceful progress, and the liberal civilization of all America.

If, however, none of these embarrassing obstacles supervene, and Chili receives in a friendly spirit the representations of the United States, it will be your purpose—

First. To concert such measures as will enable Peru to establish a regular government, and initiate negotiation.

Second. To induce Chili to consent to such negotiation without cession of territory as a condition precedent.

Third. To impress upon Chili that in such negotiation she ought to allow Peru a fair opportunity to provide for a reasonable indemnity; and, in this connection, to let it be understood that the United States would consider the imposition of an extravagant indemnity, so as to make the cession of territory necessary in satisfaction, as more than is justified by the actual cost of the war, and as a solution threatening renewed difficulty between the two countries.

As it is probable that some time will elapse before the completion of all the arrangements necessary for a final negotiation, this government would suggest a temporary convention, which, recognizing the spirit of our present friendly representation, would bring Peru and Chili into amicable conference and provide for a meeting of plenipotentiaries to negotiate a permanent treaty of peace.

If negotiation be assured, the ability of Peru to furnish the indemnity will be a matter of direct interest. Upon this subject we have no information upon which definite instructions can now be based. While

you will carefully abstain from any interposition in this connection, you will examine and report to this department promptly any plans which may be suggested.

You will not indicate any wish that the Government of the United States should act as umpire in the adjudications between the contending powers. Should an invitation to that effect be extended, you will communicate by telegraph for instructions. The single and simple desire of this government is to see a just and honorable peace at the earliest day practicable, and if any other American government can more effectively aid in producing this auspicious result, the United States will cordially sustain it and lend such co-operation as the circumstances may demand.

I am, &c.,

JAMES G. BLAINE.

No. 109.

Mr. Kilpatrick to Mr. Blaine.

No. 9.] LEGATION OF THE UNITED STATES,
Santiago, Chili, December 2, 1881. (Received January 4, 1882.)

SIR: Had I been able, I would, at the time the Government of Chili determined to arrest and suspend the functions of the government of Calderon, have given you the reasons as they are placed in my possession by the secretary of state, and everything done to preserve good faith as to promises made me here on the part of the government. But for four months I have been very ill; for the last two months at the point of death, unable even to write my own name. I am now just able to sit up, and for your information and on behalf of the honor and good faith of Chili I make this brief statement.

Chili guaranteed through me to demand no annexation of territory from Peru as an absolute condition of peace. This was done at your request. She agreed to demand no territory if security for future peace and safe and satisfactory indemnification could be secured otherwise, and in no case to annex territory save where a large majority of the actual residents were citizens of Chili and foreigners. She agreed to build up and strengthen the government of Calderon if possible, and, if possible, to make it respectable, constitutional, stable, a government with which she could treat for peace. These pledges were made in good faith and would have been fulfilled; but our new minister at Lima arrived. Whether true or false, he has the reputation of having impressed the government of Calderon and the people of Peru with the idea that the Government of the United States would not permit annexation of Peruvian territory to Chili under any circumstances. This was published and talked of. He, himself, emphasized this in his letter to the government of Piérola. He sent messages to the Argentine Republic urging them to send a minister at once to check the power of Chili. The whole conduct of Calderon, befriended and sustained by Chili, changed; and he is openly accused now by the Government of Chili of having without authority flooded the country with his own paper currency, of having gathered and collected arms, and of having organized secret forces, and finally of having placed himself in communication with the belligerent forces of Piérola, Montero, and Sola, and the Government

of Bolivia, still in open arms against Chili, now threatening her outposts, and cutting, from time to time, her lines of communication. And so far had he succeeded that the department of Arequipa had proclaimed for him, and a promise made on the part of our own minister at Lima to said belligerents, that the Government of the United States would forcibly resist the disintegration of Peru and had determined to maintain and sustain the government of President Calderon.

These are the facts as given to me by the administration here to justify them in the course they have pursued. The arrival of your messenger with special and unknown instructions is beginning to create an excitement here and a resentment against the United States that will not be easily calmed. Chili has looked upon our country as its greatest friend; has been willing to make many sacrifices to comply with your requests; but now, in view of the course pursued at Lima, the threatening claims of some great Peruvian company professing to be backed by the Department at Washington, of which I send you a copy marked A, is creating an alarm and excitement here such as has never existed in Chili. I should like to give you details, but I am unable from extreme weakness to dictate another sentence.

Yours truly,

J. KILPATRICK.

[Inclosure No. 9.]

Mr. Shipherd to Mr. Kilpatrick.

THE PERUVIAN COMPANY,
10 *Spruce Street, New York, October* 19, 1881.

SIR: I have the honor to inclose herewith official printed copies of communications on behalf of this company to the minister of Peru and Chili at Washington.

Duplicates of these inclosures were filed in the Department of State on the 11th instant, and the originals were personally delivered by * * * our counsel at Washington, on the 13th.

I place these copies in your hands, of course, without comment, and only for your early information. I have reason to suppose that you will receive instructions concerning the interests involved at an early day.

It may be proper to add that this company is now fully organized, with a capital of $250,000,000; that it includes the best legal, diplomatic, and money resources of the United States; that the title upon which it relies is approved unanimously by a large staff of eminent counsel, and that it has unqualified assurance of ample governmental backing. It has called for the property, and you may safely rely that it has at command every means of enforcing that call. I send you a recent copy of the Times, which does but reflect the average public sentiment here. All the papers (preliminary) in the case I sent to your address in this city before you sailed.

We are prepared to treat Chili fairly, even liberally, but only on condition that she recognizes our superior rights. If she raises an issue she will simply get nothing. Right must rule.

Your obedient servant,

JACOB R SHIPHERD.

No. 110.

Mr. Blaine to Mr. Trescot.

No. 3.] DEPARTMENT OF STATE,
Washington, December 2, 1881.

SIR: It is not impossible that before the close of the special mission, instructions for which have been already furnished you, it may be

deemed advisable that at its close you should return to the United States by way of the Argentine Confederation and Brazil.

Positive instructions may be sent you to this effect before your mission closes, but at present my purpose is to advise you of such possible contingency, and to add that if at the close of the special mission you should decide that a return home by the way of Buenos Ayres and Rio de Janeiro was advisable, you are hereby authorized without waiting for such instructions to return home by that way.

Should you do so, you will in your communications with the representatives of the Governments of Brazil and the Argentine Confederation impress upon them the advantages which would result from a full and frank conference between all the republics of North and South America. By the time you can reach these points the opinions of this government on this subject will have been formally submitted to them, and you will have the opportunity to enforce these views and to direct their attention to the importance of the proposed congress.

If you will telegraph the probable time of your arrival at Buenos Ayres, a vessel of the United States will meet you at that place.

I am, sir, &c.,

JAMES G. BLAINE.

No. 111.

Mr. Blaine to Mr. Walker Blaine.

DEPARTMENT OF STATE,
Washington, December 9, 1881.

SIR: On your arrival at Santiago you will take possession of the papers and property of the legation of the United States, and in addition to the duties already confided to you, you will act as chargé d'affaires until the arrival of a newly-appointed minister, or until you shall be relieved by orders from this Department.

I am, sir, &c.,

JAMES G. BLAINE.

No. 112.

Mr. Blaine to Mr. Trescot.

No. 4.] DEPARTMENT OF STATE,
Washington, December 16, 1881.

SIR: Some erroneous statements, now being circulated in a portion of the American press, may reach Santiago and create an injurious impression in the minds of the Chilian Government; and I write you this instruction from excess of caution, in order that no enduring harm may result.

The erroneous statements in the press to which I especially refer are those which represent this government as in some way giving encouragement to the Cochet claim against Peru, which, being acknowledged, should enable the United States to pay an indemnity to Chili and then

practically own Peru, either directly or through an association of American citizens.

This is the extreme statement, and it has many shadings and variations.

You will take prompt and special care to anticipate any evil that might result from these rumors being circulated by a disavowal and denial of them in whole and in any part.

The only claim for which this Department has instructed our minister at Lima to use his good offices is that known as the Landreau claim, and this to the extent only of insisting that Mr. Landreau should be permitted to have an authoritative investigation of his claim by the Peruvian Government, and that if found to be good and valid it should be provided for in any treaty with Chili which might affect the property to which it attaches.

The law officer of the Department of State, as long ago as 1874, made an exhaustive report on this claim, and recommended that this government should interpose its good offices in behalf thereof.

On the 20th of July, 1874, my predecessor, Mr. Secretary Fish, instructed our minister at Lima to use his good offices with the Peruvian authorities in behalf of Mr. John C. Landreau, "with a view of securing from that government a speedy investigation and adjustment of his claim."

On the 20th day of February, 1880, the House of Representatives of the last Congress unanimously passed the following resolution:

> That the petition of John C. Landreau, the report made thereon by the Committee on Foreign Affairs, and the accompanying papers be transmitted to the Executive Department, with the request that the President take such steps as, in his opinion, may be proper, and in accordance with international law to secure to the said John C. Landreau a final settlement and adjustment of his claim against the Government of Peru; and that, if in his opinion it is proper to do so, the President invite the Government of France to co-operate with the United States in this behalf.

I inclose herewith, for your further information, copies of my instructions to Mr. Hurlbut on this subject. It gives me pleasure to say in this connection, that Mr. Hurlbut's action in regard to both the Landreau and Cochet claims has been marked by entire prudence and discretion.

While disabusing the mind of the Chilian Government of any impression that the United States meditates intervention on behalf of private claims, beyond the use of its good offices, you will say that justice seems to demand that Landreau should have an opportunity to be heard in support of his claim before a tribunal in Peru competent to decide it, and that, if decided in his favor, a treaty of peace which might cede territory to Chili should not be made in disregard of any rights which Mr. Landreau may be found, after an impartial judicial investigation, to possess.

Further than this the Department of State has not felt authorized to go, and I must express the hope that the Governments of Peru and Chili, to both of which you are accredited, will recognize the moderation and justice of the request made by this government.

I am, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF CHILI AT WASHINGTON.

No. 113.

(Copy handed to Mr. Evarts by Mr. Asta-Buruaga, January 6, 1881.)

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
Santiago, November 11, 1880.

In a separate note I acquaint you with the result of a conference held at Arica by reason of the mediation which the Government of the United States of North America was pleased to offer to the belligerents.

Although the result of those conferences has not borne out the noble object which the Government of the United States had in view, the sentiment of sincere gratitude which its fraternal and elevated policy has awakened in the Government and people of Chili is none the less lively.

I must likewise add that its noble policy has been faithfully and ably interpreted by the Hon. Mr. Osborn in all this negotiation, and that the delicate tact, rectitude of views, and elevated spirit of which he has given unmistakable proof, have strengthened the confidence and esteem with which from the first he has inspired this government and country.

You will take an early opportunity of signifying these sentiments to the Government of the United States, leaving a copy of this dispatch if any suggestion be made in that sense.

May God guard you.

MELQUIADES VALDERRAMA.

To Don FRANCISCO S. ASTA-BURUAGA,
Envoy Extraordinary and Minister Plenipotentiary of Chili in the United States.

No. 114.

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
November 22, 1880.

SIR: In a separate note I acquaint you with the result of the conference of Arica, which took place through the medium of the friendly co-operation of the Government of the United States.

This result cannot have been satisfactory, I am convinced, to that government, which had desired, as that of Chili desired, that its intervention in this delicate matter should have been accompanied by the most complete results.

For this reason I consider it necessary to set forth to you, in all frankness, the causes which induced the Government of Chili to accept the good offices of the United States, in the conviction that its noble efforts would not be barren of result.

My government very well realizes the important part which the policy of the United States justly plays in the international movements of the whole world. But before accepting its high mediation in the affairs of the Pacific, it was thought proper that the necessary precautions should be taken, in order to feel assured that its good offices would reach the desired result. With this purpose in view, my government was careful to express, with all frankness, that it could not for its part arrive at a peace without the cession by Peru and Bolivia of the territories which extend to the south of Camarones as an equitable compensation for the enormous expenses and sacrifices which have been demanded of it by the present war.

This same declaration was made by His Excellency the President of the Republic to Mr. Christiancy, in the presence of Mr. Osborn, when the former came from Lima, toward the end of August last. His Excellency the President stated moreover to Mr. Christiancy, on that occasion, that his demand in this respect was absolute and final, so that it would be futile to take any steps in the direction of realizing the projected conference suggested by the Government of the United States without first obtaining the assurance that the allied governments would accept the prior condition proposed.

Mr. Christiancy, who came from Lima, and who, it was natural to suppose, would be impressed by the views of the Peruvian Government, declares in the most unmistakable and positive manner that he was persuaded that the Government of Peru would agree to the cession of territory which Chili demanded, and that therefore the conference would yield the peaceful results which the United States aimed at.

Although Mr. Christiancy was not accredited to my government, he did not for that reason cease to be a representative of the United States, in whose affirmations faith should be reposed, in view especially of the great importance of the affair which gave rise to them.

In naming its plenipotentiaries, my government confided in the assurances given by Mr. Christiancy, and cherished well-founded hope that the conference would give a happy result.

You are already aware that Peru refused absolutely any cession of territory, and that the result of the conference did not correspond to the assurances of Mr. Christiancy.

My government considers that it could not better respond to the fraternal spirit of which the United States have given it such proofs than by declaring with sincerity, as it now does, that the failure of this conference is in no wise to be imputed to any action on the part of Chili.

I desire that you will seek a fitting occasion to give to the Government of the United States confidential knowledge of this dispatch.

May God guard you.

MELQUIADES VALDERRAMA.

No. 115.

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
Santiago, November 22, 1880.

SIR: Referring to the dispatch of this date, No. 29, I think it opportune to make mention of other facts connected with the strange attitude assumed by Mr. Christiancy during the preliminary negotiations which preceded the holding of the conference of Arica.

You know that in our country, as in Peru and Bolivia, the national sentiment is extremely susceptible, and is profoundly affected by any act or demonstration which is capable of being regarded as a disregard, even though involuntary, of the considerations due to the national dignity.

Knowing these sentiments, the Government of the United States endeavored with great delicacy to learn privately, and through the medium of its respective diplomatic agents, what would be the disposition of the belligerents respecting the acceptance of the mediation of the United States.

The spirit which led it to proceed in this manner was most obvious; on the one hand, a desire to be assured of the success of its conciliatory attempts, and, on the other hand, to find itself in a condition to make simultaneously to the belligerents the formal offer of its mediation. In this way it perfectly safe-guarded the natural delicacy of the three countries.

In the high character of mediator and common friend which the United States proposed to assume, it became an object of especial attention to treat the belligerents with identical consideration. It was therefore indispensable that the necessary precautions should be taken so that no one of them should appear as taking the first step toward asking or seeking for peace.

Mr. Osborn seconded most faithfully, in our judgment, the noble policy of his government. The 5th of August last, he began by inquiring privately, in an interview what would be the disposition of my government with respect to the mediation which the United States proposed to offer.

The reply given on the 10th of the same month informs Mr. Osborn that Chili would have no objection to accepting it, provided that it had the assurances of equal acceptance on the part of the allies.

Two months later, that is to say, on the 6th of October, Mr. Osborn, for the first time, offered to my government, as you may see by the accompanying copy No. 1, the formal mediation of the United States, and on the 7th, as appears in copy No. 2, he received the reply, in which the Government of Chili informed him that his offer of mediation was accepted on our part.

Meanwhile, in the time which elapsed between the conversation held with Mr. Osborn, in the early part of August, and the formal offer of mediation which was made in the beginning of October, Mr. Christiancy thought it proper to come from Lima to Santiago, where he remained several days, toward the end of August, in order to be able to return in safety to that capital. The unexpected appearance of Mr. Christiancy in Chili could not fail, however, to attract attention, caus-

ing the very general impression that the sudden voyage of the American minister was intimately related to the question of mediation.

The disquietude which was occasioned expressed itself in Congress, wherein my government was interpolated touching this matter, about the middle of September.

The government responded, stating what had theretofore occurred in the premises, that is to say, that there did not exist any formal proposal of mediation, since there had merely been exchanged with the minister of the United States, Mr. Osborn, certain views in a private form concerning the projected office of mediation.

A few days later the journals of Lima published a note from the foreign minister of Peru, dated the 14th September, and addressed to Mr. Christiancy. In this note occurred the following:

> Informed by you concerning your voyage to Santiago de Chili, to which place you had gone with the object of proposing to the government of that republic the mediation of the United States of America, in order to negotiate a peace with Peru and Bolivia, a mediation which had been accepted by Chili, in virtue whereof you proposed it to my government, the latter resolved, after conferring with the minister plenipotentiary of the Republic of Bolivia, to accept the offered mediation, &c.

It is seen, therefore, by the paragraph I have quoted, that at the same time that my government declared, toward the middle of September, in the chamber of deputies, that up to that time the mediation in question had not been formally accepted, nor even officially offered, Mr. Christiancy was affirming, in his turn to the Government of Peru, that he had come to our country for the purpose of offering it to my government, and that in view of the acceptance given by this government, he made a like offer to the government of that republic.

The affirmations made by my government before one of the branches of the legislative body, and the affirmations of Mr. Christiancy to the Government of Peru, are altogether irreconcilable.

It does not appertain to me to qualify herein the motives which Mr. Christiancy may have obeyed in making such a declaration. My purpose is simply limited to setting upon record that the affirmations of my government rested faithfully upon the truth.

Mr. Christiancy did not present to my government credentials authorizing him to act either in respect of the projected mediation or in respect of any negotiation whatever. He was, therefore, in our country simply as a distinguished guest, and in no wise as the authorized organ of the government. If Mr. Christiancy had made, as he affirms, the offer of mediation, my government would have found itself under the painful necessity of rejecting such offer, because it did not conform to the usual practices between two nations; neither would it have been natural for the Government of the United States, which, with such delicate tact, had put forth its conciliatory efforts, to have set aside its official representative in Chili, Mr. Osborn, in order to confide the continuation of this delicate business to a simple visitor, worthy of all respect, but lacking toward us the representative character.

These well-founded considerations led my government to think that perhaps the note of the foreign minister of Peru might not faithfully express the ideas of Mr. Christiancy, and it has awaited until now, but in vain, a correction on the part of that high functionary, which would re-establish the truth of the facts.

Subsequently there came to the hands of my government a note which the same Mr. Christiancy deemed it proper to address to Mr. Lynch, chief of the Chilian expedition operating upon the north of Peru, and that note has confirmed, to a certain extent, the ideas which the minis-

ter of Peru attributes to Mr. Christiancy with respect to the form in which the mediation was offered. I inclose herewith, in copies designated as numbers 3, 4, and 5, the note of the minister of Peru to which I have made reference, and also the dispatches exchanged between Mr. Christiancy and Mr. Lynch. It is not for the present a part of my purpose to take note of the proceeding employed by the minister of the United States in addressing himself to a military employé of Chili, for the purpose of making representations to him, which, from the high source from which they emanated, might induce the chief of our forces to deviate from the instructions of his government. My purpose at this time is simply to inform you with precision of the various steps which preceded the conference of Arica.

You will take an opportunity to express these facts to the Government of the United States in confidential form.

May God guard you.

MELQUIADES VALDERRAMA.

[Inclosure No. 1.—Translation.]

Mr. Osborn to Mr. Valderrama.

LEGATION OF THE UNITED STATES,
Santiago de Chili, October 6, 1880.

SIR: Your excellency is aware that on the 6th of August last I approached the honorable President of the Republic of Chili with a view of learning whether the Government of Chili was disposed to enter into a conference with the ministers of the other belligerent republics in the present war, in order to reach an honorable peace under the mediation in the shape of good offices of the United States. Your excellency was pleased to inform me, in our interview of the 10th of August, that the government of Chili would accept the good offices of the United States in the suggested form, if Peru and Bolivia signified on their part their acceptance of this idea.

The conditions indicated by your excellency in this interview having been complied with, I now have the honor to offer formally to the government of your excellency the mediation of the Government of the United States, in order that it may be exercised in the proposed manner.

The form which I suggested in the interview alluded to had in view the celebration of a conference of the ministers duly authorized of the three belligerent republics on board of an American vessel of war, at Arica, in the presence and with the friendly aid and assistance of the representatives of the United States near the belligerent government.

With sentiments of high consideration I have the honor to be, sir, your excellency's most respectful and obedient servant,

THOMAS A. OSBORN.

[Inclosure No. 2.—Translation.]

Mr. Valderrama to Mr. Osborn.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 7, 1880.

SIR: I have received the note which you were pleased to address to me under date of yesterday. After recalling therein the steps you have taken with a view to ascertaining if my government were disposed to enter upon the peace conference with the other belligerents under the mediation in the form of good offices of the United States, and recalling, also, the favorable disposition shown by my government provided that those of Peru and Bolivia should accept on their part a like suggestion, you inform me that this condition having been already complied with, the time has come to offer formally to the Government of Chili, as you now do, the mediation of the United States.

His Excellency the President of the Republic, to whose knowledge I have brought

your dispatch, has charged me to convey to you the expression of his gratitude for the noble interest with which the Government of the United States endeavors to bring about the restoration of peace between Chili and the allied republics.

My government accepts the mediation in the form of good offices which you offer to me in the name of the United States, likewise the proceeding which you suggest to carry it into effect.

I must, before all, repeat here, in order to avoid doubts and ambiguities, that this acceptance does not involve the suspension of all hostilities.

I improve this opportunity to renew to you the sentiments of high consideration with which I have the honor to subscribe myself.

MELQUIADES VALDERRAMA.

[Inclosure No. 3.—Translation.]

Mr. Barinaga to Mr. Christiancy.

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, September 14, 1880.

Mr. MINISTER: Informed by your excellency respecting your voyage to Santiago de Chili, to which place you went for the purpose of proposing to the government of that republic the mediation of the United States of America, in order to negotiate peace with Peru and Bolivia, which mediation had been accepted by Chili, and in virtue of which you proposed the same to my government, the latter decided, after conferring with the minister plenipotentiary of the Republic of Bolivia, to accept the offered mediation solely in deference to the Government of the United States, and notwithstanding that the motives of the war declared by Chili, which took Peru by surprise, and the manner in which it has been conducted from the first had convinced us how far Chili was from the path of moderation and justice, the sole path in which peace is possible, as I had the honor to say to you in a verbal conference on this business.

The acts which the Chilian forces have, notwithstanding, done at more than 100 leagues from our army, and from any objective military point, acts of pillage, incendiarism, devastation, and all manner of outrages against private property of natives and foreigners, especially after having accepted the mediation of the government of your excellency, if not compatible with the consideration which is due to the friendly mediator, cannot but confirm that presumption, awakening a spirit of indignation difficult to control. My government confines itself to expressing that sentiment, leaving to that of your excellency and to your excellency yourself the due appreciation of such conduct. My government thinks that if the love of peace and the consideration which it feels for the government and people of the United States can decide it, notwithstanding the evident justice of its cause and its complete confidence in the final result of the war, and the injuries and losses sustained, to enter upon negotiations for peace, it is natural that such motives should be entirely destroyed by the actual and melancholy evidence that we are contending with those who in such manner violate the laws of civilization and the respect which cultured people owe to themselves.

It is pleasing to me to avail myself of this opportunity to offer to your excellency my considerations of especial esteem.

MANUEL A. BARINAGA.

[Inclosure No. 4.—Translation.]

Mr. Christiancy to the commander of the Chilian forces.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1880.

SIR: I have just arrived from Santiago, where, in company with the American minister, Mr. Osborn, I had a full and free conference with the Government of Chili, which has accepted the mediation of the United States, in order to negotiate peace with Peru and Bolivia. I am now authorized to say that Peru accepts such mediation, and that the negotiations for peace will be immediately undertaken. When I conferred with the Government of Chili I was not authorized to say that Peru would accept the mediation of the United States, but now I am authorized to say that Peru accepts it and that the ambassadors of all the belligerents will meet for this purpose in the early days of the coming month of October.

I do not interfere, nor can I pretend to interfere, with the instructions which you

may have from your government concerning the steps which you have been ordered to take, but I hope that you will appreciate my representations, and those of the government which I represent, which is equally the friend of all the belligerents, if I suggest to you that, in so far as your orders permit, it would be prudent and would contribute to obtain a speedy peace and avoid all destruction and causes of irritation which may not be rendered obligatory by the orders you have; and I permit myself to add that there is a very marked sentiment, as I know, among the ministers of the foreign governments, both here and in Santiago, against the destruction of purely private property which is not demanded by the military necessity of attacking the armed forces of the enemy and against accepting contributions from them, and especially because such destructions may be committed or such contributions imposed upon the private property which is known to belong to the citizens of friendly and neutral nations, and from which proceedings, as you will readily comprehend, may arise many complications and complaints. The government of Chili will be immediately informed that Peru has accepted the friendly mediation of the United States, and of its readiness to enter upon negotiation upon such auspices.

If I had been able, when I was in Santiago, to assure the Government of Chili of the readiness of Peru to enter upon negotiations in which Chili should take part, I would feel inclined to believe that if the Chilian expedition had been about to depart it would have been under orders somewhat modified and less severe than those which you now probably have, but I cannot ask you to adopt my opinion, and recognize entirely the fact that you must act in view of your own judgment of the circumstances and as the orders of your government demand.

Permit me to conclude by expressing to your excellency the respect and high consideration with which I subscribe myself your excellency's friend and obedient servant,

I. P. CHRISTIANCY.

[Inclosure No. 5.—Translation.]

Mr. Lynch to Mr. Christiancy.

HEADQUARTERS OF THE CHILIAN DIVISION IN THE NORTH OF PERU,
On board the Itata, September 17, 1880.

SIR: I have had the honor to receive your polite notes of the 13th and 14th instant, in which your excellency is pleased to bring to my knowledge the laudable efforts which have been made towards the belligerent governments for the purpose of bringing about an honorable peace between them, through the medium of the mediation of the Government of the United States, of which your excellency is the worthy representative at Lima.

Your excellency, in making known to me what has been done to that end, and what is hoped for from the good offices (of the United States) has been pleased to indicate to me the conduct, which, in your judgment, I should follow in the military operations which my government has confided to me, in view of the good will with which the belligerent governments have accepted the mediation of that of your excellency.

It would have been very gratifying to me, Mr. Minister, to accept your manner of thinking if I had not been informed to-day by the commanding officer of our squadron, that the Government of Peru is continuing its operations against the vessels of the Chilian navy.

The repetition of such insidious attempts on the part of that government, at the time when your excellency assures me of the desire it expresses to negotiate for peace, convinces me that its purpose is not genuine.

For this reason I see no well-founded motive for suspending the military operations which have been confided to me in the absence of a special instruction from my government.

So far as concerns respect for the property of neutrals, which your excellency is pleased to recommend to me in the notes, which I have the honor to answer, your excellency may rest assured that I will proceed in conformity with the prescriptions of international law.

In conclusion, I beg your excellency to accept the high esteem with which I subscribe myself your obedient servant,

PATRICIO LYNCH.

No. 116.

Mr. Martinez to Mr. Hitt.

[Translation.]

LEGATION OF CHILI,
Washington, D. C., May 4, 1881.

ESTEEMED SIR AND FRIEND: The New York papers are publishing a rumor that it is possible that Chili may establish a protectorate over Peru, because that country cannot form a government of its own, and because many sensible people are asking for such a protectorate.

I am sorry that I cannot call and speak with Mr. Blaine personally on this subject. Nevertheless I desire to inform him, through you, that there is no ground whatever for such rumor; and that, even though *all* the Peruvians should clamor for a protectorate, Chili would on no account consent to establish one.

With sentiments of highest esteem, &c.,

M. MARTINEZ.

No. 117.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, October 24, 1881.

SIR: To-morrow, or the day after, I shall have the pleasure to call on you in order to deliver two autograph letters from the President of Chili.

In the mean time I allow myself to inclose some articles published in some of the newspapers, which will let you know the political course which Minister Hurlbut has been pursuing in Peru.

The New York Herald published the letter written by Mr. Hurlbut to Garcia y Garcia, Piérola's only minister, in which he decisively declares that Peru will never yield any portion of her territory to Chili.

Other paper, cut out from the National Republican of this city, contains a communication relating to the clandestine or fraudulent emission of bank-notes emitted by Garcia Calderon, and which compelled General Lynch to act in the manner that I spoke of in our last intercourse.

The third article, published in the New York Evening Post, is very sensibly written and in which Mr. Hurlbut's diplomatic conduct is very accurately criticised.

I have also a copy in Spanish of the letter addressed by Minister Hurlbut to General Lynch, after the occupation of the fiscal office of Garcia Calderon. This letter is written more or less in the same sense as that addressed to Garcia y Garcia.

With sentiments of my highest consideration, &c.,

M. MARTINEZ.

[Extract from New York Herald.]

GENERAL HURLBUT'S LETTER.

The following is a translation from the Spanish of the original letter written in English by General Hurlbut, the United States minister here, to Don Aurelio Garcia y Garcia, secretary-general of Don Nicolas de Piérola. The letter was intended to be private, and, indeed, is only from one gentleman to another; but the government here found it so pleasing and so much to the point, that its publicity in Lima to-day is owing to such partiality. When Mr. Hurlbut penned the communication he never thought it would see the light in Lima. To say that it has caused a sensation would be to underrate the truth, and the truth contained in it cannot be controverted:

LIMA, *September* 12, 1881.

TO AURELIO GARCIA Y GARCIA, Esq.,
Ayacucho:

SIR: I have the honor to own receipt of your letter dated August 28 last. In answer allow me to observe that I hardly consider it proper to discuss the internal affairs of Peru, if not replying to some formal and proper invitation to do so. But since yours gives me an opportunity to express to you particularly my frank opinion, I shall so proceed, and at the same time employing all the kindness possible. It is an accepted fact that ours is a republic, governed by a constitution which is regarded as the supreme law. Mr. Piérola took possession of the reins of power and arrogated to himself an authority not recognized by that constitution; these were acts in themselves revolutionary and contrary to the true obedience required by law. The violent and compulsory manner by which that revolution was effected stamped the act itself as being a crime against liberty. The dictatorship was nothing but an autocratic and despotic tyranny, not only in its plan, but in its name and actions. While it lasted the constitutional government of Peru was overwhelmed by the will of one man, which replaced the laws and the regimen of the constitution. The people of Peru, in the midst of the perplexities of a war of invasion, accepted this autocracy, believing that victory was to be achieved under its banners.

Foreign nations acknowledged this power as a government *de facto*, but never gave their approval to either its origin or the system followed. Instead of victory, the dictatorship brought as result terrible defeats, and the Dictator fled from the capital. The people of Peru have not had since that moment an opportunity to freely express their will and sympathy. According to the constitution, the National Assembly—the minister refers to that of Ayacucho—has no right to exist, and its resolutions or laws have no more legal weight than the opinions expressed by a similar number of simple citizens. Therefore the confirmation of the full and autocratic faculties given to the ex-dictator, under his new title of President, confer no further validity in the eyes of the law to his authority and pretensions.

I am obliged, for this reason, and to my regret, to say to you that the last decrees issued in Ayacucho, regarding the persons and property of those citizens who decline to recognize Mr. Piérola, are inhuman and barbarous, and serve to place the government employing such measures beyond the pale of the law. (Mr. Hurlbut refers to a wholesale decree of confiscation and death issued by Piérola, but which has not yet caused any great alarm among his opponents.) These violent decrees are, according to my way of thinking, conclusive proofs that the government of which you form a part is only supported by force, and not by the weight of public opinion. A strong government, resting or based on public opinion and sovereign will, never appeals to such cruel means of devastation. Such methods oblige civilized governments to regard with reprobation the authorities employing them. I think I have said all that I think is my duty respecting the government presided over by Mr. Piérola. The administration of Mr. Garcia Calderon does not pretend to be perfectly regular in its formation. It is provisional, that is, a transitory means of exercising governmental functions until such time as the nation may act directly and without pressure. It is supported by Congress, a national Congress recognized by the constitution, and it is the embodiment of an effort toward the re-establishment in this country of a properly organized and constitutional government. You are mistaken in stating that this government of Mr. Garcia Calderon meets with Chilian sympathy. It desires peace, as does the entire country, but without sacrificing national honor, nor will it cede territory *to obtain* that peace. The Chilian authorities are in communication with both parties, and even you have written to Admiral Lynch. Chili desires and asks for the territory of Tarapacá, and will recognize the party ceding it. The cabinet of Garcia Calderon will not consent to this cession; it remains to be seen if Mr. Piérola will do so. Meanwhile, under the regimen inaugurated in Ayacucho and put in practice by the prefects, Peruvians are to-day more deadly enemies to themselves than are the Chilians, and the efforts of those friendly to Peru are paralyzed on account of these

internal dissensions. When the United States asks Chili why she cannot make peace, the answer is that no one can be found in Peru to treat with.

Is it not better to put an end to this state of affairs, and for all true Peruvians to unite under one chief, whose authority would be acknowledged and protected by all parties and factions, in order to save the country from its imminent ruin, to establish peace, and restore the proper and pacific supremacy of the constitution and the law?

I have the honor, &c.,

S. A. HURLBUT.

No. 118.

Mr. Martinez to Mr. Blaine.

[Translation.]

The envoy extraordinary and minister plenipotentiary of Chili has the honor to present his respects to his excellency the Secretary of State, and to inclose herewith, pursuant to the request his excellency was pleased to make, a copy of the confidential dispatch of the minister for foreign affairs of Chili, dated the 12th of September last.

WASHINGTON, *October* 27, 1881.

[Inclosure.—Translation.]

Mr. Valderrama to Mr. Martinez.

Confidential.] SANTIAGO, *September* 12, 1881.

By dispatches which were in due season addressed to you by Don Joaquin Godoy from Lima you will have been informed of the very uncircumspect conduct of the minister of the United States recently accredited to the provisional government of Señor Garcia Calderon.

From the time of his arrival at Lima Mr. Hurlbut has omitted no signs of decided partiality in favor of Peru, giving it to be understood that the Government of the United States would resist any arrangement which Chili might endeavor to effect with that republic, and which might involve the cession of any part of its territory.

These ideas, which obtained a footing among the public men of Peru, acquired still greater persistence after the address delivered by the American minister on the public occasion of presenting his credentials to the provisional President. From that moment Mr. Garcia Calderon, the members of his cabinet, and all persons who had any influence whatever upon the public opinion, deemed themselves encouraged by the words and demonstrations of the representative of the United States, believing that they saw therein the expression of the policy which the Cabinet at Washington proposed to adopt.

Our plenipotentiary, Mr. Godoy, carefully observed the reaction which was brought about in the Peruvian mind by the conduct of Mr. Hurlbut. To the negotiations which have been initiated in a conciliatory and accommodating spirit before the arrival of the American minister, there succeeded after his arrival a sudden and unlooked-for change, the explanation of which can only be attributed to the influence, directly or indirectly, produced by the attitude of the representative of the United States. In this state of affairs our plenipotentiary deemed it proper to suspend the negotiations already set on foot, and went to Chili to confer with my government.

Being desirous of inquiring if the conduct of Mr. Hurlbut responded to a political plan of his government, I held a conference with Mr. Kilpatrick, who expressed himself dissatisfied with the manner in which his colleague in Lima had begun his diplomatic mission. Mr. Kilpatrick did not hesitate to affirm that Mr. Hurlbut did not faithfully represent the policy of abstention and neutrality of his government. In order to relieve my government of all unfounded apprehension in this respect, he made me acquainted with the dispatch which contained his own instructions, adding that the instructions given his colleague at Lima, who was appointed at the same time, could not but be in entire conformity with his own.

In those instructions, and in the part thereof which refers to the war between Chili,

Peru, and Bolivia, the Government of the United States shows itself in entire conformity with its previous policy. It exhibits the intention of not interfering in the solution of the war, except in the case of its good offices being solicited by all the belligerents. As respects the cession of a part of the Peruvian territory, the Government of the United States expresses no surprise whatever that such should appear among the conditions of peace. It observes, in passing, that it would be expedient if the territorial cession should not comprise cities whose inhabitants are exclusively Peruvians, and should not desire to choose the citizenship of our country. But this last appears rather a friendly reflection than as an exigency of American policy.

Meanwhile it is not possible to ignore the fact that the presence of Mr. Hurlbut in Lima has been in a high degree prejudicial to the conclusion of arrangements for peace. I have ground to believe that he continues to place at the service of the purposes of the provisional government all the influence which can be given by the representative character he holds.

As late as yesterday I learned, in a confidential way, but one entirely trustworthy, that he has sent a telegram to Mr. Kilpatrick, in Santiago, begging him to forward it to his colleague at Buenos Ayres. In this telegram Mr. Hurlbut seconded, doubtless, the plans of Mr. Garcia Calderon, and asks his colleague in Buenos Ayres that he should represent to the Argentine cabinet the urgent necessity of accrediting, without loss of time, a representative at Lima. There are no reasons to think that the government of Señor Garcia Calderon would welcome the presence of an Argentine minister in Peru, in order to seek therefrom mild or effective aid against us.

These considerations, to which you will give all the importance which they themselves possess, induce me to charge you to endeavor to see the Secretary of State, in order to let him see, in a confidential and delicate way, the manner in which Mr. Hurlbut is interpreting his policy in Peru. You will endeavor, also, with the greatest discretion, to *obtain from the American Government some act or declaration which will tend to destroy the bad impression caused by the conduct of their representative in Lima*, to avoid in future that he shall continue to create difficulties foreign to his official character, and contrary to the ever friendly and loyal policy of the United States.

May God guard you.

MELQUIADES VALDERRAMA.

Señor Don MARCIAL MARTINEZ, *&c., &c., &c.*

No. 119.

Mr. Martinez to Mr. Blaine.

No. 28.] LEGATION OF CHILI IN THE UNITED STATES,
Washington, October 27, 1881. (Received November 1.)

SIR: I have the pleasure to inform your excellency that the treaty for the settlement of the boundary question, concluded between Chili and the Argentine Republic, having been approved by the Congresses of both nations, has been ratified, and that the ratifications have been exchanged.

As very valuable services were lent in the conclusion of that treaty by the honorable ministers of the United States at Santiago and Buenos Ayres, my government through me, performs the pleasing duty of returning its warmest thanks to your excellency, as it has already done personally to the distinguished diplomatist Thomas H. [meaning A.] Osborn.

With sentiments, &c.,

M. MARTINEZ.

No. 120.

Mr. Martinez to Mr. Blaine.

LEGACION DE CHILE,
Washington, October 28, 1881.

SIR: Yesterday when I read to you Admiral Lynch's letter I made you remark that this gentleman said that he was going to take posses-

sion of the offices belonging to Garcia Calderon without giving previous knowledge of this act to anybody, in order that the important papers might not be hidden. But I have just had another letter from Mr. Lynch, telling me that he thought it more prudent to let Mr. Garcia Calderon himself know about what he was going to do. He assures me that that gentleman consulted Minister Hurlbut and some of the senators and deputies, and consequently addressed to Mr. Lynch a very original and eccentric letter. This same letter has been published in the Lima papers, and now I have it in my possession. Lynch answered it immediately.

Garcia Calderon and his friends spoke about the American fleet meeting at Callao. In fact, Mr. Hurlbut called the admiral-in-chief, who thought that there had been an insurrection in Lima, occasioned by the withdrawal of the Chilian troops. He was greatly surprised at finding everything in peace. The American admiral does perfect justice to the Chilians.

Seeing General Lynch that Garcia Calderon persisted in giving himself presidential airs, although he had no offices nor territory to rule, thought that this queer conduct arose from that fiscal emission of bank-notes that I have mentioned to you; so that the Chilian chief had to issue a decree to put a stop to that affair.

I make these explanations, so that you might see that Mr. Lynch's conduct has been perfectly correct.

I am, sir, yours, obedient,

M. MARTINEZ.

No. 121.

Mr. Blaine to Mr. Martinez.

DEPARTMENT OF STATE,
Washington, November 15, 1881.

SIR: I have had the honor to receive your note of the 27th ultimo, announcing that the boundary treaty concluded between the Republic of Chili and the Argentine Confederation has been approved by the Congresses of those nations, and ratified by both, and that the ratifications have been exchanged. You add that, as in the conclusion of that instrument, the ministers of the United States at Santiago and Buenos Ayres, respectively, had rendered very useful services, you had been charged by your government to offer to the Government of the United States its warmest thanks for that noble co-operation, as had already been done "personally to the distinguished diplomatist Thomas A. Osborn."

In reply I have the honor to state that the information conveyed by your note has been peculiarly acceptable. It is agreeable to know that the difficult and troublesome subject of boundary between the friendly powers of Chili and the Argentine Republic has been peaceably, definitely, and satisfactorily adjusted, and that those parties have paid the representatives of the United States referred to the high compliment of trusting to the aid of their judgment and integrity in the settlement of the intricate questions involved.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 122.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, November 26, 1881. (Received November 30.)

SIR: Yielding to the purpose of communicating to the Department of State the actual course of events that occur on the Pacific coast, I shall briefly refer to the authentic intelligences that I have had by the last mail.

Several of the military chiefs in Arequipa, availing themselves of the absence of Piérola and Colonel Solar, declared themselves in favor of the late provisional government of Garcia Calderon, giving the three following reasons for so doing:

1st. That Piérola tyranny's was absolutely intolerable. That the country could not carry on the war with Chili, and that the United States had offered their intervention, in order to obtain an agreement of peace that did not comprise territorial cession. Certainly those patriots did not explain how Peru could otherwise answer the claims of Chili.

Some time afterwards Rear Admiral Montero, who had been for some months past inactive on the Cajamarca mountains, accepted the irregular and unconstitutional offer for the vice-presidency of the republic. In his letter of acceptance, dated last October 23, he made declarations which are absolutely necessary that your excellency should hear of, to know on what illusions the Peruvian leaders found their politics, and also to know the role the American legation is made to assume in all those affairs.

The philosophy arising from the facts that I am going to state is, that, while these illusions and hopes are being kept up, peace will be impossible.

Montero says:

> The noble officiousness of the Government of the United States, manifested in the documents which have successively been published, even the definite declarations comprised in the letter written at the request of the notables of Lima by the honorable minister plenipotentiary from Washington (letter which nobody has seen) which has completely changed the situation, and consequently its proper resolution.

He adds that he has officially communicated his resolution to the representative of the United States, in a dispatch directed on the same date. He finally states that "his noble wishes of increasing the elements to defend his country are greatly gratified"! and concludes, assuring that "he redoubles his activity to multiply the necessary elements in order to be always ready for its support, till he sees the final issue of the diplomatic affairs with Chili"!

If, as it is said, Garcia Calderon has been imprisoned because he insisted upon sneering the decree of the Chilian general within the limits of the Chilian forces, it is probable that Montero will represent the provisional government, and I beg your excellency to remark that this chief assures he has forces, and that he is desirous to have more to continue their armed resistance against Chili.

The protest of all these chiefs against a territorial cession is established on the chimerical intervention of the United States, warranted by Minister Hurlbut, to whom Montero has addressed himself as his immediate superior.

Your excellency's deep penetration will judge in the same way that I do. I allow so to express myself, this queer and anomalous situation. All that is extraordinary and unexpected in the affairs of Peru will

very often, I have no doubt, call your excellency's attention, and will too often explain that providence did not endow that country with any logic.

I have some reasons to believe that in some information sent from Lima to the Department of State they insist on saying that the indemnification which Chili pretends to ask exceeds the limits of justice, and that the authorities in Lima have acted very cruelly toward the Peruvians.

Both informations, if they are known to your excellency, are entirely erroneous.

As to the indemnification, I will only say that those who think exaggerated the claims of Chili, entitled as it is by the perfect right of its actual situation, are under a mistake, for they are moderate and equitable, as it will probably be demonstrated as international courtesy when the time comes to make them practicable. Those who think otherwise do it, either out of dislike or want of knowledge in the matter, being for the rest no judges to give their opinions in businesses that do not concern them.

As for the second information, the want of truth is but too plain. If any good quality is to be precisely acknowledged in the Chilians, it is that of not being sanguinary. It can be assured that in the space of eight years not more than three or four capital executions ever occur in Chili.

When the Chilian army occupied Lima the general in chief invited the Peruvian tribunals to continue in their functions, and they absolutely refused. It was necessary to establish a military tribunal, ruled under martial law, to maintain the public peace.

In a country greatly demoralized and given up to anarchy, like Peru, it was necessary to give examples of rigor, and nevertheless there have been but few condemned to death, and those for acts of unheard of cruelty.

Meanwhile the society in Lima rests quietly under the auspices of peace and order guaranteed by the Chilians.

I shall continue to communicate to your excellency my informations, and, in doing so this time, I renew my sentiments of highest consideration.

M. MARTINEZ.

No. 123.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, December 5, 1881. (Received Dec. 5.)

SIR: I intend to go on with the agreeable task of letting you know which are the last authentic news from the Pacific coast, as they are generally made public in a way calculated to mislead.

Your excellency has already been made acquainted with the decree issued by the Chilian general, Patricio Lynch, prohibiting Dr. Garcia Calderon from exercising any act of jurisdiction within the territory occupied by the Chilian forces, but by no means out of that territory.

Indeed there was a political and military misdeed in the fact of the commander of an invading army allowing the so-called provisional President, whose incapacity and unwillingness to make the peace were

well known, to continue as a government in face of his foe. You will please to allow me to state again to your excellency that Chili never recognized Garcia Calderon as the provisional President, and that had she made such a recognition it would have been outlawed when that gentleman made up his mind to reject the terms of peace my government proposed to him.

In spite of the above-named decree, Garcia Calderon went on assuming to himself the functions of President of the government, but being his attitude apparently obnoxious, the Chilian general did not deem it proper to take any measure against him, and I warn your excellency that the ground for the General Lynch to act as I have just stated was the recognition of Garcia Calderon as provisional President made by the United States purposely to lead way to an arrangement of peace.

But it happened Mr. Galvez to address in those days a circular to the diplomatic and consular corps in paper bearing the official seal, dated in Lima, and issued in such a condition as every public document is intended to have, and stating that it was expected to make peace with no dissatisfaction for the national dignity; that is to say, with no teritorial compensation. Mr. Galvez was Mr. Garcia Calderon's secretary of state.

Being this an open and daring violation of the Chilian commander's decree, he was compelled to take such a measure as to put in prison the so-called provisional President and his secretary of state.

The measure was executed most quietly. Mr. Garcia Calderon intimates he wanted to hold a private interview with General Lynch, so he walked along about fourteen blocks and not the slightest sign of resistance was noticeable in the crowd.

The prisoners were taken, surrounded with the best treatment, to the iron-clad Almiranti Cockrane, and in Pisco they were transferred to the frigate Chili.

Meanwhile the Peruvian general, Montero, being out of the reach of the Chilian forces, has accepted the vice-presidency of the republic, and notwithstanding being the offering of the vice-presidency and its acceptation irregular acts, the Chilians, keeping faith to their resolution of not interfering with the internal politics in Peru, had opposed no resistance whatever to Montero.

A Peruvian committee started from Lima to meet Montero, and contrive he should go so far as Chimbote, so that he may try to capitulate some terms of peace which my government might agree to.

This incident shows the possibility of the conflict to be arranged as far as the Peruvians will not content themselves with the deceitful expectations of a foreign interference.

The ex-dictator, Piérola, remains in Ayacucho with an army 1,700 strong. His general secretary, Garcia ì Garcia, issued under the date of the 23d October a circular addressed to the chiefs and governors in the republic, bitterly criticising Mr. Hurlbut's letter, which your excellency has already been acquainted with.

The Chieftain Caceres is, with an army stronger than that of Piérola, not very far from Lima, and keeps a reserved attitude; he does not declare himself in anybody's favor, but apparently he is obeying his former chief, Piérola.

Such is without any comment the condition of affairs in Peru.

It would be not unsuitable for your excellency to become acquainted with a somewhat painful incident. Garcia Calderon intended to send to Arequipa one of his brothers, as a commissioner, and asked permission for him to be allowed to land at Mollendo, which is now a blockaded

port. He was not permitted to do it. Then the said commissioner got by stealth a passport from the Chilian colonel, Valdivieso, telling him he purposed to go from Lima to a near place. Having the passport been given by Valdivieso, Garcia Calderon's brother wrote down on it that it was good to go to Mollendo. This was not enough for his purposes, being it necessary to get permission from the general headquarters to reach a blockaded port, he did not ask for it; but the United States man-of-war Alaska was about to sail off to Mollendo, and everybody asserts on her board went the commissioner of Garcia Calderon, taking with him correspondence and money to the rebels in Arequipa. Though I cannot state the fact officially, it appears to me to bear the characteristics of the truth.

As for Bolivia is concerned, all that is now known is that General Campero has driven as far as four or five days' march from Tarapacá, having under his command an army about 4,500 strong.

The Chilian authorities are now under notice not to allow themselves to be surprised.

It is to be derived from the precedents informations that the enemies of Chili are again armed and unwilling to make peace, repeatedly proposed to long ago. They consider a term as indecorous, notwithstanding it has been agreed with by many nations superior to them, and Chili is not to be responsible for such a denying, nor she can be ascribed to the delaying of a *status quo*, the lasting of which is not her fault.

Accept, sir, &c.,

M. MARTINEZ.

CHINA.

No. 124.

The commission to Mr. Evarts.

No. 4.] UNITED STATES COMMISSION,
Peking, September 27, 1880.

SIR:

* * * * * * *

We reached here upon the 19th instant, and found waiting our arrival a communication from the foreign office, informing us of the appointment of two commissioners by the Chinese Government, with full powers. Copies of this communication and our reply are inclosed.

The two commissioners are men of high rank and large influence, and are both members of the privy council of State; they are also ministers in the foreign office. They are both advanced in years. His excellency Pao Chün is a Manchu, distantly related to the imperial family. In addition to the offices mentioned above, he is president of the Imperial College of Literature and superintendent of the board of rites. He has had long experience in foreign matters, and is understood to be conciliatory and progressive in his policy. His excellency Li Hung Tsao, is a Chinese. He was the tutor of the late Emperor Tung Chih, and has the reputation of being one of the most profound scholars in the em-

pire. He has been a member of the foreign office for about five years, and is credited with being anti-foreign or reactionary in his views.

We have, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

[Inclosure 1 in No. 4.]

Prince Kung to Mr. Angell.

Prince Kung, chief secretary of State for foreign affairs, herewith makes a communication:

Upon the 23d ultimo, I had the honor to receive a dispatch from your excellency, stating that the President of the United States had appointed your excellency, the Hon. John F. Swift, and the Hon. William H. Trescot, commissioners plenipotentiary to China, and empowered them to confer with commissioners appointed with full powers by the Emperor of China, and has also empowered them to negotiate and sign treaties or conventions to the end of effecting a settlement of questions of interest now pending between the two governments. Your excellency also requested me to memorialize the throne with a view to the appointment of commissioners upon the part of China.

I at once addressed the throne upon this subject, and upon the 5th instant His Imperial Majesty issued his mandate in the following terms:

"Let Pao Chün and Li Hung Tsao, be appointed commissioners plenipotentiary for conference upon matters of the treaty and subjects of interest. Respect this."

It becomes my duty to forward a copy of this decree, as above, for your consideration.

PEKING, *September* 18, 1880.

[Inclosure 2 in No. 4.]

The commissioners plenipotentiary to Prince Kung.

SEPTEMBER 25, 1880.

YOUR IMPERIAL HIGHNESS: Upon our arrival at this capital we had the honor to receive your imperial highness's communication addressed to Mr. Angell, and in response to his letter of August 23, by which we are informed that His Imperial Majesty has been pleased to appoint their excellencies Pao Chün and Li Hung Tsao commissioners plenipotentiary on the part of China to treat with us upon certain matters of interest now pending between the two governments.

The United States will not fail to appreciate the promptness and good disposition thus shown by the government of His Imperial Majesty, and in acknowledging receipt of your imperial highness's communication, we beg leave to add the expression of our sincere desire, that through our deliberations results may be reached at an early moment which will prove beneficial alike to China and the United States.

We have, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
W. H. TRESCOT.

No. 125.

Mr. Angell to Mr. Evarts.

No. 25.] LEGATION OF THE UNITED STATES,
Peking, October 6, 1880.

SIR: I herewith inclose a circular letter, which I am issuing to our consuls in China.

The general pilotage regulations, though drafted by Sir Rutherford Alcock, were submitted to the foreign ministers at Peking and approved by them prior to their promulgation in November, 1868. Sir Thomas Wade therefore recognizes the propriety of submitting to foreign ministers the slight changes suggested by the chief justice of Her Britanic Majesty's supreme court at Shanghai.

It has seemed to me not improbable that during the twelve years of trial of the regulations some graver defects than those indicated by the chief justice may have become apparent, and that this may be a favorable opportunity to secure any needed improvement.

I inclose subsections 3 and 4 of the regulations.

The judge finds subsection 3, if I understand him, useless, because the laws of Great Britain prescribe no penalty for the offense named, and subsection 4 in conflict with the order in council, which prescribes that only a part of the maximum fine named can be imposed.

I have the honor, &c.,

JAMES B. ANGELL.

[Inclosure 1 in Mr. Angell's No. 25.]

Mr. Angell to United States Consuls in China.

CIRCULAR.

PEKING, *October* 6, 1880.

SIR: In a case carried up by appeal from the British consular court at Swatow to the supreme court at Shanghai, the chief justice has rendered an opinion (see North China Daily News of August 10) in which he finds subsection 3 of the seventh of the general pilotage regulations, adopted in 1868, in conflict with British statutes, and subsection 4 in conflict with British orders in council.

He has suggested to the British minister that a revision of these subsections be made, and Sir Thomas Wade has submitted the matter to the foreign ministers here for considerations.

It has occurred to me that possibly the experience of twelve years has shown that some considerable modifications, perhaps a general revision, of the regulations may have become desirable. I therefore desire you to inform me—

First. Whether, in your opinion, subsections 3 and 4 of the general pilotage regulations need alteration.

Secondly. Whether there should be more important modifications of the regulations, or even a complete revision of them.

I am, sir, &c.,

JAMES B. ANGELL.

[Inclosure 2 in Mr. Angell's No. 2.]

General Pilotage Regulations.

REGULATION VII.

SUBSECTION 3. Any one piloting without a license, or making use of another's license, shall be subject to prosecution before his own authorities who will deal with the offender in accordance with the laws of his country. Any pilot lending his license to another will be proceeded against and dealt with in the same way in addition to forfeiting his license.

SUBSECTION 4. Any commanding officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of 100 taels by the authorities to whose jurisdiction he is amenable.

No. 126.

The commission to Mr. Evarts.

No. 6.] UNITED STATES COMMISSION,
Peking, October 11, 1880.

SIR: Recurring to our dispatch No. 4, of the 27th ultimo, in which we reported our arrival here, and the appointment by the Government of China of two commissioners plenipotentiary, we have now the honor to inform you that upon the 1st instant we met the two commissioners at the foreign office by appointment and exchanged our full powers. Those presented for our inspection by their excellencies Pao and Li were in the usual Chinese form, and consisted of the imperial decree appointing them, a translation of which is quoted in the dispatch of Prince Kung, which forms inclosure No. 1 of our dispatch referred to above. There were present on this occasion three prominent ministers of the foreign office in addition to the two commissioners.

Having thus exchanged our full powers, we laid before the commissioners a memorandum, a copy of which is inclosed, in which we stated in general terms the purpose of the government in our appointment, the difficulties which confronted it in consequence of the excessive immigration of Chinese, and its desire to secure such modification of existing treaties as should leave it free to deal with the questions growing out of the immigration of Chinese, as public interests might demand.

The commissioners and other ministers present, having read this paper, remarked upon the friendliness of its tone, and stated that they were desirous of reaching a solution of the questions involved at an early moment. They added that they would consult with Prince Kung and send us a memorandum in response at an early day. The interview then ended.

Upon the 7th instant we received the response as promised, a copy of which is herewith inclosed. We at once sought a further interview with the commissioners, and had purposed meeting them to-day, but, at their request, the interview has been deferred to the 13th instant.

We do not think it necessary at the moment to trouble you with the obvious reply to be made to this very inconsequential document. It will be forwarded at an early day. The Department may be assured that we shall not recognize the right of the Chinese Government to go behind the language of the representatives of the Government of the United States and assign motives and reasons for its diplomatic action other than those defined by itself.

We have the honor to be, sir, your obedient servants,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

[Inclosure 1 in No. 6.]

MEMORANDUM.

After the exchange of full powers which has just taken place, it becomes the duty of the commissioners of the United States to lay before the commissioners of China with entire frankness the purpose of their mission.

Fortunately the relations of the two countries have been of unbroken and increasing friendship from the date of the first treaty negotiated between them to the present moment. It is only natural that it should have been so. Without conflicting interest to disturb their relations, representing in their territorial extent and in their

large populations, the power of the two great nations which occupy the shores of the Pacific Ocean, they are united by the consciousness that free intercourse between them properly conducted can only be beneficial to both.

We have now had the experience of many years as to the effect of that intercourse, and our object is, in full and friendly consultation with the representatives of the Chinese Government, to ascertain what modifications in its regulation may have become necessary, as the effect upon those interests has now come to be known to both governments by the practical operation of existing treaties.

Under the treaties which have from time to time been negotiated between the two countries, the merchants of the United States have resorted to the treaty ports of China in the pursuit of their calling, while those of China have come to the United States, where they have been made welcome to engage in trade in all parts of the country, and have been uniformly protected in their rights, and their merchants have exchanged the products of the two countries, as we believe, to the mutual advantage of both.

There has also been a constant and useful international communication, taking its rise in motives of philanthropy, or a respectful curiosity as to the habits, manners, and institutions of each other, which the students of all nations have been at all times permitted and encouraged to cultivate.

But we wish to ask the attention of the Chinese Government to a species of intercourse which has increased to a large extent within the last few years, and which has subjected the Government of the United States to very grave embarrassments.

A class of Chinese subjects immigrating to the United States without the purpose of changing their allegiance and intending only a temporary residence, claims all the privileges and exemptions provided by express treaty stipulations for "permanent residence." This same class, consisting entirely of laborers, coming in great numbers, with the avowed intention of early return, and concerted arrangements for a new supply, with the almost absolute exclusion of all family and domestic relations in their association, and jealously preserving their peculiar nationality in dress, language, creed, and habits, claims that it is entitled to all the privileges of the subjects and citizens of the most favored nation; although the immigration from no other nation at all resembles this in its purpose, its methods, or its consequences. All other immigrants come to the United States with the express purpose of changing their allegiance, with their wives and children, to be in the course of a generation completely incorporated into the country of their adoption.

Of late years this immigration has concentrated itself in cities and come into direct competition with native laborers, making their struggle for livelihood a hard one and disabling them, by their exclusion from accustomed work, to discharge those social and political duties which the Government of the United States expects from every one of its citizens. This competition engenders popular discontent and raises questions which, if left unsettled, may disturb the friendly relations of the two countries.

The commissioners of China will, we are sure, understand how grave a problem it would be, for the solution of their own government, if one hundred thousand foreign laborers were in a body introduced into the capital, or into any great city of the empire, to bring their new and strange manners and habits and to take the places of the same number of native Chinese, whose ability to discharge their duties as subjects by contributing their taxes and fulfilling their other liabilities, was in great measure dependent upon their capacity to maintain themselves and their families by their daily work.

In addition to this, it must be remembered that from the enormous population of China, such a number of immigrants could be gathered under the stimulant of gain to those who sent them as would exceed the native population of more than one of the United States, unless the Governments of China and the United States recognize their common right to deal with this subject by such legislation as the best interests of both countries require.

The commissioners of the United States would also call to the attention of the Chinese Government, that for this extension of these privileges to all Chinese subjects throughout the whole territorial integrity of the United States, the citizen of the United States is only entitled to the limited hospitality of a few open ports, and in them only for the purpose of trade, travel, or residence.

But the Government of the United States does not wish to conduct this discussion in any controversial spirit. It has no desire or intention to do injustice to the character of the Chinese laborer. But it does feel justified in asking that it shall be allowed to judge for itself to what extent the immigration of Chinese labor is useful and advantageous, and that whenever at particular times or particular places it feels that its social or industrial interests require a limitation or prohibition of such immigration, it shall have the authority with due communication to the representatives of the Chinese Government to regulate it as is most consonant with those interests.

So far as those are concerned who, under treaty guarantee, have come to the United States, the government recognizes but one duty, and that is to maintain them in the exercise of their treaty privileges against any opposition, whether it takes the shape of popular violence or of legislative enactment. And that the Government of the United States has fully discharged this duty is apparent from the fact which we may assume is within the knowledge of the Chinese Government, that the courts of the United States have, on every occasion where the issue has been raised, sustained the privilege of the treaty against the limitation of the State law. The disturbances which have sometimes occurred from occasional excitement of popular feeling are too small and too rare to furnish subject of discussion now.

The Government of the United States feels that in bringing this subject to your attention, it is deferring to the opinion of the Chinese Government, which, if we are rightly informed, has never encouraged the immigration of its people, which does not wish that immigration from China should be assimilated to immigration from other countries, and which prefers that such immigration should be under its own control.

The commissioners of the United States feel that they are warranted in thus interpreting the wishes of the Chinese Government, from the fact that in a recent treaty with Spain the Chinese Government granted to the local authorities of the Island of Cuba the right to exercise a discretion of the same character which the Government of the United States desires should be recognized as its right.

As the most earnest desire and purpose of the Government of the United States are not only to adhere with scrupulous fidelity to their treaty obligations, but to construe all such obligations in that spirit of friendly liberality which has marked its relations with the Chinese Government, we have been instructed to meet you in amicable consultation to review such treaty provisions as bear upon the subject, and to seek with you a solution of the difficulties which will be alike honorable and satisfactory to both countries. Any suggestion of the Chinese Government as to the form in which such modification of existing treaties can be made most agreeable to it will receive from us the most respectful and attentive consideration.

[Inclosure 2 in No. 6.]

Their excellencies Pao and Li to the commissioners.

Upon the 1st instant your excellencies left with us at the foreign office a memorandum upon certain treaty modifications. We have carefully considered it, and beg to submit a note in response. We shall be glad to hear how it strikes your excellencies.

PEKING, *October* 7, 1880.

A few days since the full powers of the commissioners plenipotentiary on either side were mutually inspected. We presume your excellencies have had a translation of our full powers made and have sufficiently examined them. We have submitted yours to the Prince, and now beg to return them herewith. Will you be so good as to receive them and to return ours to this office at your convenience?

Upon the 1st instant your excellencies came to the foreign office and personally handed to us a minute upon certain treaty modifications. We have given this paper our careful consideration. The objective point of its several sections is a discussion in a friendly spirit which shall result in mutual benefit, and shall be free from harm to either party.

China and the United States have been on friendly terms from the first. But from the ratification of the Burlingame treaty a decided strengthening in our relations of amity has been seen.

The people of either country have passed to and from the other, and have never failed to receive all thebenefits, privileges, and immunities guaranteed to them by the treaties. To refer, for example, to the Chinese laborers in California: Their number certainly is not small. Being from a race of dwellers upon the sea-coast, they have desired to go thither, and have regarded California as a land of abundance and as furnishing great opportunites. They have also rejoiced in the freedom of the United States. Hence they have not gone there as the result of deceit, or by being kidnapped, nor under contract as coolies, but have flown thither as the wild geese fly.

In the many years of Chinese emigration to California a hundred lines of enterprise have arisen, and commercial activity has developed to an immense extent. The Chinese have given a large amount of their labor to your people, and the benefits of that labor to your country have certainly not been few. But now, because the Chinese do good work for small remuneration, the rabble are making complaints. Since the amount paid to the laborer is small, the employer is able to save more, and hence the

benefit still inures to the citizen of the United States. This would seem to be fair reasoning the world over.

Last year the Congress of the United States passed an act restricting the immigration of Chinese, which the President of the United States vetoed. This year there has also been discriminative legislation against them, which the courts have declared unconstitutional, and hence invalid. Some time since Mr. Seward handed to us the report of Senator Morton upon Chinese immigration, in which he held that it would certainly be wrong to restrict the coming of the Chinese. He quoted the Constitution of the United States adopted at the establishment of the government, which declares: "Our territory is broad and our people few in number. People of all nations shall be permitted to come to our land without let or hinderance." He also quoted the Burlingame treaty, which declares that the people of either country shall be permitted to go freely to the other, either with the purpose of residing permanently there, and of becoming citizens or subjects, or temporarily; that they shall go voluntarily and shall not be hindered.

These statements, both official and personal, are all to the point. If now because of temporary competition between the Irish and stranger guests a decision is lightly taken to change the policy of the government, contradiction with the Constitution of the United States and existing treaties cannot be avoided.

Since the establishment of treaty relations between the two countries, citizens of the United States in China have not been relegated to the jurisdiction of the Chinese authorities. China has accorded this privilege to the United States. Chinese subjects have been permitted to go and come at their pleasure. The United States has granted this concession to China. At the ratification of this treaty the people of both sides of the Pacific Ocean leaped, shouted, and clapped their hands with joy and pleasure, friendly relations were firmly established, divisions were obliterated, the people could come and go as they chose, and the governments only heeded the wishes of the people. All this was eminently just and honorable in the highest degree to the United States. This being so, when other powers were exceedingly urgent in their need of Chinese labor, and desired this government to allow its subjects to go of their own free will, this government, because those other powers treated the Chinese laborer harshly and not with the kindness shown them by the United States, could not do otherwise than take this difference into consideration.

Hence the facts which resulted in the stipulation referred to in the Cuban convention are unlike the circumstances in the United States, and your government should not look upon that stipulation as a satisfactory rule of action. In a word, there are Chinese who go to the United States as merchants and traders, and there are also Chinese who go there as laborers. Formerly, when there was a demand for these laborers, the only fear was that they would not go thither; and now, because of the influence of violent men, there exists a desire that they stay away.

In consideration of the permanent friendship between the two countries, it is believed that the United States by no means entertains this idea. But as the number of Chinese laborers in California is daily increasing there cannot but be abuses. This is manifestly true. Hence, last year the foreign office consented to enter upon negotiations with Mr. Seward to prohibit the four classes of cooly laborers, criminals, prostitutes, and diseased persons from going thither.

Since now your excellencies desire to discuss this business further with us, we are ready to discuss further the proposition of Mr. Seward, with the hope that an equitable solution may be reached, and that the purpose of avoiding difficulties and securing beneficial results may not be lost sight of on either side, provided always that such negotiations shall not be contrary to the stipulations of the Burlingame treaty.

We are by no means unalterably fixed in our views.

No. 127.

The commission to Mr. Evarts.

No. 8.] UNITED STATES COMMISSION,
Peking, October 23, 1880.

SIR: Our dispatch No. 6 covered the memorandum which we submitted at our first interview with the Chinese commissioners, and the reply which they transmitted a few days after.

Upon the receipt of that reply we asked for and obtained an interview on the 13th instant, at which we took up their paper, paragraph

by paragraph, and discussed its points in conversation. A *précis* of that conversation, which was submitted to the Chinese commissioners, accompanies this dispatch.

At the same time we placed before them a draft of such modification of existing treaties as we thought necessary to secure the object of our mission, a copy of which will be found in inclosure No. 2.

Yesterday, the 22d, we received a communication, a copy of which will be found in inclosure No. 3, and immediately upon its receipt asked for a conference to-day. It was long and full, but owing to the hour at which it was held, and the character of the discussion, it is impossible to prepare a *précis* in time for the mail which leaves to-morrow.

We need only say at present that it was on the whole quite satisfactory; that the Chinese commissioners disclaimed any intention of laying down an ultimatum of concession in the language which they had used, declared their object to be rather to reach a full understanding of what we wished, expressed their satisfaction with such explanations as we furnished, and assured us that they had but one purpose, and that was to come to an amicable solution of the matters under discussion, and to do so in time to allow the commissioners to leave before the close of navigation.

A *précis* of the conversation will be sent by the next mail.

We have the honor to be, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

[Inclosure 1 in No. 8.]

Précis of a conversation had with the Chinese Commissioners, Wednesday, October 13, 1880.

Mr. TRESCOT, on behalf of the United States commissioners, said: We have received the communication of your excellencies, with the request that we would say how it strikes us.

We will do so with entire frankness, but you must first allow us to correct some misconceptions, which we think your excellencies will not be unwilling to have removed.

You say, referring to immigration into the United States of Chinese laborers: "Formerly, when there was a demand for these laborers, the only fear was that they would not go thither, and now because of the influence of violent men there exists a desire that they stay away."

Again: "But now, because the Chinese do good work for small remuneration, the rabble are making a complaint." Again: "If now, because of temporary competition between the Irish and stranger guests a decision is lightly taken to change the policy of the government, contradiction with the Constitution of the United States and existing treaties cannot be avoided."

Knowing as we do the well established and traditional courtesy of the Chinese Government in its relations with other nations, we are sure that you did not mean to give offense by this language. But we feel it our duty both to ourselves and to our government to recall to your attention that we represent the Government of the United States, and that any communication we make comes from it, after careful and most friendly consideration, and is entitled at your hands to the same respect with which any communication from you has been, and will always be, received by us. You can scarcely mean to say that the Government of the United States is merely speaking the language of "violent men," or that the great nation in whose name it addresses you is "rabble," or that "a competition between the Irish and stranger guests" is the motive of its conduct.

You will certainly recognize that the Government of the United States, like the Government of China, has the right to appreciate for itself the motives of its own policy, and that when it addresses to the Chinese Government a communication upon a subject of grave interest in respectful and friendly language, it cannot allow the representatives of China to go behind that communication, and either criticise its motives or deny the good faith of its representations.

Your excellencies would be justly offended if we should venture to consider your language as anything less than the authorized voice of your government, and if we presumed to go beyond your words and to look for your motives and reasons in the rumors of the streets and the public gossip of the people.

We trust, therefore, that your excellencies will understand that we are speaking for the Government of the United States, and that we represent in all that we may say the grave, well considered resolution of that government, and that while we approach you in the most amicable spirit, and will give the most respectful attention to any views you may submit to our consideration, we cannot in any discussion accept as satisfactory, language which separates the Government of the United States from its people or claims the right on the part of the Chinese Government to question the sincerity of any communication which we may make in its behalf.

The Chinese COMMISSIONERS replied: What you have said is very satisfactory. Our remarks in the memorandum were by the way of argument merely, and not intended to express any positive opinion of our own. We had heard that the Chinese in California were not in accord with the Irish, and came into competition with them. A minister told us that this fact was at the bottom of the difficulty, and so we mentioned it in our memorandum. But we added also in the memorandum that we did not believe the government was influenced by such motives. Our only desire is to discuss and settle these questions upon a basis of mutual amity.

Mr. TRESCOT replied: But as an impression may have been made upon you by designing men, for mischievous purposes, that the Government of the United States does not represent the wishes of the American people, we would call to the attention of your excellencies that the people of the United States are at the present moment preparing for the periodical election of their President. As you are well aware, it is the habit on such occasions for both of the great parties of the country to declare what policy they think the interest of the country requires, and we have the honor to submit for your consideration the declarations of their opinions on the subject of Chinese immigration which they have respectively put before the world.

The Chinese COMMISSIONERS replied: No one has influenced us in this matter. We had not been biased by what we have heard.

Mr. TRESCOT continued: Your excellencies are also pleased to say to us, "Since your excellencies desire to discuss this business further with us, we are ready to discuss further the propositions of Mr. Seward." If it is the desire of your excellencies to discuss these propositions we will do so at the proper time, but we feel it best to inform your excellencies that these propositions in no wise represent the wish or purpose of the United States Government, and that the appointment of a new minister and our presence here with full powers to negotiate ought to be to you sufficient evidence of what value you should attach to such representations. We are entirely unaware of any authority or approval given by the Government of the United States to the proposal submitted on his own responsibility by Mr. Seward to the Chinese Government.

The Chinese COMMISSIONERS replied: We assumed, of course, that since your government had appointed a new minister and three commissioners to modify the treaty, the propositions of Minister Seward were not deemed satisfactory by your government, but we had received no official information upon this point.

Mr. TRESCOT said: Having corrected these misapprehensions, as we consider them, we cordially recognize the amicable spirit of your communication. We are glad that you acknowledge, as we have done, the long and unbroken friendship between the two countries, the fact that our intercourse has developed commercial activity to a large extent and to mutual benefit, and that immigrants from China "have never failed to receive all the benefits, privileges, and immunities guaranteed to them by the treaties," and that "all this," as you kindly and justly say, "was eminently just and honorable in the highest degree to the United States Government."

The Chinese COMMISSIONERS replied: This is simple truth. The relations existing between the two countries have been of the firmest.

Mr. TRESCOT responded: On our part we readily acknowledge the service which Chinese labor has rendered to the citizens of the United States. But we would call to your attention that this immigration had commenced and largely increased before the Burlingame treaty, and that, in our opinion, that treaty has not, as you suppose, materially contributed to the strengthening of our relations of amity. Indeed, we fear it has been the reverse; for it is only since that treaty that the question has arisen which now causes disturbance in our old and friendly relations.

And this brings us to the point of practical difference which your communication indicates as existing between us.

The Burlingame treaty gives to the subjects of China the right of unrestricted immigration into the United States; at least the Government of the United States has hitherto acquiesced in that construction of the treaty, and would much prefer to readjust its provisions than enter into any discussion of what they strictly mean.

Under the provision of that treaty, so construed, the immigration of labor from

China has become very large, and has raised questions of social order and political consequences not anticipated. That this is a grave embarrassment you must receive as the conscientious conviction of the United States Government. What we are instructed to say to you is that the Government of the United States thinks it is entitled to treat this question as its own most important interest demands; that from our past relations and the advantages we have derived, you may feel assured that such immigation would not be limited or prohibited unless it threatened serious evils, and that, if it does, then we expect from the Chinese Government a due consideration of the difficulties it imposes.

The Government of the United States thinks that it ought to have the right to decide to what extent and under what circumstances that immigration is wholesome, and to stop it when it becomes injurious. Its most solemn duty to its own citizens will not allow it to forego the exercise of that right. It therefore asks you to consent to such a modification of what you consider your treaty rights under the Burlingame treaty as will enable it to discharge that duty without raising questions which might disturb the friendly relations of the two countries. If we understand your concluding remarks correctly, they seem to us to mean that you can enter upon no negotiation which looks to the modification of that treaty. If so, we do not see what we are to negotiate about. What we wish, you refuse in advance, namely, the modification of the Burlingame treaty. If you can see any way in which we can reach what we wish without a modification of that treaty, we will gladly consider it. But it does not suggest itself to us.

The Chinese COMMISSIONERS replied: That is not our idea. We are only anxious not to do anything which should be in direct opposition to the Burlingame treaty. The propositions of Mr. Seward amounted to a modification of the Burlingame treaty; for under that treaty all Chinese, good or bad, could at their own will go to the United States, and the officers of neither country could interfere. But as they went in excessive numbers, Mr. Seward proposed to take steps to prevent four classes from going thither, and China was glad to be able to concert measures with him to this end. As it appears now that your government does not approve of Mr. Seward's propositions, we are quite ready to concert further measures with you. As Prince Kung said, The United States has its difficulties in this matter, and so has China. To devise a remedy devoid of difficulty to either power will be exceedingly desirable, and I think quite feasible.

Mr. TRESCOT added: We therefore feel bound to avoid a useless waste of time and words to ask if that is the construction which we are expected to place upon your words.

We can scarcely anticipate that, because, as you say, "other powers treated the Chinese laborers harshly and not with the kindness shown them by the United States," the Chinese Government will refuse to that government as large a discretion in dealing with this question as it has conceded by treaty to those other powers. And in order to indicate with more precision what the Government of the United States desires, we submit to your consideration the following paper. (See inclosure No. 2.)

The Chinese COMMISSIONERS replied: We will carefully consider this proposition, submit it to the Prince, and give you an answer.

The commissioners were asked to give a response at an early day.

[Inclosure 2 in No. 8.]

The United States Commissioners to the Chinese commissioners.

To indicate more precisely the wishes of the United States, we suggest the following proposition for the consideration of the Chinese Government:

ARTICLE I. The United States of America and the Emperor of China recognize the mutual benefit which results from the proper intercourse of the citizens and subjects of all nations, and, in order to encourage such intercourse between the two countries, agree that citizens of the United States visiting or residing in China, and subjects of China visiting or residing in the United States, for the purpose of trade, travel, or temporary residence, for the prosecution of teaching, study, or curiosity, shall enjoy in the respective countries all the rights, privileges, immunities, and exemptions which are granted by either country to the citizens and subjects of the most favored nations.

ART. II. Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects, or threatens to affect, the interest of that country, or to endanger the good order of the

said country, or of any locality within the territory thereof, the Government of the United States may regulate, limit, suspend, or prohibit such coming or residence, after giving timely notice of such regulation, limitation, suspension, or prohibition to the Government of China, and the words Chinese laborers are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to, and authorized and provided for in existing treaties.

ART. III. But it is distinctly understood between the contracting parties that all Chinese subjects who, under the faith of existing treaties, have gone into or are now residing in the United States, shall be guaranteed all the protection, rights, immunities, and exemptions to which they are now entitled under the provision of said treaties.

[Inclosure 3 in No. 8.]

The Chinese Commissioners to Messrs. Angell, Swift, and Trescot.

Upon the 13th instant your excellencies furnished us with a project for a modification of existing treaties, and upon the 17th your excellencies forwarded a *précis* of our conversation of the 13th.

We have carefully studied these papers and beg now to submit for your consideration a memorandum in reply.

Cards and compliments.

PEKING, *October* 22, 1880.

MEMORANDUM.

Some days since, your excellencies handed to us a project, in two sections, for the modification of existing treaties, which has received our careful consideration.

Section 1 declares that the people of either country visiting or residing in the other, for the purpose of trade, travel, residence, teaching, study, or curiosity, shall enjoy in the respective countries all the rights, privileges, immunities, and exemptions which are granted by either country to the citizens and subjects of the most favored nation. This is in exact accord with the treaties now in force, and there seems to be no occasion for a re-enactment of this section.

Section 2 declares that there are difficulties growing out of the emigration of Chinese laborers to the United States, and explains that the words "Chinese laborers" are used to include all persons except such as go thither for the purpose of teaching, study, trade, travel, and curiosity. The separation of this class from the mass of the subjects of China in this manner is not in strict accord with the spirit of our treaties, and in practical operation would meet with many difficulties. But bearing in mind the deep friendship between the two governments, in the event of embarrassments on either part, a solution must be sought in a spirit of mutual concession.

We infer that of the phrases "regulate, limit, suspend, or prohibit," the first is a general expression referring to the others. When Mr. Holcombe was at Yamen the other day, we said to him that the use of the term prohibit was not in accordance with the treaties in force, and that China would assuredly find it difficult to adopt it.

At the moment, we are only prepared to negotiate for a mode of limitation, having in mind the interests of both governments. We are entirely ready to negotiate most carefully with your excellencies to the end that a limitation, either in point of time or of numbers, may be fixed upon the emigration of Chinese laborers to the United States. But the limitation when agreed upon can only apply to the ports of China. If persons go from other parts, China would neither know of nor be able to prevent it.

If your excellencies have any suggestions as to how this is to be accomplished, we trust you will give your views fully, so that we may consider them together. But if, after the limitation shall have been agreed upon and settled, the emigration to the United States becomes small, then the action should be as heretofore; that is, in accordance with the stipulations of existing treaties.

We appreciate beyond expression the declaration made by your excellencies, that all Chinese subjects who, under the faith of existing treaties, have gone into or are now residing in the United States shall be guaranteed all the protection, rights, immunities, and exemptions to which they are now entitled under the provisions of existing treaties.

While considering this business, your *précis* of our conversation came to hand and has been carefully noted.

No. 128.

Mr. Angell to Mr. Evarts.

[Extract.]

No. 42.] LEGATION OF THE UNITED STATES,
Peking, November 2, 1880.

SIR: My predecessors have had frequent occasion to inform the Department of the embarrassments which our commerce in common with that of other nations has for years been suffering from the existence of the Woosung bar, at the mouth of the Shanghai River. They have also advised the Department of the earnest efforts which have been made by the Shanghai Chamber of Commerce, the foreign consuls at Shanghai, and the diplomatic representatives at Peking, to induce the Chinese authorities to dredge the bar, or at any rate to permit the foreign powers to do so, with the proceeds of a light levy on the commerce of Shanghai.

Some months ago in one of the diplomatic conferences held here, Sir Thomas Wade was instructed by the diplomatic corps in their behalf to present to the foreign office an urgent request to permit them to order the improvement of navigation at the bar and pay for the work by collecting light dues from the vessels which sail to and from Shanghai. In no way was the Chinese Government to be burdened, though Chinese vessels were like others to pay the dues required.

To this request the foreign board have replied in a paper which I inclose. * * *

The diplomatic conferences which were found last spring to be so serviceable, were resumed on the 25th ultimo. Among the subjects considered was that of the Woosung bar. This paper of the Tsung li Yamen was thought by all to be so feeble as to call for no formal reply. Sir Thomas Wade was instructed to renew and urge his request.

It is well understood that the real reasons why the Chinese authorities object to the dredging of the bar, are two-fold:

First. They dislike any innovation. An immense power of inertia has to be overcome to gain their assent to any change.

Secondly. They regard the bar as a natural defense of Shanghai against the war-vessels of heavy draught and especially against the ironclads. They speak of it as a "heaven-sent barrier." A noteworthy article in one of the Chinese newspapers of Shanghai lately spoke of the proposition to remove the bar as a profane suggestion to interfere with the will of Heaven.

Of the heavy burdens which the existence of the bar lays upon vessels of deep draught, there is overwhelming proof. Some very valuable and interesting figures are given in a recent dispatch from Consul-General Denny, which I inclose. There would, of course, be no need of arguing with any western nation to induce it to permit the improvement of the access to its principal port. But it is by no means certain that the present attempt of the diplomatic body will meet with early success. Even when permission has been received, time and money will be needed to make a complete examination of the river and the bar. For it is by no means certain exactly what the best remedy for the trouble is. The best engineering talent of the west should be employed to make a careful study of the problem. It seems to me highly probable that some considerable annual expenditure will always be necessary.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 42.]

THE WOOSUNG BAR.

Memorandum from the minister of the Tsung li Yamen forwarded to Sir Thomas Wade in a semi-official note dated October 5, 1880.

The memorandum on the dredging of the river at Woosung forwarded some time since in a note from the British minister was at once communicated to the minister superintendent of southern trade for consideration.

A reply has now been received from his excellency stating that this question was the subject of numerous discussions and proposals some years ago, none of which it was possible to give effect to; a further suggestion having now been made for the levy of an additional tax to meet the cost of the labor (requisite for dredging the bar), the minister has made it the subject of thorough investigation in order to ascertain whether there are or are not objections to the plan, and has also questioned the taotai at Shanghai on this matter. This officer has replied at length, pointing out that there are a multitude of difficulties which render it impossible to attempt to acquiesce in the arrangement proposed, and submits the following reason for the conclusion he has come to.

The silt and sand of the Poo* River at Woosung is the deposit of many hundred years. Large vessels belonging to foreign merchants that are heavily freighted have always been free to lighten, the privilege of lightening being accorded by treaty with the express object of meeting the case of shoal water (at the bar). But the text of the treaty mentions lightening only, and contains no reference whatever to dredging with a view to avoid lightening. Large foreign vessels can all avoid getting aground by loading less heavily, or they can wait for a tide to proceed on their way, or, if they do not follow either of these courses, it is open to them, if they please, to lighten as permitted by the regulations.

An abrupt decision to set to work to dredge [the bar] in the interest only of those foreign merchants who own large vessels, with the object of carrying large cargoes, and wish to save the expense of lightening, is not only a condition of things never contemplated by the treaty, but also does not seem to be consistent with reason. The taotai has never heard of the silt that has accumulated at Woosung having blocked up the channel during the hundreds of years it has existed.

The bar [serves a double object]. Without, it keeps back the muddy water brought up by the tide; within, it keeps back the water of the Poo River, upon which all the arable land on either shore is dependent for purposes of irrigation. Directly the bar is cleared, the silt brought in by the tide will be carried on to the fields, whereby much damage will be done.

Again, the numbers of junks that lie inside the river select shallow places for an anchorage, where they wait for the tide to proceed on their way, an arrangement with which they are satisfied. If the water is deepened in mid-stream, the waves caused by foreign vessels as they go in or out will create a strong wash that will come rushing straight in, rendering it equally impossible for Chinese craft to stay where they are or to proceed, and many accidents will be sure to occur. Now, agriculture and navigation are matters of vital importance to the Chinese people which cannot be disregarded, and it may be seen from the conditions explained above that the unwillingness of the Chinese Government to dredge the Poo River does not in any way proceed from a reluctance to incur the expense, for even if [special] funds were provided to meet this expense the river could nevertheless not be dredged. The proposal to raise an additional tax in order to meet the cost of this work need not, therefore, as a matter of fact, be taken into consideration.

But even if the consideration of the question of levying an additional tax were for the moment admitted, there are still numerous obstacles to the plan which render its adoption impossible. These objections the Taotai will proceed to set forth in detail.

The question of the necessity or otherwise of dredging channels in the inland waters of China is one which it is entirely for China herself to decide. Moreover, in her compassionate consideration for mercantile interests, she imposes taxes that are lighter than any other countries can boast of, and these interests would suffer, instead of deriving benefit by an increase of taxation such as is now proposed in the interests of those foreign merchants who own large vessels. All the foreign vessels that enter the port are not large ones nor do all owners of produce charter large ships for its conveyance. It would therefore be a gross injustice to force all Chinese and foreign merchants alike to provide funds for the benefit of the few individuals or firms who own large vessels because they want to carry large cargoes and save expense.

At a general estimate by a tax of one per mil on the value of all produce imported

*The Chinese name of the Shanghai River.

into, or exported from, Shanghai, an additional revenue could be raised of 125,000 taels per annum. This tax is to be levied on Chinese and foreigners alike, and the Taotai has recently heard that even among the foreign merchants there are some who object to its imposition, whilst native merchants have never considered the question of the bar at all, so that if the latter are also called upon to pay an extra duty in common with foreign merchants it is impossible that they should willingly consent, and (under the circumstances) how could the authorities bear to compel them to do so. Therefore, even if the possibility of dredging the bar were admitted the question of increasing the duties could not be considered. How much less when the bar neither can nor must be dredged.

Sir T. Wade, who is so well acquainted with Chinese and foreign matters, must be thoroughly aware of the impossibility of carrying out this arrangement. If those foreign merchants who own the few large steamers that visit the port, would consider the conditions of the Woosung bar and adapt their cargoes to their conditions, their vessels might, as a matter of fact, come and go quite comfortably; or if they do not (choose to adapt their cargoes to the depth of the water), they may wait for a tide to get in, or lighten as permitted by the regulations. These have been the courses adopted by merchant vessels ever since the commencement of foreign trade, and the Taotai presumes that it cannot be Sir T. Wade's idea to force China to effect an impossibility or to go against the wishes of the majority of the mercantile class, because there is a sudden desire to dredge the accumulated silt of several hundred years in the interest of a few foreign firms who own large vessels and are anxious to save the cost of lightening.

The Yamen have to observe that the various points brought forward by his excellency the superintendent of trade for the southern ports, are, in effect, a true representation of the state of the case, and they imagine that the British minister who has been in China so many years will thoroughly understand (the grounds of the objections).

This memorandum is offered in reply (to the one prepared by the British minister) in hope that he will give it his careful attention.

[Inclosure 2 in No. 42.]

Mr. Denny to Mr. Angell.

OCT. 9, 1880.

As the honorable commission which was created and sent out by the Government of the United States with a view to modifying the treaties with China is now prosecuting its labors at Peking, I have thought that perhaps a few figures and comments in addition to those forwarded by the consular body and Shanghai Chamber of Commerce to different foreign ministers early in April last looking to the conservancy of the Woosung bar to the end that foreign shipping and foreign trade with Shanghai might be relieved from some of the burdens at least which are now put upon it might not be considered out of place.

The gradual setting up of this bar has been for some years a source of much annoyance as well as great expense to vessels visiting Shanghai. Grievances have repeatedly been complained of by masters of merchant vessels from time to time. Not only this, but merchants and business men here, have, through their consuls and the Chamber of Commerce, presented to the diplomatic body the most urgent reasons why some steps should be taken to check the progress of an enemy which is day by day placing additional obstacles in the way of commerce in its effort to reach the commercial center of the east. These efforts have been greatly strengthened and encouraged by the foreign ministers, who have been exerting themselves to induce the Chinese authorities to sanction the removal of this obstruction. But thus far no satisfactory results have been attained by them. One sickly excuse after another, even to profanity itself, in calling this obstruction a "Heaven sent barrier," &c., has been put forward by the Peking Government in response to their unanswerable arguments, and this will probably continue to be the case, unless there is a united demand made upon the government by the representatives of the treaty powers for such a concession as a partial equivalent for the large sums of tonnage dues paid to it annually by foreign shipping seeking an entrance to this port. In fact it was for just such objects as this that the collection of tonnage dues was provided for in the treaties, and if these dues are to be diverted from the purpose for which they were intended, the right to collect them should be questioned.

There are at present in this harbor six American sailing ships, all of which were compelled upon their arrival at this bar to incur the expense of lightening, the deepest drawing 22 feet. The following table which I have carefully prepared from facts and figures obtained from the masters of these vessels will give you some idea at least of the expenses which the shipping to this port in such ships is now compelled to incur.

Ship.	Tons.	Tonnage dues.	Expense incurred.	Total expense.
Brown Brothers	1,493	$907 61	$876 00	$1,783 61
Paul Jones	1,258	764 77	355 50	1,120 27
Top Gallant	1,280	778 13	1,037 00	1,815 13
Blue Jacket	1,396	848 65	670 00	1,518 65
Henrietta	1,267	770 23	778 00	1,548 23
May Whitridge	862	524 02	880 00	1,404 02
	7,586	4,593 41	4,596 50	9,189 91

From the above statement it will be seen that while these vessels paid tonnage dues after arriving in port, in the aggregate of $4,593.41, the extra expenses they were put to in crossing the bar amounted to $4,596.50; which added to the tonnage dues, makes the total expenses for these six ships $9,189.91; and when we come to carry these burdens to the entire shipping of the port they become enormous. From the 30th September last year to the 30th September this year, the customs have collected tonnage-dues amounting to about $360,000, about one-half of which is at this port, and it is safe to say that not $50,000 of this sum is expended annually in adding to the shipping facilities of the harbor. Taking the foregoing table as our guide there is to be added to the dues collected at this port at least $180,000, expenses incurred by vessels at the bar, which makes the respectable sum of $360,000 annual tax upon this interest in order to reach Shanghai.

The expense to the Chinese Government in dredging this bar to a depth that would freely permit with seriously high tides, vessels drawing 22 to 23 feet to pass, would not be comparatively great; at all events, once the obstructions removed the labor afterwards would be easy. Suppose, however, that it should require all of the tonnage receipts for one, or even two years, to accomplish this important work, certainly the Chinese authorities owe this much at least to an interest which has paid them millions of dollars in the past, and will yet pay them millions more.

During the past summer it has frequently occurred that outgoing ships have been compelled to cross the bar and take cargo afterwards. On yesterday the steamer Indus, belonging to the Peninsular and Oriental line, went out over the bar for this purpose, and to-morrow one of the Mitsu Bishi steamers will pursue the same course. The expenses attending the shipment of cargo under such circumstances must be great.

Should the instructions of the commission preclude the consideration of such questions as this, I trust the facts I have here given, bearing upon the subject, may be some use to you in urging with your colleagues its consideration by the Peking Government.

No. 129.

The commission to Mr. Evarts.

No. 11.] UNITED STATES COMMISSION,
Peking, November 3, 1880.

SIR: Our dispatch No. 8, of October 23, 1880, brought the history of our negotiation down to the inverview of that day with the Chinese commissioners, and briefly summarized its result. We now have the honor to inclose a full *précis* of the conversation on that occasion.

When that *précis* was submitted to the Chinese commissioners, we asked for an interview (which was appointed for the 31st ultimo), in a note, a copy of which will be found inclosed.

The conference was held on the day appointed, and at its opening the Chinese commissioners submitted to us the project of a treaty, a translation of which will be found herewith. This being in Chinese, we could only gather its general purport from a rapid translation by Mr. Holcombe. Mr. Trescot, on behalf of the commissioners, informed the Chinese commissioners that we would take it into consideration, but that we could and ought to say at once that there were some points which were inadmissible, and could not be received by us even for con-

sideration. The first was the limitation of the provisions of the treaty to Chinese immigration into California. To this the Chinese commissioners replied that such was not their intention, but as they had been led to suppose, from all they heard, that objection to such immigration existed chiefly, if not only, in California, they had suggested this form in order that its discussion might lead to a better understanding.

The second point was the provision that the limitation of such immigration should be confined only to the prevention of the entry of Chinese labor, and should not impose penalties or disabilities of any kind upon such immigrants. Mr. Trescot said that this provision was too obscure, and seemed to involve questions not within the scope of the present discussion. The right to prevent immigration, without the use of such means as the Government of the United States might deem judicious and necessary to enforce the prevention, was scarcely worth considering.

To this objection the reply of the Chinese was not precise enough for accurate report, but their apprehension seemed to be that such power of prevention might be made to justify or excuse unfavorable legislation by the States against such Chinese immigrants as might be found within their borders.

Another point was the exclusion of "artisans" from the class of Chinese labor whose immigration was forbiddon by the proposed provisions. In reference to this, Mr. Trescot stated that it was an inadmissible limitation upon that definition of Chinese labor which had been suggested by the United States commissioners.

It was deemed best by the United States commissioners not to do more at this interview than signify their great disappointment at the scope and tenor of the Chinese project, and to reserve a full review of its provisions until it had been translated.

After full consideration, the United States commissioners drafted a counter project with observations, which they sent to the Chinese commissioners by Mr. Holcombe, as secretary of the commission. This was accompanied by a note of instruction to Mr. Holcombe, a copy of which will be found inclosed. The result of his interview was the appointment of a meeting, to be held at an early day, the language of the members of the Yamen being such as to indicate the prospect of a satisfactory conclusion.

It may be well to state here that, in all our conferences, there have been present, besides the two commissioners, other members of the Yamen, making the Chinese representation never less than four and oftener six. The discussions, as far as they had practical point, were conducted to a large degree by Shen, a member of the privy council and one of the oldest and most influential of the Yamen, and Wang, who, although the youngest member, has the reputation of being one of the most distinguished statesmen of the country.

The discussions were, however, often very general, and participated in by all those present.

We have the honor to be, sir, your obedient servants,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

[Inclosure 1 in No. 11.]

Précis of a conversation had between the United States commissioners and the Chinese commissioners, on Saturday, October 23, 1880.

Mr. Trescot, on behalf of the United States commissioners, said that they had received the memorandum of the Chinese commissioners on the project submitted, and thanked them for the promptness of their reply and the friendly spirit which marked it. That as to the first article, it was, as the Chinese commissioners said, only a summary or recapitulation of the provisions of existing treaties on the subject of the emigration and residence of the citizens of either country in the other. The article was suggested simply under the impression that, as the object of the present negotiation was one branch of immigration, it would be as well to make any treaty now negotiated a complete treatment of the whole subject. But if the Chinese Government preferred to leave the provisions standing as they now do in several treaties, and confine this negotiation to the immigration of Chinese labor, the United States commissioners would not object and would not of course press any further consideration of the first article.

That as to the second article, the United States commissioners want some fuller explanation of the meaning of the language used in the Chinese memorandum.

The memorandum says: "At the moment we are only prepared to negotiate for a mode of limitation, having in mind the interests of both governments. We are entirely ready to negotiate most carefully with your excellencies to the end that a limitation, either in point of time or of numbers, may be fixed to the emigration of Chinese laborers to the United States."

The United States commissioners would like to have a more definite statement of what such limitation meant, and how it was proposed to carry it into effect.

The Chinese commissioners replied that they had informed the secretary of the commission verbally that there would be difficulty in their accepting the word "*prohibition*," used in the second article; and, assuming that the word "regulate" would cover generally the other words "limit and suspend," they had suggested this limitation in hopes of learning from the United States commissioners what their idea of limitation was, and they would like to hear.

Mr. Trescot replied that the United States commissioners were not quite prepared to say, because, as the article they had submitted was a distinct proposition, they had been led by the language of the memorandum to suppose that the proposition for limitation in time and numbers was a substitute for that article and not a response to it, and that they had therefore expected that the Chinese commissioners would be prepared to explain it in some detail.

The Chinese commissioners said they did not intend their proposition to be considered as a substitute for Article II, or in any sense an ultimatum on the part of the Chinese Government. They rather intended it to induce a free discussion of the subject so it should be thoroughly understood. By limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year as well as the total number of Chinese now there, that no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or the least number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation in time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or, for example, that they should not be allowed to go for two, three, or five years.

Mr. Trescot replied that the United States commissioners feared there was some misunderstanding on the part of the Chinese commissioners as to the meaning of Article II. The United States Government did not ask the Chinese Government to regulate, limit, suspend, or prohibit immigration, but to leave that to the discretion and action of the United States Government itself. That under the Burlingame treaty, as construed in practice, the Chinese had the absolute right in any numbers to come to the United States. This had caused trouble and embarrassment. What the United States Government asked was that the Chinese Government should consent to such a modification of the Burlingame treaty as would enable it, without raising unpleasant questions of treaty construction, to exercise that discretion. The reasons why the United States Government should be allowed to do this rather than to impose the task upon the Government of China are manifest. If undertaken by China it would necessitate complicated regulations; the appointment of special officers at each port to enforce them, and, failure to enforce the rules on the part of the local officers would raise questions between the two governments. Besides, as the memorandum of the Chinese commissioners states, they could only apply to the ports of China, while the larger portion of emigrants go from Hong-Kong and Singapore.

It is far easier to prevent them from entering the United States than to prevent their leaving China. If the United States had the right it would most easily find the power to accomplish this result by appropriate legislation.

They thought it best for the friendly relations and the interests of both countries that the United States should have the right to limit, suspend, and prohibit and to enforce such limitation or prohibition by their own laws, in their own ports, without imposing further responsibility upon China.

The Chinese commissioners asked if the United States commissioners could give them any idea of the laws which would be passed to carry such power into execution.

Mr. Trescot replied that this could hardly be done. It would be as difficult to say what would be the special character of any act of Congress as it would be to say what would be the words of an edict of the Emperor of China to execute a treaty power. That two great nations discussing such a subject must always assume that they will both act in good faith and with due consideration for the interests and friendship of each other. That the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances.

If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States under this power would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general the legislation would be in view of, and depend upon, the circumstances of the situation at the moment such legislation became necessary.

The Chinese commissioners said this explanation was satisfactory; that they had not intended to ask for a draft of any special act, but for some general idea how the power would be exercised. What had just been said gave them the explanation which they wanted, and they asked that it might be given to them in writing. Mr. Trescot replied that a *précis* of the entire conversation would be given to them. They further remarked that they were satisfied that if any special legislation worked unanticipated hardship the Government of the United States would listen in the most just and friendly spirit to the representations of the Chinese Government through their minister in Washington.

Mr. Trescot expressed the gratification of the United States commissioners at this confidence, which was not misplaced. The United States Government had been very careful of the feelings of the Chinese Government. They had not, like some of the English colonies, undertaken to settle the matter absolutely by their own legislation. Congress had passed the fifteen-passenger act, which the President had vetoed, not because he did not feel very strongly the difficulties consequent upon the present condition of the question, nor because he did not regard unrestricted Chinese immigration as a great evil, but in order that this commission might first be sent to find in consultation with the Chinese Government a friendly and fair adjustment. That the Chinese commissioners must be aware that the subject was one of great popular interest in the United States and had been the theme of excited and even angry comment in Congress. And it was much to be feared that if the commission failed to reach a satisfactory conclusion, the government might be forced by the difficulties of the situation to take the question into its own hands and abrogate the Burlingame treaty. The government did not desire this, but only sought a certain elasticity of action under the treaty as the exigencies of the situation might demand.

The United States commissioners thought it would be a most fortunate thing for the continued friendship of the two countries if they could communicate a satisfactory conclusion of these negotiations to their government before the next meeting of Congress in December. That as for the special words to be used, the United States commissioners would receive with the utmost consideration any suggestions from the Chinese commissioners, but it would be very gratifying if an agreement could be reached as to the principle of the article which they had submitted.

The Chinese commissioners said, the commission might be assured that China did not in any way mistrust the motives and purpose of the United States, nor for an instant doubt that the Government of the United States would act with entire fairness towards the Chinese. If the Government and people of the United States had treated Chinese laborers as they had been treated elsewhere, the Government of China would be anxious that their people should not go thither. China would never forget that it was the Government of the United States through its representatives abroad that first called the attention of the Government of China to the cruelties to which its subjects were subjected in Cuba and elsewhere. They appreciated fully the spirit in which the United States Government had treated the subject; that the United States commissioners might be assured that they had but one purpose, and that was to reach at an early period a satisfactory solution of the question, and that such solution might be certainly anticipated, so that the United States commissioners would not be detained by the closing of navigation, and they asked that a *précis* of this conversation might be furnished them.

[Inclosure 2 in No. 11.]

The United States commissioners to the Chinese commissioners.

The undersigned, the United States commissioners, have the honor in conformity with the request of their colleagues, the Chinese commissioners, to inclose for their consideration a *précis* of the conversation had at the interview of the 23d instant, which they hope will be found correct.

In doing so the United States commissioners cannot refrain from expressing their gratification at the spirit in which the discussion was conducted and the fair and just view taken by the Chinese commissioners of the representations submitted to their consideration.

Feeling that there is every reason to hope for a satisfactory solution of the questions they have now considered with their colleagues, the commissioners of the United States, without pressing unduly upon the time and other engagements of the Chinese commissioners, would ask that, as both parties are now fully in possession of each other's views, as early an interview as possible may be accorded them, in order that they may take joint action with their colleagues upon the definite proposition contained in article second of the project.

We have the honor, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. H. TRESCOT.

PEKING, *October* 27, 1880.

[Inclosure 3 in No. 11.]

Treaty project from foreign office.

Whereas in the 8th year of Hsien Feng A. D. 1858, a treaty of peace and friendship was concluded between China and the United States, and to which were added in the 7th year of Tung Chih, A. D. 1868, certain supplementary acticles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed;

And whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the State of California, and the embarrassments consequent on such immigration, now desires to negotiate an adjustment of the existing treaties which shall not be in direct contravention of their spirit:

Now, therefore, the Government of China has appointed ——— ——— as its commissioners plenipotentiary, and the Government of the United States has appointed ——— ——— as its commissioners plenipotentiary, and the said plenipotentiaries, having conjointly examined their full powers, have discussed the points of possible modification in existing treaties, and have agreed upon the following articles in temporary modification:

ARTICLE I. The United States, in regulating the immigration of Chinese laborers to California, will limit the number who may enter the ports of the State, but will not prohibit such immigration. Only such Chinese will be included in this limitation as are found, after careful examination at the time of their entry into the ports of California, under rules to be established by the United States, to be actual laborers. Any regulations for limiting such immigration shall only be of such a nature as to hinder the entry of immigrants of the class specified to the ports named, and shall not impose disabilities of any other kind or class upon such immigrants.

ART. II. Chinese who may be desirous of proceeding to any other part of the United States for purposes of labor, excepting only the State of California, shall be allowed to go of their own free will and accord. Persons of all other classes, with the exception of actual Chinese laborers, whose immigration into California will be temporarily regulated and limited by the United States, whether proceeding to California as teachers, students, travelers, traders, or artisans, as well as all Chinese laborers now in that State, will be allowed to go and come with entire freedom, and will not be included in the limiting regulations.

ART. III. If Chinese laborers now either permanently or temporarily residing in the State of California meet with ill treatment at the hands of any other persons, the United States shall exert all its power to devise measures for their protection, and to secure for them the same privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ART. IV. The limitations to be placed upon the immigration of Chinese laborers will be temporary in their nature. The number of immigrants allowed by the regulations will not be excessively small, nor the term of years excessively long. Such regulations will apply only to Chinese laborers at work for and employed by American citizens. All other classes may go and come to and from the State of California, and their servants and employés, whether accompanying them or following them, shall not be included in the limiting regulations.

ART. V. The Government of the United States will prepare regulations in the spirit of the foregoing articles, and communicate them to the Chinese minister at Washington for his consideration. If there are points in such regulations which need modification, they will be brought by the Chinese minister at Washington to the notice of the Secretary of State, and be adjusted. The Chinese foreign office may also bring such points to the notice of the United States minister at Peking, and adjust them in concert with him, to the end of securing mutual advantage and avoiding injury to either party; and thereafter such regulations will go into effect.

ART. VI. The two governments having agreed upon the foregoing articles, copies have been prepared in each language, and signed, sealed, and exchanged by the respective plenipotentiaries. They will, however, go into effect only after their ratification by the governments concerned.

[Inclosure 4 in No. 11.]

Treaty project submitted by the United States commissioners, November 2, 1880.

Whereas in the 8th year of Hsien Feng, A. D. 1858, a treaty of peace and friendship was concluded between China and the United States, and to which were added in the 7th year of Tung Chih, A. D. 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed;

And whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States and the embarrassments consequent on such immigration, now desires to negotiate an adjustment of the existing treaties which shall not be in direct contravention of their spirit:

Now, therefore, the Government of China has appointed ——— ——— as its commissioners plenipotentiary, and the Government of the United States has appointed ——— ——— as its commissioners plenipotentiary, and the said plenipotentiaries, having conjointly examined their full powers, have discussed the points of possible modification in existing treaties, and have agreed upon the following articles in modification:

ARTICLE I. Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States or their residence therein, affects, or threatens to affect, the interest of that country or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of United States may regulate, limit, or suspend such coming or residence, and the words Chinese laborers are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity.

ART. II. Chinese subjects, whether proceeding to the United States for purposes of teaching, study, travel, curiosity, or trade, with their body servants, shall be allowed to go and come with entire freedom.

ART. III. If Chinese laborers now either permanently or temporarily residing in the State of California meet with ill treatment at the hands of any other persons, the United States will exert all its power to devise measures for their protection and to secure to them the same privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ART. IV. The Government of the United States will communicate to the Chinese Government the legislative measures adopted by it in accordance with the provisions of the foregoing articles, and in case such measures work unexpected hardship to Chinese subjects, will give the fullest consideration to such representations as the Government of China may see fit to make in the premises.

In faith whereof the respective plenipotentiaries have sealed and signed the foregoing at Peking, in English and Chinese, being three copies of each text of even tenure and date.

[Inclosure 5 in No. 11.]

The commission to Mr. Holcombe.

UNITED STATES COMMISSION,
Peking, November 2, 1880.

DEAR SIR: You will receive with this a memorandum containing the views of the commissioners as to the project of treaty submitted to our consideration by the Chinese commissioners. You will submit it to them in order that they may be prepared for a discussion of our points of difference at the next interview. In your conference with them we think it would be advisable without a formal expression of our opinion, which we reserve for an interview, to impress upon them your conviction that our project goes as far in the way of concession as we can go, and the stipulation of Article I is the least that we can accept in the fulfillment of our instructions.

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. H. TRESCOT.

MEMORANDUM.

The United States commissioners have received and considered the project of a treaty from the Chinese commissioners. They submit a counter project with the following observations:

1. The United States commissioners are willing to consult the wishes of the Chinese Government in preserving the principle of free intercourse between the people of the two countries as established by existing treaties, provided that the right of the United States Government to use its discretion in guarding against any possible evils of immigration of Chinese laborers is distinctly recognized. Therefore if such concession removes all difficulty on the part of the Chinese commissioners (but only in that case) the United States commissioners will agree to remove the word "prohibit" from their article and to use the words "regulate, limit, or suspend."

The Chinese commissioners have in their project explicitly recognized the right of the United States Government to use some discretion, and have proposed a limitation as to time and number. This *is* the right to "regulate, limit, or suspend," but it is accompanied in the project by conditions which cannot be accepted. The United States commissioners think that the Chinese Government ought to assume that this right will be exercised by the United States Government in a friendly and judicious manner, but it would be entirely useless to the United States Government without the power of using it when and how, in the judgment of the government, it ought to be used. Consultation and conference between the two governments upon every occasion when it might be necessary or upon every detail in the method of its use would be so inconvenient as almost to be impossible.

2. The United States commissioners feel it their duty to insist upon their definition of Chinese laborers, viz: "the word Chinese laborers are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to and provided for in existing treaties." They cannot consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor in the cities where the Chinese labor immigration concentrates which has caused the embarrassment and popular discontent they wish to avoid. But they are willing to adopt an article providing that the classes who are authorized to come to and reside in the United States shall bring the servants who are necessary to their convenience.

3. The United States commissioners cannot consent to the limitation that Chinese laborers excluded shall be those only who are employed by American citizens. This so far from being a check upon such immigration would be simply a prohibition of the use of cheap labor by the American citizens. Every other person, that is, any and every resident, French, English, German, Chinese, would have the right to bring into the country and use such labor in direct competition with the American citizen. The United States commissioners can scarcely think that this proposition was fully considered by the Chinese commissioners.

4. The United States commissioners would further call to the attention of the Chinese commissioners the necessity of correcting all those phrases in their treaty project which would seem to confine the negotiation to Chinese immigration into California. As they intimated at the last interview, they could not even take into consideration a treaty so limited in its scope, and they have proceeded with the examination of the project upon the assurance then received that no such limitation was intended by the Chinese commissioners.

No. 130.

The commission to Mr. Evarts.

No. 12.] UNITED STATES COMMISSION,
Peking, November 6, 1880. (Received December 22.)

SIR: We have the honor to imform you that we have to-day agreed with the Chinese commissioners upon the articles of a treaty, a copy of which will be found inclosed, and which will be formally signed in a very few days.

We have scarcely time to make such comment upon this treaty as we desire, but it is so simple as to explain itself.

The Chinese Government recognized at an early period of the negotiation that the United States had a right to ask for such modification of the Burlingame treaty as would relieve it from the embarrassment of an undue and disproportionate immigration of Chinese labor into the United States. This principle once admitted, as it was frankly, we felt it our duty to afford every facility to the Chinese Government to reconcile this admission to the requirements of their position towards their own subjects. The essential point was that the United States should have the right "to regulate, limit, or suspend" the immigration of Chinese labor without absolutely abrogating the treaties by which immigration into the United States was recognized, and this, we think, will be found amply provided for in Article I.

We desired, as you will see by the *précis* of the negotiation, to define with more precision exactly what all the negotiators on both sides understood by "Chinese laborers." But the Chinese Government was very unwilling to be more precise than the absolute necessity called for, and they claimed that in Article II they did by exclusion provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who went to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity. We have no doubt that an act of Congress, excluding all but these classes, using the words of the treaty, would be fully warranted by its provisions, and as this was a clear and sufficient modification of the sixth article of the Burlingame treaty we did not feel authorized to risk such a concession by insisting upon language which would really mean no more, and which was entirely unacceptable to the Chinese commissioners.

There is not in the treaty any language which modifies this concession, and there was not, as we think, the slightest intention on the part of the Chinese commissioners to diminish the full force of the discretion given to the United States.

There were one or two minor points upon which we would have preferred our own language. For instance, we wished in Article I to say "Chinese laborers should be protected against any abuse or maltreatment," instead of "should not be subject to any abuse or maltreatment"; but this latter phrase had been used in the treaty with Great Britain, and although we thought it weaker than the form we proposed, we did not think it worth while to insist upon our preference in view of the concession of the principle which we think securely established that the Government of the United States had the power to regulate, limit, or suspend, without conditions, Chinese labor immigration when deemed injurious to the interests of its citizens.

We will by the next mail send you a full account of the negotiations from the period of our last dispatch No. 11, of date of November 3.

We are in further negotiation as to a matter submitted by the Chin-

ese Government in connection with the probable extension of their trade in native vessels with the United States. We will probably reach a conclusion this week, when we will send you further information.

The questions of lekin taxes, transit passes, and judicial procedure are under consideration of the diplomatic corps here, and as these questions affect all treaty powers alike, the Chinese Government is unwilling to make them the subject of special negotiation with any one. These topics will, after full conference, be made the subject of a special dispatch, but there is no probability of their reaching a point of practical discussion for many months.

We can see at present no object to be served by the residence of the commission in Peking during the winter. Any discussions may be safely left in the hands of Mr. Angell, and the government will have ample time to determine what its policy on these matters will be.

We have therefore deemed it best that the two commissioners should return at once with the treaty negotiated, and Mr. Swift and Mr. Trescot will accordingly return to the United States upon the signature of the two treaties referred to.

Although we propose to write again by the earliest mail, we cannot close this dispatch without acknowledging our obligation to Mr. Holcombe, not only for the ordinary services of secretary and interpreter, but for the active and intelligent interest he has taken in the duties he has been called on to discharge in addition to those of secretary of the legation, and for the great help he has been in putting our views before the Chinese Government, and advising with us as to our method of negotiation, advice which his long experience and recognized ability made of the utmost value. We venture to hope that the Department will do that justice to his services which we have already recommended.

We have the honor to be, sir, your obedient servants,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

No. 131.

Mr. Angell to Mr. Evarts.

No. 48.] LEGATION OF THE UNITED STATES,
Peking, November 16, 1880. (Received January 5, 1881.)

SIR: In my No. 41 to you, dated November 1, 1880, I furnished such information as I had then been able to gain, in answer to the inquiry whether the Chinese Government discriminates against us in tonnage dues and duties on imports. I was able to report that there was no discrimination against us in the dues and duties collected by the so-called foreign customs, unless possibly there was an exception in the case of Chinese steamers bringing government rice from the Yangtsze ports to Tientsin, but that full and exact information concerning the treatment of junks, was not then at hand. A circular to our consuls and a note to Prince Kung, designed to bring out the facts in respect to junks, were transmitted to you as inclosures in No. 41.

I have now the pleasure of inclosing Prince Kung's reply to my inquiry, and also the replies which the consul-general, and the consuls at

Foochow, Chinkiang, Hankow, and Newchwang have sent to the circular.

The prince replies in substance that foreigners and Chinese transporting goods in Chinese craft are treated alike and that the duties they pay are just what is paid on goods of a foreign merchant unprotected by a customs certificate; that is, on goods imported and then sent inland without a transit pass; and further that the tonnage dues paid by Chinese craft are the same as those paid by foreign vessels, that they are paid at every customs station by the Chinese vessels, and that the rate is the same whether the vessels are under foreign or Chinese charter.

So far as this is a declaration of the law, it may be taken as satisfactory. But the testimony of some of our consuls and of intelligent persons, with whom I have conversed on the subject, compels the belief that the law is not taken as the strict guide of the officials of the so-called Chinese customs, who collect the dues and duties from Chinese junks.

The answers of Consul-General Denny, Consul Wingate, and Consul Shepard are clear on this point. There can be no doubt that in many cases the Chinese customs officers, without regard to the law, collect by "squeezes" what they can in payment of dues and duties. Whether this mode of collection results in an advantage or a disadvantage to the native vessels as compared with foreign, is a point on which men equally well qualified to judge differ. Probably in some cases it works one way and in others in a different way. When the official can safely "squeeze" the native trader or vessel into the payment of higher charges than are exacted from the foreigner by the foreign customs, he does not neglect the opportunity; but when the competition of foreign vessels with the native is close, he may accept something less than the foreigner pays, in order to prevent commerce from turning too largely to the vessels which report to the foreign customs. Consul Shepard, of Hankow, while acknowledging the difficulty of obtaining exact information, is of opinion that the native vessels in his district have an advantage over foreign vessels. Consul Wingate, of Foochow, believes that at that port the native vessels pay heavier dues than the foreign, pay heavier duties on the exportation of poles (a large traffic at Foochow), and are forbidden to export certain articles to foreign countries. The only advantage which he concedes to them is that of visiting the non-treaty ports. It will be remembered too that the junks are required by law to pay tonnage dues at every port which they enter, and do probably pay whatever is "squeezed" from them at every port, while the foreign vessels engaged in coastwise trade pay only once in four months, though they may enter several ports in that time. I suppose that Consul-General Denny's remark is substantially correct that at the present time the trade carried on by the junks "is of a purely native character between coast and inland ports and does not materially affect the interest of foreigners." Still, the time has been when our vessels did a good deal of the inland and coastwise transportation and that time may come again.

I have received from Mr. Robert Hart, inspector-general of the foreign customs, a reply to my verbal inquiry, whether exemption from duty on the part of the cargo of the Chinese merchants' steamers, which bring government rice from the Yangtsze ports to Tientsin, is still continued. I inclose a copy. He answers in the affirmative and argues to show that the exemption practically works no discrimination against foreign vessels. Probably it is intended as a sort of subsidy,

and if it were abolished, the subsidy would be continued in some form. A direct subsidy we could not regard as a discrimination against us, but I must regard a subsidy in this form as a discrimination in respect to coastwise duties. But it is the only discrimination recognized in the foreign customs, and does not in fact prevent competing lines of foreign steamers from plying between Shanghai and Tientsin.

I conceive that any remedy for the irregularities in the methods of administering the Chinese customs must be found in measures tending to place them under the direct charge of the Imperial Government. If such measures were adopted, the foreign powers might then under proper treaty stipulations hold them responsible for any maladministration which should work injury to foreign interests.

The bearing of the facts above recited and of the conclusion drawn, upon the negotiations of the commissioners plenipotentiary concerning commercial intercourse will readily be perceived.

Trusting that the information I have been able to gather, though necessarily less exact in relation to Chinese junks than could be desired, may suffice for the present purposes of the Department.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No 48.]

Prince Kung to Mr. Angell.

Referring to the arrival of the China Merchants' Steam Navigation Company's steamship Hochung at San Francisco, your excellency, some time since, addressed certain inquiries to this office to ascertain whether the duties and tonnage dues levied on American goods and vessels differed in any way from those levied on Chinese goods and vessels or those of any other nation, and, it will be remembered, that this office explained in reply that no discrimination whatever was made by the foreign customs in levying duties and tonnage dues on the goods and vessels of all nationalities alike.

Later another dispatch was received from your excellency, inquiring further, whether the duties and tonnage dues levied by the Chinese customs on vessels, or on foreign goods imported, native produce exported, or foreign and native goods carried coastwise, differed in any respect from the duties and tonnage dues levied by the foreign customs.

In reply, I have the honor to state that foreign goods imported, native produce exported, or foreign and native goods carried coastwise, when transported in Chinese craft sailing under foreign flag pay duties at the foreign customs; when transported in Chinese craft proper they pay duties at every customs station, and lekin barrier just like the goods of a foreign merchant when unprotected by customs certificate.

As regards tonnage dues, the ch'uan liao (tonnage dues) levied on Chinese craft is the ch'uan ch'ao (tonnage dues) paid by foreign vessels, and this is paid by the former at every customs station (Chinese) according to the regulation of the station, and the rate paid is the same whether the craft be under foreign or native charter.

[Inclosure 2 in No. 48.]

Mr. Denny to Mr. Angell.

No. 33.] OCTOBER 25, 1880.

SIR: Referring to your dispatch No. 11, submitting interrogatories relating to the arrival at San Francisco of the Chinese steamer Hochung, I have the honor to submit the following:

First. There are no other or higher tonnage dues exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels (not junks) or any foreign vessels engaged in like trade therewith.

Tonnage dues on vessels are collected by the Imperial Maritime Customs, at the rate of 4 mace per ton of 40 cubic feet, if over 150 tons, and 1 mace per ton, if 150 tons or under.

Second. American citizens pay the same import duties on all merchandise imported by them as are paid by the Chinese and subjects or citizens of all other powers, according to those specified in the tariff. No higher duties are exacted or paid by them.

Third. There is no discriminating or additional customs duty imposed on American or other merchandise imported into China in American vessels, a uniform tariff exists for all nations.

The dues and duties levied by the native customs at the treaty and non-treaty ports upon junks and merchandise carried in them vary considerably. Their trade, however, is of a purely, native character, between coast and inland ports, and does not materially affect the interest of foreigners.

I informed the Department in a dispatch dated the 15th of May last of the intention of the China Merchant Steam Navigation Company to establish a line of steamers between China and San Francisco via Honolulu, and the Hochung is the first one of that line to arrive in United States waters. The Meifoo (Benclutha) a fine iron ship of 2,000 tons, just built at Shanghai, will be the next to follow. There are to be three in all, I believe.

While it is gratifying to see China step out of the narrow path she has trod in this direction for ages past, and modestly bid for a portion of the carrying trade between the United States and her own country, it is humiliating to Americans, with all their boasted enterprise on sea and land, to have Chinese steamers entering our harbors, while there is not a single steam merchant ship entering Chinese waters, flying the American colors.

Now, that the Chinese have concluded to enter upon this new departure, it is certainly an appropriate time to settle discriminations, if there be any.

In this connection I may add, that as tonnage dues collected from Chinese ships entering harbors of the United States will be, like others, expended in the improvement of her harbors and bars, so those paid by United States vessels entering Chinese harbors should be used for the same purpose, as originally intended by the treaties with China.

I am, &c.,

O. N. DENNY.

[Inclosure 3 in No. 48.]

Mr. Wingate to Mr. Angell.

No. 9.] OCTOBER 27, 1880.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 6, of the 11th instant, making inquires regarding comparative dues and duties levied upon American ships and their cargoes.

Foreign vessels of all nationalities, and Chinese vessels with foreign rig, so far as relates to tonnage dues, and import and export duties, are, I understand, treated precisely alike at this port, and so far as relates to them, I answer all your interrogatories in the negative.

The customs collect no tonnage dues from junks, but they are subject to certain exactions called, "squeezes," from the native customs. Junks from foreign ports, as Singapore or Hong-Kong have to pay for entry. For this there is no known fixed rate, it depending somewhat upon the influence of the owners or supercargoes.

But the sum exacted is reported to be in excess of that collected from foreign vessels, so that it is for the interest of the merchant to import most articles of foreign manufacture in foreign or foreign rigged vessels. Junks have some advantage in visiting non-treaty ports. They are placed at a disadvantage in some other respects; they pay higher export duty on poles, and they are not allowed to export certain articles to foreign countries.

Citizens of the United States have equal advantages with Chinese subjects, or citizens or subjects of the most favored nations, in importing and exporting merchandise, except as may be noted in my remarks relating to junks.

I am, &c.,

J. C. A. WINGATE.

[Inclosure 4, in No. 48.]

Mr. Shepard to Mr. Angell.

No. 53.] NOVEMBER 3, 1880.

SIR: I have the honor to acknowledge receipt of your Nos. 3 and 4. Referring to the latter I respectfully submit the following:

First. In answer to your first query, experience and conference with the custom-house officials lead me to reply that all foreign vessels, of whatever nationality, are required to enter at the foreign customs, and also all vessels of foreign type owned by the Chinese (*i. e.* the steamers of the "China Merchants' Steam Navigation Company"), and the tonnage dues exacted are on precisely the same scale and terms for all.

I suppose this answers the question you wish to solve, but I think it proper to explain that altogether another system is applied to native craft proper, engaged in purely native trade. These do not enter the *foreign* but *native* customs, and pay what we call "port dues" and "boat tax." Exactly what these dues are it is difficult to learn, on account of the reticence of the native officials in such matters, but they most undoubtedly give an advantage to the native over foreign vessels in local trade. I have endeavored, before answering you, to get definite information on the topic but unsuccessfully.

Second and third. The answer to both your second and third queries with the postscript is: "None whatever."

I am, &c.,

ISAAC F. SHEPARD.

[Inclosure 5 in No. 48.]

Mr. Scruggs to Mr. Angell.

No. 35.] NOVEMBER 2, 1880.

SIR: I have had the honor to receive your dispatch No. 5, dated the 11th ultimo, relative to tonnage and other duties, levied and collected by the Chinese authorities at this port.

There are no direct imports or exports to or from this port and foreign ports. All imports of foreign goods, or exports of native product, are made through Shanghai and the southern Chinese coast ports. Consequently, there are no sea-going vessels plying between this and foreign ports, except an occasional English or French steamer from Hong-Kong.

The carrying trade of the Yangtsze ports is done by English and Chinese steamers, (the last named being also foreign built) plying regularly between Shanghai and Hankow, also by native build, but foreign owned, sailing vessels known as lorchas, usually not exceeding 150 tons burden. There is also a considerable portion of this trade done by Chinese junks, frequently charted by foreigners, though never carrying foreign flags.

Many of the lorchas fly the United States flag. They are commanded by citizens of the United States; though the crew in every instance, are Chinese subjects. And they are provided with consular certificates of ownership by resident United States citizens in China. It is observable however, that many of them are mortgaged to the full extent of their value to some Chinese subject.

Admitting nevertheless, that in every case the alleged ownership is genuine, this class of vessels can hardly be called "American," in the sense contemplated by our statutes; they could not obtain a register or license under our laws; and should they visit any of the United States ports would have to be classed as foreign vessels. Consequently, whilst they are entitled to protection as *property* owned by United States citizens in China, they cannot, I apprehend, lay claim to many of the privileges and immunities pertaining to *bona fide* American vessels.

So much by way of preliminary. Recurring more directly to your inquiries, I am assured by the customs authorities here, that "tonnage dues are levied at a uniform rate as laid down by treaty on all foreign vessels, and on Chinese vessels of foreign build." Also "that custom duties on re-imports and re-exports, &c., are uniform, and with out discrimination against foreign traders or powers."

This is an *ex-parte* statement of course. It is just a little evasive also. But I have no means of probing the matter further, as I am instructed by the State Department to proceed at once to Canton, and am expecting to leave by to-morrow's steamer. I apprehend however, that the statement may be correct so far as it goes.

There have been no complaints of discriminations, and, it is noticeable that the number and business of the so-called American lorchas are on the increase here as at other ports.

I am, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 6 in No. 48.]

Mr. Bandinel to Mr. Angell.

OCTOBER 26, 1880.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch, No. 7, referring to the questions raised by the arrival of the Chinese steamer Ho Chung at San Francisco, and in reply to state that:

First. No other or higher tonnage dues are exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels or any foreign vessels engaged in like trade therewith.

Second. No other or higher customs duties of import or export are exacted in China from American citizens importing merchandise thither, or exporting merchandise thence, than are paid by Chinese subjects or the citizens of the most favored power importing or exporting the like merchandise into or from China.

Third. No discriminating or additional customs duty is imposed upon merchandise, whether of American or foreign origin, entering or leaving the open ports of China in vessels of the United States, which is not imposed upon the like goods entering or leaving those ports in Chinese vessels or in vessels of any foreign power.

The above replies describe not only the law but the practice of the authorities, so far as I know, especially in my consular district.

I am, &c.,

F. BANDINEL.

[Inclosure 7 in No. 48.]

Mr. Hart to Mr. Angell.

NOVEMBER 8, 1880.

DEAR MR. ANGELL: In reply to your inquiry concerning special advantages allowed to the Chinese Merchants' Company's steamers, I have now to give you the result of my reference to the Tientsin customs. It is, in a word, this: The rule is still in existence and has never been rescinded, notwithstanding my belief that it has fallen into desuetude.

The rule stands thus: Chinese junks bringing *government rice* from the Yangtsze to Tientsin are allowed to carry a two-tenths cargo of native produce free of duty; that is to say, a junk may bring 200 bags of produce free of duty for every 800 bags of rice carried. Chinese steamers carrying government rice are to be dealt with similarly. It is only the custom-houses at Ningpo, Shanghai, and Chinkiang (starting point) and Tientsin (destination) that are to pass produce in this way, and the exemption applies solely to Chinese produce and not to foreign goods.

I do not think it likely an exemption of this kind creates any specially favorable condition for Chinese vessels as against foreign flags, seeing that it is limited to a few ports and a special cargo, while that cargo only comes forward at a special season, and the exemption of the two-tenths produce accompanying it is part of the payment of freight on the government eight-tenths rice. Owners of such produce have probably to pay the amount of the duty exempted to the steamer company, in addition to ordinary freight, and the arrangement appears to be a sort of guarantee to the rice carrier; that whether the government is in funds or not he, himself, can secure the payment of whatever freight (sometimes more, sometimes less, according to the nature of the produce) the duty exempted may be held to represent. A freighter would, therefore, find it as cheap to send his produce by another vessel.

Yours, &c.,

ROBERT HART.

No. 132.

The Commission to Mr. Evarts.

No. 13.] UNITED STATES COMMISSION,
Peking, November 17, 1880. (Received January 5, 1881.)

SIR: On November 6, in dispatch No. 12, we informed you that we had on that day concluded a treaty with the Chinese Government, which would be signed in a few days, and a copy of which was inclosed.

On November 10 we telegraphed a brief summary of the treaty (inclosure 1), and have now the honor to inform you that to-day, the 17th of November, this treaty was signed in triplicate, in Chinese and English, by the commissioners plenipotentiary of the two governments.

Our former dispatches will have given you a sufficient history of the negotiations, but we deem it our duty to conclude with a review of the points which came under discussion.

After our first interview with the Chinese commissioners we thought it clear that while the Chinese Government would recognize the propriety of some regulating discretion as to Chinese immigration on the part of the Government of the United States, it would not consent to its formal prohibition and the absolute abrogation of the provisions of the Burlingame treaty relating to the free intercourse between the people of the two countries. We did not think that the public opinion of the United States would require so extreme a demand, and we considered our instructions as warning us not to disregard the traditional policy of the United States, and in your own words to give due weight to "the widely diffused and, so to speak, natural sentiment of our people in favor of the most liberal admission of foreign immigrants who desire to incorporate themselves and their families with our society, and mingle the stream of their posterity in the swelling tide of native population."

While, therefore, we asked in our first proposition for a recognition of the right to prohibit, we were prepared at the proper time to withdraw this extreme claim in concession to a final advance on the part of the Chinese commissioners to such a degree of discretionary power on the part of the United States as we deemed practically sufficient to secure the control of Chinese immigration.

The statement of the wishes and purposes of the Government of the United States was, at the opening of the negotiation, met by the Chinese commissioners with the expression, in very friendly language, of their willingness to negotiate, provided no modification of the Burlingame treaty was asked, and certain propositions formerly submitted by Mr. Seward in reference to paupers, lewd women, diseased persons, and contract laborers were taken as the basis of the negotiation.

While acknowledging the amicable spirit in which their reply was made, we deemed it all important that the Chinese commissioners should understand that a proper modification of the Burlingame treaty was precisely the thing we had come to obtain, and that Mr. Seward's propositions in no way furnished the basis of any negotiation which we were willing to undertake. And in this connection we found it necessary to call the attention of the Chinese commissioners to the use of language in their formal reply not usual between governments, and to indicate our belief that this language had been used under an impression that the government was not in fact the representative of the sentiment of the country, an impression which they ought at once to correct. We believed that upon this discussion turned the possibility of negotiating a satisfactory treaty.

As we expected, the Chinese Government promptly disavowed any intention of offense in the language used, and after a full and friendly exchange of opinion, the discussion proceeded to the consideration of such a modification of the Burlingame treaty as would be acceptable to both governments.

Without going into a detailed history of the negotiations which has been furnished to the Department from time to time in our former dis-

patches, we may say that the Chinese Government submitted a scheme which provided:

1st. That the immigration should be "regulated" by the Government of the United States, such regulations, however, to be communicated to the Chinese Government for approval before going into effect.

2d. That "artisans" should not be included among Chinese laborers.

3d. That the regulation should apply only to Chinese laborers in the employ of American citizens.

4th. That if the regulation should extend to the limitation or suspension of such immigration, the limitation in point of numbers or the suspension in point of time should be specific.

As to the second and third points of this scheme it is unnecessary to repeat the obvious reasons why they could not even be taken into consideration.

At this point in the discussion we deemed it best to say that while the details of the treaty and its language were matters in which we would gladly consult the preferences of the Chinese Government, we could not consent to any settlement which did not recognize the entire discretion of the United States in dealing with this subject. We thought that any regulations to be matter of joint arrangement would only raise new questions and that the administration of any such joint regulations would in practice prove unsatisfactory. Besides which they could only be of force in Chinese ports and would be useless in regard either to Hong-Kong or Singapore. We thought that the simplest, the directest, and the only efficient plan was to give the control of the subject to the Government of the United States.

We therefore communicated to the Chinese commissioners that we would consent to strike out the word "prohibit," provided they would accept the words "regulate, limit, or suspend," being satisfied that these words covered the power to devise and enforce all necessary and proper legislation.

Upon their acceptance of this proposition, we consented to such variation of the phraseology of the articles as they desired. You will observe that this language imposes no conditions upon the discretion of the United States. That the discretion should be used reasonably; that all classes of Chinese subjects not within the scope of this treaty should be protected in the enjoyment of such rights as are now conferred by existing treaties, and that the diplomatic representative of the Chinese Government should have the right from time to time to call the attention of the United States Government to any unanticipated hardship that the legislation of the United States might cause, are provisions which need no comment.

As to the fourth point of the Chinese project, we were satisfied that the necessity for such special limitation or suspension, varying according to the actual condition of the country and the character and extent of the immigration at the date of such proposed limitation or suspension, it would be impossible to devise a satisfactory specification. We thought that the principle of its right to use its discretion being once admitted as belonging to the Government of the United States, the Chinese Government should assume that we would exercise that discretion with justice, and in a spirit of friendship.

We were fortunate enough to satisfy the Chinese commissioners not only of the justice of our views, but of the entire good faith in which they were advanced.

In conclusion, we deem it our duty to say to you that during the whole of this negotiation the representatives of the Chinese Government have

met us in the fairest and most friendly spirit. They have been, in their personal intercourse, most courteous, and have given to all our communications, verbal as well as written, the promptest and most respectful consideration. After a free and able exposition of their own views, we are satisfied that in yielding to the request of the United States they have been actuated by a sincere friendship and an honorable confidence that the large powers recognized by them as belonging to the United States, and bearing directly upon the interests of their own people, will be exercised by our government with a wise discretion, in a spirit of reciprocal and sincere friendship, and with entire justice.

We have, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

No. 133.

The commission to Mr. Evarts.

[Extract.]

No. 14.] UNITED STATES COMMISSION,
Peking, November 17, 1880. (Received January 5.)

SIR: We have by dispatch of same date informed you of the signature of the immigration treaty. We have now the honor to add that on the same day we signed another treaty with the Chinese Government containing certain commercial clauses and clauses relating to judicial proceeding, which we thought it desirable to obtain.

At the conclusion of the negotiations in reference to the immigration of Chinese labor, and when the terms of the negotiations in reference to the immigration of Chinese labor, and when the terms of the various articles had been definitely agreed upon, and the treaty transferred to the secretaries for the preparation of the formal draft, the Chinese commissioners informed us that there was one subject which they wished to bring to our attention, and upon which they deemed it desirable, if possible, to obtain some treaty stipulation.

They then referred to the voyage of the Chinese merchant's steamship, the Hochung; her arrival at San Francisco, and the correspondence between the two governments upon the subject, and expressed the wish to put the rights of the commerce of the two countries as to tonnage dues and imports in the condition of reciprocity.

We took the matter into consideration, and came to the conclusion that an article which would simply put such rights in the condition they would be, if the President, recognizing that no discrimination existed, had issued his proclamation, would not be unacceptable to the government. We were satisfied that there is in law no discrimination against us in respect to tonnage dues or imports (unless a species of subsidy to the China Merchants' Steamship Company in connection with the transportation of tribute rice from the Yangtsze River to Tientsin be regarded as such), and that there is in fact none which at present is working any harm to us. If any discrimination has been thus far unlawfully attempted, the article under consideration seems to furnish the best remedy for the trouble.

The customs department is divided into two branches, popularly

known as the foreign and the Chinese. The former, which is administered by foreigners in the service of the Chinese Government, collects all dues and duties from foreign vessels and from Chinese steamers and Chinese vessels of foreign build, and is admirably managed; the latter collects dues and duties from Chinese junks, and is administered by Chinese provincial officers, who, whatever the law may be, in too many cases, by "squeezes," collect as much as they can. Whether these "squeezes" amount on the whole to more or less than the dues and duties imposed on our commerce it is impossible to say. The opinions of our consuls and of other persons who have all the facilities open to any foreigner for judging, are divided. The trade of the junks is almost exclusively in native produce transported coastwise. Some ply between China and Singapore and Bangkok and Manila, and a good many beteen Hong-Kong and Chinese ports.

It has seemed to us that while with our old relations we could do very little to correct the abuses in the Chinese customs, we can lose nothing by agreeing to the article proposed, and the adoption of it brings two advantages:

First. It makes the imperial government directly responsible to us for any maladministration in the Chinese customs of which we may have reason to complain. Now we have practically no redress.

Secondly. A treaty stipulation like this tends to diminish the power of provincial officers and to increase that of the imperial authorities in the administration of the customs. Every movement in that direction is a gain for foreigners.

Having determined to accede to this request of the Chinese commissioners, we thought the opportunity a good one for asking additional articles on two subjects, both of interest and both of which had been very fully discussed with the representatives of all the treaty powers.

The first was the manner of judicial proceedings. The Chinese Government in the Chefoo convention had to some extent consented to what we asked, but that convention has never been ratified by Great Britain, and even if it had would only be of force as between China and Her Britannic Majesty.

After some discussion and some proposed amendments, the Chinese commissioners accepted the article as we had submitted, with only one inconsiderable modification. We had required that in all trials before the court of the defendant's nationality the official authority of the plaintiff's nationality should "have an honorable and convenient position in the court-house assigned him." The Chinese commissioners preferred that "he should be treated with the courtesy becoming his position." And as they had yielded what was much more important and had never yet been granted—that is, the right of the plaintiff's counsel to present, examine, and cross-examine witnesses, thus enabling him to render effective service in securing justice at the first trial of any case—we did not think it judicious to insist upon our own phraseology, especially as the position of a consular officer and the courtesy with which he is entitled to be treated are very well understood and protected by existing treaties.

We think this article an important and very useful concession, being, in our opinion, better in form and more efficient in its provisions than even the Chefoo convention.

The second subject upon which we desired to obtain a treaty stipulation was that of official communication. This subject had been long under discussion between the Chinese Government and the representatives of the treaty powers, and a memorandum had been addressed to

the diplomatic body setting forth the regulations upon this subject which the Yamen were willing to adopt. We proposed to convert this memorandum into an article. We thought that if the Chinese Government were willing to adopt these regulations it would be advantageous both to it and the treaty powers, to put them in the shape of a treaty stipulation at once without delaying for the termination of the long discussions over lekin taxes and transit passes, which were waiting final settlement. Our colleagues of the diplomatic body would have very willingly consented to see us obtain such a stipulation, but we found the Chinese Government unwilling to separate this subject from the general negotiations with the treaty powers. As it was even uncertain whether the Government of China would finally make it an article of treaty stipulation at all, but it was almost certain that it would put it in the shape of an edict regulating the formalities of official intercourse, we did not deem it judicious to press the point.

Having thus agreed upon two articles, we submitted a third, which we wished to be made the introductory article of the second treaty. As originally proposed by us it was as follows :

ART. 1. The Emperor of China agrees to consider favorably the extension of such intercourse as may seem upon due examination to conduce to the best interest of both countries, and that he will receive with careful attention any representation of the Government of the United States as to such special extension of the area of trade intercourse as the United States may desire.

To this the Chinese commissioners objected. While it did not in explicit language bind them to anything, it might, in their opinion, be used as the basis of some claim for an unanticipated extension of commercial relations.

Our discussion was therefore confined to the articles indicated above. When they had been perfected the Chinese commissioners submitted a proposition which we had, from information received, been expecting, but of which they had so far given no sign. That was the prohibition of trade in opium to citizens of the United States.

We knew that the Chinese Government was very anxious to introduce such an article in any new treaties which they might make.

* * * * * * *

Since our arrival here we had had some opportunity of learning how thoroughly sincere the Chinese Government was in its desire to suppress this mischievous trade, and we believed that the government had in this effort the entire sympathy both of the government and people of the United States.

We therefore agreed to adopt the article if the Chinese commissioners would reconsider their refusal to accept Article I.

They said that they did not understand the words "trade area"; that any special extension of commercial privilege which they could understand would be considered, and that if we would make the article mutual, so that the governments might appear to be dealing on an equal footing, and substitute the words "extension of commercial relations" for the "extension of trade area," they would accept it.

As in neither case the article imposed any binding obligation of direct action, and as it did, in the form proposed, indicate the willingness of the Chinese Government to consider in a friendly and accommodating spirit the subject of the extension of our commercial relations, we thought it best to accept it.

We have, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

No. 134.

The commission to Mr. Evarts.

No. 15.] UNITED STATES COMMISSION,
Peking, November 17, 1880. (Received January 5.)

SIR: In our two dispatches of the same date, we have informed you of the signature of the two treaties, copies of which were inclosed. We also informed you of the condition of the question as to the formal communication between consuls and the higher provincial Chinese authorities.

The only remaining subject of discussion between the two governments is that of lekin taxation, including the system of transit passes, and kindred regulations. As you are aware, this subject has been for some time under consideration by the diplomatic representatives of the treaty powers in Peking.

Since our arrival here, two conferences of the diplomatic body have been held. The result of those conferences, and communication with the Yamen is at present this: The diplomatic corps have, for many months, been engaged in an effort to secure amendments to the rules which the Chinese Government have instituted in respect to transit passes outwards. The foreign ministers have maintained that some of the rules are in contravention of treaties, and that all have been often enforced in a vexatious and unjust manner. A correspondence has been carried on with the Tsung-Li-Yamen which bids fair to produce desirable results at no distant day. But the correspondence is not yet concluded. The positions taken by the ministers, so far as we have been able to study them, meet with our entire approval.

The Chinese Government seem disposed to accept the rule that an import duty paid once for all at the port of entry, shall protect foreign importation from all other duties, to whatever extent, and in whatever direction, such importation may afterwards pass within the territory of China. But the subject is only under consideration, and there is a very serious difference between the Chinese Government and the treaty powers as to what the amount of such import duty should be.

At the conference held on the 15th instant, Sir Thomas Wade, Her Britannic Majesty's minister, to whom the subject had been referred, made a report, a copy of which will be found in inclosure No. 1. After hearing this report Monsieur Von Brandt, the German minister, was requested to prepare a memorandum, a copy of which is also inclosed. To this memorandum you will find the names of the commissioners plenipotentiary of the United States appended, signifying their entire agreement with their colleagues.

You will observe that the question of the amount of import still remains under discussion, and that when—if that can be anticipated—the Chinese Government and the representatives of the treaty powers have agreed, then the whole scheme is to be referred back to each government for consideration and instruction. It is unnecessary to point out that this involves a negotiation of no short duration. All that we can now properly do, therefore, is to give whatever weight attaches to the opinion of our government, to the recommendation of the conference. We do not see that any useful purpose could be served by the full commission remaining in Peking during the progress of this discussion and the reference home of its result.

There can be no doubt of the great advantage to foreign trade that the settlement of this question upon the basis indicated would be, but

the presence of the commission would not aid materially in its completion. We have therefore deemed it our duty to address a communication to Sir Thomas Wade, as "doyen of the diplomatic corps," stating that Mr. Angell was in full possession of the views of our government, and that, upon our departure, was fully authorized to deal with it in any stage of its progress as we would have been. The necessity of this arises from the fact that the commission in its full number was invited to participate in the conferences, and that the absence of two of its members seemed to require some explanation.

We can scarcely anticipate that any practical action in the matter can or will be taken until next spring, when it is possible that a reference may have been made to the respective treaty powers, and their instructions received.

Mr. Swift and Mr. Trescot will accordingly leave this capital for Shanghai on the 20th instant, going thence to Yokahama, whence Mr. Trescot will take the treaties by the first Pacific steamer that he can conveniently reach.

We have, &c.,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

[Inclosure 1 in No. 15.]

Memorandum on a conference held at the Tsung-li-Yamen on the 13th November, 1880, regarding exemption of foreign imports from taxation inland.

The origin of all discussions on this point, it will be borne in mind, is the difference of interpretation put by the Chinese authorities and the foreign merchant upon the clauses in the treaties affecting taxation of imports.

The construction most favorable to the foreign merchant has been that his imports, having paid import tariff duty, and a half duty, which it was at the option of the foreigner to pay or not, were thenceforward free of all possible charge, no matter to what part of the empire they might be carried. Some of the treaties, it is held, would scarcely justify so sweeping a claim to exemption, but by the favored-nation clause if so large a measure could be established under any one treaty, all foreign traders alike would of course be equally benefited.

The Chinese have argued that the half duty should clear inland duties leviable *in transitu* only from port to inland market, the treaties specifying none but the dues leviable at transit duty barriers. These barriers they have multiplied at pleasure, and they have taxed imports long before they could be said to have reached any barrier at all.

The continual altercation to which conflict of opinion on the point at issue has practically given occasion being scarcely less injurious to foreign interests than the unauthorized taxation itself has proved directly to trade it was proposed some time since to draw from the Tsung-li-Yamen the suggestion of some arrangement by which a single payment made in the first instance should clear imports of all further taxation whatever throughout the empire. This was, with a certain difference, the proposition of Sir Rutherford Alcock when negotiating a revision of the British treaty in 1868. The Chinese Government then consented, if the option to pay or not to pay the half duty were extinguished—if the payment of it, that is, were made as obligatory as the impost tariff duty itself—to free imports of all taxation in the maritime provinces. In the inner provinces certificate of the payment of the half duty was still to clear imports *in transitu* of barrier dues. On arrival at inland centers they were to become liable to taxation once they were separated from their certificate. The present proposal is to effect an arrangement for the clearance of imports by a single payment throughout the empire.

The ministers of the Yamen being called on to say under what conditions this might be secured promptly replied, by increase of taxation. Being pressed to state in what degree, they proposed a reference to the provinces; and this made, they signified their wish that the foreign representatives conferring with them should first declare their estimate. This was the point reached before the conference of the 13th instant. The ground on the foreign side taken on the 13th instant was the following:

The negotiators of the foreign treaties called in question had undoubtedly been of opinion that if the Chinese Government had secured to it the tariff duty, roughly estimated at five per cent. *ad valorem*, and the half duty—a total, that is, of seven and a half per cent. upon value—it ought to be content. This total it did not now receive. The customs returns of 1879 showed that the duties collected on imports, opium excluded, for the right of the Chinese to tax opium once purchased by Chinese is not contested was, taels 2,262,299. Had immediate payment of the half duty been obligatory there would have been further collected the sum of taels 1,131,149.

The sum collected on transit-passes, the application for these being optional, was but taels 342,795, or little more than one-third of this sum. The obligation to pay down the half duty would, therefore, manifestly be a concession very favorable to Chinese revenue. This was stoutly denied. The *li-kin*, the chief item of the abnormal taxation, imposition of which on his imports is protested against by the foreigner, amounted, it was affirmed, to a far larger sum than half the tariff duties. Could the Yamen, it was asked, produce statistics? There was some difficulty about a direct answer to this question; but, in the end, it was stated that according to the report of some provincial governments, the *li-kin* equaled twice, of others three times, the tariff duty. One reason earlier, given for the Yamen's unwillingness to name the amount to be added to the old tariff, had been its apprehension that the demand of the provinces would be far in excess of the expectations of foreign ministers; and the provincial estimates now referred to prove that the Yamen's surmise had been correct.

The natural rejoinder to these arguments was that the provincial estimate was far too high, and that the foreigners' experience authorized a conviction that whatever the amount really levied, but a limited proportion of it found its way into the public chest, central or provincial.

These conclusions were, of course, deprecated, and a suggestion being pressed for as to the utmost increase of tariff duty that foreign representatives might consent to move their governments to adopt, the ministers were assured that taking the tariff duty and the half duty at 7½ per cent., a rise of one-half per cent., or, at the most, of 1 per cent., would be regarded as a very liberal concession. An addition of a half per cent. would have given, in 1879, a total of taels 3,619,677; of 1 per cent., a total of taels 3,845,906.

The ministers were confident that this arrangement would not be satisfactory to the provincial governments, and, if not, would fail of its end. In some jurisdictions at this moment, the *li-kin*, as it had been stated, equaled three tariff payments; that is to say that, including the tariff, imports paid 20 per cent. In other jurisdictions they paid 15 per cent. Finally, after much discussion, they expressed a belief that 12½ per cent.—that is, a tariff and a half in addition to the present tariff duty—was the minimum that would satisfy the provinces.

T. WADE.

PEKING, *November* 15, 1880.

[Inclosure 2 in No. 15.]

Draft of memorandum prepared by Monsieur de Brandt, as representing the opinion of himself and his colleagues, after hearing Sir Thomas Wade's report of his conference with the Tsung-li-Yamen on November 13, 1880.

The proposal that a single payment at the port of entry should be substituted for the optional payment of the transit duty, all transit dues, as well as the illegally levied inland and *li-kin* duties, seems admissible; less so the amount of this single payment as proposed by the Yamen.

By the payment of half the tariff duty the merchant can, under existing treaty stipulations, carry his imports free from any taxes, duties, or *li-kin* to any place in the interior named in the certificate.

The making the payment of the half tariff duty compulsory instead of optional should therefore free all imports from all further taxation, whatever it may be called or whatever its purpose, from the port of entry to any place in the interior to which they might be sent.

Admitting, for argument's sake, that the Chinese Government has the right to tax imports *ad libitum* on leaving this place in the interior, all that can, in justice, be claimed by them is that the loss which may arise from the suppression or abandonment of this right shall be made good to the Chinese Government. Imports forwarded from a first market to a second or third will, as long as the means of conveyance remain what they are, represent only a comparatively small percentage on the whole trade. The Chinese Government can therefore not expect more than a small compensation for the abolition of this right.

As Sir Thomas Wade has reminded his colleagues in the Anglo-Chinese convention

of 1868, the Chinese Government agreed to free imports from all further taxation in the treaty port provinces in consideration of a compulsory payment of the half-tariff duty at the port of entry, reserving to itself the right to tax the imports *ad libitum* in other provinces.

If, therefore, fifty per cent. of the tariff duty was considered a fair equivalent for all taxes, dues, or *li-kin* legally or illegally levied on the large amount of imports within the treaty port provinces, twenty or at the utmost thirty per cent. of the tariff duty would be a fair compensation for the abandonment on the part of the Chinese Government of its right or pretension to levy taxes, duties, or *li-kin* on the much smaller amount of imports reaching the other provinces and distributed through them.

A proposal to this effect seems all that the representatives of the treaty powers could venture to submit to their governments, and all that these latter would be likely to consider.

PEKING, *November* 16, 1880.

[Inclosure 3 in No. 15.]

The commissioners to Sir Thomas Wade.

UNITED STATES COMMISSION,
Peking, November 19, 1880.

SIR: As we have had the honor to receive at your hand, as the representative of the diplomatic corps in Peking, an invitation to join you in conference upon certain subjects of common interest to all the Treaty Powers, it becomes necessary to inform you that two members of the Commission Plenipotentiary sent hither by the Government of the United States, Messrs. Swift and Trescot, will leave this capital on the 20th, upon their return home.

Of several subjects commended our care, we have fortunately succeeded in making such treaty arrangements as we hope will be acceptable to our government. We would feel it our duty to remain and join in any negotiations with our colleagues upon such subjects as remain unsettled were it not that we feel ourselves authorized to believe, from what has passed in the conferences which we have attended, that at present no further result can be attained than a reference to their home governments of such propositions as they may agree upon, by the diplomatic representatives of the Treaty Powers. As we have already had the honor to signify our entire and cordial agreement with the views of the diplomatic body as to the recommendation to be submitted to the consideration of the Chinese Government, and, upon its consent, to be referred home for approval, we beg to inform you that any further discussion which may arise will be left to the charge of Mr. Angell, one of the commissioners, and who remains in Peking a Minister Plenipotentiary and Envoy Extraordinary.

We have, &c.,

JAMES B. ANGELL.
JOHN L. SWIFT.
W. H. TRESCOT.

No. 135.

Mr. Angell to Mr. Evarts.

No. 49.] LEGATION OF THE UNITED STATES,
Peking, November 20, 1880. (Received January 5, 1881.)

SIR: Sir Thomas Wade, Her Britannic Majesty's minister, has kindly shown me a dispatch which he has received from the British acting consul, James Scott, of Kiungchow and Hoihow, on the island of Hainan, giving information of the wreck of the American sailing ship James Bailey, 1,531 tons, of Portland, Me., commanded by Capt. Jos. W. Mann.

The vessel sailed from Hong-Kong, October 14, in ballast for Vancouver's Island; on the 17th she was driven by a storm on to the Wenchang coast of Hainan, half-way between Moufu and Tungku Hills. The officers and crew, twenty-two men in all, landed in safety. The

natives speedily plundered the vessel, and attempted to prevent the men from going across the country to Hoihow. But all arrived at that port in due time, and immediately asked the assistance of the British acting consul. That officer took up their case with an earnestness and vigor which an American officer could not have surpassed. He not only took affidavits of their losses, but he at once communicated with the Taotai. The Taotai and the military commander of the district immediately dispatched a war vessel and soldiers to protect the wreck and arrest the guilty parties.

As the shipwrecked men must probably go to Hong-Kong, I am expecting to receive tidings from the consul at Hong-Kong, or the consul at Canton. Should the local authorities be dilatory in bringing the guilty to justice or in securing satisfaction for the injuries done, I trust I can rely on the Imperial Government for prompt and vigorous action, which I shall of course demand.

Meantime I have thought it due to Acting Consul Scott to send a note to him through the British minister, thanking him in behalf of our government, for his prompt and courteous and efficient action, and informing him that I should direct your attention to his conduct.

I have, &c.,

JAMES B. ANGELL.

No. 136.

Mr. Angell to Mr. Evarts.

No. 51.] LEGATION OF THE UNITED STATES,
Peking, November 22, 1880. (Received January 17, 1881.)

SIR: There have been many interviews between the foreign office at Peking and the ministers of western powers on the forms of official intercourse. In this country where so much importance is attached to official etiquette and ceremony, this is a matter of consequence. It was taken up in the diplomatic conferences of last winter. A minute from the foreign office accompanying Mr. Seward's No. 692, of May 27, 1880, shows how the subject was left at that time.

On the 24th of September the Tsung-li Yamên submitted to Sir Thomas Wade, to whom the diplomatic body had specially assigned the management of this matter, another memorandum suggested by personal interviews with him. Sir Thomas Wade reported this to a diplomatic conference held on October 25. He was instructed by his colleagues to ask for some slight changes in the propositions of the Tsung-li Yamên, and at a conference held on November 15 he was able to report that the changes proposed had been assented to by the Yamên. This paper, as amended, is herewith inclosed. The changes proposed on October 25, and adopted by the Yamên, were the following:

At the beginning of the fourth paragraph the word "henceforward" was inserted. In the third line of the same paragraph the words "incumbent on" were substituted for "open to." The first line of the sixth paragraph originally read, "The treaties stipulate that consuls," &c.; whereas it now reads, "There is a difference between the treaties of the different powers. In some it is stipulated that consuls," &c.

By reference to the proceedings of the commission plenipotentiary it will be seen that an effort was made to secure in one of the treaties negotiated the insertion of an article binding the Chinese Government

to the proposition they have assented to in this memorandum. Though that effort did not succeed, there is no reason to doubt that by proper official action the rules suggested will be promulgated and made binding on the provincial authorities. The completion of the business with the Tsung-li Yamên is still left to Sir Thomas Wade, who hopes to report final action at no distant day.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 51.]

Translation of memorandum on official intercourse, handed to Sir Thomas Wade by the ministers of the Yamên on the 24th September, as amended on November 13, 1880.

The Yamên have answered clause by clause the memorandum on the subject of forms of official intercourse received by them some time since.

As, however, the British minister did not appear to be fully satisfied with this reply, and repeatedly urged at personal interviews such consideration of the question as would satisfactorily dispose of it, the Yamên have now drawn up a farther set of propositions on the subject, which are as follows:

(1.) [It was proposed that] "whether at a port or in the interior, a consular officer having occasion to speak to the governor-general or governor of a province should be assured access to the high authority, and that when admitted into his Yamên he should be treated as a visitor, and not as the subordinate of the Chinese official." At this moment, in the provinces the governors-general, governors, *Taotais*, even though the rank (of the foreign official) be not the same as theirs, invariably treat (the foreign official) in interviews with the forms due to a visitor.

Henceforward, whenever (the foreign official) has business with them, it shall be equally incumbent on (the high authorities) to receive him, and whenever he is so received the forms observed shall be as between host and guest.

(2.) [It was proposed that] "in correspondence between consular officers and provincial high authorities a form should be used which does not suggest the existence of official subordination or the reverse between the persons engaged in the correspondence. The form *Wen yi* seemed to the foreign representatives to satisfy these conditions, and they would be glad to see it used instead of the forms now employed in all correspondence passing between consular officers and provincial authorities, without regard to their rank."

There is a difference between the treaties of different powers. In some it is stipulated that "consuls and acting consuls shall rank with intendants of circuits, and that vice-consuls, acting vice-consuls, and interpreters shall rank with prefects, and shall communicate with these officers, either personally or in writing, on a footing of equality." This stipulation is specially intended to indicate the conditions of relative rank, and it would not be expedient for officers in the positions of governors-general and governors to use the form *Wen yi* to consuls and other officers indiscriminately. As, however, the constitution is not in point of fact, seriously affected in this matter, some compromise should naturally be made, and it is now proposed that, while in ordinary official matters, consuls shall continue, as heretofore, to address the *Taotai* in the *chao-hui* form, and the latter shall, on behalf of the consul "report" (*chuan shen*) to the governor-general or governor, who will continue to "instruct" (*cha huing*) the Tao-tai, direct correspondence, between (the higher official and the consul), being thereby diminished,—on all matters of importance, the form of correspondence shall, without reference to the rank of the parties, be the *chas hui* or communication.

(3.) [It was proposed that] "in official correspondence the consul should be addressed as '*Kuei-ling-shih*,' and when he is referred to that the name of the consul should be prefixed." Also that "as the circles and marks drawn on instructions from a higher official to a lower indicate that they are in the nature of a command they should not be used in addressing a foreign official."

As there is no constitutional objection to either of these propositions, both may be acted upon. The order of proceeding in the above propositions is agreed to by way of compromise, the motive whereof is a sincere desire to consolidate and improve friendly relations.

The ministers can only hope that the British minister will carefully consider them, with his colleagues.

No. 137.

Mr. Angell to Mr. Evarts.

No. 52.] LEGATION OF THE UNITED STATES,
Peking, November 22, 1880. (Received January 17, 1881.)

SIR: Among the subjects which have long engaged the attention of the diplomatic body at Peking is that of "transit trade outwards." It was considered at the conferences which were held here last spring.

My predecessor inclosed with his No. 673 of May 1, 1880, a memorandum and a draft of rules submitted to the diplomatic corps by Mr. von Brandt, the German minister. The rules, after some revision, were placed before the Tsung-li Yamen for consideration.

On the 27th of September the Yamen sent to Mr. von Brandt a paper setting forth certain alterations which they suggested in the provisional rules recommended by the diplomatic corps. A copy of this paper is herewith inclosed.

Mr. von Brandt submitted this communication of the Yamen, with a memorandum upon it, to the ministers at a conference held here on October 25. In the discussion which followed most of the positions taken up by Mr. von Brandt in his memorandum were approved, but some changes were made in certain amendments which he proposed to make in the rules. I have thought I could best describe the details of the action of the conference by annotations on the margin of the memorandum, which is inclosed.

On the 19th instant the Yamen, in an interview with Mr. von Brandt, announced that the opposition of the provincial authorities to Rule II and Rule III, 1 and 2, was so strong that they could not see their way clear to assent to them. But they asked him to give them in writing his reasons for urging those rules.

At a conference held on the 22d instant Mr. von Brandt read to the diplomatic body a draft of the reasons which he proposed to send to the foreign office for desiring the two rules as well as the others.

The ministers, without formally adopting the whole paper, authorized him to close with the statement that his colleagues could not comprehend why Rules II and III should be unacceptable to them. Mr. von Brandt stated to his colleagues that, in the interview with the foreign office he received the impression that they were not willing to agree finally to the rules, but that they wished to be provided with reasons to press upon the reluctant provincial officers. He will present his communication to them at an early day.

I have, &c.,

JAMES B. ANGELL.

[Inclosure No. 1 in No. 52.]

Alterations proposed by the Tsung-li Yamen in the provincial rules.

I.

RULE I. These rules come into force on the —— day, —— moon of the sixth year, Kuang-Hsü. All outward transit passes issued before this time shall, after the expiration of one year, if the merchant has not, (within that time), reported for examination to the customs authorities, by whom the passes were issued, the native produce stated

in the pass as to be bought and the corresponding transit certificate be forthwith canceled by the superintendent of customs and the corresponding transit certificates be recalled; and all goods which the holders of such canceled passes may attempt to bring down under them will be confiscated. All transit passes issued subsequently to the —— day, —— moon of the sixth year of Kuang-Hsü, *i. e.*, the time when these rules come into force, and not used within one year from the date of issue, will be canceled at the expiration of such year.

Rule 2. [Addition to.] No further passes will be issued to a merchant whose passes had to be canceled, their time having expired, and who acts in opposition to this rule and does not surrender his pass.

Rule 3. [Addition to.] In all cases in which goods are to be confiscated, and there are no goods which might be surrendered, the value of the goods stated in the pass is to be paid by the merchant for confiscation.

Rule 5. [The following sentence is omitted:] Except goods for the northern ports for which the customs authorities will grant the necessary extension of time.

Rule 8. [Addition to.] At the time when transferring such goods the merchant shall report the nationality and the name of the merchant to whom the goods are transferred to the consul, by whom they will be communicated to the superintendent of customs, to be placed on record in order that the merchant may not throw off any responsibility afterwards.

Rule 9 is omitted.

II.

With regard to the proposed rule for duty-free native produce, we find that such are not mentioned in the treaties, and have therefore expunged this rule.

III.

Rule 2. Native produce, bought in the interior or at the port, has, before goods are manufactured from it, to be first reported to the customs authorities for examination. When exported, such manufactured goods shall pay the export duty according to their present form. If carried coastwise, they will be treated like native goods.

[Inclosure 2 in No. 52.]

Memorandum on alterations proposed by the Tsung-li Yamên or Mr. Von Brandt on the provisional rules for transit passes outward.

[The notes on the margin describe the action taken by the foreign ministers at the conference held October 25, 1880.]

RULE I, 1.

Mr. von Brandt's suggestion approved, and Rule I, 1, as altered, accepted.

There seems to be no objection to the alteration of Rule I, 1, as proposed by the Yamên, the rule being in fact little more than a paraphrase of the one originally proposed by the foreign representatives.

RULE I, 2.

The addition to Rule I, 2, approved.

The addition to Rule I, 2, proposed by the Yamên, does also seem acceptable; it has been indeed already accepted by the German Empire for transit passes inwards in § 7, of the supplementary rules to the additional convention of March 31, 1880; a similar rule being contained in Rule IV of the supplementary rules to the British supplementary convention of October 24, 1869.

RULE I, 3.

The addition to Rule I, 3, accepted.

There seems to be no objection against the principle announced in the addition to Rule I, 3, proposed by the Yamên, that in the absence of goods subject to confiscation, their value as given in the transit certificate should be paid as a fine by the merchant guilty of a transgression of the rules.

RULE I, 5.

The proposal of the Yamên to expunge from the rules the exception in favor of goods for the northern ports seems unacceptable in view of the fact that it may be impossible to transship the goods within the time specified. The rule ought therefore to be maintained or rather extended, so as to give power to the customs on application to grant an extension of the time for reshipment in every case where it is proved to their satisfaction that shipment within the prescribed time will be impossible.

The Yamên's proposal rejected and Mr. von Brandt's exception insisted upon.

RULE I, 8.

There seems to be no objection to the proposal of the Yamên that the name of the merchant, to whom the goods are transferred, should be communicated to the consul and through him to the superintendent of customs.

The Yamên's proposal accepted, but the phraseology to be made clearer.

RULE I, 9.

The proposal of the Yamên to omit Rule I, 9, is unacceptable; the joint jurisdiction in all cases of fines or confiscation being the necessary corollary to the concessions made by the foreign representatives in the proposed regulations. There seems further to be no reasonable ground why the procedure agreed upon in 1868, and accepted by the Chinese Government as well as the governments of the treaty powers, with regard to confiscations and fines, which was inserted also in the British supplementary convention of 1869, Article IX, should not be put in force also with regard to the rules now under consideration.

The Yamên's proposal rejected. Joint jurisdiction to be insisted on.

RULE II.

The assertion of the Yamên that no duty-free native produce exists, has no foundation, whatever, as can be seen by the British treaty of 1858 rules, Rule II, where it is expressly stated that the above-mentioned articles pay no import or export duty. The rule expunged by the Yamên will therefore have to be reinserted.

The rule expunged must remain.

RULE III, 2.

The alteration proposed by the Yamên seems neither practical nor practicable and ought to be rejected.

In addition to the alterations proposed by the Yamên some other alterations and additions might be introduced with advantage into the proposed rules, the acceptance of some of the proposals made by the Yamên giving sufficient cause to the foreign negotiator to make some new proposals also on his part.

The Yamên's alteration rejected.

RULE I, 4.

Add to: At the arrival of the produce at the barrier nearest the port *or where there is no further barrier* between the one at which the transit certificate was issued and the port at the custom-house.*

This addition seems desirable, especially with reference to Hoichow and Pakhoi, in order to avoid the necessity of produce bought at the mainland having to pass through Hainan.

As a further addition to this rule the following might be proposed:

In case of alleged damage or deterioration of goods en route, the customs on the application of the merchant will inspect the goods, and if the damage, etc., be proved, grant a proportionate diminution of the transit dues.

The same object might, perhaps, be obtained by inserting in Rule I, 7, after "while at the ports," "*or en route*" and after, "a reduction in the amount of export duty" "*or transit dues.*"

The proposed addition approved.

This form of amendment rejected.

The Chinese translation of Rules II and III, 1 and 2, having seemed, on further consideration, to be liable to misconstruction on the part of the Chinese authorities it is proposed to adopt in their place the annexed Chinese version of which the following is the exact English translation:

*Insert after the word "barrier" the words, "on the shortest and most direct line."

RULE II.

The passage in brackets amended thus: "When relanded it is exempt, according to rule, from tariff import duty, but has to pay a coast trade duty."

Whenever any native produce declared to be exempt from tariff import and export duties by Rule 2, is shipped, it is to be shipped accordingly exempt from tariff export duty; [but when relanded it is to pay a coast trade duty while exempt according to rule from tariff import duty.] As for this coast trade duty, its amount is declared to be 2½ per cent. ad valorem.

RULE III, 1.

This to be substituted for the original.

Native merchandise bought at the port is to pay tariff export duty when shipped, but is not to be called on to pay any other duty or tax, whatsoever. With the sole exception of native merchandise, brought from the interior under treaty transit passes, all native merchandise to be shipped is to be considered as bought at a port and treated accordingly.

RULE III, 2.

Strike out the first word "native."

Native goods manufactured at a port from native produce, whether arrived there under transit passes from the interior or procured otherwise, pay tariff export duty on shipment, but are not called on to pay any other duty or tax whatsoever.

No. 138.

Messrs. Swift and Trescot to Mr. Evarts.

UNITED STATES COMMISSION TO CHINA,
Shanghai, November 29, 1880.

SIR: By the last dispatches and telegrams from the commission, you were informed that two treaties had been signed, and that Messrs. Swift and Trescot would leave for Shanghai on the 20th, and that Mr. Trescot would bring over the treaties by the first Pacific steamer that he could reach from this point.

We left Peking on the 20th and reached Shanghai on the 27th. The steamer connecting with the Pacific line at Yokohama leaving on the 30th, Mr. Trescot will go in her to take the City of Peking at that port on the 8th December.

* * * * * * *

We have, &c.,

JOHN L. SWIFT.
WM. HENRY TRESCOT.

No. 139.

Mr. Angell to Mr. Evarts.

No. 58.] LEGATION OF THE UNITED STATES,
Peking, November 30, 1880. (Received January 17, 1881.)

SIR: Mr. Seward, in his No. 665, of April 22, 1880, informed the Department that among the subjects taken up at that time by the diplomatic body here for joint consideration was that of inland taxation of goods imported into China. Sir Thomas Wade, Her Britannic Majesty's minister, was charged with the presentation of the subject to the Tsung-li Yamên.

At the meeting of the diplomatic body held October 28, Sir Thomas made a verbal report of his interviews with the Yamên in the matter. He announced that he had been brought to the conclusion that the foreign office would be willing to assent to the imposition of a fixed duty higher than the present tariff prescribes, on the payment of which the goods imported could be exempted from all further taxes of every kind, no matter into what part of the empire they might be carried. The ministers present expressed themselves as disposed to recommend to their respective governments the adoption of such a plan, provided the import duty was fixed at a reasonable rate.

At the conference of November 15, Sir Thomas Wade presented a written report, which will be found appended as an inclosure to the dispatch No. 15 of the commission plenipotentiary.

It will be seen that Sir Thomas had taken as the basis of his argument with the foreign office the fact that in 1868, in negotiating with Sir Rutherford Alcock, they had consented to accept the payment of an import duty of 7½ per cent. in lieu of the import duty of 5 per cent. and all inland taxation in the treaty-port provinces. When called on to name a rate which would now be satisfactory, they mention 12½ per cent. Sir Thomas, however, received the impression that they would be willing ultimately to fix a rate intermediate between 7½ and 12½. The views of the ministers and of the commissioners plenipotentiary are expressed in a memorandum on Sir Thomas Wade's report drawn by Mr. Von Brandt, the German minister. A copy of this memorandum is also inclosed with No. 15 of the commission to the Department.

Sir Thomas Wade is still continuing discussions of the subject with the foreign office.

I have, &c.,

JAMES B. ANGELL.

No 140.

Mr. Angell to Mr. Evarts.

No. 59.] LEGATION OF THE UNITED STATES,
Peking, November 30, 1880. (Received January 17, 1881.)

SIR: I inclose herewith replies which I have received from our consuls at Ning-po and Canton to my circular making inquiries about tonnage dues, and duties on imports and exports.

You will observe in them the same difference of testimony as you have seen in the consular replies previously forwarded. They agree that no discrimination is made in respect to vessels which report to the foreign customs. In respect to the native craft—the junks—Consul Lord, while affirming that no one can know what is the practice, yet doubts whether any discriminations exist. Consul Lincoln, on the contrary, reports that it is generally believed by foreigners that at Canton the tonnage dues on native craft and the duties on native goods imported in them, are at least 30 per cent. less than on foreign vessels and their cargoes.

These statements go to confirm the theory I have previously advanced that the usage differs in respect to junks at different ports. How far our government, which excludes altogether all foreign vessels from engaging in our coasting trade, may deem it necessary to take this into consideration, it is not for me to suggest.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 59.]

Mr. Lord to Mr. Angell.

No. 137.] NOVEMBER 6, 1880.

SIR: I have had the honor to receive your dispatch No. 6, in which answers are requested to certain questions relating to the taxes levied in China on American commerce compared with those levied on the commerce of her own people or the people of other countries.

In reply I will here quote your questions and answer them *seriatim*.

First. "Are any other or higher tonnage dues exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels or any foreign vessels engaged in like trade therewith?"

So far as concerns vessels that are required to report to the general customs—the customs under foreign inspection, (and this includes all vessels under foreign flags, and all Chinese vessels that are registered), there is but one rule—they all pay the same tonnage dues. There are, however, a good many native vessels that are not registered; or they are not so registered as to be required to report to the imperial customs. They report to the local customs only. And what, if any, tonnage dues they pay we have no means of ascertaining. But they are engaged only in the coast trade and fisheries and rarely if ever carry foreign goods. The presumption is that the charges to which they are subjected are not larger than they would be if they were registered, as in that case they would apply for registers; and that they are not much smaller, as some do apply for registers.

Second. "Are any other or higher customs duties of import exacted in China from American citizens importing merchandise thither than are paid by Chinese subjects or the citizens of the most favored power, importing the like merchandise into China?"

No. So far as duties are collected by the imperial customs there is but one law and one practice. The tariff rules and shows no favor or disfavor to nationalities. And what is true of imports is true of exports.

Third. "Is there any discriminating or additional customs duty imposed upon merchandise, whether of American or foreign origin, entering the open ports of China in vessels of the United States, which is not imposed upon the like goods entering these ports in Chinese vessels or in vessels of any foreign power?"

No. Vessels, persons, and goods in China are both, in law and practice, treated equally. No favors or disfavors are shown to any one or to anything. Nor do I see how any discriminations could arise under the favored-nation clause, found, I believe, in all the treaties, so far as foreign nationalities are concerned. China might make discriminations in favor of her own vessels, her own goods, and her own people; but as yet she has not done it. Of course, I speak as before intimated, only so far as relates to the imperial customs. What may be the practice in the local customs, which still have control over a large portion of the old junk trade, no one can know. But so far as this port is concerned, I doubt whether any discriminations exist.

I have, &c.,

EDWARD C. LORD.

[Inclosure 2 in No. 59.]

Mr. Lincoln to Mr. Angell.

No. 65.] NOVEMBER 2, 1880.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 4, of the 22d ultimo.

In reply I have to say that during my administration of this office I have never known of an instance at this port wherein higher tonnage dues have been exacted from merchant vessels of the United States than are prescribed by the treaty of 1858 (article 16), or than are paid by merchant vessels of other foreign countries. The same remark applies to duties on imports and exports in foreign craft.

I cannot state positively whether the tonnage dues exacted from native merchant sailing-vessels are the same or not, as it is impossible to obtain reliable information from the authorities at the native custom-house, where all such craft enter and pay dues and duties. It is, however, firmly believed by foreigners that the tonnage dues on native craft and duties on goods imported in them are at least 30 per cent. less than on foreign vessels and their cargoes. This remark does not, however, apply to the Chinese Merchants' Steam Navigation Company's steamers as they enter and pay dues and duties at the foreign customs.

I regret that I do not clearly comprehend your meaning as to "what answer to these inquiries will describe *not only the law*, but also the practice of the authorities, &c." The foregoing, I think, is as descriptive of the practice at this port as I am at present able to give.

I have &c.

C. P. LINCOLN.

No. 141.

Mr. Angell to Mr. Evarts.

No. 60.] LEGATION OF THE UNITED STATES,
Peking, November 30, 1880. (Received January 17, 1881.)

SIR: On receiving your instruction No. 27 of August 16, 1880, calling attention to certain allegations found in a circular issued by Mr. Francis Parry, of England, of inhuman proceedings in the mixed court of Shanghai, for which he intimated the foreign consuls are in some degree responsible, I at once called the attention of Consul-General Denny to the matter.

I have received a reply from him, a copy of which I inclose. It is so full that I need say but little on the subject.

Mr. Parry has probably given the impression that the foreign consuls have a larger responsibility for the procedure in the mixed court than that which they can really exercise. The court is a purely Chinese court, which administers Chinese law.

Neither the consuls nor their representatives, the assessors, can perform any other function in the court than to be present and watch the proceedings and question witnesses in order to see that justice is done to the citizens of the nation they represent, or to protest if injustice is done to such citizens. In all cases between Chinese and foreigners the case is tried in the courts of the defendant's nationality, the proper official representing the plaintiff's nationality being permitted to be present to watch the proceedings in the interest of the plaintiff, but having no direct voice in the judgment.

It has been thought, and I believe justly, that the frequent presence of foreign assessors in the mixed court of Shanghai has done much to ameliorate its procedure, and that in respect to humanity it presents a most favorable contrast to most Chinese courts.

Unhappily the penal code of China does sanction the torture of witnesses and corporal punishments, which seem to us barbarous. And we cannot indulge very sanguine hopes that the most vigorous representations foreigners can make of their repugnance to such usages will speedily work a radical change.

But our consul-general has instructed our assessor to protest against the use of the cangue and of the bamboo in cases in which he appears. It is true that in the past, punishments in excess of the hundred blows allowed by law have been inflicted; but none such have been administered since Mr. Denny has been at Shanghai. It is perhaps justifiable to infer that an improvement in this respect has taken place. It is to be observed, also, that the magistrate of the court asserts that owing to the objections of foreigners to the use of the bamboo it is now usually resorted to when the assessors are not in attendance, and in the opinion of the consul-general it is now rarely employed by the mixed court magistrate.

It would seem that there is some error in respect to the report of the case which is described as a particularly shocking one of torturing a prisoner in the presence of a United States assessor, the case of Shun-chi sze, charged with abduction. The consul-general reports that there is no such case on the official records.

I think then that, so far is it from being true, that the foreign consuls and particularly that the American consul-general and assessor are implicated by acts of commission or of omission in countenancing or tolerating inhuman punishments ordered by the mixed court of Shanghai; the fact really is that by their efforts and by the presence of the assessors in that court, the procedure in it has been ameliorated and improved as it has been in no other purely Chinese court in the Empire.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 60.]

Mr. Angell to Mr. Denny.

No. 12.] OCTOBER 12, 1880.

SIR: A Mr. Francis Parry has issued, in London, a circular, dated July, 1880, concerning alleged inhuman proceedings in the mixed court at Shanghai. The State Department has directed my attention to the subject, and informed me that the circular has called out a considerable amount of unfavorable comment from the English press upon the action of the mixed court. If I rightly understand Mr. Parry, he aims to convey the idea more or less clearly that inhuman practices are sanctioned by the foreign assessors who sit with the Chinese magistrate, and that at any rate the foreign consuls or ministers might do more than they have done to mitigate the punishments or improve the penal code of China.

I quote the important part of his circular:

* * * "As to the sentences of the court; those in excess of 100 blows are, according to the Chinese code, illegal, the punishment of the cangue or huge wooden collar is a torture; beating on the face is a mutilation; the most severe is the remission of persons convicted of capital and heinous crimes to be judged, tortured during examination, and imprisoned by the higher court of the district magistrate in the native city. This remission is not the ordinary "extradition" provided for in the treaty of Tientsin, Article XXI; the criminal is not demanded by the city authorities, the rendition is a matter of convenience.

"These matters demand rectification. The association of the foreign consul with the Chinese mandarin is a point of contact capable of being made the inlet for that regard for humanity common to civilization, the base of all the humanities.

"Japan has abolished judicial torture. Turkey no longer legalizes the mutilation of offenders. China has yet to gain a good name by repressing the cruelty which is the marked characteristic of her judicial system." * * *

Of course it is well understood here that the mixed court is a Chinese court, administering Chinese law, and also that any attempts to reform the penal code of China can be rewarded with only slow progress. But all the consular and diplomatic representatives of western nations certainly desire to do what they may to improve the judicial proceedings, especially in a court in which foreign assessors sit, and to set forth the facts to their own governments with such distinctness as to relieve themselves from the suspicion of encouraging inhumanity, or even of tolerating it when they can prevent it.

As the mixed court at Shanghai necessarily falls under your personal observation, I think it my duty to invite from you any statements or suggestions, which the above extract from Mr. Parry's circular may prompt you to make. I would especially ask you—

1st. Whether punishment in excess of 100 blows is, according to the Chinese code, illegal. Mr. Parry names eleven cases in which, during 1879—the United States assessor sitting—more than 100 blows were given.

2nd. Is beating to extort confession ordered by the court. Mr. Parry cites a case, March 20, Dr. Macgowan, assessor, in which it is stated that 50 blows were given for this purpose, and that these failing of the result, 50 more. It is called the Shun-che sze abduction case.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 2 in No. 60.]

Mr. Denny to Mr. Angell.

No. 35.] NOVEMBER 11, 1880.

SIR: Complying with the request contained in your No. 12, relating to a circular issued by one Francis Parry, calling attention to certain alleged inhuman proceedings in the so-called mixed court at Shanghai, I beg to submit the following comments:

I may say in the beginning that, perhaps, there is no institution in China which foreigners are supposed to know of whose organization, powers, and duties are so little understood as the so-called "mixed court" here. It, perhaps, takes its name from this fact, for certainly it is not "mixed" in any other sense.

It was organized in 1864 by local officials, and approved of by the Tsung-li Yamên, who issued a limited, and imperfect set of rules for it in 1869.

This court is presided over by a Chinese judge, who administers Chinese law according to the rules and precedents which have governed in Chinese courts for centuries past, the only difference between it and other native courts being a court designated by the Chinese authorities in which may be tried suits between natives residing within the foreign settlement and where the wrongs committed by Chinese against the rights of foreigners, either of person or property, may be redressed without their consuls being compelled to go to the taotai, and then the case referred by him to the district magistrate—that is to say, a kind of deputy court of the district magistrate.

As it would neither be advisable nor practical for the consuls to attend in person such a court, it has been so arranged that interpreters of the different consulates may appear for the consuls, to sit with the native judge to watch the proceedings in the character of assessors, but who in reality are not assessors at all, as they cannot interfere in the least with the proceedings or judgments of the court, even when their own nationals are concerned. For this reason I have instructed the interpreter of this consulate to appear in the so-called "mixed court" only when citizens of the United States are in some way interested in its judicial business, and this for the purpose of watching and reporting the proceedings to me; when, in my opinion, justice is not done, I shall continue, as heretofore, to apply to the customs taotai (superintendent of trade) to correct the injustice.

The treaties provide that cases arising between subjects of China and citizens of the United States shall be tried in the court of the defendant, and the one in question has been established by the Chinese authorities for convenience sake, for the trial of suits when the defendant is a Chinese subject, just as the United States consular courts have been designated for the trial of cases when the defendant is a citizen of the United States, and one is just as much a mixed court as the other; one administers the laws of China, the other those of the United States, and, under the treaties, Chinese officials have the same right to appear and take part in the proceedings in our consular courts, when the rights of their people are involved, as our officials have to appear in a Chinese court and take part when the rights of our citizens are concerned.

The use of the bamboo and cangue as means of punishment is certainly objectionable in the extreme, even revolting to Western ideas in the administration of justice. But so long as it remains a part of the penal code of China and continues to be enforced by the Chinese authorities as the most popular punishment inflicted upon offenders in minor cases, it is useless for foreigners to enter their protests before petty officials.

There is not an assessor perhaps who visits the so-called "mixed court" who would not abolish the use of the bamboo and cangue if he could. But as the assessors have no power in this direction, the only thing they can do is to protest against such practices, which has been done repeatedly, a course I have instructed the interpreter of this consulate to invariably pursue when it is necessary for him to appear in cases when such punishments are ordered.

The magistrate of the court in question informs me that as foreigners object to the use of the bamboo, such punishments are usually inflicted in the afternoon when assessors are not in attendance, and that never, except in one case, has a witness been *tortured* in the presence of a foreign assessor. He also informs me that *no such case* as "the Shun-che sze abduction case" ever occurred in the "mixed court" wherein torture for confession was resorted to as alleged by Mr. Parry. In addition to this, I have examined the records of this consulate, wherein is recorded the title, history in brief, and judgment of every case tried in the so-called "mixed court" when the United States assessor has appeared, and I can find no such case as the one referred to, neither have I been able to discover from this record that torture for confession has ever been resorted to. This fact should exonorate the assessor from complicity in such punishments. There are, however, many judgments recorded wherein bambooing and the cangue were ordered as punishments, and some of these exceed one hundred blows, the number authorized by the penal code. The record, however, does not show that

any such excessive punishment has been given since I assumed charge of this consulate-general.

If Mr. Parry desires to make his pamphlet eminently sensational by recounting the cruel and unhuman treatment imposed by Chinese officials upon their criminal classes, he should have resorted to the records of other native courts and to the almost daily reports contained in the native press, rather than to the record of the so-called mixed court, as instance the following case tried before the Shanghai magistrate of the native city a few days ago, and reported in one of the native newspapers:

"A Chinaman charged a fellow countryman with having stolen some musical instruments at the wedding of one of his relatives. It appeared that another relative of the complainant, a Taoist priest, employed some of his colleagues to play at the marriage feast, whereupon a musician of the district, together with others, stole their musical instruments.

The accused admitted the charge and stated that the complainant had violated the rules and customs prevailing among the Chinese, that none other than musicians of the ward or district in which the wedding took place should have been employed, and that the complainant had interfered with his business in allowing the priest and his colleagues to perform the musical part of the ceremony at the wedding. The magistrate summoned the *tepao* (head man) of the ward in which the wedding took place, and after asking him some questions, ordered him to be bambooed 800 blows. The punishment was inflicted on account of his not attending to his business properly. A Yamên runner was also punished with 600 blows for dereliction of duty, while the magistrate ordered the complainant to be bambooed 50 times for bringing the case into court, and the accused to receive 400 blows."

In answering your questions specifically, I have to say:

1st. The punishment in excess of 100 blows is, according to the Chinese code, illegal.

2d. Beating to extort confession has been resorted to under the order of the court in the past, and the barbarous practice will no doubt be continued in the future, but, as before stated, this beating takes place at the session of the court held in the afternoon, when assessors are not present, but even then, I may add that my investigations show that such punishments are rarely inflicted by the mixed court magistrate.

I have, &c.,

O. N. DENNY.

No. 142.

Mr. Angell to Mr. Evarts.

No. 65.] LEGATION OF THE UNITED STATES,
Peking, December 3, 1880. (Received January 31, 1881.)

SIR: After the departure of the two commissioners, my colleagues, I received from Mr. William N. Pethick, of Tien-tsin, a letter which contains some interesting statements addressed to the commission. I have thought it well to forward you a copy.

Mr. Pethick's views are of interest, not only because of his intelligence and his long residence in China, during a portion of which he has held official positions under our government, but especially because of his close and confidential, perhaps we may say official or semi-official, relations with Li-Hung Chang, the grand secretary and viceroy of this province. It is by no means a violent presumption that Mr. Pethick's letter reflects the views of the viceroy, and so gains a value which makes it worthy of transmission to you.

Moreover, the figures which he gives in elucidation of the disastrous influence of the opium trade in China, in a purely commercial point of view, are very impressive. When we see that China pays more for opium annually than she receives for her whole exportation of silk, or than she receives for her whole crop of tea, we can understand why intelligent Chinese statesman, like the viceroy of this province, regarding the importation only as a business transaction, deeply regret it.

But no figures can give even an approximate idea of the ruinous effects upon the health and the demoralizing effects upon the character which are produced by the rapidly increasing use of opium in this empire. One must live here and see the wretched condition of the victims of the drug to appreciate what a curse it is to this nation. It is a matter of congratulation that so few of our citizens suffer themselves to be engaged at all in its importation or sale.

In this connection I beg leave to refer you to Mr. Low's dispatch No. 46, of January 10, 1871, which contains some very interesting statistics and comments on the subject.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 65.]

Mr. Pethick to the United States special commissioners to China.

TIEN-TSIN, CHINA, *November* 22, 1880.

YOUR EXCELLENCIES: I cannot deny myself the liberty of writing to offer my congratulations upon your success at Peking. A long official career in China and my present relations with the grand secretary and viceroy Li, enable me to say with confidence that the success which has crowned your efforts will have a marked effect upon the welfare of humanity and civilization, at least in this part of the world.

The question of Chinese immigration to the United States has been settled in a way that will give satisfaction to both countries. But though the solution of that vexed question was the end and aim of your mission, I leave what has been accomplished to speak for and commend itself to our people, as its bearings will be so well understood by them. My present concern is with opium, a subject not quite so well understood at home as the other.

It is a mistake to say that since the opium war with England in 1842, the Chinese Government has never shown a genuine desire to limit or suppress the opium traffic. The printed laws of the empire, imperial edicts, memorials from the members of the government at Peking and from the provincial authorities, and remarks by the ministers of the Chinese foreign office, addressed to the representatives of foreign governments in documents and in conversation, fully attest the fact that China has never consented to bear, without murmur, this great wrong which was forced upon her. Nor because imperial edicts are set at naught, and the cultivation of the poppy connived at by officials in some parts of the country, is it fair to tax the government with indifference to the spread of this evil. Blood and treasure were spent freely in combating its introduction, and, though defeated in war, the government has not remained a silent or unfeeling witness of this blight extending over the country. The public archives down to the present time bear witness to the fact. American merchants formerly shared in this traffic, and American ships are ready even now to carry opium from place to place in China. But the trade has fallen largely into the hands of Jews and Parsees, British subjects, from India. Very few English mercantile firms of reputation are concerned with it, save by employing their vessels to carry it about. Yet the Chinese people make no such nice distinction as to principals and accessories in this trade. They know that opium was forced on the country by a war, that all foreign merchants and their ships have engaged in the trade, and that any foreign vessel will carry opium now. The common name with them for opium is *"yang yao"* (foreign drug), and the simple facts ever present in their minds are that foreigners first brought opium into the country and bring it still; and the efforts of their authorities to put it down have no manner of effect upon foreigners. Thus Americans, as foreigners in this country, and being free to deal in opium, come in for their share of the opprobium equally with English merchants, and bring the fair fame of Western civilization into disrepute.

To give a clear idea of the present extent of the foreign opium trade in China, I will here quote some statistics, taken from the latest official report of the foreign customs service of the Chinese Government; Chinese weights and values are reduced, for convenience, into our own weights and currency.

Imports into China from foreign countries during the year 1879.

	Value.
1. Opium (from India, under monopoly of the British Government, 11,073,333 pounds)	$50,700,000
2. Cotton goods (from England and the United States)	31,400,000
3. Woolen goods (chiefly from England)	7,000,000
4. Metals (chiefly from England)	5,700,000
5. Matches (chiefly from Europe)	550,000
6. Kerosene oil (from the United States)	1,000,000
7. Sundries (from all countries)	18,000,000
Total value of all imports	$114,350,000

Exports from China to foreign countries during the year 1879.

	Value.
1. Tea, 265,000,000 pounds	$46,000,000
2. Silk	40,000,000
3. Sugar	3,000,000
4. Sundries	11,200,000
Total value of exports	$100,200,000

Value of whole foreign trade, export and import, for the year 1879 $215,000,000

The total quantity of foreign opium imported during the year 1879 reached a figure never attained before, namely, 83,050 piculs (11,073,333 pounds, over 5,000 tons), representing a value of 36,536,617 taels, or about $51,000,000, and this formed very nearly one-half of the whole foreign import trade. The amount imported has steadily and rapidly increased from 52,000 peculs in 1864 to 82,000 in 1879. In 1879 the import was 11,000 piculs (one picul, 133⅓ pounds) more than the previous year.

This will show that the use of foreign opium is steadily and rapidly increasing in China. To this is to be added the amount consumed in Hong-Kong, and the amount re-exported thence for the use of the Chinese in California, Australia, and elsewhere; and estimating 21,919 piculs as smuggled from Hong-Kong into China, the customs authorities state that "the total importation of opium into China would therefore appear to have amounted in 1879 to 104,970 piculs," (13,995,000 pounds over 6,000 tons).

This single article (opium) equals in value all the other goods brought to China from foreign countries. Its value is greater than all the tea sent out of China, or all the silk. For the 265,000,000 pounds of tea China sends abroad, she is given 11,000,000 pounds of opium, and still has $5,000,000 to pay for this opium in other goods, the opium being worth nearly $51,000,000 and the tea but $46,000,000.

These figures establish quite enough for my purpose, which is to show that the black stream of pollution which has so long flown out of India into China has been increasing in volume and spreading its baneful influence wider and wider. If this stream be not checked, the world may soon despise China as a nation of opium-smokers, even as Judah was reviled by the prophet for her abominations.

I take it for granted that the ill-effects, physical and moral, of opium-smoking are known and admitted by intelligent and unprejudiced people, and notwithstanding the fine-spun theories of various apologists for the habit, it is enough here to refer to the positive condemnatory testimony of native victims of the habit; to all intelligent and respectable Chinese; to foreigners who have had much experience in the country, and to the united opinion of the foreign medical faculty in China from the earliest date of foreign intercourse to the present. The British Government long ago abandoned its defense of the trade on *moral* grounds, and now sustain it simply and confessedly for *financial* reasons.

Your excellencies have appeared in China at this juncture, and while seeking to remedy a misfortune suffered by our country at the hands of the Chinese, you have been mindful to redress a wrong long sustained by China from the United States, for we have been more or less involved in the opium trade in common with other foreign countries. This is an act of common justice and national equity. It fulfills a moral obligation which has rested upon our country to make amends for the wrong which has so long had our tacit and implied approval. The United States by a bold and noble declaration against opium now stand in the right before the world and the God of nations.

It would be premature to forecast the good results which should follow this act. You are aware of the profound effect it has had upon the government at Peking and

upon the Viceroy Li. That effect, I feel certain, is not transitory. It has encouraged long deferred hope; confirmed oft-defeated determination; it has nerved the arm of the government with new strength, and we shall see China once again grappling with the monster that is stealing away the prosperity and energies of her people.

I feel proud to belong to a country capable of such an act of magnanimity to a weaker one. It is an act of peace and good-will such as exalts a nation, if we believe Holy Writ, far more than the conquests and triumphs of war; and your excellencies will doubtless come to reflect upon your work, so happily accomplished, with the pleasing consciousness of a great duty performed before God and man in behalf of our country.

I have the honor to be your excellencies' obedient servant,

WM. N. PETHICK.

No. 143.

Mr. Angell to Mr. Evarts.

No. 75.] LEGATION OF THE UNITED STATES,
Peking, December 20, 1880—(*Received February* 18, 1881.)

SIR: A reference to Mr. Seward's dispatches Nos. 512, 590, and 692, not to speak of earlier dispatches on the same subject, will show that for a long time the representatives of foreign powers have been engaged in discussion with the Tsung-li Yamên upon the proper forms and terms to be employed in official intercourse between the consuls and provincial officers. The subject is one of exceptional importance in this empire, where so much stress is laid upon ceremonial and etiquette.

Sir Thomas Wade, the British minister, was charged several months ago, by the diplomatic body here, with conducting in their behalf negotiations in this matter with the foreign office. Finally a result has been reached, which is entirely satisfactory to the ministers, and one of which in the conferences recently held I have expressed my approbation. Copies of a communication from Prince Kung on the subject and his accompanying memorandum are inclosed. The latter sets forth the agreement decided on with brevity and clearness. You will observe that it determines the procedure upon three points.

First. A consular officer shall, without regard to any difference of rank between him and a governor-general or governor of a province, be received by the latter with the etiquette becoming for a host to exercise towards a guest.

Second. In official correspondence between consular officers and high provincial authorities, in order to avoid the appearence of subordination of the former, the following plan is to be adopted: In ordinary matters, the consular officers will address the intendant who will memorialize the viceroy or governor, and the latter will instruct the intendant to reply to the consular officers. In important matters the latter can exchange "official communications" with the high authorities, employing the term which does not signify inferiority or petition.

Third. The provincial authorities will, in addressing the consul, use the respectful term equivalent to "the honorable consul," and will abstain from that use of the vermilion pencil which they resort to in instructing their inferior officers.

In this country where pre-eminently forms are things, and where disagreements between foreign representatives and the Chinees officials have often seriously interfered with the transaction of important busi-

ness, it is a matter of consequence to have reached so satisfactory a termination of the prolonged discussion on official intercourse.

I inclose a copy of my reply to Prince Kung's communication, and also a copy of my circular to our consuls, instructing them to comply with the terms of the memorandum in conducting their official intercourse with the provincial authorities.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 75.]

Prince Kung to Mr. Angell.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply.

Upon the 21st of November, 1879, I had the honor to receive a dispatch from your excellency,* in which it was remarked that their excellencies the members of the diplomatic body had been engaged in conference upon all international matters to which attention seemed to be demanded, whether for the removal of what may be characterized as a grievence, or for the introduction of changes that will modify what is in appearance either unreasonable or inexpedient, and that they proposed to lay before me the conclusions at which they had arrived, &c. Upon the 26th of the same month a reply was sent by this office. Since then I have been in repeated consultations with his excellency Sir Thomas Wade upon one of the topics, and have deliberated upon a memorandum submitted, and upon the 20th ultimo I addressed to him a note in the premises.

Upon the 24th ultimo, I received a reply from him stating that the proposals in regard to the forms of intercourse between Chinese and foreign officials had been submitted by him in person to his colleagues and accepted by them, and requested me to communicate officially the conclusions arrived at to the several members of the diplomatic body, &c. Having sent instructions to the viceroys and governors of the various provinces for their information and guidance, I have now the honor to inclose a copy of the conclusions reached for your excellency's information.

Peking, December 10, 1880.

His Excellency JAMES B. ANGELL, &c., &c., &c.

[Inclosure.]

Memorandum on official intercourse.

A minute was received upon this subject some time since to which this Yamên has already replied in detail. But your excellency appears not to have been satisfied, and in converaation has repeatedly urged me to agree to a satisfactory conclusion of the matter. This Yamên, therefore, again submits a series of propositions given hereafter upon the several points at issue.

I. Your excellency maintains that, whether at a port or in the interior, a consular officer having occasion to speak to a governor-general or governor of a province on business, should be assured access to the high authority, and that neither when admitted into his Yamên nor into his presence should he be treated as the subordinate of the high authority, no matter what the inferiority of his official rank, but according to the etiquette between guest and host.

I beg to remark upon this, that in the provinces the high officials, from the viceroys and governors down to the intendants, are constantly meeting consular officers, and, although there may be differences of rank, there are none who fail to receive such officers according to the etiquette of guests.

Hereafter whenever business requires such meetings they certainly shall meet consular officers and treat them in all respects according to the etiquette observed between guest and host.

II. Your excellency holds that, whenever consular officers have occasion to hold official correspondence with the high provincial authorities, such correspondence should

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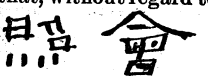
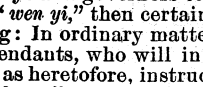
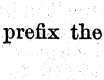
* Should be Mr. Seward.

not take the form of a memorial from the lower to the higher or of an instruction from a higher to a lower, but that, without regard to actual superiority or inferiority of relative rank, the characters  "to correspond officially" should be used, the idea being to avoid the appearance of subordination.

Upon this article I remark that the treaties are not uniform upon this point. It is stated in some of them that consuls and acting consuls are of equal rank with intendants, and vice-consuls, acting vice-consuls, and interpreters of equal rank with prefects, and that these officials shall correspond upon a basis of equality, as befits their equality of rank.

If, while the organization of this government offers no serious objection, still it be inconvenient for viceroys and governors to correspond with consular officers with the use of the characters "*wen yi*," then certainly some feasible plan must be sought out. I suggest the following: In ordinary matters of business let consular officers, as heretofore, address the intendants, who will in turn memorialize the viceroy or governor. That high officer will, as heretofore, instruct the intendant in response, who will address the proper consular officer. But in important official matters of business the high provincial authorities and the consular officers, without regard to differences of rank, can on both sides use the words  "an official communication."

III. Your excellency suggests that whenever the provincial authorities, in correspondence, *speak to* a consul, they should prefix the character "*Kuei*"  to his title, and that when mentioning a consul they should use his surname and title, as "Mr. Consul so and so." Further, that the provincial authorities should, in dispatches to consuls, cease to use the vermillion pencil to bracket or point certain characters as they do use it in instructing their subordinate officials.

These two suggestions contain nothing in any way inconsistent with the dignity of this government. and are assented to.

The foregoing is submitted to your excellency and the members of the diplomatic body as a practicable solution of this question, having in view the good relations between China and foreign powers.

[Inclosure 2 in 75.]

Mr. Angell to Prince Kung.

DECEMBER 18, 1880.

To His Imperial Highness Prince KUNG:

I have the honor to acknowledge the receipt of your imperial highness's communication of December 10 instant, and the accompanying memorandum on official intercourse. I beg to express my appreciation of the just spirit in which your highness has considered the subject of official intercourse, which is not free from difficulties.

I desire to express my satisfaction with the forms of procedure which are given in your memorandum to govern provincial officers and consular officers in their official intercourse with each other.

I shall at once instruct the consuls of the United States to comply with the terms of the memorandum.

I gladly embrace this opportunity to assure your imperial highness of my distinguished consideration.

I am, &c.,

JAMES B. ANGELL.

[Inclosure 3 in 75.]

Mr. Angell to United States consuls in China.

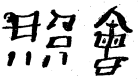
PEKING, *December* 19, 1880.

SIR: I am happy to inform you that the prolonged negotiations which have been going on so long between the foreign ministers and the Tsung-li Yamên on the subject

of official intercourse have at last yielded an excellent result. A plan has been agreed upon, which it is confidently believed will go far to remove the annoyances and embarrassments to which consular officers have been subjected in the transaction of business with the provincial authorities. I have signified to Prince Kung my approbation of the plan.

The substance of its provisions is as follows:

1. Whenever consular officers have occasion to hold personal interviews with a governor or a governor-general, they shall not be treated as subordinates, but with the etiquette which a host shows to guests.

2. If consular officers have occasion to correspond about ordinary matters of business, they shall, as heretofore, address the intendants, who will in turn memorialize the viceroy or governor. That high officer will, as heretofore, instruct the intendant in response, who will address the proper consular officer. But in important official matters of business the high provincial authorities and the consular officers, without regard to differences of rank, can on both sides use the words "an official communication." 

3. The provincial authorities shall in correspondence with a consul prefix the character "*kuei*" to his title, and shall cease to use the vermillion pencil to bracket or point certain characters, as they do use it in instructing subordinate officials. Prince Kung announces that instructions in accordance with his agreement have been sent to the viceroys and governors of the various provinces for their information and guidance.

It is, therefore, my duty to instruct you to comply with the above regulations in your official interviews and correspondence with the provincial officers.

You have the right to expect that they too will comply with them. Any failure on their part to carry out in good faith the arrangement now entered into by the imperial government is a proper subject for you to report promptly to this legation.

I have, &c.,

JAMES B. ANGELL.

No. 144.

Mr. Angell to Mr. Evarts.

No. 81.] LEGATION OF THE UNITED STATES,
Peking, December 29, 1880. (Received March 8, 1881.)

SIR: I have read with interest the suggestion of Mr. Consul Stahel, inclosed in your instruction No. 45, of October 4 last, that an attempt be made to secure by treaties with Japan and China protection in those countries by patent rights for American inventors. Though the commission plenipotentiary, for whose especial benefit the valuable inclosure is sent, has completed its work, I have given the subject consideration.

At present it is no doubt more easy and more important to secure the needed protection in Japan than in China.

After diligent inquiry I do not learn that the Chinese have any law or usage resembling our patent laws. It would, therefore, probably require considerable time and labor to secure a stipulation to protect foreign inventors. But moreover, very few of the Chinese, very few even of the officials, look with favor upon the introduction of labor-saving machines or foreign inventions of any kind. The foreigners resident at the ports may bring them in to a limited extent. But I fear that, for some time to come, the Chinese will not make sufficient use of our inventions to work much harm to our citizens. I wish the danger were

greater. Still it is well to hold the subject under consideration in case of future revisions of treaties.

I have, &c.,

JAMES B. ANGELL.

No. 145.

Mr. Angell to Mr. Evarts.

No. 85.] LEGATION OF THE UNITED STATES,
Peking, December 31, 1880. (Received March 8, 1881.)

SIR: As every event which shows in a marked degree the reception of western ideas by this people and especially by their high officials is of public importance, I deem it not out of place to write briefly of the erection, mainly through the contributions of Chinese officials, of a hospital at Tientsin. This hospital is under the charge of western physicians.

In August, 1879, Dr. Mackenzie, of the London Missionary Society, Dr. Irwin, and Miss Howard were called by Li Hung Chang, the viceroy to attend his wife, whom the Chinese physicians had failed to relieve of serious disease. They were successful in their treatment of her case. Since then Miss Howard, who is a regularly educated physician sent out by the American Methodist Episcopal Missionary Society, has been much consulted by the wife of the viceroy. In recognition of the services of Dr. Mackenzie and Miss Howard the viceroy granted them the use of a portion of a temple as a hospital and dispensary. He soon became so much interested in their work that he listened favorably to the suggestion of Dr. Mackenzie to build a hospital. Accordingly he and other provincial officers contributed funds which have sufficed to pay nearly the whole cost of the building, and during the last year and a half the viceroy has given liberally for the payment of the current expenses for the care of patients. On the 2d of December the new hospital was formally opened. The foreign consuls and other distinguished guests were present and appropriate addresses were made.

There are and long have been other hospitals under the charge of missionary physicians. To some of these, as notably to that so long and successfully conducted by our distinguished citizen, Dr. Peter Parker, wealthy Chinese have made contributions. But this is, I think, the first hospital which has been erected, and which is supported wholly by funds contributed by the Chinese. This recognition of our methods of medical and surgical treatment, and this adoption of our plan of benevolent care for the sick and suffering poor, are certainly very gratifying. Every step like this which the Chinese take towards our ways of thinking and doing has really a public significance, and tends to facilitate our transaction of public business with them according to our western methods. This is my justification for occupying the attention of the Department with the subject of this communication.

I have, &c.,

JAMES B. ANGELL.

No. 146.

Mr. Angell to Mr. Evarts.

No. 90.] LEGATION OF THE UNITED STATES,
Peking, January 10, 1881. (Received March 8.)

SIR: I am in possession of the information—unofficial, but, I doubt not, perfectly authentic—that contracts have now been signed by the Great Northern Telegraph Company to construct a line of telegraph overland from Shanghai to Tientsin and Peking; and also a branch from Tientsin to Paoting-fu, the capital of this province. It is the purpose to complete the work by next winter.

Nothing but the military advantages to be gained by the use of the line in case of war has led the government to give its consent to this enterprise. The viceroy, Li Hung Chang, has been the active agent in pressing the government to give its assent.

The viceroy is also vigorously working to induce the government to build a railroad from Chinkiang to Peking.

The conservatives oppose the project, with the assertions that a railroad would give the foreigner easy access to the interior; that it would cause distress to the people, and that it would ruin the China Merchants' Steamship Company. I fear their arguments will prevail, unless the authorities can be persuaded that the railroad is a military necessity. Indeed, it would not be out of keeping with Chinese precedents if the telegraphic project should even now be abandoned, provided a peaceful adjustment of the difficulties with Russia is reached. Still it seems probable that the officials have been convinced by the advantages derived from the line between Tientsin and Taku that a further extension of the telegraphic system is desirable, and that the new project will really be carried out. The importance of such a forward step is too obvious to call for comment.

I have, &c.,

JAMES B. ANGELL.

No. 147.

Mr. Angell to Mr. Evarts.

No. 94.] LEGATION OF THE UNITED STATES,
Peking, January 13, 1881. (Received March 8.)

SIR: Since my dispatch No. 58, of November 30 last, the discussion between the diplomatic body and the foreign office on the proposition to increase the duty on imports, and abolish the lekin on them, has advanced one stage.

On the 13th of December Sir Thomas Wade received from the foreign office a reply to the memorandum which he had presented to them in behalf of himself and his colleagues. A discussion between Sir Thomas and the foreign office, in respect to the exact import of a certain passage in the reply delayed the translation. But I now inclose a copy. At a conference held on the 4th instant, it was decided, by the unanimous vote of the foreign ministers, to instruct Sir Thomas Wade to say, with brevity to the foreign office, that their proposition is unsatisfactory.

You will observe that their proposition is to raise the duty on imports from 5 per cent. to 11½ per cent., and to free the goods from all lekin and charges of every sort in the interior. This is a very important proposition, even in that form. But the belief of the diplomatic body here is that the government may perhaps be brought to accept of 10 per cent. instead of 11½.

The British minister presented at the conference a rough draught of a paper, in which he expressed the opinion that if the proposed arrangement were adopted lekin would still, to a greater or less extent, be laid on foreign goods so long as it should be laid on native goods; and that, notwithstanding the frequent protests against it by the Chinese themselves, the native goods will probably not be exempted from it in many years. He was requested by the conference to write out his opinion on this subject more fully.

Since the conference Sir Thomas Wade has had an interview with the Tsung-li Yamên, and reported to them our dissatisfaction with the rate they propose—11½ per cent. He received the impression that they will probably agree to accept ten if we propose it. It will be borne in mind that none of the propositions mentioned will be recommended by the ministers here to their respective governments, except with these conditions annexed: First, that there shall be a court of reclamation to secure to importers the return of any lekin or other tax laid upon goods which have paid the stipulated duty; and second, that the scheme shall be experimental, tried for a limited time, until it shall be seen how it works.

I reserve a discussion of the very interesting and important subject until it is determined whether the diplomatic body and the foreign office can come to an agreement upon the rate of duty to be imposed.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 94.]

The writers have perused the memorandum handed them regarding the proposition to increase the duties on foreign goods.

It states that the half tariff duty is equivalent to the lekin levied in the provinces, and that inasmuch as in the port provinces, where the trade in foreign goods is comparatively large, the lekin and other charges amount to a tariff duty and a half duty, in the provinces inland of these, where the trade in foreign goods is comparatively small, the lekin and charges thereon can amount but to two-tenths (1 per cent.) or at the most three-tenths (1½ per cent.) ad valorem.

To make any arrangement possible in affairs in which Chinese and foreigners are conjointly concerned, the essential condition is that thought should so be bestowed upon it on both sides as to enable each to arrive at what is just. The object of the foreign representatives being the advantage of the merchant, they will hold naturally that as regards any addition to the duty, the less that can be added to it the better. But it is incumbent on the Chinese Government, when projecting measures to be adopted, to look at both sides of the question in its integrity, and while mercantile interests are advantaged, yet more to see that no loss befall the state's revenue. Thus possibly may it be enabled at the same time to do justice and to make a settlement that will endure.

The lekin besides (which it is now proposed should no more be levied on foreign goods) is of consequence to the support of the provincial armies. The proposition under review is that after payment of an additional duty, which is to be levied at the same time as the (original) tariff duty, on foreign goods when they enter port, nothing farther in the shape of lekin or other duty of any kind or denomination shall be levied on these goods when they are carried inland from the port, or from any place to which they may have been carried inland, to any other place. This single payment of duty will be a considerable advantage to the merchant.

But now on the other side. The Chinese Government on its part is to collect duty but once, and the lekin and charges which should be collected at different stations, whenever foreign goods arrive at these, are to be altogether foregone. If the amount of this single collection prove an inadequate substitute for the revenue derived from the lekin and charges collected at those different stations, to say nothing of the myriad difficulties that would beset such a scheme in its operation, it is to be assumed that considering the friendly terms on which foreign governments have long been with the Government of China, no foreign representative would desire to introduce a measure that, while it purported nominally to increase the tariff, in reality made China suffer by the loss of lekin. In a conference with Sir Thomas Wade some time ago the ministers suggested an addition that would have raised the tariff to 12.5 taels. This reduction (from a previous estimate) was made after much deliberation, and was in point of fact not considered by the provincial authorities a fair equivalent for what is collected as lekin or other (inland) duties. The distances to which goods are carried are some greater and some less, and while the lekin levied on foreign goods sold in the provinces near the port is (admitted to be) more than the barrier duty (half duty), there is greater difficulty in estimating what will be the amount levied on goods as they are being carried for sale to provinces more remote.

When therefore the ministers resolved on proposing as a *mezzo termine* the addition of a single tariff duty to the tariff duty and half duty (now leviable) they were arguing the point in all fairness.

But the foreign representatives requiring a farther reduction on the part of China, the ministers have had nothing for it but to make every effort towards concession. They accordingly farther reduced (the proposed addition) by five mace. By the free circulation of foreign goods in all parts (under these conditions) foreign merchants will be benefited in no mean degree. The Chinese Government will lose by it, but not so very much.

The ministers would add that having considered (this question) twice and again, they do not attempt (do not propose) to engage in an exchange of arguments controversially, a vain waste of correspondence and verbal discussion. They present a plain statement to the representatives, viz, that they have reduced their estimate by five mace, in addition to the five mace before taken off it—by one tael, that is, in all—thus making (the total duty) 11 taels, 5 mace. This is a reduction extraordinary and the fartherest length in that direction that when every point has been strained they find they can go. It is their hope that it may meet the requirement. It would be difficult for them to make any farther concession. The representatives, they imagine, will appreciate the pains they have been at to meet their wishes.

No. 148.

Mr. Angell to Mr. Evarts.

No. 95.] LEGATION OF THE UNITED STATES,
Peking, January 14, 1881. (Received March 8.)

SIR: In my dispatch No. 52, of November 22 last, I described the state of the negotiations at that date between the diplomatic body and the foreign office on the subject of transit passes outwards. I referred to the draught of a paper presented by Mr. von Brandt at a conference on November 22, setting forth, at the request of the Tsung-li Yamên, the reasons for the rules suggested by the foreign representatives. A copy of that paper has since been furnished by Mr. von Brandt, and I inclose it. It will be remembered that according to the understanding of the conference, Mr. von Brandt was to present this communication to the foreign office as simply his own, but he was authorized to say at the close of it that the foreign representatives were unable to understand why the Chinese Government should object to Sections II and III, without which the proposed arrangement would not be acceptable.

To the communication of Mr. von Brandt the Tsung-li Yamên, on December 5, sent a reply, a copy of which is inclosed. They still express objections to Sections II and III, and they ask for a list of the native articles which by treaty are duty free.

Owing to the illness of Mr. von Brandt no conference was held last month. But one was held on the 4th instant and the Yamên's reply was considered. It was decided to adhere to the propositions before made, save that Rule II should be changed so as to indicate specifically what articles of foreign manufacture or origin, and what articles of foreign or native manufacture or origin, shall be duty free. A copy of the amended Rule II is inclosed.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 95.]

Mr. Von Brandt to the Ministers of the Tsung-li Yamên.

PEKING, *November* 20, 1880.

On the 19th instant the undersigned had the honor to receive the visit of their excellencies Shen, Lin Wang, Chung, and Hsia. They informed him that, notwithstanding the opposition from the provinces, the Yamên was willing to agree to section I, rule 9, of the proposals laid before them by the undersigned, but that in view of the strong objections raised from the same quarter they could except neither section II nor section III of the same proposals.

At the close of the conference the ministers suggested to the undersigned to place before the Yamên in writing his reasons for desiring to maintain the two sections, and the undersigned agreed to do so after having taken the sense of his colleagues, the representatives of the other treaty powers. The reasons which caused the foreign representatives to place before the Yamên in May last the proposals contained in the three sections now under discussion were to do away with such difficulties as had arisen from time to time, and which, while they seriously interfered with the interests of trade, were likely to create and continue disagreements and ill-feelings between the local officials and the consuls as well as between the Government of China and those of the treaty powers.

The Tsung-li Yamên having repeatedly complained of abuses in the use of transit passes outwards, the representatives of the treaty powers made it their first object to remove all causes of complaint in relation to this subject. The restrictions as to the time within which transit passes must be used and within which native produce brought down under transit passes must be exported, as well as all the rules contained in section I of the proposals, are so many concessions, and important concessions, made by the foreign representatives to the Tsung-li Yamên; even rule 9, instituting a joint investigation in cases of fines and confiscations, arising under the stipulations contained in section I, may be fairly considered at least partly a concession to the Yamên, as by treaty the investigation of cases of fines belongs solely to the consul of the defendant.

While thus showing their earnest desire to consult the wishes of the Chinese Government and to comply with them, it was the duty of the foreign representatives to see at the same time that also the causes of those complaints were removed, which had been repeatedly urged by them upon the attention of the Tsung-li Yamên.

It was for this cause that sections II and III were introduced into the new proposals.

Neither the one nor the other claims any new advantages for the treaty powers, but they simply reassert rights granted to them by former treaties, a reassertion rendered necessary by the persistent efforts of some local authorities to ignore them.

Section II reasserts the right that certain articles of native produce, very few in number and very unimportant indeed, are free from export duty under Rule II of the regulations for trade. Alinea 2, of Rule I, of the regulations for trade, &c., mentions the articles in the list of duty-free goods as exempt from the ad valorem duty, which is paid by articles mentioned neither in the import nor in the export tariff. It is not necessary to enter upon a discussion of the Chinese text of the rules in question, as under article 5 of the German treaty of 1861, in cases of dissent, the French text is the one to be relied upon. I have the honor to hand herewith to the Yamên the French text of Rules I and II of the German treaty, and I have full confidence in the good faith and impartiality of the Chinese Government in expressing the conviction that in the face of this French text the pretentions of some local authorities to levy export duty on the articles mentioned in trade Rule II as duty free will be done away with forever.

But even in this section a concession is made to the Yamên by the foreign representatives in admitting the levy of a coast-trade duty on duty-free native produce, a new proof of the conciliatory and friendly spirit in which these proposals have been

draughted, a spirit which, I am sorry to say, seems to be understood or appreciated neither by the provincial authorities nor by the Yamên itself.

Section III also contains nothing new, but reasserts only the right of foreign merchants to buy native produce at the ports and to export it without being bound to produce receipts for the payment of inland taxes, this latter rule holding good only for produce bought by foreigners in the interior and brought down under transit passes. The rule that on goods manufactured at the ports only export duty shall be levied is also in entire conformity with the stipulations of the treaties.

The undersigned trusts that this short review of the rules contained in the proposals submitted by him in the name of his colleagues to the Yamên will convince their excellencies that while these proposals contain many new and important concessions to the Chinese Government they contain nothing to which the treaty powers have not a full and undoubted right under the former treaties. It is for these reasons that the undersigned cannot admit that only one or two of the sections composing the proposals are accepted, while the other sections are rejected. The proposals stand as a whole, and have to be accepted or rejected as a whole. They were made by the foreign representatives in a spirit of moderation and friendliness, and the Yamên will have to bear the responsibility of their rejection.

As the decision of the Yamên in the one or the other direction will involve instructions to be forwarded to the German consular authorities in the provinces, the undersigned would feel obliged to their excellencies for a speedy reply. The undersigned is, at the same time, authorized by his colleagues, the representatives of France, Great Britain, Spain, Russia, and the United States, to state that they are equally unable with him to understand on what grounds the Chinese Government objects to the adoption of sections II and III, without which the arrangement would not be acceptable to them.

I avail myself,

VON BRANDT.

[Inclosure 2 in No. 95.]

Tsung-li Yamên to Mr. von Brandt.

DECEMBER 5, 1880.

A few days ago the ministers of the Yamên received a note from his excellency Mr. von Brandt to the effect that he had been charged by his colleagues, the representatives of the treaty powers, to state that the provisional rules in three sections for the regulations of transit trade outwards must be accepted in their entirety. The note was accompanied by a document in a foreign language.

The ministers would observe that the Chinese text of Rule II of the regulations for trade, appended to the treaties, with reference to duty free goods, contains the word "foreign" only, while the text, which runs on consecutively without a break, does not specially indicate which are native goods and which are foreign. As, however, at the close of this same rule it is distinctly stated that all goods sent into the interior will, as in other cases, pay a duty of teals 2.5, it may be seen that it is foreign goods which are referred to.

A translation of the foreign document forwarded by Mr. von Brandt has now been made (and it is found) that here also only the word "foreign" is employed with reference to the articles enumerated in this document, the word Chinese not occurring at all. A Chinese translation of the document in question is forwarded for his excellency's perusal.

The note under acknowledgment observes that the few articles of (native) produce that are duty free are unimportant (lit. fractional and miscellaneous). Since they are few and since they are unimportant, the duty upon them would not probably amount to much, and the Yamên have to request Mr. von Brandt to furnish them with a list of the names of these "few and unimportant articles of native produce."

As regards the (sections relating to the) purchase of native produce by foreign merchants, one is to the effect that goods purchased in the interior under transit pass shall pay the export duty as well as the half duty. The other is to the effect that produce brought down by native merchants upon which inland dues and lekin have been paid, shall, when purchased by a foreigner at a treaty port, be liable only to the export duty and not to the half duty as well.

The arrangements proposed under the above two sections being already stipulated for in the treaties and trade regulations should be enunciated (afresh), but there can be no necessity for the introduction of other remarks, which would lead to considerable confusion. Again, if foreign merchants be permitted to manufacture native produce before submitting it to the inspection of the customs, many abuses will most

certainly arise in consequence of the confusion caused by the substitution of one article for another.

The provision for inspection is intended only to guard against abuse.

If Monsieur von Brandt will agree to the adoption of an arrangement in the spirit of these two rules, as previously forwarded to him by the Yamên, the question of their being given effect to can be considered simultaneously with the rest.

Compliments, &c.

[Inclosure 3 in No. 95.]

RULE II.

The following goods shall be duty free:

OF FOREIGN MANUFACTURE OR ORIGIN.	OF FOREIGN OR NATIVE MANUFACTURE OR ORIGIN.
Foreign coins,	Gold and silver in bullion,
Foreign confectionary,	Flour,
Foreign clothing,	Indian meal,
Foreign candles,	Sago,
Foreign tobacco,	Biscuits,
Foreign cigars,	Preserved meats and vegetables,
Foreign medicines,	Cheese,
Foreign plated-ware,	Butter,
Foreign perfumery,	Jewelry,
Foreign wine, beer, and spirits,	Soap,
Foreign stationery,	Charcoal,
Foreign carpeting,	Fire-wood,
Foreign druggeting,	Household stores,
Foreign glass and crystal-ware.	Ship stores,
	Personal baggage,
	Cutlery.

The above, when of foreign manufacture or origin, pay no import duty nor coast-trade duty; when of native manufacture no export duty nor coast-trade duty; but if duty-free goods of foreign manufacture or origin are transported into the interior they will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of 2½ per cent. ad valorem.

Paragraph 3, as before.

No. 149.

Mr. Angell to Mr. Evarts.

[Extract.]

No. 103.] LEGATION OF THE UNITED STATES,
Peking, January 25, 1881. (Received March 25.)

SIR: On the 19th instant Mr. Shishido, the Japanese minister, called to take his leave of me before his departure for home. He took the opportunity to have a very interesting confidential conversation with me concerning the proceedings of the Chinese Government which had rendered it necessary, in his opinion, for him to withdraw from this capital. He also left with me a written argument on the subject, which I enclose. This also was given to me confidentially. Mr. Shishido informed me that he was confiding this information to none of the other foreign ministers here, but that, as the negotiations might be said to

have been begun at the suggestion of General Grant, he was desirous that this legation should be advised of what had really happened.

The substance of his verbal statement was as follows:

General Grant, after interviews with high officials, both of China and of Japan, recommended that the two nations should appoint commissioners to adjust by treaty the difficulties which had arisen concerning the Lew Chew Islands. China requested Japan to join with her in complying with this recommendation. Japan accordingly appointed Mr. Shishido, the minister at Peking, as its high commissioner, and the foreign office here informed him that Prince Kung and the ministers of the Tsung-li Yamên were appointed as the high commissioners of China. Negotiations were begun, and after three months' work a treaty was agreed on. On the 21st of October the Tsung-li Yamên agreed to sign the treaty in ten days. At the expiration of the time they were not ready to sign, and on the 20th of November they announced to him that an imperial decree had been issued, referring the whole subject to the northern and southern superintendents of trade for consideration and report. He had waited until now in vain for any further progress on the part of the Chinese Government, and felt that it was due to his office and to his government that he should withdraw from this court and return to his own country.

* * * * * * *

In answer to my inquiry Mr. Shishido said he had not been formally recalled by his government. I was therefore, in error in the statement I made on that point in my No. 96, of January 17. He added that his government had left it to his discretion to determine whether and when he should leave Peking.

* * * * * * *

Mr. Shishido desired my opinion concerning his course in the negotiations, and especially concerning his departure. I told him that I could not venture to say anything touching the main question under consideration by China and Japan, but that assuredly, if in the recent negotiations of our commission, the Chinese commissioners had refused to sign our treaties after they had agreed to sign them, I should have withdrawn from the capital.

Mr. Shishido informed me that the secretary of legation, Mr. Tanabe, who accompanied him on the visit, would be left in charge of the legation for the present.

The argument, which Mr. Shishido left, goes over the ground which he traversed in his interview with me, but presents his points with somewhat more precision and sharpness than characterized the verbal statement, at least as it reached me through his interpreter, whose knowledge of English is very limited. I have no reason to doubt its accuracy, though I have heard no counter statement of the Tsung-li Yamên.

I know that some members of the Yamên have admitted that the subject was referred to the superintendents of trade. But the foreign office do not seem to be at all disturbed by the departure of the Japanese minister. The members speak of it rather jocosely. Whether in their elation at the escape from war with Russia they underrate the possible significance of this event, or whether having nothing further to fear from Russia they are now quite ready to meet the claim of Japan to the Lew Chew Islands with a bold front, I will not undertake to decide. But, certainly, even if they have justice on their side in opposing the seizure of the islands by Japan, they could not well contrive a better way to alienate the sympathy of all civilized nations from them in their

assertion of their rights than by the course, which, if we accept the statement of Mr. Shishido, they have now seen fit to take in their negotiations with Japan.

I am, &c.,

JAMES B. ANGELL.

[Inclosure in No. 103.—Translation.]

[Extract.]

An argument on the differences between the two governments (Japan and China) with a view to the preservation of peace and to avoid bloodshed.

Section I discusses the correspondence had between the two governments.

Section II narrates the course of negotiations between the envoys appointed, and section III shows that one government has rejected its own propositions.

The two governments of Japan and China having appointed high commissioners by mutual agreement to negotiate and close the Lew Chew question, and these high commissioners having reached a point of agreement, it was not expected that China would make these negotiations ridiculous, and thus render difficult a satisfactory adjustment of the question.

According to the rules of international law, when two powers appoint representatives for purposes of negotiation, such persons are to be provided with full powers, in order that the representatives so appointed may be enabled, each for his own government, in negotiation to represent fully the desire of the appointing power. After the given negotiation has come to a satisfactory issue the representatives are to affix their hands and seals as a witness to its validity. The appointment of representatives without full powers is not merely idle, but is abundantly calculated to develop a growth of mutual entanglements, and to promote hostile feeling.

If one power appoints a representative with full powers and the other power appoints a representative without such full powers, this other power in so doing not only violates the provisions of international law and treats discourteously the representative of the other power concerned, but, having at the inception of negotiations notified the other government that power to negotiate had been received, and then, when negotiations had been successfully concluded, to maintain that no authority to sign had been given, this evasion, what is it but an attempt to trifle with the other representative and an insult to his government?

If it be asserted that the signatures can only be affixed after the receipt of a decree authorizing it, and that this is the rule of procedure, is not this course detrimental to the full powers of the representatives? For the universal practice is that the representatives on either side having concluded their negotiations, affix their seals and signatures in witness, and *thereafter* mutually seek the ratifications of their respective governments in final conclusion of the treaty made. It is not the practice in any government to seek the ratification of the head of the government *prior* to signing and sealing the treaty as concluded. For one representative to delay signing and sealing the treaty until he has secured the ratification of his government is to subject the other representatives to delay, and to force him to discard the authority given him. Thus the interests of one party alone are conserved, both are not alike regarded, and this is not in accord with international law.

The appointment of commissioners by the two governments to discuss and settle this question was in accordance with the thought which originated with the ex-President of the United States (General Grant). General Grant, in a letter to Prince Kung, suggested "the appointment, by mutual consent, of high commissioners to discuss and conclude this question, &c." Can it be held that his idea was to appoint representatives without full powers, and thus to indulge in a great amount of useless discussion? That China was not at the outset deceived as to the purport of this suggestion from General Grant is abundantly proved by what follows:

The proposition that the two governments should act on this suggestion of General Grant came, in the first instance, from China. For upon the 14th of December, 1879, the Chinese foreign office began by addressing the foreign office of Japan in a dispatch which declared that China desired to act upon the suggestion contained in General Grant's letter for the settlement of all questions involved. Thereafter, April 19, 1880, the Chinese foreign office inquired what person would be appointed by my government for the negotiations. Upon Ming Chik, 13th year, 6th moon, 29th day (Japanese) my government appointed the undersigned, being Japanese minister at Pe-

king, as its high commissioner for the purposes above mentioned, with full powers, by an imperial decree, which was duly reported by the Japanese foreign office to the Chinese foreign office for its information. Thereafter, Ming Chik, 13th year, 7th moon, 26th day (Japanese), I again notified the foreign office here of my appointment and inquired what persons had been appointed and where our negotiations should be conducted.

August 5, 1880, the Chinese foreign office informed the Japanese foreign office and me that an imperial decree had been received saying, "Get the prince and the ministers of Yamên concerned negotiate and settle the questions, etc., etc." This carefulness on both sides shows clearly that the object of the appointment of commissioners was, as stated above, to negotiate upon this business.

The high commissioners having, in obedience to their several edicts of appointment, discussed and debated matters for about three months, at last reached an agreement. October 10, 1880, the foreign office wrote me, saying, "Our opinions upon the several points are in accord, &c., &c."

October 21, 1880, the ministers of the foreign office stated to me in conversation that in the treaty negotiations they had mentioned three matters: 1st. A settlement of the Lew Chew question; 2d. An addition to the former treaty between the two powers; and 3d. A modification of the form of ratification. These three matters were combined together. At the outset I opened the discussion upon these matters, and the Chinese foreign office agreed in the conclusions which were reached; the final draft of the treaty was written by the Tsung-li Yamên, to which I had no objection. At that time it was understood that the treaty was to be signed and sealed within ten days. The Chinese ministers informed me that after signing and sealing the treaty it would be necessary to ask for the ratification of the treaty in the matters of the settlement of the Lew Chew question and the addition to the former treaty. I estimated that three months must be allowed for the transmission of the treaty to Japan and the return of it as ratified, when the certificates of ratification might be exchanged at Peking.

* * * * * * *

Thus four sections in all were finished as completing the treaty, and the dates of exchange of ratifications and of putting the treaty into effect were alldetermined.

After all this I was confident that the Yamên would sign and seal the treaty upon the day named, and I wrote to the ministers three or four times, urging them, but they delayed and gave me no answer. Much to my surprise, on the 20th December, 1880, I received a dispatch from the Chinese foreign office, stating that an imperial decree had been received in the following terms: "Let the project for the settlement of the Lew Chew question, as submitted to us by the foreign office, with all the papers, be referred to the northern and southern superintendents of foreign trade, for reports. After their reports have been received we will issue our further commands. Respect this."

Judging from the language of this dispatch the authority to arrange the Lew Chew matter did not rest with the prince and ministers of the foreign office alone, but the northern and southern superintendents of foreign trade were also included. The prince and ministers had not the authority to deal with these questions; they had the full power to make a fair copy of the treaty, but not the authority to sign it.

At the outset China expressed her desire to act in accordance with the suggestion of General Grant, and appointed high commissioners to negotiate, but later she declared that the high commissioners so appointed had not the authority alone to sign the result of their negotiations. At the outset she informed Japan that the prince and ministers of the Yamén should deal with the questions, but later she declared that the northern and southern superintendents of trade must consider these same questions and report to the throne.

My government accepted the suggestion of General Grant, and in accordance with international law clothed her high commissioner with full power to dispose of the questions at issue.

But the other government appointed commissioners having no power, and opened up a useless discussion.

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SHISHIDO.

No. 150.

Mr. Angell to Mr. Evarts.

No. 109.] LEGATION OF THE UNITED STATES,
Peking, February 9, 1881. (Received April 14.)

SIR: I have to announce to you that his excellency Shen Kuei-fen, assistant grand secretary of state, president of the board of war, and, after Prince Kung, the leading member of the foreign office, died after a brief illness, on January 29. I inclose the Imperial decree, a copy of which was communicated to me by Prince Kung, which sets forth his merits and shows the esteem in which he was held by the government, and a copy of my response. He belonged to the party which is least unfriendly to foreigners and to foreign ideas, though he was too cautious or too timid to be very demonstrative.

He brought a most amiable temper to all negotiations, but, when occasion required, was master of those "arts of delay" which characterize Chinese diplomacy.

In the negotiation of the recent treaties with the commission plenipotentiary the deceased minister took a much more active part than the Chinese commissioners who were especially appointed. It seemed to be largely due to his desire to expedite the work that we were able to complete it in so short a time.

It will be fortunate for China and for foreign powers if a man as well disposed to foreign nations succeeds to Shen Kuei-fen's position of influence in the Tsung-li Yamên.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 109.]

Prince Kung to Mr. Angell.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 1st instant I was honored by the receipt of an edict from His Imperial Majesty, in terms as follows: "Shen Kuei-fen, late assistant grand secretary of state and president of the board of war, a man of pure heart, cautious in his disposition, a loyal statesman, of sedulous habits, tried ability, an upright nature, respectful and attentive to his duties, commenced his career as a *Han Lin* (member of the Imperial Academy) and gradually rose to the distinction of subdirector of one of the lower courts. He was then made one of the high provincial officers. In the reign of our predecessor, Tung Chih, he was chosen to be one of the counselors in the grand council and was subsequently made president of one of the boards. After our accession to the throne, relying greatly on his integrity and ability, we raised him to the rank of assistant grand secretary of state. In the management of all state affairs he always exerted himself with his whole mind and strength, and when wearied and exhausted did not seek to be excused. Recently, because he had met with a slight ailment we granted him leave to nurse his health, but the unexpected intelligence of his death which has now reached Us, has smitten Us with profound grief. Let there be given him a "To Lo Ching-pei".* Let the Bei Le (prince of the third rank) Tsai Yi conduct ten officers of the Imperial guard and forthwith proceed to his house to offer a libation; and as an addition of Our favor, let there be conferred upon him the posthumous title of 'grand tutor of the heir apparent,' and let the same honors be done to his memory as if he were a grand secretary of state. Let his tablet be placed in the Hsien Liang-tsz.† Let all his shortcomings during his official career be blotted out and

*A kind of silken pall with Buddhist prayers inscribed upon it.

† The Hsien Liang-tsz are government buildings in which the tablets inscribed with the names and titles of meritorious officers are placed after their death and before which the district officers offer sacrifice in the spring and autumn.

forgotten. Let a grant of 2,000 taels from the Imperial treasury be made towards defraying his funeral expenses. Let the proper Yamên study the regulations for honoring the dead and memorialize as to what is due to his memory, and when the deceased officer's body is being conveyed to his birthplace, let the authorities on the road do what the circumstances may require. Let the decree of *Chii jen* (provincial graduate) be bestowed upon his son, Shen-men-t'ao, and let him be accorded the same privilege of competing at the metropolitan examinations which belongs to that class of students. Let his grandson, Shen hsi kuei, born with hereditary distinction of the first rank, be granted the position of senior secretary of a board.

"The foregoing edict is made known as a proof of the high estimation in which the deceased officer's virtues and abilities were held by Us.

"Respect this!"

It becomes my duty to transmit a copy of this edict for the information of your excellency.

Peking, February 7, 1881.

His Excellency JAMES B. ANGELL, *&c., &c., &c.*

[Inclosure 2 in No. 109.]

Mr. Angell to Prince Kung.

FEBRUARY 9, 1881.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt this morning, of Your Imperial Highness's communication of the 7th instant, inclosing an edict from His Imperial Majesty concerning the death of his excellency Shen Kuei-fen, assistant grand secretary of state, and president of the board of war.

I desire to express to you, my high appreciation of his signal merits and my sincere sorrow at his decease. In my brief acquaintance with him, I was much impressed with his ready grasp of all subjects brought before him, his perfect mastery of details, his singularly retentive memory, and the courteous and amiable spirit which he evinced in the most earnest discussions. The empire may well mourn the loss, while in the full vigor of his intellectual strength, of one who has performed so many eminent public services, who was so wise a counselor to His Imperial Majesty, and who was so esteemed by all the representatives of foreign powers.

I shall communicate the edict of His Imperial Majesty to my government, who will, with deep regret, receive the sad tidings of the decease of the distinguished statesman, whose name has become so well known to them.

I have, &c.,

JAMES B. ANGELL.

No. 151.

Mr. Angell to Mr. Evarts.

No. 120.] LEGATION OF THE UNITED STATES,
Peking, February 28, 1881. (Received April 27.)

SIR: I desire to call your attention to a change which the Chinese Government has recently made, and made in an objectionable manner, to the regulations for the chartering by foreigners of junks on the Yangtze River.

I inclose a dispatch from Mr. Consul Shepard, of Hankow, which gave me my first information on the subject, and which states very clearly what has happened at Hankow.

It appears that ever since the revised regulations "of trade on the Yangtze Kiang" (for which see Mayer's Treaties, pp. 209–211), which went into effect in January, 1863, the regular course of business in chartering and dispatching junks has been substantially as follows: The original charter-party, in Chinese and in English, was deposited in the consulate. The consul then made an application to the foreign cus-

toms for a "special junk pass" for the charterer. On the presentation of this paper to the customs the charterer was allowed to ship his cargo. He then received from our consul a clearance on which it was expressly stated: "The United States flag is not to be raised on the junk." He was then furnished by the foreign custom, 1st, a river pass and arms certificate; 2d, a cargo certificate in English and Chinese; 3d, a duty-paid receipt and a tonnage-dues receipt in one document; and, 4th, a bond certificate. Provided with these documents the junk proceeded on her voyage down to Chinkiang with no further detention at customs stations and lekin barriers than was necessary to examine her papers. But if she lacked any one of the above-named papers, she was liable to be detained or even turned back. This procedure has been followed for about eighteen years.

On the 29th of November last, Mr. Jenkins, an American citizen, who has been engaged in chartering junks at Hankow, found, to his surprise, on applying to one of the shipping hongs, that the native owners had been notified, as they said, that hereafter they would be required to pay port dues along the route on a junk chartered by a foreigner, and that they would be held responsible for lekin dues on the cargo at every barrier, even though it had paid duty at the foreign customs.

Bear in mind that no notice of any contemplated change in the regulations had been given by the provincial authorities to our consul, or by the Tsung-li Yamên to the foreign ministers.

On the 6th of December a proclamation, a copy of which is inclosed, from the Wu Chang prefect was posted on the walls of Hankow, notifying boat hongs and boat owners that the owners of junks must pay the port dues to the native customs even when the junks are chartered by foreigners.

On the 8th of December Mr. Jenkins learned on inquiry at the foreign customs that they would not receive tonnage dues on chartered junks, nor would they note on the papers they should issue the payment of such dues to the native customs. Some correspondence ensued between the consul and the commissioner of foreign customs, which it is not necessary to dwell upon here further than to say that, in answer to an inquiry by the consul, the commissioner informed him in a brief note that no change had been made except the adoption of the procedure described in article VI of the Yangtze regulations, namely, the levying of port dues instead of tonnage dues, and when the consul rejoined, giving the substance of the reports which the junk owners had brought of the intended detention of chartered junks, and assessment of lekin on the cargoes at every barrier, the commissioner, very improperly, as I think, omitted to make any reply.

December 24, Hoo, Taotai of Hankow, sent the consul a dispatch which, substantially in the language of the prefect's proclamation above referred to, gave him notice of the change in the regulations, and on December 27 the consul received a similar dispatch from the Ichang taotai. Accompanying the latter were extracts from correspondence had in 1877 between the foreign office and Mr. Fraser, then Her Britannic Majesty's chargé d'affaires at Peking, concerning the levying of port dues on a native boat, in which an Englishman and his family reached Wuhu. The conclusion of the correspondence is not given, but the British minister has promised to obtain it for me. In its present form it is of no value, and therefore I do not transmit it to you.

You will observe in reading the prefect's proclamation that the orders of the Tsung-li Yamên reached him on the 6th of November, and

yet it was not until the 24th of December that the taotai of Hankow wrote to our consul on the matter.

It is probable that the Chinese have been prompted to their action by their desire to correct certain abuses which have sprung up on the Yangtze. It is also highly probable that the government has been defrauded by foreigners selling their names to Chinese in chartering junks and securing transit passes which prevented the levying of port dues and lekin. Of course we do not object to their seeking a remedy for this trouble. We are bound to do what we can to prevent our citizens from becoming parties to any such fraud. But the remedies must be sought in consonance with the treaties. Mr. Consul Shepard in his No. 357, to the taotai, referred to in his dispatch, quoted the stipulations concerning the hiring of boats, which are found in the several treaties, and made substantially the summary of principles which is found in his dispatch.

After learning from my colleagues of the diplomatic corps that none of them had received from the Tsung-li Yamên any announcement of the new regulation, I sought an interview with the foreign office, and on the 13th instant had a long conference with them on the matter under consideration. I began by inquiring whether any new regulation had been made by them concerning the chartering of junks by foreigners. They said, "No;" but an old one had been enforced. I asked if it had been enforced during the last seventeen years. They admitted that it had not been. I asked if the provincial authorities were not derelict in not informing our consul of so important a change until seven weeks after they had received their information. They said, "Yes." I then asked if they did not think that it would have been better for the Tsung-li Yamên to inform the foreign ministers at the outset, so that the ministers could notify their consuls, or make objections, if they had any to make. They were less willing to condemn themselves than they had been to condemn the provincial authorities. They argued that the regulation concerned natives alone, not the foreigners. Of course I reminded them that it very deeply concerned foreigners who chartered junks, and that to make so important a change in a procedure which had been recognized for seventeen years without giving the ministers and consuls timely notice was a step well calculated to cause trouble. I then sought to ascertain what their order really was. They referred to frauds which had been practiced, and said that the requirement is simply that the native owners must pay port dues according to Chinese law. This requires, you will remember, that a native boat pays port dues at every port she enters, while by the treaties foreign vessels engaged in the coastwise trade pay only once in four months, no matter how many ports they enter. They assured me, however, contrary to Mr. Shepard's apprehensions, that the regulation does not in any way change the *status* of a cargo on which the foreigner has paid duties, that such a cargo is not to be subjected to lekin anywhere on the voyage if the shipper has all the proper papers as before except the certificate for the payment of tonnage dues. The boats, they said, might be stopped at Kinkiang and Wuhu for port dues, to be paid by the owners.

They argued that their action was sustained by article VI of the Yangtze Regulations, a part of which I copy:

ARTICLE VI. *Native craft, owned or chartered by British merchants,* will pay duty on their cargo at the rates leviable on such cargo under the treaty tariff. All such craft will further have to be secured by bond in the manner laid down in the provisional rules published on the 5th December, 1861; *and on entry into any port will pay por dues according to Chinese tariff.* * * *

I asked them how they could reconcile their new regulation with the following clause in the (amended) twenty-second article of the French treaty of Tientsin, which amended article was adopted in 1865, two years after the adoption of the Yangtze regulations: "Native craft, chartered by French merchants, shall in like manner (*i. e.* to French vessels) pay tonnage dues once in every four months."

It would seem that they had forgotten or overlooked this provision. For at first they denied that there was any such provision. But when the treaty was brought they could of course deny no longer. They admitted that the matter deserved consideration. After some reflection and consultation they intimated that this might not apply to the Yangtze ports, but only to the seaports. On my requesting them to show me the authority for any such exemption they were unable to do so. I told them in conclusion that I would not press the point any further at that time, but I begged them to give the matter their careful attention. I chose to drop it there for the time, because the other foreign ministers have evinced much interest in the subject, and it is not improbable that some joint action may be taken which would be more likely to secure a result than my unaided prosecution of the matter.

In reviewing the subject it is clear, I think, that, even if the action of the government in changing the usage of eighteen years is justifiable at all, the neglect of the Tsung-li Yamên to inform the foreign ministers of their decision and the neglect of the provincial authorities promptly to inform the consuls of the orders received from Peking are deserving of grave censure.

Further, it is my opinion that the adoption in 1865 of the amended twenty-second article of the French treaty supersedes the sixth article of the Yangtze regulations so far as this sixth article is irreconcilable with it. I have reason to believe that most, if not all, of the foreign ministers here will agree with me on that point. We shall probably soon have a consultation on the subject. Until we have conferred I shall defer action.

Mean time I am informing Mr. Consul Shepard of the details of my interview with the foreign office, and am authorizing him to inform our citizens of the assurance which the foreign office has given me that the cargoes of foreigners, when shipped in junks, are not to be subjected to lekin if the duties have been duly paid. Of course such a levy would be the most flagrant violation of the treaties.

I have, however, called the consul's attention to the need of exercising the utmost vigilance to prevent any of our citizens from becoming parties to such frauds as may have stimulated the Chinese Government to take the action complained of.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 120.]

Mr. Shepard to Mr. Angell.

No. 55.] JANUARY 14, 1881.

SIR: I have the honor to transmit herewith to your excellency inclosures appertaining to the subject-matter of this dispatch, twelve in number, marked respectively A, B, C, D^1, and D^2, E, F, G, H^1, and H^2, I^1, and I^2, to be referred to in the course of this communication.*

* Inclosures referred to omitted from this publication.

Since my response in No. 53, to your inquiries in your No. 4, of October 11, 1880, regarding "tonnage dues," &c., circumstances of an important nature have transpired here and along the river ports, seriously and injuriously affecting foreign interests, interfering in what has for years been recognized as legitimate commercial enterprise, and as I think warranted, and intended to have been secured by the various treaties. At the expense of some prolixity I feel it incumbent on me to explain the whole matter to your excellency, that such steps as may be wise and called for in the exigency may be undertaken with full intelligence of the facts and their bearings.

In the early months of last year, 1880, Her Britannic Majesty's consul, Alabasker, discovered what he deemed, and I presume were, irregularities in the dealings of certain of his constituents with native Chinese. The alleged irregularities consisted in selling the name of the British subject to certain natives, to be used by them in securing, under British protection, transit passes for merchandise outward and inward, charters for junks, and all similar privileges guaranteed to foreigners by the treaties. Without commenting on the method of procedure against the parties, both foreign and native, I may say that the matter created a good deal of excitement and resulted in a general suspicion against all foreigners in like business on the part of the native officials, and an interference on their part with lawful and honorable transactions. Formulated complaints were made to me by the Taotai against the American traders here, Messrs. M. A. Jenkins and Wadleigh & Emory. I gave them such candid examination as I could without books or witnesses to substantiate the charges, and found no sufficient evidence that either honorable principles of trade or treaty privileges had been violated by them, and especially not by Mr. Jenkins, who has been in business here for many years. I refer to the affair, not only to give you an idea of the probable origin of the present wrong, but to introduce to your attention an extract from my No. 357 to the Taotai, of October 14, 1880, in answer to his complaint (made verbally), which will open the whole subject. (See inclosure marked A.)

In facilitating the "chartering of junks" and the shipment of cargo on the river, the method of procedure has been as follows: I required from the charterer to be deposited in the consulate the original charter-party, in Chinese and English, of every junk it was proposed to load. This I required as an equivalent for the "deposit of a ship's papers." I then gave a letter to the foreign customs, a form of which is inclosed, marked B. The charterer on presentation of this letter was permitted to ship his freight, and when this was completed he applied to me for a "clearance," (see inclosure marked C.)

He then obtained from the foreign customs (1) a river pass and arms certificate, (2) a cargo certificate in English and Chinese, (3) a duty-paid receipt and a *tonnage-dues receipt* on one document, and (4) a bond certificate. With these papers the junk was protected on her entire voyage (usually made from Hankow to Ching-Kiang) and was free from interruption by the various lekin and customs stations passed, except for the examination of the papers. In this respect the chartered junks were on an exact footing with lorchas and steamers doing similar business, as the treaties undoubtedly intended they should be. But if a junk *lacked any one of the documents* above noted, *she was detained* at any station where the omission was discovered until she could procure it, and was liable to be turned back to the port of departure. This method has been in unquestioned operation under the "regulations for trade on the Yangtsze" continuously since January 1, 1863, when the foreign customs were first established here.

On the 29th November, 1880, Mr. Jenkins applied to one of the native junk shipping hongs through whom all charter parties are made, to charter a junk, as he had done for years. He was told they could not charter a junk, that the hongs had been summoned before the subprefect, acting under the Taotai, and made to give written assent to a notification read to them, that hereafter the junk owners would be required to pay what is known as "port dues" at the stations along the route, whenever a junk was chartered by a foreigner, and that they would be held responsible for all dues known as "lekin" at all stations passed on all cargo found on board, although it had paid duty according to the foreign tariff at the "foreign customs," and they would further be liable to punishment for attempting to smuggle.

On the 6th of December, 1880, there was posted on the city walls a "proclamation," which is inclosed with its translation, marked D^1 and D^2, and you will notice that it substantially supports the statements of the junk owners, for although the payment of "boat dues" by the owners is specifically mentioned, yet that payment to the native customs *takes the vessel out from under the jurisdiction of the foreign customs*, makes the vessel purely *a native craft*, and therefore subjects her cargo to whatever exactions the multiplied lekin stations along her route may choose to impose. Whether such exactions (never determinate) were little or much, or whether the "boat dues" were exorbitant or otherwise at the various stations, the conditions utterly preclude the chartering of a junk by a foreigner, first, because the junk owner can never know what the exactions from him may be on either boat or cargo, and, second, because he is strictly *forbidden to allow the foreigner to pay them*, either by advancing the price of the charter or by an agreement to refund whatever amount may be paid *en route*.

On the 8th December Mr. Jenkins was informed by the clerk in charge of the export and clearance desk at the foreign customs that they would not in future receive from him "tonnage dues" on chartered junks, but he must bring to them instead a "port dues" receipt from the native customs; that it would not be considered a customs document to take the place of the tonnage-dues receipt, *nor be noted on the papers*, as it was not paid to the customs. Mr. Jenkins replied that as a foreigner he could not recognize any but foreign customs in his shipping business, nor be required to hunt up native officials. He asked to see and to have delivered to him a copy of the order, which was refused him, as the order was not in writing nor posted, as all similar notifications have invariably been, but was only a verbal instruction from the commissioner to the clerk, but no junk clearance from the customs would be given him except the native receipt for port dues was produced first.

For some inexplicable reason no notice whatever was communicated to the consul of so important a change either from the foreign customs or from native authorities. I knew of the "proclamation," and sent my scribe into the street to copy it, whence my transcript of it. After waiting more than two weeks thereafter for official information and receiving none, I wrote my No. 364, of December 19, to the commissioner. (See inclosure E.) The same day I received his reply (marked F) and answered it (inclosure G). To my No. 365 the commissioner made no response, leaving me to the unavoidable inference that no real interference with established custom was contemplated; but I must be allowed to say Mr. White's response is not the full and candid information I asked for, and the conclusions I drew from it are utterly misleading. While they are warranted by the letter itself, the facts deny them all. Whether it was intended to be sophistical and to evade the facts I wished to have from authority I will not judge, but I wrote my No. 365 expressly to show him the legitimate conclusions from his communication, and to give him the opportunity to correct any erroneous inference. He has never replied, even to acknowledge receipt of my last dispatch, although I know he received it. I will not comment on his silence farther than to observe that in six years' experience in China it is the first instance in which full information has been withheld from me on any official topic where information was asked for from officials of any nationality.

I regret, if Mr. White has done so, that any foreigner in Chinese service should at all imitate the native character for official prevarication. He certainly knew what the *actual* as well as the *nominal* effect was, and what was intended to be compassed by it. The secrecy and silence of the whole movement is suggestive, to say the least. I doubt if Mr. Inspector-General Hart gave it his sanction or co-operation. Soon after the correspondence with the commissioner, the Taotai condescended to give me information of the abrupt change that had been in operation nearly a month. On December 25, 1880, I received his dispatch marked H[1]. I do not pretend to explain the long delay. But you will observe that both this communication and the proclamation carefully exclude or suppress the correspondence referred to with the acting British minister in 1877, which *does not support their action*. Two days later, on the 27th December, I received the Ichang Taotai's communication, marked I[1], which covers the portion of the correspondence above noted.

If all the treaties do not specify both the rate and the duration of dues for the tonnage of all vessels, the French treaty certainly does, and the twenty-third article of the Prussian treaty most especially so. These *have heretofore been inviolate*, and I am at a loss to understand why the *treaties* should *define rates* and the Yangtsze *rules prescribe different ones* for a certain class of vessels. May it not be that the phraseology of the sixth rule, viz, "Will pay port dues according to Chinese tariff," refers to the different method of *measuring* employed for the native junks? At all events the language does not require payment to be made at *native customs*, but only at a native rate. The real object of the violent change, however, is to give license to the native officials to make exactions from both vessel and cargo at all stations on the route of traffic.

I respectfully submit the following topics for consideration as entering into the decision of the matter at issue, and ask your excellency's attention to the whole subject, with a view of securing justice and a proper interpretation of the treaties by which a reversal may be effected of the wrongful and injurious change.

1st. The treaties give the full right to traffic on the Chinese waters and rivers and between the open ports.

2d. They guarantee protection to foreigners through the foreign customs for trade in vessels, whether under steam or sail, large or small.

3d. They make no discrimination to the prejudice of small vessels, whether owned or chartered by foreigners.

4th. They affix the rates of tonnage dues, and they should be uniform in system.

5th. A foreigner cannot be compelled to have business with native customs where foreign customs are established.

6th. Monopolies are strictly prohibited in trade or in vessels.

7th. Any onerous or peculiar exaction on small or native owned craft under charter

to foreigners, acts as a monopoly, as it prohibits competition, and diverts and forces all freights towards steamers, the principal lines being in native hands.

8th. The assent to the principle that merchandise shipped by foreigners through foreign customs having paid prescribed tariffs may thereafter be subject to lekin in process of a voyage, would be an entering wedge to end in subjecting goods on all kinds of craft to the same exactions.

9th. The direct result of the last-suggested claim would be to drive all foreign shipping from Chinese waters, and establish such exactions upon merchandise as to render trade in foreign commodities impossible.

10th. If the "Yangtsze regulations" afford any warrant for the interpretation and action now developed by the "proclamation" they should be at once modified, and made to conform to the treaties in letter and in spirit also.

I have no doubt you will give the matter such earnest and immediate attention as its importance demands. I presume co-operation with other nationalities will be desirable. Shipping goods in chartered junks has long been an important branch of business in American hands at this port, and has been conducted in an honorable and justified way. If others have abused the privileges granted to foreigners it affords no sufficient reason for illegitimate ways of curbing the evil. The treaties provide remedies for such abuses. Probably one-third of the fees received at this consulate are derived from the entrances and clearances of such junks, aggregating about $500 per annum. The action taken totally suppresses revenue from this source, besides being a severe and decisive blow at a legitimate business of American citizens. This is a small matter, however, as compared with the ultimate effect upon general commerce, upon trade privileges, and upon treaty rights. I trust you may be able to obtain a speedy revocation of the obnoxious proceedings, apparently by sanction of the foreign board, but, I cannot doubt, without the knowledge or consent of our own or other legations at Peking.

I am, &c.,

ISAAC F. SHEPARD.

[Inclosure 2 in No. 120.]

A PROCLAMATION,

Issued by the Wu Chang Prefect.

I am in receipt from Hoo Taotai, of Hankow, as follows:

I have to inform you that I have received the following from his excellency the viceroy, on the 10th November:

I am in receipt, on the 6th November, 1880, of a dispatch from the Tsung-li Yamên, as follows:

The Yamên is in receipt of a communication from the northern and southern superintendents of trade (Nanking, viceroy, and Tientsin, viceroy), as follows:

We have a petition from the Kinkiang Taotai, as follows:

There is at present a custom among the native traders of fraudulently obtaining a permit from a foreign trader, and using it to cover a junk flying the foreigner's flag [*i. e.*, protected by the foreigner's name]. They thus hire a native vessel, on which they place their wood or timber, and pay only one duty at the foreign customs at Hankow, and thus pass the Kinkiang customs without further charge. Thus these junks pass all stations along the route free of boat dues. Your petitioner would request that in future all junks chartered by foreigners be required to pay their junk dues, according to the sixth article of "revised regulations of trade on the Yang-tsze kiang," which is that junk dues are to be paid according to the native tariff, and thus crafty merchants will have no room to exercise their sharp practice, and the revenue will be greatly increased.

The foregoing being received by the superintendents of trade, they replied, "We will instruct the Hankow Taotai to furnish information."

The board having received the above would observe:

We find Rule VI of Yangtsze rules of trade to be, that junks which are chartered by foreigners to carry goods, are on their entry at a customs to pay junk duty according to native rules (or tariff). This is the regulation for foreigners chartering junks. All the customs are to carry out this rule. During the third year, forth moon (May, 1877), an Englishman on board a native vessel belonging to the Kuang province, on passing Wuhu, paid the native junk duty at that place. We arranged with Foo, the acting British minister, that the native vessels should pay native junk dues. We farther requested the minister to instruct the consuls to issue the needed orders to the traders, that the payment of the boat duty belongs to the native boat owners, and does not concern foreign traders; and that foreigners must not allow the boatmen to impose on

them to pay what does not concern them. By acting thus both parties interested will be benefited. We hand to you, the viceroy, copies of the correspondence, so you can issue the proper instructions to the native and foreign customs, that junks chartered in future will pay their dues at the native customs according to native rules, and that the foreign customs are not to collect boat duty. Thus the junk owners will have no excuse nor chance to practice craftiness. The use of foreign flags by natives to run by the stations for the purpose of defrauding the revenue is a very heinous practice, and greatly detrimental to the revenue, and strict measures should be taken to suppress it. The English and French treaties contain clauses against such practices. The consuls interested on being informed would do their duty towards putting a stop to them. Should the taotai find that natives are using foreign flags, he should bring it to the notice of the consuls, so they may prevent it, and thus the fraud may be stopped, and the revenue protected. The board request you to issue the proper orders. This is an important matter. I, the viceroy, now issue to you, the taotai, this order for your action. You will inform me of your plan to carry out these instructions. I, the taotai, having received the above and having also received a communication from the northern superintendent of trade to the same effect, have issued the proposed order to the commissioner of customs, the deputy at the head custom-house, known as the foreign customs. I now have to instruct you, the Wu Chang prefect, that in future when junks are chartered by foreigners, my office will not collect the boat duty. You are therefore to order the boat owners to pay their boat dues themselves, according to the native rules. You are also to give notice to all customs stations under your control.

I, the prefect, now issue this proclamation to all of you boat hongs, boat-owners, and traders, that hereafter when junks are chartered to foreigners, you, the junk-owners, are to come and pay the boat-duty at the different boat-dues stations, according to native regulations. This order is issued in accordance with Article VI of the "Yangtsze regulations for trade." I am instructed by the taotai that the foreign customs will not collect "boat-duty," but the native customs will collect it. Therefore you junk-owners are, in future, to pay your boat-duty at different Wu Chang stations. You are not allowed to use foreign flags for your private use to run by customs stations, and thus evade the payment of dues. All who do not obey will be severely punished. Important notice.

Dated December 6, 1880.

NOTE BY THE CONSUL.—The foreign flags referred to in the foregoing are simply and only the *house flag*, or designation of the foreign charterer of the junks. Every clearance that has been given has on it, in prominent type, the words, "*The United States flag is not to be raised on the junk*," and the prohibition has not been violated.

No. 152.

Mr. Angell to Mr. Evarts.

No. 126.] LEGATION OF THE UNITED STATES,
Peking, March 26, 1881. (Received May 16.)

SIR: The news of the assassination of the Emperor of Russia reached Peking on the 23d instant.

I called at once on Mr. Koyander, the Russian secretary, now in charge of the legation, to express my sympathy. In view of the very cordial relations which have so long existed between the United States and Russia, I deemed it fitting to address to Mr. Koyander the note a copy of which I inclose. I also forward a copy of the reply of Mr. Koyander (in French), and a translation of it.

On the 24th instant, at 1.30 p. m., the diplomatic body, by invitation of Mr. Koyander, attended a funeral service in the chapel of the Russian legation. The service was conducted by the archimandrite resident at Peking. The foreign ministers here have agreed to keep their flags at half-mast for ten days to give public expression to their sympathy with Russia.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 126.]

Mr. Angell to Mr. Koyander.

PEKING, *March* 24, 1881.

DEAR SIR: I need not say how shocked I was in common with all my colleagues, in hearing last evening of the assassination of His Imperial Majesty Alexander II. I can assure you even before I hear from home, that the news has caused profound sorrow throughout the length and breadth of my country. For although the relations of Russia and the United States have always been most cordial, they have been especially so during the reign of the late Emperor. Three events have contributed to this: First. Our admiration and sympathy were awakened by that great and courageous act, the emancipation of the serfs, which was followed two years later by the similar act of the emancipation of the slaves in the United States. Secondly. His Imperial Majesty proved himself one of the best friends we had in Europe during the terrible days of our civil war. His noble attitude at that time won for him the deep and imperishable affection and gratitude of my countrymen. Thirdly. The negotiations of the two countries concerning the transfer of Alaska were conducted in a spirit which was most amicable and hearty.

Certain European writers have speculated not a little on the causes of the firm friendship between the great empire of the east and the great republic of the west. But whatever the cause, the fact is one in which my countrymen rejoice, and therefore the grief in the United States at the deep affliction which has come upon Russia will be universal and profound.

I have felt that I should hardly be true to my duty as a representative of the Government and people of the United States, if I did not indicate to you, however inadequately, their sincere sorrow and sympathy in this sad hour.

I am, &c.,

JAMES B. ANGELL.

[Inclosure 2 in No. 126.—Translation.]

Mr. Koyander to Mr. Angell.

LEGATION OF RUSSIA IN CHINA,
Peking, March 13, (25), 1881.

DEAR SIR: I hasten to communicate to your excellency my warmest thanks for the letter, full of cordiality and sympathy, which you were pleased to address to me yesterday on receiving the terrible news of the death of His Majesty the Emperor Alexander II, the beloved sovereign of my country. I do not doubt that the hateful crime which has been committed in St. Petersburg, will awaken everywhere deep indignation, but especially in the United States, whose government and whose people, as you say with so much justice, have always been bound by ties of sincere sympathy and friendship to the Empire of Russia. I remember still the painful and sad emotion which was produced among my countrymen by the news of the tragic and premature death of President Lincoln, that great citizen of the republic who fell contending for the glory and the greatness of his country. Russia has just been smitten with a similar misfortune in the person of her beloved sovereign. In the midst of our national grief, the expressions of sympathy by foreign nations will certainly be appreciated at their true value by my countrymen, and will greatly contribute to strengthen the bonds of friendship which unite Russia to other countries, and more especially to the great Republic of the United States.

Filled with gratitude for the sentiments which you have been pleased to express in your letter, I beg you to receive the assurance of my high consideration, and to believe me,

Yours, &c.,

A. KOYANDER.

His Excellency Mr. JAMES B. ANGELL,
Minister of the United States, &c., &c., &c., Peking.

No. 153.

Mr. Blaine to Mr. Angell.

No. 82.] DEPARTMENT OF STATE,
Washington, April 4, 1881.

SIR: Your dispatch marked "confidential," No. 103, of January 25, 1881, inclosing a confidential memorandum from the Japanese minister at Peking, has been received. Ordinarily it would be unnecessary to do more than acknowledge the receipt of the interesting and not unimportant information which you have properly communicated to the Department.

But, both in his conversation with you and in the memorandum itself, the Japanese minister seems to rest the propriety of this official communication upon the fact that the negotiations between the Governments of Japan and China, to which it refers, were initiated by the advice and at the suggestion of "ex-President Grant."

It is scarcely necessary for me to say that this Department joins with the people of the United States in grateful appreciation of the eminent services which that distinguished man has rendered to his country, and that it was profoundly gratifying to the government to know that he was everywhere in his recent journey received with the most honorable consideration, and that the rulers of other countries sought his advice and obtained the benefit of his judgment and experience. But it must be recollected that General Grant traveled simply as a citizen of the United States without representative character or official responsibility, and any advice which he may have deemed it judicious to give was the expression of his individual opinion, and did not authoritatively indicate the policy or sentiment of the Government of the United States. It might be a source of future embarrassment if foreign statesmen unfamiliar with our political habits and institutions should misapprehend the value and consequence of such a relation. In the question of the negotiation to which the Japanese minister refers, if either China or Japan, or both of them, had asked the good offices of this government the expectation would have been natural that the United States would watch such negotiations with interest and interpose their friendly advice to prevent or relieve any unforeseen misunderstanding in their progress.

Having no official connection with the subject, and our relations with both the powers interested being delicate and important, it is scarcely proper that we should be the recipient of the official complaint of either, although that complaint be made in a confidential manner. As the impression which you describe as being made on yourself will suggest, it would have been better to receive no formal communication from either unless such communication had been volunteered by both. If the Japanese Government desired to make such a representation alone, I would prefer that it should have been made directly to this Department through the Japanese minister here. While, therefore, I do not mean to express any dissatisfaction at your having forwarded this communication, I would have been glad if it had occurred to you to call the attention of the Japanese minister to the fact that such a communication was somewhat informal, and could not, with propriety, be made the subject of consideration by this government. You say further:

Mr. Shishido desired my opinion concerning his course in the negotiations, and especially concerning his departure. I told him that I could not venture to say anything touching the main questions under consideration by China and Japan, but that as-

surely if, in the recent negotiations of our commission, the Chinese commissioners had refused to sign our treaties after they had agreed to sign them, I should have withdrawn from the capital.

If I could consider this simply as a confidential conversation with your colleague in which he has been anxious to get, and you have been willing to give, your individual opinion as to the line of conduct which he proposed to pursue, it might pass without comment, as perhaps you are the only judge of how far your personal relation with your colleague authorized him to impose and you to accept the very delicate responsibility of advising him. But the expression of the decided opinion recorded in the above extract from your dispatch renders necessary a word of caution.

If the unfortunate condition, which you suppose had occurred and your colleagues on the commission and yourself had unanimously agreed upon the propriety of withdrawing from the capital, this Department would have given due consideration to the convictions of such able and faithful ministers, but still I would have regarded your resolution of such grave import that it ought not to have been adopted without immediate reference for further instructions from this Department. A suspension of negotiation, indeed of communication, would have been justified while so waiting, but it could only be in an extreme case of urgent danger to the honor and interests of his country that a minister would be justified without positive instruction in making a demonstration which would so seriously commit his government.

You will, I trust, understand that no censure of your conduct is intended to be conveyed by these comments upon your dispatch. But the relations between China and Japan and our own relations with both powers are such that we are bound to maintain in reference to their affairs the most honorable and scrupulous impartiality. Should the termination of the negotiations to which you refer threaten to disturb their friendly relations, it would only be such impartial interest in their welfare which would enable us to use any influence we might possess to restore the amicable feeling which it is our earnest desire should exist between them.

I am, sir, &c.,

JAMES G. BLAINE.

No. 154.

Mr. Angell to Mr. Evarts.

No. 134.] LEGATION OF THE UNITED STATES,
Peking, April 9, 1881. (Received June 13.)

SIR: I forward you herewith two very interesting papers on the subject of railways in China.

The first is a memorial of General Lin-Ming Ch'uan to the Empress Dowager and the Emperor, recommending the construction of railways, for excellent reasons, which he sets forth very clearly. This general has for many years been conspicuous for his valuable military services, and is on terms of special intimacy with Li Hung Chang. It is not improbable that the memorial was inspired by the viceroy. I think it was presented early in the winter. It is understood that one of the censors reported stoutly against the memorial, and that consequently it was received at first by their majesties with disfavor.

Soon after, however, it was referred to the northern and southern superintendents of trade, Li Hung Chang and Lin Kun Yi (of Nanking), for consideration, and the second paper inclosed is their report. I think you will find it a very lucid and cogent document. Probably no Chinese paper has ever before set out so forcibly the advantages which the introduction of a system of railways would bring to this Empire. I have reason to believe that for a time this winter Li Hung Chang was very hopeful that the general plan would be approved, and a line from Ching-Kiang to Peking would soon be begun. But the Emperor has decided that no action shall be taken at present. I am inclined to believe that railways will be built only under the pressure of some great military exigency. But they will come sooner or later.

I have, &c.

JAMES B. ANGELL.

[Inclosure 1 in No. 134.]

Memorial of Lin-Ming Ch'uan, a general in the Chinese army, in retirement, recommending the immediate introduction of railways as a means of augmenting the power of the country.

Your Majesties' slave, Lin-Ming Ch'uan, &c., &c., upon his knees addresses the Throne: Looking upward, he implores the glances of Your Sacred Majesties upon a memorial, reverently prepared, showing that as the situation of the Empire is daily becoming more critical, and as difficulties from without are pressing harder upon us day by day, immediate consideration should be given to the question of introducing railways as a means whereby to augment the power of the Empire.

Your slave's merits sink into insignificance when compared with the abundant favors which have been bestowed upon him since his withdrawal from the army, in consequence of illness. Your slave, in the retirement of his garden home, has always studied the relations between China and foreign countries, with the result that he has often been awaked and brought to his feet in the hours of night to find his eyes streaming with tears from anxiety. He feels mortified at the thought that all his dog or horse-like* exertions are inadequate to repay one ten-thousandth part of the favors which he has received.

Recently he had the honor to be summoned by Your Majesties, and in contempt of his sickness came to the capital. On his arrival he was further honored by being summoned into the Imperial presence, when he received full and complete instructions, his gratitude and respect for which your slave cannot find words to express.

Your slave conceives it to be the duty of an officer towards his sovereign to speak when he learns anything that should be known to his master, and, acting on this principle, he feels it his duty, with all diligence, respectfully to submit to Your Imperial Majesties, the Empress Dowager and the Emperor, that the introduction of changes are matters which are attended with the gravest embarrassments, and the adoption of measures which may result in benefit or in injury to the country are considerations of the gravest importance.

The troubles which have beset China since she removed the bolts and opened her doors to engage in trade with foreign countries are by far more numerous and embarrassing than anything she has had to meet from her enemies since the earliest ages. These foreigners, in their dealings with us, are ever ready, on the smallest pretext, to create a dispute whereby they may deceive and oppress us, and when there is a quarrel between any one of them and ourselves, the others press around and eagerly watch for an opportunity.

Russia's southern frontier (in Asia) is very extensive; so much so that it is contiguous to and interlocked with our northern, eastern, and western frontiers; we feel her grip on our throat, and her fist upon our back, and our contact with her is a source of perpetual uneasiness to our hearts and minds. But our long season of weakness and inaction disables us from making a show of strength, and our only alternative, therefore, is to patiently bear insult and obloquy. When a quarrel occurs we have to yield

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* A mode of expression designed to humble one's self when speaking of favors received. (The dog can watch its master's house, and the horse can draw or carry burdens for him.)

to her demands and make a compromise, regardless of money, in order to avert the dangers of war.

It must be remembered, however, that a long enduring peace between two countries is a thing that cannot be relied upon as a certainty, and that the wealth of a nation is not unbounded. If we make no departure from our present conservatism, what strength can we hope to acquire?

There are those who speak thoughtlessly of going to war. In this connection your slave would beg to observe that the essential point before going to war is to ascertain the condition of the enemy's forces. Russia has built railways which run from Europe to the neighborhood of Hao Han, and she purposes to build one from Hai-Shen-weei to Hui Ch'un, and the reason why she did not proceed to send troops recently, when the quarrel with us commenced, is not that she feared to encounter our soldiers, but that her railways were not quite completed. Your slave foresees that, before ten years are passed, some immeasurable disaster may be looked for from that quarter.

Now, Japan is an extremely small country—like a pill. Her rulers, however, have adopted western mechanical arts; and relying on her possession of railways, she attempts now and again to be arrogant—like a mantis when it assumes an air of defiance—and to despise China, and gives us no small amount of trouble on the smallest pretext.

Your slave is much grieved and distressed when he thinks that if the present time is allowed to go past without measures being taken to strengthen our country, how vain it will be to repent when it is too late.

Although it is true that the proper way to proceed to strengthen our country is by drilling troops and manufacturing arms, &c., regularly in their turn, yet it must be confessed that the immediate construction of railways will be the mainspring of our country's strength.

It would be difficult to enumerate all the advantages that will be derived from the possession of railways; such, for instance, as facilitating the transportation of the grain-tax, affording prompt and effective communication in the distribution of relief, the extension of commerce, the furtherance of mining operations, the suppression of lekin stations, and the improved system of traveling. But the principal advantage that will be derived from them is the more effective method of transporting troops, and this consideration renders it important that their introduction should not be delayed.

The area of China's territory is very great. Her northern frontier stretches out to a length of 10,000 *li*, and is conterminous to the confines of Russia; moreover, there are foreigners of many nationalities resident at the treaty ports, who are engaged in trade with our people. To draw a line on our frontier and guard it against invasion is a matter which, in spite of our desire, we are unable to do. "Although we ride about on a fleet horse, and do not spare the whip, we are unable to come up in time."* If railways are built all parts of the country, north, south, east, and west, will be within easy communication, and in case of war we can form our plans according to our observations of the enemy's movements. It will be easy to come to a given point in a few days, although the distance be 10,000 *li*, and a million troops can be brought together at one call; and such irregularities as confusion and hurry when troops are ordered to move and obstructions and delays in the transport of materials and supplies, and similar vexatious embarrassments will be removed. The strength of an army consists in its troops being united, and a state of division means weakness.

China numbers eighteen provinces; her troops are not few, nor are her supplies insufficient; but the troops and supplies of each province are under the control of its high provincial officers. The affairs of each province being thus confined to its own limits, the result is the division of interests that should be united in one mutual and common concern. In case of war each province has barely time to concert its own plans, and when called upon to furnish troops or supplies has not the means wherewith to meet the demand. They are unable, moreover, to come forward with the necessary relief in times of adversity, although an edict be issued from the Throne visiting the responsible officers with severe punishment. With the construction of railways the power of the country will be concentrated, its arteries will flow unobstructed, the number of soldiers may be diminished, supplies curtailed, and several regiments converted into one effective corps. In the protection of our frontiers and seaboard, the necessary materials, such as artillery, &c., can be transported with surpassing rapidity [literally between the dawn and twilight]. Troops garrisoned at different stations can be converted into an effective active battalion, and the strength of the eighteen provinces will be brought into one center. One soldier may be made as efficient as ten. Hereafter the army and commissariat will be under the control of the central government, which will become the seat of importance, while the provincial administration will remain auxiliary and secondary, and the efficiency of the army will not be exposed to be impaired and obstructed by the failures of provincial officers.

* Metaphor for "Our movements are too slow to guard the vast extent of our country."

In the present state of our affairs the expenditure required for the defenses of our frontiers makes a sensible diminution in the revenue of the country, the prosperity of the people is fettered by the lekin excise, the wealth of the country is being monopolized by foreign merchants, and the riches of the land are daily diminishing. There are signs portending some great calamity. But if railways are constructed the profits to be derived from their working will suffice for the maintenance of troops. Some of the lekin stations may be abolished after due consideration, and the worries caused by complaints of foreign merchants regarding transit passes, &c., will be avoided. It would be difficult to devise any other plan more eminently calculated to benefit the prosperity of the country and to further the happiness of the people.

The reasons why Russia is overbearing in her relations with us, and why Japan underrates us are to be found in the fact that China has only one corner of her vast possessions protected, is afraid to face difficulties, and is incapable of rousing her energies, because possessed of an inordinately pacific disposition. But the day when an imperial edict is issued sanctioning the construction of railways it will be manifesting our desire to strengthen ourselves, and the life and energy of our country will instantly be roused. This intelligence will startle those countries, and, while in the first place, we shall find it easier to agree to the terms of a treaty with Russia, on the other hand the insidious designs of Japan will insensibly disappear.

Some time in the current year, the viceroy, Li Hung Chang, memorialized the Throne praying for the sanction of a telegraph line to be laid along the coast. Telegraphs are one of the essential requirements in the operations of an army, and if constructed as auxiliaries to, and in conjunction with railways, there will be a large saving in expense as well as increased facility of supervision. If any difficulty be encountered in raising the requisite funds for the construction of railways, and doubts arise as to our inability to proceed with the work, your slave thinks that the plan of inviting contributions from the mercantile classes is not unworthy of consideration, but if this plan be unfeasible in consequence of the wide dispersion of these classes, the contraction of a foreign loan is the only plan worthy to be considered, if there exists a desire to avail of the present time for the construction of railways.

If the contraction of a foreign loan in aid of the government be held to be an impossibility, a loan for this purpose may be considered an exception. It is a means whereby a source of profit may be opened up, and the money expended will be represented in the materials and plant. These are considerations which will induce the foreign banker to gladly accommodate us with the loan.

The government will have no difficulty in repaying the debt. As the interest asked will be small and the time for repayment ample, it may be liquidated with the profit of the undertaking. The mechanics of the west are expert in manufacturing railways, and are moreover eager for an opportunity of displaying their skill in our Celestial country. Your slave believes the present occasion is especially opportune and one that should not be missed.

Two lines of railways are urgently needed in China. One to go from Ching Kiang through the provinces of Shantung and Chihli, having its terminus at Peking; the other to go from Hankow through Honan to Peking. There should be besides this, two northern routes, one from Peking running eastward to Shengking, the other running westward to Kanhsu. But as it will be difficult to undertake all these lines at once in consequence of the enormous outlay that will be required, your slave would suggest and prays that sanction be given for the construction, first, of the line from Chin Kiang to Peking, to be in connection with the line of telegraph which it is proposed to lay this year. As the provinces of Shantung and Chihli cover a large tract of territory through which this railroad will have to pass, and as stories are likely to be current about its interference with the family graves and homes of the people, much opposition to it must be expected from those who are ignorant that the government roads are broad, and that the space required for the permanent way will be little more than 10 feet, and that the railway will in no way interfere with their homes and graveyards; but if obstacles *do* present themselves in the way of the line, it will be easy to avoid them by a slight detour.

Your slave, while engaged in extirpating the rebels in former years, traveled all through the empire, and has frequently traversed the provinces in question. He is therefore perfectly familiar with the condition of the country, and the circumstanses of the inhabitants; he would not dare to be careless or reckless in forming his opinions so positively.

Should this business, which so closely concerns the efficiency of the army, and is so intimately connected with the weal or woe of the empire, be honored with the sanction of Your Majesties, your slave would pray that an edict be issued instructing the board of foreign affairs to take the matter into immediate consideration and to memorialize in reply. If, however, indecision and procrastination prevail, and the business be regarded as a thing that can be put off to a future day, it is much to be feared that after the treaty with Russia is signed, the construction of railways will be indefinitely post-

poned, like the case of the "man who wanting to build a house, concerts his plans with passers in the street," * and also that the lesson taught in ancient history by "sleeping on straw and tasting the bitter gall" † will become a vain waste of words, and that the day will never come when an effort to strengthen our country will be made.

Your slave has written out the reasons which have prompted him to make this request for the introduction of railways as a means of augmenting the power of the country in a memorial, reverently prepared, which he now submits to the Throne. Prostrate, he prays Your Majesties, the Empress Dowager, and the Emperor, to cast your sacred glances thereon, and to announce your pleasure regarding the feasibility or otherwise of the recommendations set forth therein.

[Inclosure 2 in No. 134.]

Memorial of Li-Hung-Chang and Lin K'un Yi, northern and southern superintendents of trade, supporting and supplementing Lin Ming Ch'uan's memorial on the introduction of railways.

Your Majesty's servants, Li Hung Chang, northern superintendent of trade, and Lin K'un Yi, southern superintendent of trade, upon their knees address the Throne: Looking upward they implore the sacred glances of Your Majesties upon a memorial reverently prepared, showing that in obedience to an imperial rescript, a satisfactory consultation has been held upon the subject of railways, and that as their construction is a question of the foremost importance in augmenting the power of the country and promoting its prosperity, measures should be immediately devised whereby to raise the necessary funds for their construction, and steps taken in the first place to appoint a competent person to make a careful study of the subject.

Your servants would humbly state that they had the honor to receive from the grand council who had privately communicated to them the Imperial Edict of December 3, as follows:

"Whereas Lin Ming Ch'uan has memorialized Us regarding the formation of railways, and has recommended that steps be taken for the construction first of a line from Chin Kiang to Peking, to be in connection with the line of telegraph which Li Hung Chang has asked for permission to establish this year, the purport of the memorial being to recommend the adoption of measures whereby to augment the power of the country.

"Let Li Hung Chang and Lin Kun Yi carefully consider the proposals set forth therein, and let them memorialize the result of their deliberations.

"Let a copy of Lin Ming Ch'uan's memorial be made and forwarded to them.

"Respect this!"

Looking upward your servants behold with unspeakable respect and submission their sacred Master's anxiety concerning the present troubles, and his untiring endeavors to devise plans for rousing the energies of the country, and incessant efforts to obtain information on every side.

Prostrate, your servants beg to make the following observations:

In the earliest ages, when mankind were first created, the nine divisions of China were subdivided into some ten thousand different states, each of which had its own habits and customs. Although within a few hundred *li* of each other, they were divided and had no intercourse with each other. When the sages came into existence, men learned to scoop out logs of wood and convert them into canoes; wood was hewed into paddles, and with the aid of these paddles and canoes they crossed over to places which were before inaccessible; oxen were yoked to carts and horses were mounted; heavy burdens were dragged to great distances, and thus all parts of the world became benefited. It is over 4,000 years from that time to the present, and all parts of the country, north, south, east, and west have the same doctrine and the same literature; a condition of things that may rightly be styled flourishing.

The nations of the west have always studied the arts with minute care, and they all manufacture steamboats and railways. Although the earth is about 90,000 *li* in circumference, they are able to surmount all obstacles and travel through almost every part of it. They have superseded the boats and chariots bequeathed to us by the old sages, by putting forth new ideas and producing inventions which appear to be heaven-sent for the benefit of mankind.

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* *i. e.* Does not make up his mind and go to work seriously.

† An allegory drawn from ancient Chinese history, in which the ruler of a certain state being overcome by his enemies, slept on straw and tasted the bitter gall to inure himself to hardship, and to foster resentment and a determination for strength to be revenged, which he was eventually enabled to accomplish by vanquishing his victors.

In these latter years China has derived no small amount of benefit by imitating western nations and building steamboats. The human intellect becomes enlightened after it has been obscure. Rough materials are transformed into utensils for use. Communities get united after being divided. These are the natural results of the laws of nature, and it is neither wisdom nor force that can restrain them.

Railways first had their origin in England in the working of coal mines. In the first year of the reign of Taokwang the tracks, which were to keep the wheels of the cars in control, were first laid down, and from that time the invention gradually improved. They were used in transporting coal and iron to the markets for sale, and the profits realized were very great. Their use was subsequently extended to every branch of industry and trade, and England came to be the champion of Europe; France, America, Russia, Germany, and other great nations then followed suit and built railways, and it was only after they possessed them that they were enabled to encroach upon and usurp the land of their neighbors and open up and reclaim wild territory. As the populations of these countries increased, and trade flourished, they had to extend their railways in order to meet the improved circumstances of the times. From that time the two continents of Europe and America became accessible from all points of the compass, as each had constructed some hundred thousand *li* of railroads. Troops ordered to a given point reach their destination in a day, and news and tidings travel with the rapidity of wind.

The daily increase in prosperity and strength that has marked the progress of these nations throughout the last forty or fifty years may be ascribed to the fact that they possess steamers that plow through the sea, and railways that make traveling by land exceedingly convenient.

Now, to speak of Japan, she is a small, insignificant country, yet she possesses railways that run across the whole of her country. Her idea is that by adopting western mechanical improvements she will have it in her power to despise China.

Russia has railways that run from Europe to within a short distance of Haohan, Kiachta, and neighboring places, and she is about to build a line from Hai Shen Wei to Hui Chun. The frontiers of China and Russia are contiguous to each other for some 10,000 *li*. If we build some railways now while it is time, the present force of our army will be amply sufficient to protect our frontier, but without railways all our endeavors to protect that frontier will be futile, even though we increase our troops and supplies.

China's isolation in being without railways, when all other nations possess them, may be aptly illustrated by supposing those who lived in the middle ages to have discarded the use of the boats and chariots of their time. They could not help being behind other men in all their movements.

Your servants estimate that the advantages to be derived by the possession of railways may be classed under about nine principal divisions:

1st. The country north of the Yangtsze and Hwai Rivers is rather destitute of watercourses, unlike the southern provinces which abound with rivers and streams by which all manner of goods are conveyed in different directions. It is owing to this that out of the 20,000,000 to 30,000,000 taels of revenue derived yearly from foreign goods and lekin, the southern provinces provide about nine-tenths, while the northern provinces figure for one-tenth only. Whereas if railways are gradually built, communication will be established throughout the country like the threads in a loom, commodities can be transported and interchanged between the different provinces according to their respective wants. The idle population of the northern provinces will become industrious; no part of arable land will be allowed to remain unprofitable, nor the energies of man lie dormant, and the condition of the country will gradually become one of affluence. The customary duties and lekin can be levied at the important points of the line so that the revenue derived from these sources will be equally divided between the northern and southern provinces. This is the first advantage that will accrue to the finances of the country.

2d. It is a well-known fact that union in an army means strength, and that weakness is the result of disunion. China's frontier on land and her seaboard are each over 10,000 *li* in extent. It is not to be supposed that defenses are to be built at every place along this line, for not only will our troops and supplies be insufficient, but this would be a plan without any sense. Railways are wanted to make military operations successful. With their aid distances like those of Yunnan, Kwei Chow, Kanhsu, and Shan hei, can be accomplished in about ten days. The troops garrisoned in the eighteen provinces may be converted into an effective active battalion; hereafter the number of soldiers may be diminished, supplies curtailed, and several regiments converted into one effective corps. The army can be summoned at one signal, its discipline and power will be concentrated, and one soldier made as efficient as ten. This is the second advantage that will result from the possession of railways, in making military operations more successful.

3d. Peking, which may be termed the root of our country, is situated in a lonely position in the north of China, at a great distance from its center, and is very difficult

to control, nor can help be afforded in time of trouble. During the war which happened in the tenth year of Hsien Fung's reign, several statesmen of that day advised that the capital be transferred to some more suitable locality, but in view of the gravity of the step it was deemed undesirable to act percipitately on that advice. Moreover, every time a quarrel occurs between foreign nations and ourselves they menace to shatter our capital. If railways are constructed, a distance of 10,000 *li* may be considered as at one's very threshold, for it can be accomplished in no time, and a hundred million soldiers can be moved to a given place within a few days. All parts of the country will be in a condition of protection and security, the government will be peaceable and unmoved as a rock, and in case of danger assistance will be readily forthcoming. Officials and merchants of every province will be continually traveling to long distances by the railway. Merchandise and government grain will be transported with surprising rapidity. All will be anxious to travel by this route, and to avail themselves of the railway depot for the storage of their goods. In time of peace it cannot fail to prosper trade and to increase the activity of the multitudes. There will be no further necessity to talk of transferring the capital; moreover, the covetous designs of foreign nations will be cut short forever, and the foundation of our country will become immovable for a hundred centuries. In this way our capital city will be protected, which is the third advantage to be gained by the possession of railways.

4th. A few years since, during the disastrous famine that raged in the provinces of Shanksi and Honan, the price of grain in Shanksi rose to the exorbitant rate of over 40 taels per picul. Had there been railways to convey it the price could not have exceeded some 7 taels per picul, including the freight from Tientsin. When the country is in possession of railways, if any calamity by drought or inundation should happen in any of the provinces, relief in the shape of grain or money can be transported as rapidly as light or sound takes to travel, and the lives of many human beings will be spared. Moreover, goods will flow easily to all parts of the country, and the evils of exorbitant prices and engrossing commodities in a market will be avoided. This is the fourth advantage that railways will bring by benefiting and preserving the lives of the people.

5th. Since the transportation of the government grain tax was transferred from the junks to be conveyed over the sea by steamers, several officials have criticised the step, and have ever been anxious that the old custom of conveying it via the Grand Canal should be re-established in order to forestall the unforeseen dangers of the sea. When railways are constructed the transportation of the grain will flow unobstructed like the arteries of the human system, and if on some day the sea road be rendered dangerous by war there need be no anxiety that any obstacle will prevent the whole amount (1,000,000 piculs) of grain from being transported to its destination. Besides this, munitions of war, such as gunpowder, guns, and weapons, and government taxes will all be conveyed without the slightest impediment. This is the benefit that will result to measures of transportation, and is the fifth advantage to be gained by the possession of railways.

6th. The speed of railways is ten times that of the fleetest horse. Henceforth dispatches can be sent with increased rapidity, government orders and missions for purposes of investigation will travel with greater speed than is now possible by the post horses. Exclusive of this, letters and parcels will be conveyed rapidly; soldiers sent in pursuit of robbers and malefactors will reach in a day. Some of the government post stations on the main road might be abolished, and the savings appropriated to the maintenance of the railway. This is the sixth advantage that will result to the postal department of the government.

7th. The coal and iron mines of the empire are all at a distance from the water courses. If railways are used in transporting the products of these mines, the cost price will be small and their sale abundant, and in proportion as the sales increase the mines will prosper and be opened up in large numbers. The expenditure required for constructing the railway will be greatly economized by using the coal and iron of the mines, and the profits that will be derived from their working will be an inexhaustible source of supply for the army. Thus mining operations will be developed and benefited, and this is the seventh advantage that railways will bring.

8th. It is difficult to carry goods to places that are remote from the rivers and canals, as it is difficult to bring native produce thence. With railways merchandise will be conveyed to and from places that are inaccessible to steamers, and traffic will be considerably increased. Thus, steamers and railways will aid each other mutually in transporting goods. This is the eighth advantage that will inure to the carrying trade of the China Merchants' Steam Navigation Company.

9th. When railways are introduced, all classes of travelers, whether officials, commoners, merchants, or soldiers, traveling on private or public business, can go to great distances with surpassing speed (lit. 1,000 *li* in a twinkling). The expenses of the journey will be considerably reduced in view of the rapidity with which one travels, there need be no fear of robbers on the road, and the dangers of wind and wave will

be avoided. This is the ninth advantage that railways will create by improving the system of traveling in the empire.

As your servants have shown in the beginning of this memorial, the various nations of the west have suddenly risen in importance because they have all been careful to develop and employ this new invention. It must be remembered, moreover, that the revenue of the state and military tactics are considerations of the foremost importance in planning measures for strengthening the country and promoting its prosperity.

Your Majesties' confirmation of the purport of Lin Ming Ch'uan's memorial, viz, the recommendation of measures that will augment the power of the country, is in reality what is meant when he says that he foresees the advent of some calamity, and the daily increase of our embarrassments, and while expressing his resentment at the injustice of foreign nations towards us desires that the energies of the country be immediately roused by the promulgation first of our intention to introduce railways, and thus cause the insidious designs of Russia and Japan to disappear.

The railroads that are urgently needed in China are, two lines in the south, one to go from Ching Kiang, through the provinces of Shantung and Chihli, reaching Peking; the other from Hankow, through Honan, to Peking; and two northern lines, one running from Peking eastward to Feng-t'ien, the other running westward to Kanhsu. These four routes, if constructed, may be termed the root and stem of the railway enterprise. If branch lines are required to go to places of importance, distant a few hundred *li* from the main way, your servants believe that they can easily be formed. The distances being short and the necessary expenditure small, contributions can be invited from the merchants, who will be glad to respond to them. Thus the smaller lines will shoot off from the main way like the branches of a tree, so as to form a regular netting, and there need be no anxiety that the railway enterprise will not flourish.

As, however, the construction of these four lines will necessitate an enormous outlay it will be exceedingly difficult to undertake them all at once. The suggestion of Lin Ming-Chuan, that the line from Chin-Kiang to Peking be first built in connection with the line of telegraph which your servant Li Hung-Chang proposed to lay this year is one which, if adopted, will bring two advantages, viz, facility in overseeing the line, and uninterrupted means of sending telegrams. If the construction first of this line be said to be only a partial benefit to the country, considering its condition and requirements, it must be remembered that all the nations of the west were similarly situated fifty years ago, and that it is only owing to their determined efforts to construct them and push to the front, for fear of being behind, that they are able to have the influence which they possess to-day. Lin Ming-Chuan's idea is first to give an example, whereby a start may be made. If the enterprise is pushed on gradually there need be no fear that it will not some day be in a flourishing condition.

If it be argued by some that after railways are constructed it is to be feared that the road will be used by enemies to invade our country, or, again, that as foreigners have long been wishing to build railways in China, if she once makes a commencement it may give these foreigners reason to become exceedingly importunate; it must be said that such objections can only be made by those who are ignorant that every nation uses its railways in transporting troops to defend the country against its enemies. They have never been known to serve the purposes of an enemy. This will be made plain by remembering that the railway is within our territory. Every pass on the frontier being guarded it is not likely that the enemy will find their way through some neglected passage. If, by some extraordinary hazard, a danger like this should happen, one portion of the road can be destroyed and the whole made useless, or if the train be kept out of the enemy's hands the road will be of no value without it. Other nations have had no reason to be anxious on this point since railways were built some scores of years ago. It is a condition that may be likened to the convenience of the man at home, and the disadvantage of the stranger abroad.

By international law and the treaties foreign nations are prohibited to build railroads in the territory of another power without the authority of that power. If we apprehend that they will rely on their superior strength and violate the treaties, and we do not proceed to construct railways ourselves, will our mere apprehension prevent them from presuming on their strength if they desire to do so?

Foreigners are, moreover, constantly advising us how to benefit China. If we proceed of our own motion to adopt measures that will benefit the country by constructing this important line, it will be enough to cut short all further officious advice from them.

Again, if objections be made to the railway on the score of its interference with the welfare of carters and other classes of laborers who it is apprehended will have no way of getting their food and clothing, and that disturbances must inevitably result in consequence of these poor people having lost their means of sustenance; to these objections it must be answered that in England in the early days of the railway there were similar fears that many poor people would be robbed of their means of support; but before long the number of carts and traffic generally in the important towns on the line of the railway became double what it was formerly. Then the railway will be on the

main road, and cannot interfere with the villages and little towns in the by-places, which will continue as before to use carts and men to transport goods and passengers. An increase in the railway traffic will necessarily produce a corresponding increase in the number of carts and carriers.

If the railway enterprise reaches a condition of prosperity, it will give work to numbers of men, viz, employés to run the train, laborers to make the roads, guardsmen to watch the line, carriers to load and unload merchandise, and menials to attend on the passengers. The monthly allowances to these men will amply suffice them to support their parents and their families, and if any of them have a little surplus means they might open an inn, and with an increase in their business take partners, and without much effort have a trade with capital and profit. It may, therefore, be reckoned that every 10 or 20 *li* of railroad will support and afford means of living for not less than some hundred thousand men. Another way in which numbers of men will be employed is in the coal, iron, and other mines, which will be opened in large numbers when railways are constructed. The numbers of poor miners who live by the sweat of their brow will be incalculably increased, which is positive proof of the benefit that will result to all classes of miners.

Finally, some may argue that the railway will interfere with the fields, homes, and graves of the people and that much opposition to it must be expected in consequence. These arguments can only be made in ignorance of the fact that the government roads are broad, and that the permanent way will not require much more than ten feet, and therefore cannot interfere with the fields, homes, and graves of the people. In places where the government road is too narrow, a strip of land can be bought and paid for liberally; and if graves *do* present themselves in the way of the line, they can easily be avoided by a slight detour. Lin Ming Ch'uan traveled all over the empire while engaged in exterminating the rebels in former years, and is thorough familiar with the condition of the country and the circumstances of the inhabitants.

The introduction of railways, however, being a question of paramount importance, it behooves us to examine the subject very carefully in the first stages of its management to forestall future evils and have a good model by which to go in the long run. Your servants have been careful to gather much information on this subject and find that the railways constructed by foreigners are of various kinds; some are strong and last a good while; others again are less durable and last only some time. Their prices also differ very widely; one *li* of road may cost a few thousand taels, or it may cost 10,000 taels. As the road from Ching Kiang to Peking is an important highway, the line which it is proposed to build should be a substantial one, so as to last some time. Although it is difficult to estimate in advance what sum will be required, it is certain that it will not be small.

The money at the disposal of the government is very limited at the present time. If the funds required for constructing the railway be called for from the provinces, the provincial officers will not know how to raise the money; or if contribution be invited from merchants, it will be difficult to collect them in consequence of the wide dispersion of these classes. The proposition of Lin Ming Ch'uan that a foreign loan be negotiated is the only feasible plan. China has on former occasions frequently contracted foreign loans, but some officials fearing that each province would make this a precedent for borrowing money and become so far involved as to be at the mercy of foreign creditors, the board of revenue memorialized and the contraction of foreign loans was interdicted. It must be said, however, that a loan for starting a large, profitable undertaking and a loan in aid of the army are two different things. When railways are started the interest on the loan can be easily repaid by the profits of their working, and the government will have gained a lasting source of profit.

But there are three things in the contractions of foreign loans that demand great care.

1st. As it is to be apprehended that the foreign lenders will take the direction of the railway into their own hands and exclude us from being masters in the business, a clause must be made distinctly stating that they may not interfere in the matter. The interest of the money being guaranteed, and the debt being punctually paid up at the specified dates, all matters relating to employing workmen, purchasing materials, and constructing the line, must be left to our management, the foreign creditor being debarred from questioning our actions. If this condition be inadmissible, no foreign loan should be made.

2d. The next fear is that foreigners will strive unlawfully to get the undertaking into their own hands. To prevent this, the regulations of the China Merchants' Steamer Company, which exclude foreigners from becoming shareholders, will have to be followed. When the railway company is formed its management will be in the hands of Chinese merchants, subject, however, to the supervision of some government official. Regulations should be made, after consultation, providing for the repayment of the loan by the said company by installments in different years, till the whole amount, interest and capital, be cleared off. If there should happen to be failures in paying up, the government superintendent will urge payment; the company will only be allowed to mortgage the railway, but not to transfer it into the hands of the foreign creditors

The repayment of the loan being thus clearly provided for by limitation, all malpractices will be cut short. A foreign loan should not be contracted unless the foregoing indispensable condition be complied with.

3d. The third danger is that the finances of the country will have to suffer in consequence of the railway loan. Hitherto when foreign loans have been negotiated, the revenue derived from the maritime customs has always been appropriated to repay them. Recently the customs establishments have been called upon to meet so many demands for money that they are greatly embarrassed. It should be clearly stipulated that the loan will have no connection with the customs revenue. The government will decide in what way the profits to be derived from the railway enterprise will be successively appropriated towards repaying the debt, which will be cleared off at latest within ten or twenty years. No foreign loan should be made without this indispensable condition for the protection of the finances of the state.

The foregoing three provisos are important considerations in negotiating a foreign loan.

Your servants have learned that foreigners have hitherto been very careful in making loans to consider what the chances are of recovering their money. If the conditions set forth above are rigorously adhered to, it is likely they will not be willing to lend; but if they are, then the construction of railways may be proceeded with at once. Instead, however, of proceeding to build them hastily, regardless of evils which a loan on any condition might entail, the business should be deferred to be maturely considered, that there be no reason to repent of errors. Your servants have also learned that none of the railways of other nations have been built without a loan. Their mode of procedure is the following: An engineer of reputation makes a survey of the road, and a prospectus is prepared, clearly showing the estimates of the undertaking and the probabilities of its success, which is a means of amply securing the confidence of the people.

The road from north to south which it is proposed to build in China will, after it has run some time, bring considerable profit. When the public company is formed an engineer of intelligence and reputation should be engaged to make a careful estimate of the undertaking. His estimate will be carefully considered by the Tsung-li Yamên and your servants, who will prepare a satisfactory and reliable prospectus, on which some wealthy foreign merchants might be induced to accommodate us with the loan.

As regards the selecting of materials for constructing the railway, estimating how many *li* of the road are to be built, hiring laborers economically and at the same time to obtain substantial work, all these are matters that should be carefully investigated, so that the essential parts of the business be not overlooked.

A high official should be specially deputed to superintend the management of this business, which includes inviting shareholders and raising the loan, measuring the land, hiring laborers, etc., etc., and is somewhat intricate. Without this step the business cannot be expected to work satisfactorily. Your servants beg to state that Lin Ming Ch'uan is a man in the full vigor of life and possesses a bold and resolute nature; he has gone through great hardships in the service of his country, and is very desirous to undertake the management of this business since he has seen lately that foreign nations are ill treating us on all sides, and believes that the country's present state of helplessness should be changed for an attitude of strength. The business, however, being an innovation, its management will be difficult and it will require time before we experience its benefits. If any imminent danger were threatening the empire and the court were to order Lin Ming Ch'uan to take a command, the consideration of this affair would naturally have to be postponed, but he is now without any occupation, having solicited leave to nurse his health. Should this proposition be honored with the sanction of their sacred master, and Lin Ming Ch'uan be appointed to superintend the management of the railway company, your servants would pray that he be ordered in the first place to make a careful study of the important points in this business, and without precipitancy to consult and deliberate thereon. Japan and Russia will be startled to hear that, in the midst of all her difficulties, China has still strength left to take this step. It will be manifesting something on which they did not reckon. A truly admirable way of first giving the sound and following it up with the reality. As Lin Ming Ch'uan is now at leisure, he might proceed to invite shareholders and form a company to consider the question of a foreign loan, although it is hard to say whether or not a large sum can be raised, his reputation as a man of loyal merit is more likely to enlist the united assistance of men of all classes, both foreign and native, than any other man.

There are over 10,000 men stationed in the garrisons of Chih-li and Kiangsu, who served under Lin Ming Ch'uan in former years. In his study of the railway question it might appear plain to him that an economical way of proceeding will be to employ the aid of these men in constructing the road, and if the contributions of native merchants be abundant the surplus can be applied to some other purpose. In each case it will be the duty of your servants to consult with him and manage the business according to the shape it may assume. The question of introducing railways having been

thus brought before the throne by Lin Ming Ch'uan, its management from first to last should be intrusted to him. If, for any reason, the business be put off ten years, at the end of that time he should still be charged with it; there is no other person on whom he could place the responsibility. Should other and more important calls of duty arise after his appointment he can leave the railway business and, in obedience to the orders of the throne, proceed to his new post of duty.

When railways are built in China she must also open up her coal and iron mines to prevent her treasure from flowing into foreign lands. The coal and iron mines in the neighborhood of Che-chou-fou and Lou-wan-fu, in Shanhsi, are very rich. It is matter of regret that no merchants, with large capital, are to be found to work them. If the capital for constructing railways can be raised, one-tenth of the sum obtained might be employed in working the mines after western methods and with foreign machinery, and the coal and iron obtained might be used for the railway. Thus the mines will be developed and benefited by the railway and will, in turn, help to extend the railway enterprise, and the two undertakings will bring about a highly desirable result.

Your servants forward, with all dispatch, their memorial in reply, reverently prepared, setting forth the considerations relative to railways as a means of augmenting the power of the country, and to the necessity of first making a careful study of the question. Prostrate they submit their reply to the throne, and pray Your Majesties the Empress Dowager, and the Emperor, to cast your sacred glances thereon and to issue your instructions in the premises.

No. 155.

Mr. Angell to Mr. Blaine.

No. 140.] LEGATION OF THE UNITED STATES,
Peking, April 11, 1881. (Received June 13.)

SIR: I have to announce that on the 8th instant, at 6 p. m., the Empress Dowager, commonly known as the Empress of the East Palace, in distinction from the Empress Dowager of the West Palace, died after an illness of only two days. The legations have, at the time of this writing, received no official announcement of the event. But the Peking Gazette contains two imperial rescripts concerning her death. As the mail leaves at once I cannot now inclose translations of them.

The deceased Empress is the widow of the Emperor Hsien-Fung, who reigned from 1850 to 1861. Having lost his wife just as he ascended the throne, he married the lady just deceased. She bore him no son. In 1856 one of his concubines or second wives bore him a son, who succeeded him as the Emperor Tung-Chih in 1861. At the death of Hsien-Fung, his wife, the woman who has just died, was, of course, *the* Empress Dowager. But by decree of the new Emperor, Tung-Chih, his mother was also raised to the honor of Empress Dowager. So there have been two Empresses Dowager since 1861. The present Emperor, Kwang-Hsü, who came to the throne in 1874, is the cousin of Tung-Chih and nephew of the surviving Empress Dowager. The two Empresses, it is thought, have played a considerable part in the conduct of affairs. The deceased Empress has been reputed to be of a pacific spirit, and friendly to Prince Kung. The surviving Empress has been thought to take a more active part in shaping the policy of the empire. She has been so ill for months that her death has been daily expected, and several times reported in the streets. But the Empress of the East Palace has not been ill, until she was seized last week with her fatal disease. I think she was about forty-five years of age. It is feared that her sudden death may have an unfavorable and possibly fatal effect on the surviving Empress in her condition of weakness.

It is impossible to say yet whether the death of the Empress of the

East Palace will lead to any important political results. Should the other Empress also die, it is extremely probable that important consequences would follow, though no one can predict what they would be. Vague rumors of plottings in the palace are afloat, but as yet they are but rumors and not worth repeating.

I have, &c.,

JAMES B. ANGELL.

No. 156.

Mr. Angell to Mr. Blaine.

No. 143.] LEGATION OF THE UNITED STATES,
Peking, April 19, 1881. (Received June 13.)

SIR: In my No. 120 of February 28, last, I set forth the objectionable manner in which the Chinese authorities had put in force a regulation concerning chartered junks on the Yangtsze River, and described my interview with the Tsung-li Yamên on the subject. I expressed the opinion that the regulation was in contravention of the (amended) twenty-first article of the French treaty, and that most, if not all the ministers here agreed with me in that view. Indeed, the position could hardly be questioned, if the language of the treaty was to be taken without qualification. But on pursuing my investigation more thoroughly than I had been able to do at the time of writing you, I discovered evidence that the French minister who negotiated the twenty-first article above referred to, expressly stipulated with the Chinese Government that the article should not apply to the chartering of junks on the Yangtsze, but that the old Rule VI, of the Yangtsze regulations which provides that native craft chartered by British merchants shall pay port dues according to Chinese tariff, should remain in force. On my requesting the French minister to examine his archives and to favor me with a copy of the dispatch in which if at all this modification of article XXI, had been made, after a careful search he kindly furnished me with the communication of Mr. Bellonet to Prince Kung, dated August 20, 1865, a copy of which, with the translation, I herewith inclose. No one of the ministers here was previously aware of the existence of this document. They now all agree with me that, however objectionable the manner in which the rule requiring the native owners of chartered junks to pay port dues has been put into operation, we have no ground in the treaty stipulations to take objection to the rule itself.

In a dispatch recently received from Mr. Consul Shepard of Hankow, he argues that articles VI and XXIII of the German treaty conflict with the new rule. But neither the German minister nor I see any force in the argument. The consul reports that an attempt to freight a chartered junk since the enforcement of the new rule has utterly failed because the owners of goods were afraid the cargo would be subjected to "squeezes" on the voyage. It can hardly be doubted that an end is put to the chartering of junks by the foreigner. I shall call the attention of the foreign office to this fact on the first favorable opportunity to show them that they are depriving the junk owners of the opportunity to charter their boats to foreigners. But they are so strongly, and I fear so justly convinced that the chartering of junks is the means of defrauding the government of revenue that I have little expectation of

their rescinding or modifying their order for the enforcement of this rule.

There is abundant evidence in the legations here that foreigners have in too many instances nominally chartered junks in order to enable the real shippers, Chinamen, to run the barriers and defraud the native customs. In my opinion it is this abuse rather than, as Mr. Consul Shepard suggests, a desire to aid the China Merchants' Steamship Company, which has stimulated the government to put in force a rule which has not been enforced in seventeen years.

In two dispatches to Mr. Consul Shepard I have fully set forth the views expressed by me in my No. 120 to you and in this dispatch.

Trusting that my course may meet with the approval of the Department,

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 143.]

Mr. Bellonet to Prince Kung.

PEKING, *August* 20, 1865.

The government of the Emperor has ordered me to announce to your imperial highness that he has consented to the surrender of the exemption from tonnage dues, which the twenty-second article of the Treaty of Tientsin secures to junks and other Chinese craft chartered by French merchants. He has, moreover, authorized me to accept the propositions contained in the dispatch of your imperial highness of the date of December 8 last, and to subject to the payment of tonnage dues every four months French vessels which coast between the different ports of China.

In exchange for these concessions the ports of Cochin-China under French jurisdiction and the ports of Japan shall be put on the same footing as those of China, as that of Hong-Kong is already; that is to say, henceforth ships of every kind carrying the French flag can ply between the ports of China, and those of Cochin-China and Japan, without being subjected to the payment of four mace, or of one mace a ton more than once in four months, no matter how many trips they make.

The government of the Emperor also agrees that Chinese craft chartered by French merchants to trade on the Yang-tsze-Kiang shall be subjected to the duties specified in article VI of the regulations concerning the navigation of that river.

[Inclosure 2 in No. 143.]

No. 57.] *Mr. Shepard to Mr. Angell.*

MARCH 28, 1881.

SIR: I have the honor to acknowledge your very courteous dispatch No. 9 of February 23, in response to my No. 55. In behalf of our natural interests I warmly thank you for your prompt attention to the subject and the energetic progress you have made.

It is my duty to say that notwithstanding the assurance of the Tsung-li Yamên that the regulation I have discussed is "*not intended in any way to change the status of the cargo on which the foreigner has paid duty, and that such cargo is not to be subjected to lekin anywhere along the route,*" yet the dangers that the charterers and shippers may be subjected to annoyances by the claim and exercise of the assumed right to stop junks for the payment of port dues along their route is so great and varied, and kindred annoyances have been so arbitrary heretofore, that not a pound of freight will be risked by shippers on board of such craft as long as the exaction exists. The regulation is in fact an absolute death-blow to the junk business, and was doubtless so intended possibly and probably to force all this freighting business into the channel of the China Merchant Steam Navigation Company's steamers, thus creating a powerful monopoly. An American charterer here has tested the result beyond cavil. He managed to secure a charter of a junk, and took from me the ordinary letter to the foreign customs for official facilities. He has labored earnestly for weeks, and has been utterly unable to get any portion of a cargo, even the slightest.

Shippers say very decidedly *they will not* subject their merchandise to the possible detentions and annoyances to come from responsibility to two customs, the native and the foreign, with no full protection from either. Not a single junk has been cleared through this consulate since the proclamation appeared.

In your further consideration of the matter, I respectfully call your special attention to the German treaty of 1861. It is in French in the copy I have, but it is very explicit. Article VI recites the three ports of Chinkiang, Kinkiang, and Han Kow, demonstrating that *all* privileges of trade were secured for the Yangtsze as far as to other ports. Riverine trade was guaranteed. The last clause of article XXIII distinctively and absolutely fixes the tonnage dues on the craft in question, and, of course, intended those dues should be paid where tonnage on all foreign vessels is paid, viz, into the foreign customs. It seems to me this vital point in the matter should be insisted upon, and that tonnage dues shall be only paid as the treaties require, and on chartered junks as on foreign-owned vessels; that is to say, all vessels in foreign control should have but one kind of treatment. No other result can give any relief to the junk traffic.

I specially note, and acquiesce in, your suggestions as to possible abuses of unscrupulous foreigners. I have constantly aimed to prevent such, and shall continue to do so with jealous regard to Chinese rights, as well as our own treaty privileges. Only a few months ago the intendant brought to my notice certain presumed abuses in chartering junks, and I promptly commenced an investigation. The agent saw fit to put obstacles in the way of my inquiry, when I promptly closed up his business by declining to give him any further official facilities.

I mention the incident to show that while I am zealous for American interests I mean ever to be just towards all native rights.

Trusting you may eventually secure a complete revocation of the objectionable regulations,

I am, &c.,

ISAAC F. SHEPARD.

No. 157.

Mr. Angell to Mr. Blaine.

No. 149.] LEGATION OF THE UNITED STATES,
Peking, April 30, 1881. (Received June 20.)

SIR: A recent trial in Her Britannic Majesty's supreme court in China has raised certain questions which deserve the most careful consideration of the government of every nation whose citizens are employed as officials by the Chinese Government.

Edward Page, a British subject, employed in the imperial maritime customs at Canton, was arraigned upon an indictment charging him with murder and with manslaughter of a Chinaman, who on the 26th of October last was shot and killed, while attempting to smuggle goods into the country. Page pleaded to the jurisdiction of the court because, while declaring that he was not guilty, his acts on the occasion under consideration were official, and had been examined, approved, and ratified by the Tsung-li Yamên as acts of state. He maintained that Her Majesty's court ought not to take cognizance of the indictment.

Chief Justice French * * * decided that he must plead. Accordingly he pleaded "not guilty," was tried and acquitted. On the trial several customs officers, among them one or two Americans, refused as witnesses to give information in their possession on the ground of privilege, maintaining that their information belonged to the Chinese Government, and so could not properly be communicated to the court. The judge ruled that they must testify, but did not punish them for persisting in their refusal.

It is not alone the British who are concerned in the issues now raised. There are now in the customs service citizens of the United States and French and German subjects. The case has therefore attracted the at-

tention of all the diplomatic representatives here, and all have thought it expedient to consult their governments upon the questions which this trial shows may be pressed upon us at any time.

I think the following is a fair statement of the questions in which the consuls and the ministers of the United States may be called to act, and on which therefore instructions, if the Department sees fit to send them before a case with one of our citizens actually arises, would be very acceptable.

1. If an American citizen in the official service of the Chinese Government is charged with crime, must the consul issue a writ for his arrest?

2. Must the accused obey the writ?

3. If he appears in court and pleads to the jurisdiction of the court, on the ground that his act is official and is approved by the Chinese Government, must he on showing that such is the fact, be discharged?

4. Shall any distinction be made between the case, when the person injured or wronged is a Chinaman, and the case when he is a European or American?

5. Shall an American citizen in the official service of the Chinese Government, if he is summoned as a witness, be permitted by the consular court to refuse to give oral evidence on the grounds that he is commanded by his superior to refuse, and that his information is the property of the Chinese government?

It is understood that the customs authorities hold that a plan substantially like the following should be followed:

If a foreigner in the Chinese service is accused, his consul should ascertain of the Chinese authorities whether the act complained of was done in the discharge of official duty. If they reply in the affirmative, the case shall go to the minister, who will adjust it with the Chinese Government. If they reply in the negative, they shall also discharge the accused from their service, and the consul shall take up the case judicially. If the foreign employé is wanted as a witness, the summons shall be sent to him through the Chinese authorities.

I may say that the ministers all fully appreciate the desirableness of sustaining and strengthening the foreign customs as far as possible consistently with the just use of the exterritorial rights which are secured by treaty, and which for the protection of our citizens we must exercise. But I think none are of the opinion that we can go quite so far in waiving jurisdiction as the customs authorities seem to desire.

While the object of this communication is to obtain the opinions of the Department rather than to argue the questions presented, still, perhaps, I may not improperly indicate some of the results of my study of the subject here upon the ground.

I conceive that we must look upon an exercise of jurisdiction over our citizens here not merely as a privilege, but also as a duty. It is a duty to the Chinese, to the citizens of other nations, to our own citizens, and, especially to the latter. It is easy to see that if we should suffer lawless American citizens to commit crime with impunity, not only should we bring deserved reproach upon our name but we should furnish a provocation for this people, who do not at all enjoy the presence of foreigners, to subject our well-disposed citizens to annoyance, if not to peril. It is, therefore, only with the greatest caution and for very cogent reasons that we should relax the hold of our laws upon our citizens.

Bearing this obvious principle in mind as we consider the fine questions above raised, I do not see.

1. How when an American citizen, even though he be in the official service of the Chinese Government, is accused of crime, we can safely relieve the consul from the duty of bringing the accused before him for some kind of judicial inquiry into the facts.

2. It follows as a matter of course that the accused must appear in response to the writ.

3. In civil cases, if the defendant pleads and proves that his act is official and approved by the Chinese Government, I think his plea should cover him. But even in such cases he should appear before the consul and plead and prove his official authority for his act. The British Government, in a case which arose in 1863, so instructed the British minister at Peking.

In a criminal case, if the person injured is a Chinaman, and the Chinese Government approves the official act by which the injury has been done, I think, on the whole, the wisest plan is in general to recognize the plea of the accused that he is protected by the approbation of the Chinese Government as valid, and to discharge him. There may be indeed some danger that feelings of animosity against foreign officials will be excited; but the Chinese are so obedient to their government that the danger is not very great, and our government can, if it becomes necessary, forbid its citizens from entering upon the Chinese service. And possibly some limit might be set to the extent to which this plea should be recognized, if it is thought that there is danger of any abuse of it in aggravated cases.

4. If the person injured is not a Chinaman, I do not see how we can escape the duty of judicial investigation. No European government would be content if one of its citizens or subjects were harmed by an American citizen in the alleged discharge of his official duty under the Chinese Government, and the accused were not fully tried in our consular court. Nor, *mutatis mutandis*, should we be satisfied without a consular trial of a European in the Chinese service who had injured one of our citizens. I doubt whether in any such case the plea of governmental authorization and approval of the act should be accepted as sufficient ground for the discharge of the accused.

5. In respect to what shall be required of Americans in the Chinese service, when they are called into court as witnesses, I think it must be admitted that there are some things which they should not be asked to disclose. They should be permitted to plead privilege to a certain extent. Perhaps it must be left to the consul to decide in each case how far this plea shall be extended. But in view of the inexperience and lack of legal training of some of our consuls, it would be helpful if the government should lay down some general principles for their guidance.

It should of course be regarded as the duty of the consuls and the minister to avoid in every way all unnecessary interference with the officials in the Chinese service and to discourage vexatious proceedings against them. But so long as we claim exterritorial jurisdiction over our citizens, we must faithfully discharge the duties which it imposes upon us.

I have, &c.,

JAMES B. ANGELL.

No. 158.

Mr. Angell to Mr. Blaine.

No. 150.] LEGATION OF THE UNITED STATES,
Peking, April 30, 1881. (Received June 20.)

SIR: In my No. 140, of the 11th instant, I announced the death of the Empress Dowager, commonly known as the Empress of the Eastern Palace.

I now inclose a translation of an Imperial edict, which has been communicated to me by Prince Kung. It gratefully recognizes the virtues and services of the deceased Empress, describes her illness and death, and orders the proper arrangements for official mourning to be made.

I inclose also a translation of a Farewell Mandate of the Empress. This was not officially communicated to me, but appeared in the Peking Gazette. Though drafted by some official after the Empress's death, by a customary fiction it is ascribed to her, even though it describes her falling into unconsciousness, from which, in fact, she did not awake. I think the paper may interest you.

I forward, also, a copy of my reply to Prince Kung's communication, which covered the imperial edict.

The court is still much occupied with the ceremonies of mourning.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 150.]

Prince Kung to Mr. Angell.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

PEKING, *April* 11, 1881.

I have the honor to inform your excellency that on the 19th instant the grand secretariat was honored by the receipt of the following Imperial edict:

"Since Our entrance upon the inheritance of the great dynastic line, looking upward, We have been the recipient of fostering care and unbounded maternal affection from the departed Empress, T'zu-an * Twan-Yu-K'ang-Ching-Chao-Ho-Chwang-Ching.

"During the seven years which have elapsed since Our accession to the Throne, as, anticipating Her wishes, with respectable care we provided for Her wants. Our efforts have been greatly rewarded by the joyous and happy contentment which She has always manifested.

"The robust health which we seemed to recognize in Her appearance and movements, and Her zeal for state affairs at all times, were a source of great joy and comfort to our mind, and we hoped that Her life would be prolonged a hundred years, that She might long continue in the enjoyment of happiness. On the 7th instant the benign body was suddenly taken ill. A decoction of medicine was immediately given to dissipate the ailment and restore health, but unexpectedly on the following day the sickness rapidly grew dangerous, respiration was hindered by copious generation of phlegm, and the case became urgent and desperate. Between the hours of 7 and 9 p. m. the benign spirit rode in the fairy chariot and ascended to the remote regions. Prostrate upon the earth, with outstretched arms, we raised our cry to Heaven, bewailing our overwhelming grief.

"We have reverently received the dying behest of the departed Empress that the mourning garb be laid aside after twenty-seven days. Our feelings would indeed be

* The titles of the Empress of the Eastern Palace which have been translated into Latin *Placidia.*

hard to reconcile if we should do this. We shall therefore observe deep mourning for one hundred days, and half mourning for the full term of twenty-seven months, to manifest in some degree our sincere sorrow at this bereavement. The departed Empress having also admonished us to endeavor to control our sorrow and give due regard to the importance of state affairs so as to console the Empress Dowager, "Tzu-Hsi * Twan-Yü-Kang-Yi-Chao-Yü-Chwang-Ch'eng," in return for Her care in educating and nurturing us, we dare not disregard this advice, and, in respectful obedience to the bequeathed command, we shall endeavor to check and restrain our sorrow.

"Let the Prince of T'un, Yi Tsung; the Prince of Kung, Yi Hsin; the Beile, Yi-Kwang; the minister of the presence, Ching Shou; the grand secretary, Pao-Chun; the assistant grand secretary and president, Ling-Kuei; and the presidents, Ngen-Ch'eng and Ong-Fung-Ho, with respectful care attend to the rites and ceremonies to be observed in the present mourning. [Let them carefully examine the prescriptions of the old canon and memorialize us as to the appropriate rites and ceremonies to be observed. Let this decree be promulgated throughout the Empire for the information of all.]

"Respect this."

It becomes my duty to forward a reverently prepared copy of the foregoing edict for your excellency's information.

JAMES B. ANGELL.

NOTE.—The part in brackets is not included in Prince Kung's communication, but appears in the copy of the edict published in the Peking Gazette.

[Inclosure 2 in No. 150.]

Valedictory Mandate of the Empress Dowager.

An edict of the Empress Dowager, "T'zu-An † Tuan-Yü-K'ang-Ch'ing-Chao-Ho-Chwang-Ching," saith:

Our virtues are very insignificant. We reverently received by decree of His Imperial Majesty Wen T'sung Hsién ‡ the dignity of Empress. When His Imperial Majesty Mu-Tsung-Yi § succeeded to the great heritage His filial piety was always sincere. With unaffected respect and sincerity He anticipated our wishes and zealously provided for our wants. Since His Imperial Majesty, the reigning Emperor, entered upon the inheritance of the great dynastic line His regard for our wants and zealous inquiries after our health have shown the natural sincerity of His filial piety. From the time of His accession to the Throne His great aim has been by every endeavor to attain to that perfection of a reverent and virtuous nature by a diligent pursuit of His studies, thereby greatly rejoicing and comforting our mind.

Notwithstanding the complex nature of the multifarious affairs of government which have claimed our diligent attention both night and day, it has still been our good fortune to enjoy a robust and strong bodily constitution, and we indulged the hope that our life might be prolonged till we should attain to the state of helpless old age.

On the 7th instant we were attacked by a slight indisposition. His Imperial Majesty waited on us with a restorative, and was solicitous for Our health, praying for Our speedy recovery. Unexpectedly, on the following day Our condition became dangerous, and gradually, about the hour of 8 p. m., Our senses became scattered, until all hope of recovery has passed away.

Our age has reached the number of forty and five years. During the twenty years in which we have enjoyed the exalted rank and prerogative of Mother of the Nation, we have frequently been blessed with the bestowment on us of titles of honor on every occasion of national rejoicing. There is nothing on which we can look back with disappointment.

Believing that His Imperial Majesty, the Emperor, will naturally be smitten with great grief at this bereavement, and as in His character of Lord of the people the whole nation is interested in the welfare of His person, we hereby enjoin on Him the wisdom of moderating His sorrow in view of the great importance of state affairs, and looking upward to comfort and solace Her who had labored for His instruction

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* The titles of the Empress of the Western Palace which have been translated in Latin *Felicia.*

† *Placidia.*

‡ The Emperor, Hsien Fung.

§ The Emperor, Tung Chih.

and education, the Empress Dowager "T'zu Hsi*-Tuan-Yu-K'ang-Yi-Chao Yü-Chwang Ch'eng."

It is our hope that all our officials, both civil and military, in the capital and the provinces may, by sedulous attention to their official duties, help to bring about good rule. Thus in truth will our soul rest in happiness.

As regards the observance of mourning, it is Our wish that His Majesty, the Emperor, will, on consultation, and in obedience to the prescriptions of the old canon, lay aside the mourning garb after twenty-seven days. On no account should any departure or diminution be made in the usual ceremonies of worship and sacrifice in the large state temples, nor should the rites and observances of the smaller temples be interrupted. We have heretofore been the leading example of economy and frugality in the palace, but we do not wish to dissimulate Our modesty by willing that any abatement be made in all matters of mourning as prescribed by canon. We wish, however, that a little moderation should be practiced in regard to funeral trappings and ceremony, that due regard may be given to economizing labor and material. Thus will compliance be shown with the modest wishes of our daily life.

Wherefore we have given utterance to the foregoing decree. May all concerned act in obedience thereto.

[Inclosure 3 in No. 150.]

Mr. Angell to Prince Kung.

APRIL 15, 1881.

I have the honor to receive your imperial highness's communication of the 11th instant containing the edict of His Imperial Majesty concerning the death of the Empress Dowager T'zu An-Tuan-Yü Kang-Ch'ing-Chao-Ho-Chwang-Ching.

I desire, in behalf of the government and the nation which I represent, to express sincere sympathy with His Imperial Majesty and with this nation, which they will feel on hearing of the death of the Empress Dowager, who has fulfilled the duties of her high office with such devotion to the welfare of the people and such helpfulness to their Imperial Majesties Tung Chih and Kwang Su.

With assurances of distinguished consideration, I am, &c.,

JAMES B. ANGELL.

No. 159.

Mr. Angell to Mr. Blaine.

No. 151.] LEGATION OF THE UNITED STATES,

Peking, April 30, 1881. (Received June 20.)

SIR: In my No. 95, of January 14 last, I reported the latest negotiations between the diplomatic body and the foreign office on the subject of transit passes outwards. The decision which the representatives of the western powers reached at their conference of January 4 was communicated on January 9 to the Tsung-li Yamên by Mr. von Brandt in a paper herewith inclosed.

As before stated, that decision was to adhere to our previous propositions, except that Rule II should be modified so as to state specfically what articles of foreign manufacture or origin and what articles of native manufacture or origin shall be duty free.

On February 9 the Tsung-li Yamên replied to Mr. von Brandt in a communication, a copy of which is inclosed. They take exception in some particulars to the amended Rule II (inclosed in No. 95), and especially indicate that in their opinion the terms "household stores" and "ship's stores" need to be defined. They ask us to wait until the in-

*Felicia.

spector-general of customs has furnished them a list of articles which can be considered "ship's stores."

As to goods manufactured from native produce, they still desire that these shall be reported to the customs for examination.

I have delayed forwarding these papers in the hope that we might come to some definite understanding on the subject. But progress has been so long hindered by various causes that I deem it best to acquaint you with the present state of the correspondence.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 151.]

Mr. von Brandt to the Tsung-li Yamên.

JANUARY 9, 1881.

I have the honor to acknowledge the receipt of your excellencies' communication dated December 5, being an answer to a note from me on the subject of outward transit passes and other questions.

I regret sincerely that the state of my health has prevented me from discussing the question verbally with your excellencies, as my intention had been, and still prevents my going to the Yamên. In order, however, not to lose any more time, I have now the honor to lay before your excellencies in writing the reply to your note of December 5, which I have been authorized by my colleagues to make to it.

With regard to the first point, the list of duty-free goods, there can be no doubt in the opinion of my colleagues and myself that certain articles in the list being marked "foreign" and others not, under the first ones articles of foreign origin are understood, and under the other ones those of foreign *or* native origin. The articles of foreign origin would, of course, be imported and then pay no import duty, while those of native origin would be exported and pay no export duty. The mention of transit duty in connection with duty-free articles clearly refers only to goods of foreign origin, as in the body of the treaty no provision is made for the application of the transit-duty rule to native produce carried inland.

As the discussion now going on between the Yamên and the foreign representatives is, however, intended, in the first instance, to do away with such difficulties as have arisen from time to time, and as would, unless remedied, be likely to cause misunderstandings and ill-feeling between China and the treaty powers, my colleagues and myself propose to the Yamên to accept, in lieu of Trade Rule 2 as read until now, the version annexed herein, which, to my colleagues and to myself, seems to have the undoubted advantage of doing away with the ambiguity which your excellencies seem to find in the expressions used in the original rule.

As your excellencies will see from the annex, it is only for sixteen articles of native origin that my colleagues and myself claim freedom from export duty under the treaties, and as none of these articles is of much importance, we hope that the Yamên will see in this proposal, which we substitute for section II of the former proposal, the means of coming to an understanding with the foreign representatives.

With regard to the second point, the treatment on exportation of native produce bought in the port by a foreigner and exported by him, my colleagues and myself must insist on the necessity of giving to the treaty rule that on such produce nothing but the tariff export duty has to be paid, a full and explicit reassertion in the proposed agreement. If the treaty rule had been strictly observed by all the provincial authorities such reassertion would, of course, be unnecessary, but as, on the contrary, attempts have been frequently made by local authorities to force foreign exporters to pay transit duties on goods bought at the port, my colleagues and myself trust that your excellencies will understand the desirability and necessity of the rule contained in the treaty being announced in a form less likely to give rise to misunderstandings.

On the subject of goods manufactured from native produce, my colleagues and myself fail to see how, by such a process going on at the open ports, the goods so manufactured paying export duty on exportation any confusion can arise. It is generally believed to be a sound principle of political economy that industry and commerce will develop the more rapidly and become a greater source of revenue to the state the less they are interfered with and hampered by rules and regulations.

My colleagues and myself hope, therefore, that your excellencies will withdraw your opposition to section III, which, after all, contains nothing but a reassertion of the

state of things as created by the treaties, while the introduction of the measures of supervision proposed by the Yamên would be an innovation, and, as such, as we firmly believe, fraught with serious dangers and difficulties.

Before closing this letter I beg to state that, though the last delay in the negotiations has been due to my inability of meeting your excellencies, my colleagues and myself would feel so much the more obliged to your excellencies for a speedy reply, as the necessity for stricter instructions being issued to the local authorities makes itself more strongly felt.

I avail myself, &c.,

VON BRANDT.

[Inclosure 2 in No. 151.]

The Tsung-li Yamên to His Excellency Mr. von Brandt, in reply.

This office has had the honor to receive your excellency's dispatch of January 9, last, containing, among other statements, the following:

* * * "My colleagues and myself propose to the Yamên to accept instead of Trade Rule No. II as read until now, the version annexed herein, which to my colleagues and myself seems to have the undoubted advantage of doing away with the ambiguity which your excellencies seem to find in the expressions used in the original rule. * * * We hope that the Yamên will see its way to accept this proposal which we substitute for section II of the former proposal. * * * With regard to the second point, the treatment on exportation of native produce bought in the port by a foreigner and exported by him, my colleagues and myself must insist upon the necessity of giving to the treaty rule that on such produce nothing but the tariff export duty has to be paid a full and explicit reassertion in the proposed agreement. * * * On the subject of goods manufactured out of native produce, my colleagues and myself fail to see how, by such a process going on at the open ports, the goods so manufactured paying export duty on exportation, any confusion can arise. * * * My colleagues and myself would feel exceedingly obliged to your excellencies for a speedy reply."

This office finds, in Rule II now proposed by your excellency, in the list of goods of both native or foreign origin which it is claimed shall be duty free, the two items, viz: Indian meal* and sago*; whereas it is stated in the export tariffs of all the treaties that "rice or paddy, wheat, millet, and other grains" shall pay an export duty of 1 mace for 100 catties; butter is also claimed to be duty-free in the same list, when the Russian treaty stipulates that this article shall pay an export duty of 3 mace per 100 catties. The above articles are therefore not included in the list of duty-free goods according to the treaties.

The Chinese text of Trade Rule No. 2 reads thus: "* * * foreign clothing, jewelry, plated ware," &c. In the form of Rule 2, now submitted, the items clothing and plated ware are included in the list of goods of foreign manufacture or origin, while jewelry is included in the list of both foreign or native manufacture or origin; this difference is not in harmony with the original purport of the rule.

Then again, the words, "household stores," and "ship's stores" are very comprehensive terms. If the goods included under these designations are not particularized, all manner of goods may be termed stores and thus claim exemption from duty, to the great detriment of our revenue.

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*In the form of Rule II submitted to the Yamên, the characters used are

"御米麥丐 *yu mi mien*" for "Indian meal," and

"砂索殳 *sha Ku*" for "sago," while in the Yamên's reply the two articles are spoken of as

"米索殳 *mi Ku.*" The latter characters really mean "husked and unhusked grains," but they may be intended as an abbreviation of the words as expressed in full in the form submitted.

The addition of the characters "*and articles of this class*" to the item cutlery is also open to the above objection.

This office proposes to wait till the inspector-general of customs will have made out a list of the articles used in dock-yards to be considered ship's stores, when correspondence can again be had between us to determine with precision what articles are included in the foregoing designations.

In regard to the second point, the treaties state in explicit terms that native produce purchased by foreign merchants shall pay on exportation no more than the tariff export duty.

It is therefore quite proper that this point be explicitly stated in reassertion of the spirit of the treaty.

With regard to goods manufactured out of native produce, purchased by foreign merchants, it is apprehended that irregularities will occur if the goods are not previously reported at the customs for examination, while it will be quite simple to proceed with the operation after the goods have passed the examination. This office forwarded, in a previous communication, two rules in this connection which clearly explain the requirements of the situation, and we have still to request your excellency to give to them your favorable consideration.

Apologizing for the delay in answering your excellency's communication, we remain, &c.

Cards and compliments.

No. 160.

Mr. Angell to Mr. Blaine.

[Extract.]

No. 152.] LEGATION OF THE UNITED STATES,
Peking, April 30, 1881. (Received June 20.)

SIR: I have to describe to you an event, such as fortunately it has seldom been the duty of this legation to report, the disturbance by some lawless Chinese of one of the American missionary stations in Peking. Happily no serious harm has been done to person or property, though for at least twenty-four hours the missionary families at the station which was menaced were kept in a state of not a little solicitude. It was the compound of the Presbyterian mission which was threatened. Their station is very near the northern wall of the city, perhaps 4 miles from this legation, and 2½ miles from the residence of any other foreigners. Their compound is pretty large, containing within it a chapel, two school-houses, two dwelling-houses, and other buildings. The members of the mission are Rev. John Wherry and family, Rev. D. C. McCoy and family, B. C. Atterbury, M. D., and Miss Barr. Miss Douw had left for home a week before this disturbance.

The Rev. Mr. McCoy, who has resided here many years, being about to visit America, had publicly announced that on Saturday, April 23, at 1 o'clock p. m., he would sell by auction certain of his effects. A number of lawless Chinamen made their way into the court yard during the sale and began to break the branches of some flowering shrubs. On being requested to desist, they were very insolent. When they were asked to leave the premises, some refused to go, and some of those who went began throwing brickbats, tiles, and other missiles into the court. From this time the crowd rapidly increased, soon filled the street and became very annoying. Messengers were sent to the police office of the neighborhood, and some little show of attempting to control the mischievous fellows was made, but apparently there was no earnestness in the attempt, and it was entirely unsuccessful.

Mr. McCoy therefore very properly concluded at last to send a messenger to me. The messenger reached me at 9 o'clock in the evening.

I at once sent back word that I would act without delay. Soon after two messages reached me announcing that the crowd had dispersed. But I thought it wise to send Mr. Taylor, our acting interpreter, to the Tsung-li Yamên to announce what I had heard, and to request that an adequate police force be sent at once to protect the place. At that hour of the night none of the ministers are at the foreign office, but two of the secretaries who were there promised that the desired orders should be promptly sent. Meantime the British minister having kindly offered to send one of his mounted escort men to the mission, I wrote to Mr. McCoy what I had done. The English constable returned at 1 o'clock a. m. bringing the assurance from Mr. McCoy that quiet still continued. But the constable reported that suspicious looking men were lingering about the premises.

On Sunday morning at 10:30 a. m., I rode up to the mission. I found about 50 Chinamen gathered in front of the gate, and Rev. Mr. Wherry, one of the missionaries, talking with them. I inspected the premises and became satisfied from what I saw and heard that within an hour there would again be a large assemblage in the street and danger of further trouble. So I galloped as rapidly as possible to the legation and with the interpreter hurried to the foreign office to complain that no proper police force had yet been sent, and to represent that action must be taken without the least delay. As it was then (at noon) too early for the ministers to be at the foreign office, I saw one of the secretaries, who assured me that all I asked should be done immediately.

Meantime Sir Thomas Wade, having heard that I had gone to the mission and that a throng was gathering there, had kindly sent his Chinese secretary, Mr. Baber, with a mounted escort first to the foreign office and thence to the mission.

Soon after my return from the foreign office I received the news that, as I had anticipated, a crowd of some hundreds had gathered about the mission premises, that they were making offensive demonstrations, but that a police sergeant had made one arrest, and that this had caused many of the Chinese to go away. But I thought it judicious for me to see the ministers of the foreign office. So at 2:30 p. m., I went up again and met three of them. I found them apparently very desirous of putting an immediate end to the trouble. They informed me that his excellency Ch'ung, who is one of their number, and who is also lieutenant-general, in command of the troops of the western half of the city, had already gone to the scene of disorder. I suggested that there should be a guard left there through the night and that some suitable proclamation should be posted on the walls to prevent any further trouble. They said that they would attend to all this. I sent a messenger to the mission to announce the result of my interview with the ministers. In about two hours the messenger returned with the news that Ch'ung had arrived on the ground early in the afternoon with 40 soldiers, had arrested 5 men, and that the crowd had dispersed. The foreign office sent me a similar report at evening, a copy of which I inclose.

Monday morning early I sent up a messenger, who reported that 20 soldiers had guarded the premises through the night, and that there had been no disturbance there, but that the drug store and residence of one of the Chinese converts had been stoned. I sent Mr. Taylor to the foreign office to thank them for their action, to request that the proclamation be posted on a chapel, which the mission owns and occupies in another street, and also to inquire whether it might not wisely be placed on the residence of the Chinese church member who had been

disturbed, and whether there was any reason why Mr. McCoy should not set out on his journey on the following day. In a few hours I received a message from the foreign office saying that the proclamation would be posted on the street chapel and that Mr. McCoy could depart whenever he wished, and that if desired they would furnish him a military escort. As to the druggist, he being a Chinaman, had only to apply to the local authorities if he needed protection.

In the afternoon I visited the mission and found the soldiers still there. I learned also that the local police official, the Ting-erh, had been removed and degraded, but whether for his inefficiency or for some other cause I do not know. He desired an interview with me to ask that I would intercede for his restoration to office; I declined to see him. While I was there, the proclamation of En, the military governor of the city, and Ch'ung and Wen the lieutenant-generals, was posted on the wall opposite the entrance to the mission. I inclose a translation of it.

On Tuesday, the 26th, the five men who had been arrested and probably bambooed, were placed before the gate of the mission with cangues upon their necks.

And so I trust this affair has ended. The Tsung-li Yamên have shown the most commendable spirit in their treatment of the case. In truth the affair has an importance just now which in ordinary circumstances it would not have, and it is not at all improbable that this, not very serious disturbance, has happened just in time to prevent a graver disorder. There has been for the last two or three weeks a rapidly increasing flood of rumors in and about Peking of some sort of a general movement against foreigners. One day the report has come that the towers of one of the Roman Catholic churches, or the church itself, was to be destroyed. The next day the story was that the stone posts and chains which make an inclosure in front of the French legation were to be torn down. The ignorant populace feed on such tales and become morbidly excited, so that the slightest disturbance may easily grow into a serious affair.

* * * * * * *

I spoke to the Yamên of these rumors, as some of the other ministers have also done. They assured me that they were desirious of learning who originated them and of punishing severely such persons. And well they may be. For repeatedly in China, such reports have been the precursors and in large part the causes of serious disorder and of crimes. The prompt treatment of this little disturbance at the Presbyterian mission will doubtless prevent any further trouble in the city.

I have taken occasion formally to thank Sir Thomas Wade for the aid he kindly gave me.

Just as I am closing this dispatch I have received from the foreign office a communication (semi-official) reciting the action which has been taken by the authorities in suppressing this disorder at the mission.

I shall at once send them a communication expressing my appreciation of the course of the Tsung-li Yamên and the military authorities, I inclose a copy.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 152.]

The Tsung-li Yamên to Mr. Angell.

Semi-official.] PEKING, *April* 24, 1881.

With reference to the disturbance in the Yen-erh Hutung,* the writers have to state that his excellency Ch'ung has proceeded to the locality, in person, to suppress the mob. Five men have been arrested and will be punished. Quiet has now been restored, and moreover a small company of men have been ordered to remain there for protection. The writers trust there will be no farther cause for anxiety, and write this special letter for your excellency's information.

With compliments, &c.,

Cards of the ministers.

[Inclosure 2 in No. 152.]

Memorandum of instructions to Mr. Taylor.

APRIL 25, 1881.

Mr. Taylor will see one or more of the secretaries of the Tsung-li Yamên. He will ask them to convey to the ministers my thanks for their action yesterday, and for sending me information last evening.

He will say that while they are posting proclamations I would be obliged to them to order one posted on the chapel called 真神堂 in order to prevent disturbances there when services are held there.

He will also report that last night disorderly persons threw stones on to the roof and into the court of one of the members of the church, doubtless because he is a member of the church. I would respectfully suggest to their excellencies whether in the interests of order, which they are so faithfully striving to preserve, it might not be well to post one of the proclamations on the residence of this man which is known as 天益堂.

He will say that Mr. McCoy had intended to leave to-morrow for Tung Chow, and ask whether it is advisable that he delay his departure at all.

JAMES B. ANGELL.

[Inclosure 3 in No. 152.]

Semi-official note from the Tsung-li Yamên.

The writers have communicated to the ministers the matters about which the interpreter came to this office to speak this morning, and have been instructed by their excellencies to say in reply that, as requested, a proclamation will be posted on the door of the chapel called *Chen Shen T'ang*(真神堂.) The shopkeeper of the shop *Tien Yi T'ang* (天益堂) however being a Chinaman, questions relating to Chinese subjects must come under the jurisdiction of the local authorities; and it is inexpedient for this office to go beyond its province.

His excellency Mr. Angell, we doubt not, understands this.

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*The street in which the American Presbyterian mission is situated.

As to whether it would be advisable for the missionary (Mr. McCoy) to postpone his departure, we have to say that it is unnecessary that he should be caused any detention for a small affair like this, seeing he has fixed the day for his departure. We propose as a fitting arrangement, if Mr. Angell will inform us by letter of the day when he intends to start, to send a military escort to see him out of the city.

With compliments, &c.

Cards of the secretaries.

[Inclosure 4 in No. 152.]

Proclamation of En, Ch'ung, and Wen (chief military authorities of Peking).

Let all you people clearly understand this:

Whereas, at the sale of furniture which took place at the chapel in the Yen Erh Hu-Tung, the said sale being conducted with perfect fairness between buyer and seller, there were ignorant fellows who crowded the place and availed themselves of the situation to create a disturbance, thereby greatly hindering and damaging the sale:

Therefore we issue this proclamation and expect you residents in the neighborhood, both soldiers and commoners, likewise you passers-by, one and all, to clearly understand that you are not to yield to your feelings and loiter in the vicinity of the chapel to create a disturbance. If after this admonition there be fellows who disregard this proclamation and dare to create a disturbance, we trust to the local police and the military, whom we shall send in addition, to arrest them and send them to our office, when severe punishment will be dealt out. On no account will any indulgence be shown.

Let none disregard this special proclamation.

Kuang Hsü, 7th year, 3d moon, 27th day (Ap. 24th).

A bona fide placard.

[Inclosure 5 in No. 152.]

Mr. Angell to Prince Kung.

APRIL 30, 1881.

I have the honor to acknowledge the receipt of a communication (semi-official) from the foreign office, describing the action which has been taken in suppressing the disorder at the American mission in the Yen erh Hu Tong.

I desire to express my grateful appreciation of the prompt and vigorous action of the higher authorities in arresting and punishing five persons, in posting a proclamation, and in guarding the premises.

I am, &c.,

JAMES B. ANGELL.

No. 161.

Mr. Angell to Mr. Blaine.

No. 156.] LEGATION OF THE UNITED STATES,
Peking, May 2, 1881. (Received June 20.)

SIR: In my No. 152, of April 30, I spoke of rumors current among the Chinese to the effect that some harm was to be done to the property or persons of foreigners in Peking. In my interview with the Tsung-li Yamên, on the 23d ultimo, I referred to these mischievous reports, and they assured me that they should endeavor to detect the originators of the rumors and to punish them.

At the instance of the foreign office the military authorities have now issued a proclamation, a copy of which I inclose. It has not been communicated to me officially. The translation which I forward to you is of

a copy taken from the posters on the streets. The prefect of the district which comprises Peking and the suburbs has issued a similar proclamation.

There is no cause for any solicitude concerning the safety of foreigners in Peking.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 156.]

Proclamation of En, Ch'ung, and Wen (the chief military authorities of Peking).

Let all you people clearly understand this:

A communication has been received from the Tsung-li Yamên, reciting as follows:

"China and foreign nations have always been on terms of peace since commercial relations were established long ago. The government has the same considerate regard for strangers as for her own subjects, and treats all alike with the same rule of conduct. Now, it has recently come to our ears that many extraordinary stories are going the rounds in the streets and by-lanes. There must be some discontented, meddlesome fellows who invent stories among themselves and go about spreading them in such a way that it is really to be apprehended that falsehood upon falsehood will foment some real trouble. We have to request that a strict proclamation will be issued to put a stop to this, so that virtuous, law-abiding people may not be deceived by these stories," &c.

Having received the above, it is right that we should issue a public notification. Wherefore this proclamation. We expect you, officers and soldiers of the local guard stations, to take careful note that if there be lawless, discontented vagabonds and loafers, as aforesaid, who fabricate stories with a view to creating a disturbance, you are to arrest them on the spot and send them in chains to this office to be severely punished. On no account will any indulgence be shown. And you, soldiers and people, we hereby admonish you, on the issuing of this proclamation, to go about your respective duties and not give ear to false stories whereby you may involve yourselves in trouble. Let all concerned tremble and obey this special proclamation.

Kuang Hsü, 7th year, 4th moon, 1st day.

No. 162.

Mr. Angell to Mr. Blaine.

No. 159.] LEGATION OF THE UNITED STATES,
Peking, May 21, 1881. (Received July 5.)

SIR: In my No. 42 I described the state of the negotiations between the diplomatic body and the Tsung-li Yamên concerning the propositions for dredging the Woosung bar below Shanghai. In the inclosures was an absurd paper from the foreign office, setting forth imaginary evils to flow from the deepening of the river. Sir Thomas Wade, chairman of the committee on the subject, was requested by his colleagues to reply to that paper. This he did in a communication, a copy of which I inclose. I have delayed forwarding this in the hope that the negotiations might be advanced a stage before I should report upon them. But I see no signs of any further movement at present by the Chinese authorities, and so to complete the record I send you the paper of the British minister. It is very trying that the commerce of the world should be subjected to such delays and expense, when all that is asked of the Chinese Government is permission to improve the navigation without any charge to them. The real cause of their hesitation is doubtless fear of foreign iron-clads in case of war.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 159.]

Semi-official note to prince and ministers of the Tsung-li Yamên.

DECEMBER 5, 1881.

Sir Thomas Wade presents his compliments to the Tsung-li Yamên.

Sir Thomas Wade has communicated to his colleagues, the representatives of the treaty powers in Peking, the substance of the observations made by the ministers of the Yamên upon the memorandum of the 5th October regarding the Woosung bar, to which their attention had been invited by Sir Thomas Wade when he was at the Yamên on the 13th November.

These observations were, in general, to the effect that the question is a local question, and, if admitting of solution at all, must be solved by the local government. It was one on which the Tsung-li Yamên could not undertake to issue peremptory instructions. After much discussion the ministers requested that they might be supplied, before going further, with a statement of the objections taken to the arguments of the local authorities as set forth in their memorandum of the 5th October.

It will be remembered that when, in 1874, the Chinese Government was invited to undertake the removal of the Woosung bar, the chief objection raised was that the bar was, in a military sense, the natural protection of the mouth of the river. This position at least appears to have been abandoned. On the 25th October Admiral Cooke had an interview at Nanking with the governor-general, Lin, in which he took occasion to urge his excellency Lin very seriously to consider the abatement of the evil so long complained of. The admiral's own ship had been detained at Woosung five days; but it was principally in the interest of commerce, native and foreign, that he now drew attention to it. The admiral had understood that the Chinese general had been led to suppose that the bar might prevent the ingress of foreign men-of war in the event of a rupture with a foreign power, but, were the way open, the Chinese Government, in such a case, would easily block it by torpedoes or sunken vessels.

The governor-general, Lin, hastened to assure him that none but stupid people who knew nothing about the matter could use such arguments as these. He, the governor-general, well knew that the entrance could easily be stopped by artificial means. The principal objections urged against the dredging operations proposed, his excellency understood, were two: first, that if the channel were deepened and widened, larger waves would roll in, and that this would make the water rougher inside, to the inconvenience of small craft; secondly, that there would be a greater influx of salt water, and that this would render the river unfit for irrigation of the fields on its banks. The governor-general added that he could not of himself answer for the validity of these objections. He merely mentioned them as having been made.

The same objections appear in much the same words in the report of the taotai of Shanghai embodied in the Yamên's memorandum of the 5th October, and it is difficult to suppose that the official who framed such a report can have resided at Shanghai, or can have ever had an opportunity of observing the action of the tide in any river elsewhere. The tide of the great river Yangtsze is often felt at more than 250 miles above its mouth. The current is far more rapid than the current of the Woosung River, and the waves rise high as out at sea, yet the banks are lined with small craft, no larger than those seen inside the Woosung bar, and it has never been stated that the waters of the Yangtsze, which frequently flood the land, were injurious to irrigation.

The water brought up by the Woosung river to Shanghai in the highest tides before the embankments were built used frequently to rise into the very gardens and court yards of foreign houses; but it is a more salt water than the water of the great river, of which it is but a small affluent; and during the thirty-odd years that the settlement has existed no one has ever heard that irrigation has suffered from the influx of the river water. The deepening of the channel across the bar by a few feet will not cause the tides to rise higher than formerly.

On the other hand the deepening of the channel will be of immense benefit to steamers, and the advantage obtained by these is not as the taotai's report contends, exclusively of importance to the owners of these steamers, or even to foreign trade. The cargoes borne by the steamers are not the property of persons or companies who run them. The larger the steamer the greater the advantage to the trading community, for the larger the vessel, the lower freights can it afford to charge. Every one engaged in business, native or foreigner, is benefited by facilitation of the ingress and egress of these vessels, which are now, when entering the port or leaving it, detained at the mouth of the river by an obstacle, the removal of which can inflict no injury whatever on the Chinese Government and people; which in most other countries the government would think it an obligation to remove, but which, in this instance, the trading community interested is prepared to effect the removal of without any expense whatever to the government of the country.

In conclusion, the proposal submitted to the Chinese Government is one, the adop-

tion of which will incontestably advantage both native and foreign trades. It can inflict no possible injury upon either the government or the people of China, and the representatives of treaty powers do hope that the governor-general, Lin, if the decision rests with him, will be made to see that the objections made by his subordinates are groundless.

As regards the reduction to practice of the scheme proposed by the Shanghai Chamber of Commerce, the association of the commissioner of customs with the committee or board of directors will in itself be an ample guarantee for the due protection of any interest of the Chinese Government affected by the arrangement in contemplation.

No. 163.

Mr. Angell to Mr. Blaine.

No. 173.] LEGATION OF THE UNITED STATES,
Peking, June 18, 1881. (Received August 1.)

SIR: I am happy to announce that at my request the Chinese Government has taken action which will furnish to Protestant Chinese converts a relief from what they and our American missionaries have regarded as a serious grievance. This action will not only afford much satisfaction to our missionaries and to all our people, who are interested in the missionary work in China, but will, I think, remove what has been to some extent a cause of friction between the local officials and the missionaries who wished, naturally enough, to shield their converts from a burden of taxation imposed to sustain heathen ceremonies and amusements.

Throughout the empire, in all the towns and villages, from time to time the people assemble at festivals where acts of heathen worship and public amusement are ingeniously combined. Now a god is received with a stately procession and placed upon his pedestal in a temple; now costly incense is burned before him. Often theatrical performances form a part of the public entertainment connected with the ceremonies at the temple. The funds to defray the expenses of these festivals are often collected as a sort of tax by officials. So long as all the attendants were of the faith of the conductors of the festival, this mode of meeting the expenditure was unobjectionable; but when some of the Chinese espoused Christianity, whether under the instructions of the Roman Catholic or the Protestant missionaries, they very properly desired to be exempted from contributing to the expense of ceremonies which they believed to be sinful. Accordingly as long ago as 1862, the Roman Catholics directed the attention of the Chinese Government to the matter, and, through the interposition of the French minister, induced Prince Kung to issue an order, which afforded to Chinese converts to the Roman Catholic faith the relief which they desired. Unhappily, perhaps, a different Chinese term has been used in treaties to designate Christianity, when the Roman Catholic faith is referred to, from that which is used to express the idea when the Protestant faith is spoken of. Therefore, although probably the Chinese Government was as willing to grant to Chinese Protestants as to Chinese Roman Catholics the privilege secured by the order of 1862, and although the Protestant converts have sometimes, in dealing with local officials, successfully appealed to the order as substantially protecting them; still there have been many cases in which assessments for the heathen celebrations have been levied on the Protestant converts. This has been regarded by them as a great hardship, and the Protest-

ant missionaries to whose flocks they belonged have deeply sympathized with them, and have at times remonstrated with the local officials who enforced the assessment.

In 1867, when it was thought that perhaps there might be a general revision of the treaties of China with foreign powers, nearly all the American missionaries then resident in China, wrote to Mr. Burlingame, earnestly asking that in the revision this subject among others might be considered and that if possible, immunity against forced contributions to heathen celebrations be secured to Protestant converts.

My attention was attracted to the matter a few months ago. I was not certain that under article XXIX of the treaty of 1858, we might not ask the Chinese Government to relieve the Protestant converts from the exactions above referred to. But it is so extremely delicate a matter to seem to interpose ourselves in the least between Chinese subjects and their own government, that in all my treatment of missionary questions I have felt that that article was to be used only with the utmost caution in seeking the protection of Chinese converts against Chinese officials. Furthermore, it was so obviously just that the privileges extended to Roman Catholic converts should be granted to Protestant converts, that I could not believe the government would insist on making any distinction in its treatment of them.

On careful reflection, therefore, I decided to avail myself of the first favorable opportunity to speak with the Tsung-li Yamên on the subject. Having occasion to visit the foreign office on some other business on the 31st ultimo, I broached the matter. The ministers at once expressed their willingness to have an order issued, granting the wished-for protection to Protestant converts. They requested me to communicate my desire in writing and promised to give it early attention.

Accordingly, I addressed to Prince Kung the communication, a copy of which I inclose. On the 12th instant I received his reply, which also I forward. It is in every respect satisfactory.

I shall inform our consuls of this action of the government, that they may make it known to our American missionaries.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 173.]

Mr. Angell to Prince Kung.

PEKING, *June* 3, 1881.

I have before me a copy of a most just and generous order, which your imperial highness issued in Tung Chih, 1st year, 1st moon (1862), assuring to Chinese, who had espoused the Roman Catholic faith (the religion of the Lord of Heaven) exemption from certain assessments for idolatrous processions, etc., which they could not, consistently with their religion, consent to pay. In this order you say very properly of these people:

"They cannot, on the ground of being members of the church, expect to be exempt from all contribution for public purposes. If labor were wanted for government service or money to secure useful ends were to be levied, Christian converts are liable, in the former case, to be impressed for duty, and in the latter to be taxed in the same manner as other men."

You then add, however:

"But they are never to be compelled to give anything towards receiving gods, idolatrous processions, theatrical performances, and incense offerings, and the like, because in none of these are they interested. If local authorities meet with subscriptions which have a mixed nature, civil and religious, they must honestly and rightfully

separate one from the other and not impose them without judgment or discrimination. For instance were a fund to be raised, four-tenths of which were for public objects and six-tenths for useless (idolatrous) objects, the authorities must distinctly point out that Christians are liable only for the four-tenths, and are not to be compelled to pay the remaining six-tenths, the latter being for uses which do not concern them.

"Again, should Christians, on account of their refusal to be assessed their share towards these useless services, which are contrary to their Christian principles, be ill treated or beaten or be plundered of their property, or have their crops burnt or destroyed, the local authorities must investigate the matter to the bottom in the sufferers' behalf, and rigidly punish the offenders according to law and order them to fully compensate for what was plundered, burnt, or destroyed, and it must be just and equal."

I suppose this order has served to protect the Chinese converts of the Roman Catholic faith, but I have been informed by American missionaries who hold the Protestant faith, that some of the Chinese converts to their religion, who are good and loyal subjects, have been much annoyed by demands for assessments for receiving gods, idolatrous processions, theatrical performances, incense offerings, and the like. It is contrary to the principles of their faith to contribute for such purposes.

I do not doubt that the government of His Imperial Majesty desires to treat them with the same consideration which it has shown to the Roman Catholic converts.

I venture therefore, respectfully, to ask whether your imperial highness would not think it proper and just to secure by proclamation, or by order to the provincial authorities, or in some other way, the same protection in this matter to the Chinese converts to the Protestant faith which has been accorded to the Roman Catholic converts. I am sure that by so doing you would gladden the hearts of many of your countrymen and give another proof of that spirit of justice which your imperial highness has so long shown in treating the often delicate questions raised by the work of foreign missionaries in China.

I am, &c.,

JAMES B. ANGELL.

[Inclosure 2 in No. 173.]

Prince Kung to Mr. Angell.

PEKING, *June* 12, 1881.

I have the honor to acknowledge the receipt of your excellency's communication of the 3d instant, as follows (here follows the text of Mr. Angell's No. 35 to Prince Kung).

In reply I beg to state that I have forwarded communications to the generals, lieutenant-generals, governors-general, and governors of the various provinces, and to the governors of the prefecture of Shuntien and of Moukden, requesting them to instruct their subordinate officers so that all may know that the decree issued by this office in the first year of Tung Chih (1862), is to apply alike to Roman Catholic and Protestant converts. I also forward a copy of the communication above referred to for your excellency's information.

[Inclosure.]

A communication from the Tsung-li Yamên.

In the 1st year of Tung Chih (1862), this office received a communication from the French minister Pu (———), stating that the cause of disagreement in the provinces between converts and non-converts was owing to the fact that the local officers made no distinction in levying subscriptions for receiving spirits, idolatrous processions, and such like expenditure to which Christians should not properly be required to contribute; and he requested this office to instruct the local officers to stop calling upon Christians to subscribe for such purposes as the latter were averse to doing so; on that representation, this office memorialized the Throne and issued instructions to the provincial officers for their guidance. We also caused copies of a decree to be printed which we sent to the French minister, to be given to his missionaries and kept by them (for reference), and, on the other hand, we sent around (to the provincial officers) copies of the same decree. The above facts are on record.

On the 31st of May last, the American minister, Mr. Angell, came to this office, and in conversation referred to the fact that the said decree only mentioned Roman Catholics and made no reference to Protestant converts; that the latter were well-disposed and law-abiding, but that they did not enjoy the immunity (granted by the decree). He

felt sensitive on this point. Shortly after a dispatch was received from him, in which he says in conclusion:

"I venture, therefore, to ask whether your imperial highness would not think it proper and just to secure, by proclamation or by order to the provincial authorities, or in some other way, the same protection in this matter to the Chinese converts to the Protestant faith which has been accorded to the Roman Catholics."

This office finds that Roman Catholic converts have hitherto been exempted from contributing to receiving spirits, idolatrous processions, and such like ceremonies, but in the case of subscriptions for public purposes, or government labor when wanted, or subscriptions to secure useful ends, converts and non-converts are alike liable to be impressed or taxed as the case requires. This is the rule which has been followed in the provinces for some years.

Although there are points of dissimilarity in the Roman Catholic and Protestant religions as practiced by the people, the government has the same considerate regard for all, and its only hope is that converts and non-converts may forever live on terms of peace. It has no intention to make the least discrimination between Roman Catholics or Protestants.

Having received Mr. Angell's communication as stated above, we feel bound to communicate with your excellencies the generals, lieutenant-generals, governors-general, and governors in the various provinces, and hope you will in turn instruct your subordinate officers so that all may know that the decree issued by this office in the first year of Tung Chih, is to apply alike to Roman Catholic and Protestant converts.

No. 164.

Mr. Angell to Mr. Blaine.

No. 174.] LEGATION OF THE UNITED STATES,
Peking, June 20, 1881. (Received August 1.)

SIR: On the 12th instant there came into my possession an extraordinary paper, which I inclose. It was the draft of the agreement between the Chinese Government and the Northern Telegraph Company. You may remember that this is a Danish company, which owns the cable running from Shanghai down the coast, and also that running via Japan to Vladivostock, connecting with the overland line, thence to Europe. I was informed that the agreement had been signed on the 8th instant by Li Hung Chang, the viceroy of this province, and by Mr. Henningsen, an officer of the company.

You will observe that the first article of this agreement, among other things, pledges the Chinese Government to forbid any person or corporation, except the Northern Telegraph Company, to land telegraph cables anywhere in the empire, including all foreign settlements and the island of Formosa.

The second article binds the government to abstain from constructing, and to prevent others from constructing, submarine cables or land lines of telegraph in opposition to any of the company's cables in China.

The third article needs no attention. In the fourth is the pecuniary compensation which the company makes for this monopoly, namely, it gives the government the privilege of transmitting free of charge its messages to and from its diplomatic representatives and consuls-general abroad.

The fifth article provides that, if not otherwise directed by the senders, messages for Europe shall be sent via Siberia, and not by the southern route. This is because the company owns the entire northern line, but only a portion of the southern line to Europe, and has to divide with other companies a portion of the proceeds of messages ransmitted via Singapore.

Such is the general scope of this remarkable document. It should not be overlooked, however, that by the terms of the first article the government reserves to itself the right to refuse even to this favored company the permission to land any more cables.

Remembering that it was largely due to the hearty co-operation of the representatives of other powers than Denmark with the accomplished minister from that state, who first came here to secure a concession for the northern company that his effort was successful, and that it has been the uniform policy of the western powers to secure for all nations the commercial advantages gained in China for any one, you may well believe that the news of this attempt of the Danish company to secure a twenty years' monopoly awakened in the legations at Peking other feelings than mere surprise.

Appreciating the deep interest we may have in laying a line of cable to China via the Hawaiian Islands at no distant day, I hastened to seek an early interview with the Tsung-li Yamên to prevent, if possible, the issuing of an imperial decree, without which this agreement could not bind the government. I met the ministers of the foreign office on the 13th instant. On my asking if it was true, as I had heard, that an agreement giving a certain monopoly to the Northern Telegraph Company had been signed, they profess to have only a general knowledge of the fact. They said they had had no communication from Li Hung Chang, and did not know the details. I expressed my astonishment that they had no official and exact information, as I had the text of the agreement in my pocket. They reiterated the assertion that they had not heard from the viceroy on the subject. But they desired to know what I thought of the plan. I assured them that I was very glad of an opportunity to express my opinion to them. I told them that in one word it was a great mistake, both economically and diplomatically.

First. Just as they were beginning to expand their foreign trade rapidly and sending their own ships to foreign lands, they proposed to give to a company an exclusive privilege, which would enable it to keep a very high tariff for messages and so heavily burden the merchants of China and of foreign lands, who desired to communicate freely with each other.

Secondly. If there is only one line, and that protected as a monopoly, in time of war an enemy might, and probably would, destroy it, and so prevent the government from communicating with its ministers abroad. The United States have indeed made vigorous efforts to bring nations to agree to observe the neutrality of cables in time of war, but so far no such agreement has been reached, and international law does not furnish a protection to the cable. But it is obvious that if there are several lines not protected in this offensive way, the government is much more likely to be able to maintain communication with its representatives in Europe and America.

Thirdly. Such a monopoly as this is sure to be extremely distasteful to all the great foreign powers. Their ministers will doubtless soon confirm what I am saying. Speaking particularly for the United States, I am sure that I can hardly use too strong language in expressing the disapprobation with which this scheme will be regarded by my government. I may venture to remind you that in or about the year 1866, this government gave to Mr. Burlingame permission for Americans to lay a cable from Canton to Tientsin. You can hardly be less generous now than you were then. Furthermore, there are many of your people in the Hawaiian Islands and in the United States, and your trade with us is increasing. It is highly probable that before long American citizens

will desire to lay a cable from San Francisco to the Hawaiian Islands, and thence to China. Such a line will be a great advantage to you as well as to us. And are you going in this sudden manner to make such an enterprise impossible? I beg you to give the subject your most serious consideration.

His excellency Mao assented warmly to what I said about the war question. His excellency Wang, who at present rather leads in the transaction of business, said he did not see how it would benefit China to have only one company, since probably other companies besides this one would be willing to send government messages gratuitously. If there were no telegraph in China, he added, the government might have something to say. But since the Danes have one line, he did not see why other nations should be denied the same privilege.

Their remarks were somewhat guarded, but the drift of them seemed in harmony with the views I was presenting. In parting Wang said, "We will write to the viceroy and ask about the matter; we have not had a line from him."

The British and German ministers have also communicated with the foreign office on the subject.

I am not without hope that the agreement may fail to secure the approbation of the Emperor.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 174.]

1. The Chinese Government guarantees to the Great Northern Telegraph Company exclusive monopoly of their submarine cables already landed on Chinese territory. Should the company desire to land other cables in China, the permission of the Chinese Government must first be asked and obtained. Within a period of twenty years from date the Chinese Government will not allow any other person to land telegraph cables in the entire empire including all the foreign settlements and Formosa.

2. Within the same period of twenty years the Chinese Government will not construct or permit others to construct submarine cables or telegraph lines by land in opposition to any of the company's cables in China. Where there is no competition with the interests of the company the Chinese Government will build lines at their pleasure.

3. Should the Chinese Government in future decide upon establishing new telegraph lines, preference will be given to the Great Northern Telegraph Company to do the work for the government, providing their terms are lower than those of competitors.

4. The Chinese foreign office and the two superintendents of trade for the southern and northern ports shall be entitled for a period of twenty years to exchange telegrams with the Chinese ministers and consuls-general residing abroad free of charges on the Great Northern Telegraph Company's cables in China, Japan, and Europe.

Whenever such telegrams pass over other lines not belonging to the company the Chinese Government pays all charges payable to these lines and also whatever besides the company has to pay to other administrations.

All such official telegrams must be authenticated by the seal of the official sender of the same, otherwise they will be charged for in full.

5. The company's cables being connected with foreign countries by two routes, namely, a southern, via Hong-Kong, and a northern, via Japan and Russia, the Chinese Government guarantees that when land lines have been established in China all telegrams to foreign countries handed in by the public and emanating from these lines shall, if not otherwise directed by the sender, be transmitted by the northern route.

6. In case of dispute hereafter the Chinese text will be guiding.

No. 165.

Mr. Angell to Mr. Blaine.

No. 176.] LEGATION OF THE UNITED STATES,
Peking, June 20, 1881. (Received August 1.)

SIR: In my No. 149 of April 30, I submitted for your consideration some interesting and important questions concerning the jurisdiction over foreigners in the Chinese customs service. These questions had been suggested by the trial of a British subject, Mr. Page, for shooting a Chinaman, who was engaged in smuggling. Mr. Page has left the customs service. Meantime the inspector-general of customs, Mr. Hart, who studiously avoids as a rule all diplomatic embarrassments of the customs service, has made some regulations for his subordinates, which will greatly diminish, if not altogether remove, the chances of serious trouble concerning the jurisdiction over foreigners employed under him.

I am not permitted to furnish you the circular containing the new rules. But Mr. Hart has read it to me, and I can properly give you the substance of the regulations. It is ordered that if any foreign employé of the Chinese customs kills or wounds any person, he shall at once resign his place and report to the consul of his nationality, within whose jurisdiction he resides. If the consul tries and convicts him, his resignation is to be permanent. If the consul acquits him or decides that there is no cause for trial, the employé may resume his official position with full pay during the time since his resignation.

The consul, it will be observed, may still profitably have some instructions to guide him in determining whether there is cause for trial; whether, for instance, the fact that the killing or wounding was done in the course of official duty should exempt a man from trial.

I have, &c.,

JAMES B. ANGELL.

No. 166.

Mr. Blaine to Mr. Angell.

No. 109.] DEPARTMENT OF STATE,
Washington, June 29, 1881.

SIR: Your dispatch No. 152 of April 30 last, has been received. It narrates the particulars of a disturbance by the Chinese at the American Presbyterian Mission, at Peking, and describes the measures taken by the Chinese authorities, at your earnest solicitation, to suppress it.

In reply I desire to extend my congratulations to you, and to express my gratification at the successful result of the measures adopted to quell the disturbance.

I am, sir, &c.,

JAMES G. BLAINE.

No. 167.

Mr. Blaine to Mr. Angell.

No. 112.] DEPARTMENT OF STATE,
Washington, July 11, 1881.

SIR: Your dispatches numbered 157, 158, 159, 160, 161, 162, 163, 164, and 165 have been received. In approving your action, respecting the death of the Empress Dowager, which you report in your No. 150 of April 30 last, I have to state that upon the recent announcement of her death, through the Chinese ministers at this capital, the Department, also, took occasion to convey an expression of the sympathy of the Government and people of the United States for the loss which her death has occasioned to His Majesty and to the Chinese Empire.

I am, sir, &c.,

JAMES G. BLAINE.

No. 168.

Mr. Angell to Mr. Blaine.

No. 186.] LEGATION OF THE UNITED STATES,
Peking, July 16, 1881. (Received September 3.)

SIR: On the morning of June 20, I mailed to you my dispatch No. 174, which informed you of the attempt of the Northern Telegraph Company to secure for twenty years the exclusive right to land telegraphic cables in China.

On the afternoon of that day I had business at the foreign office, and learned that the ministers had received from Li Hung Chang an answer to the letter of inquiry which, agreeably to their promise to me, they had sent to him. They said they would send the answer to me, but they evidently preferred not to discuss the main subject until I had read the viceroy's letter. I therefore contented myself with again expressing the conviction that my government would be most strongly opposed to the scheme.

Soon after I received a communication from Prince Kung, embodying evidently only a portion of the viceroy's letter. I inclose a copy. The viceroy's statements are somewhat obscure. He wishes to leave the impression that an agreement has not been drawn; but surely the paper which I inclosed in No. 174 is an agreement, and I have no doubt of its genuineness. The viceroy's words seem to indicate that he is perhaps conscious of having gone too fast and too far before consulting the Imperial Government. He would apparently have us understand that no promise has been made beyond that of the privilege of exclusive connection with the new land line from Shanghai to Tientsin. Yet, at once and inconsistently, he pleads the examples of France and Russia in making concessions as precedents for the monopoly proposed here. It is possible that by making extracts from his paper injustice has been done to it. But it does not seem frank and ingenuous as given to me.

For certain reasons, and especially for the reason that the British and German ministers were conferring with the ministers on the subject, I delayed further discussion upon the matter until July 13.

I began my interview on that day by saying that I found the viceroy's words somewhat obscure, and begged the ministers to inform me exactly what is the request of the telegaph company. With their usual

reluctance to convey information until they see that you have it, they said at first that they did not know exactly, since the viceroy had carried on the business without consulting them. But when I drew the agreement from my pocket and asked if it did not distinctly forbid an American company to land a cable in China for twenty years, they confessed that it did. They then asked me to repeat my objections to the plan, which I did at length. After a prolonged conversation they said if I would send them my views in writing they would send them to the viceroy and ask him to modify the scheme in such a manner as not to preclude us from laying a cable. They assured me that they did not wish to give offense to the United States.

I do not report my remarks, because the substance of them is found in the communication to Prince Kung, which, in compliance with the request of the ministers, I have sent in. I inclose a copy.

There were present at the interview their excellencies Mao, Wang, Ch'ung, and Hsia. I have of course had to proceed entirely without instructions in this business, but trust my action may meet with the approval of the Department. I cannot venture to predict the result.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 186.]

Prince Kung to Mr. Angell.

Informal.] JULY 2, 1881.

On the 13th June, your excellency came to this office and spoke about an agreement having been entered into between the Great Northern Telegraph Company and the viceroy Li, by which the said company were to enjoy a twenty years' monopoly during which time no other company would be allowed to land telegraph cables in China, &c.

This office thereupon wrote to inquire of the viceroy Li, and an answer has been received from him, in which he says:

"According to international law among western nations, railways, telegraphs, etc., are matters about which each nation can do as it pleases; either the country builds them itself or allows public companies to build them. The line of telegraph which last year it was proposed to establish between Shanghai and Tientsin was designed with a view to having direct and rapid communication with the outside world, remembering this we cannot do otherwise than negotiate with the Great Northern Telegraph Company to connect our line with their cable. The said company has done its utmost to assist us honestly in purchasing materials and hiring workmen to build this first line, and has begged for (a similar understanding) like the terms of the agreement made between the company and the Governments of France and Russia. There appears to be no reason why the request should not be granted. The company have only begged me to grant their request, but have not asked that an agreement be drawn. I find nothing in all this that is contrary to international law of western nations. I herewith forward for your inspection translations of the agreements between the Great Northern Telegraph Company and the Governments of France and Russia. (It will be seen that) the agreement with Russia is for a period of thirty years, and that with France for a period of twenty-five years. In this instance, it is only for the Shanghai cable that a twenty years' (monopoly) has been granted. It is not I who have made the precedent," &c.

It will be seen that in managing this business the viceroy has made rules fixing a limitation in years, like what Russia and France have already done. It behooves us to send copies of the agreement between the Great Northern Telegraph Company and France and Russia for your excellency's inspection.

[Inclosure 2 in No. 186.]

Mr. Angell to Prince Kung.

JULY 16, 1881.

YOUR IMPERIAL HIGHNESS: A few weeks ago I received a copy of an agreement which the Northern Telegraph Company ask His Imperial Majesty's Government to

make, forbidding any person or corporation, except the northern company, to land a telegraph cable anywhere in the empire for a period of twenty years.

I have had three interviews with the ministers of the foreign office on the subject, and have received from them one communication embodying certain statements of the viceroy Li with whom the company seem to have carried on their negotiations. The ministers have now asked me to state in writing my objections to the proposed scheme, and I therefore submit this paper in compliance with their request. The first two articles of the agreement in my copy read as follows:

"1st. The Chinese Government guarantees to the Great Northern Telegraph Company exclusive monopoly of their submarine cables already landed in Chinese territory. Should the company desire to land other cables in China, the permission of the Chinese Government must first be asked and obtained. Within a period of twenty years from date the Chinese Government will not allow any other person to land telegraph cables in the entire empire, including all foreign settlements and Formosa.

"2d. Within the same period of twenty years the Chinese Government will not construct, or permit others to construct, submarine cables or telegraph lines by land in opposition to any of the company's cables in China. Where there is no competition with the interests of the company the Chinese Government will build lines at their pleasure." Now, in regard to these articles pemit me to say:

I. I trust I shall not be deemed obtrusive if I express the opinion that the proposed arrangement is of very doubtful expediency for China herself, and for three reasons:

1st. Although the United States have made earnest efforts to have ocean cables "neutralized" in case of war so that they shall not be disturbed, the efforts have not been successful. In case of war between some western nation and Denmark or China, the northern company's lines might be destroyed, and China would lose telegraphic connection with the world. But if other lines are laid, China might through some one of them be able to keep up communication with her ministers abroad and with all nations.

2d. By the second article China cuts herself off from constructing land lines to Foo-Chow, Canton, and other points in the south which she may very much need, especially if the northern cable is injured in war. China thus pays too high a price for the trifling advantage she gains of sending dispatches free to her ministers and consuls.

3d. All experience has shown that monopolies for long periods are subject to great abuses, and tend to create much ill-feeling.

It is only in exceptional cases that it is found wise to grant them. I respectfully submit that the cases mentioned in the extracts from the viceroy's letter are so different from this that they ought not to be considered as precedents for a request like that now made. The submarine line from France to Denmark cannot be practically a monopoly, because the countries are connected through Germany by land lines. The Russian concession was for a line in a very remote region where the risk of loss was great, and where no company perhaps would venture to build a line without a guarantee for a reasonable period that it should have an exclusive privilege.

But surely the case is very different here where it is proposed to cut off the United States and even China herself from building lines, which may be in the highest degree important to China in order to guarantee returns to a company which is understood to be already very richly remunerated by its business.

II. But speaking especially on behalf of the United States, I am certain that I cannot use too strong language to express the disappointment and regret, I had almost said the sense of injustice which my government will feel if His Imperial Majesty's Government shall bind itself in such terms that no American company can lay a cable within twenty years from our country to your shores, when a Danish company is allowed an unrestricted privilege of telegraphic communication with Europe.

Fifteen years ago, in 1866, Mr. Burlingame, has recorded in our archives, the ministers gave him a verbal permission for an American company to lay a cable along the coast. I cannot think that His Majesty's Government will now be less liberal in its policy.

Even if the government thinks it wise to give the northern company the monopoly for the connection with Europe, there seems no reason for forbidding a line from America, which can in no proper sense be considered as a competing line with the European. The messages to America do indeed have to be sent now by the northern line. But the expense of sending by that line is so great that the business is only a small part of the entire business of the line, and only a small part of what should be given to a direct line to America.

His Majesty's Government surely cannot forget that a considerable number of his subjects are now resident in the Sandwich Islands, and many more in America. Moreover, enterprising Chinese merchants are beginning to send steamships to America and to enlarge their business. Every year the commercial relations of the two nations are becoming more important. It is of the greatest consequence to the fostering of this commerce so useful to both nations that the largest facilities be afforded for postal and telegraphic intercourse, both for individuals and for the governments.

It must be known to your imperial highness that the United States have long been

engaged in making soundings to determine the best line for a telegraph across the Pacific Ocean. A great deal has already been expended in making the necessary investigations. It has never so much as occurred to our government that His Majesty's Government would refuse to us the privilege granted to the Danish company of landing the cable, if an American company should, to the great advantage of both countries, incur the enormous expense of laying a line of probably more than 22,000 li, for such would be the length of a line laid from San Francisco to the Sandwich Islands, Japan, and Shanghai.

I must, therefore, most respectfully urge that no plan be adopted by His Imperial Majesty's Government which will prevent an American company from landing a cable at Shanghai. I cannot too earnestly and too emphatically make known to you in advance the force with which, in my opinion, my government will remonstrate against so marked a discrimination in favor of the Danish company to the exclusion of an American company which may propose to lay a line where the Danish company has never proposed to lay one, namely, between America and China. I trust, therefore, that whatever concessions are made to the Northern Telegraph Company, His Imperial Majesty's Government will not, in any way, bind itself to forbid the landing of a cable from America or the transmission of messages from such a cable over any of the inland lines which may be constructed in China.

I am, &c.,

JAMES B. ANGELL.

No. 169.

Mr. Angell to Mr. Blaine.

No. 190.] LEGATION OF THE UNITED STATES,
Peking, July 28, 1881. (Received September 19.)

SIR: I have the honor to submit to you some correspondence between Mr. Vice-Consul Carrow and myself concerning the refusal of a district magistrate at Canton to stamp the deeds of two lots of land purchased by the Rev. E. Z. Simmons for the Southern Baptist Mission.

You will observe by perusing the vice-consuls dispatch (copy inclosed) that the magistrate refuses to stamp the deeds because, as he alleges, first, foreigners have no right to hold lands outside the foreign concessions, and secondly, Mr. Simmons has no right to buy for the society. Now, it is notorious that the missionaries have for years owned and occupied estates outside the foreign concession. It is also well known that the clause inserted in the twelfth article of the British treaty of Tientsin, 1858, authorizing the purchase of property "in other places" than the open ports, was placed there with special reference to the unreasonable opposition which had been made at Canton to securing convenient places of business and residence.

It is also true, I believe, that there is no shadow of any ground in any treaty for asserting that Mr. Simmons may not buy for his missionary society if he can buy at all. This claim of the magistrate probably arises from the fact that the French Roman Catholics, in order to secure real estate in the interior for missionary purposes, do purchase in the name of the society or church of Chinese converts.

This action of the district magistrate does not wear a pleasant aspect. It may be simply the fruit of a superserviceable zeal of a new incumbent of the office. But there are some indications that the authorities of Kwangtung are just now inclined to a rather reactionary policy in the treatment of foreigners. The viceroy has shown a reluctance to accept the regulations concerning official intercourse. I have reason to believe that the provincial authorities have embarrassed the Roman Catholics not a little during the last few months. I have deemed it

our right under the treaties, and in every way expedient, to instruct our consular officer to take a firm position. I inclose a copy of my dispatch to him. Trusting my course may meet your approbation,

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 190.]

Mr. Carrow to Mr. Angell.

No. 16.] JULY 5, 1881.

SIR: I have the honor to submit for your decision the following case:

Rev. E. Z. Simmons, an American missionary, acting for the American Southern Baptist Mission, bought of two Chinamen (Wong Hoy Chow and Ngai Tai Shing) two lots of ground adjoining each other, on which to erect a dwelling-house. These lots of ground are situated on the river side, outside the city walls, and in the immediate neighborhood of other houses owned and occupied by missionaries. The deeds to this ground, this office has forwarded to the Nam Hoi magistrate, through his excellency the viceroy, for the magistrate's stamp and verification as is usual in such cases. He declines to stamp them for the following reasons:

"That Shameen, the foreign concession being the "*open port of Canton*," these lots are therefore in the interior, and China's treaty with the United States does not allow Americans to *buy* land in the interior. That his predecessors in office have committed grave errors in stamping and verifying deeds to property which are now held by foreigners in different parts of the city."

Even should foreigners have the right to buy property in Canton, outside of Shameen, he contends that these particular deeds are not proper ones for verification, because the Reverend Simmons' name is mentioned in them, and that they should read the Baptist Mission buys, &c., instead of the Rev. Simmons buys *for* the American Baptist Mission," &c.

I have the honor therefore to submit to your excellency these two points, viz: Can Americans buy property in Canton *without* Shameen? In other words, what is to be considered the "open port of Canton?" Second, are these deeds in proper form, and if not, how should they be worded? I may say that the Nam Hoi admits the parties selling the land are the lawful owners.

I am, &c.,

F. CARROW.

[Inclosure 2 in No. 190.]

Mr. Angell to Mr. Carrow.

No. 27.] JULY 27, 1881.

SIR: I have the honor to acknowledge the receipt of your No. 16, in which you inform me that the Nam Hoi magistrate declines to stamp the deeds of two lots of land purchased by the Rev. E. Z. Simmons, an American citizen, acting for the American Southern Baptist Mission. These lots lie on the river, outside the city walls, but near to houses which missionaries have been heretofore permitted to purchase, and which they now occupy.

The magistrate justifies his action on two grounds:

First. That the treaties between the United States and China do not allow our citizens to buy land beyond the walls of the port of Canton.

Secondly. That even if this is not the right view of the treaties, still Mr. Simmons has no right to buy in his own name for the mission society.

I cannot refrain from an expression of surprise that the magistrate should suddenly depart from the example of his predecessors, when, so far as appears, the occupancy by other foreigners of the land, in the vicinity of which Mr. Simmons has purchased has wrought no harm to Chinese interests.

But furthermore, his action is not sustained by the treaties. Article XII of the British treaty of Tientsin, 1858, says:

"British subjects, whether at the ports *or at other places*, desiring to build or open houses, warehouses, churches, hospitals, or burial grounds, shall make their agreement

for the land or buildings they require at the rates prevailing among the people, equitably, and without exaction on either side."

Article XXX of our treaty of Tientsin, 1858, gives us all the rights and privileges of other nations.

Now, without desiring to give to this expression "*at other places*" too wide a meaning it is clear that it means something. I believe it is historically true that it was inserted by the British especially because of the restrictions to which foreigners had been subjected in obtaining land in Canton. Now, when our citizens and other foreigners have under this article been justly and peaceably occupying land just outside the walls of Canton for many years, and the authorities have by silence virtually admitted that such occupancy was lawful, we have a right to protest, as we must most vigorously, against such action as this of the Nam Hoi magistrate.

But, in the second place, the magistrate may be safely challenged to show a line or a word in any treaty in support of his second point. If Mr. Simmons has, as I maintain he has, a right to purchase at all in the place described, he has a perfect right to buy for the society, or to buy in his own right, as he may choose. I cannot imagine on what ground the magistrate can rest his argument. If this is the only alleged error in the form of the deeds, we cannot admit that it is an error.

You will, therefore, please communicate the substance of this dispatch to the magistrate, and renew the request that the deeds be stamped, and in case the magistrate persists in his refusal, you will carry the case to the viceroy, and if necessary in the end send it up here again that it may be presented to the Tsung-li Yamên.

I am, &c.,

JAMES B. ANGELL.

No. 170.

Mr. Angell to Mr. Blaine.

No. 198.] LEGATION OF THE UNITED STATES,
Peking, August 15, 1881. (Received October 3.)

SIR: During the year I have had some reports of petty depredations upon the property of American missionaries at Teng Chow Foo, in the province of Shantung. But the missionary who has given me the information has not been without hope that the local magistrates could be brought to administer justice without being warned by the imperial authorities.

But this hope proving vain, another of the missionaries, Rev. Charles R. Mills, sent me a formal communication reciting in detail the depredations which had been committed, and invoking my assistance. The substance of his letter is given in a communication which I at once addressed to Prince Kung, asking him to urge the local authorities to punish the thieves, to secure the return of the value of the property taken or destroyed, and to guard more vigilantly against depredations in the future.

I inclose a copy of the prince's reply, in which he assures me that instructions have been given to the local authorities in compliance with my request, and also of a later communication from him embodying a report from the Taotai of Teng-Lai-Ching.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in 198.]

Mr. Angell to Prince Kung.

JULY 14, 1881.

I have from time to time heard from American missionaries resident at Teng Chow Foo, in Shantung, of injury done to their property by lawless persons, and of their in-

ability to get justice done by the magistrates to the guilty parties. But I have refrained from troubling you about the matters in the hope that the local authorities would in the end take proper action. But as they seem to be inefficient, I am constrained to write you.

According to a statement sent me by the Rev. Mr. Mills, the following facts appear:

For several years one of the missionaries has lost by thefts articles, especially clothes, and a clock from the buildings connected with his school. An American lady, residing on East street has had $30 in copper cash stolen from her house. In the winter of 1879–'80 the house of one of our missionaries was set on fire in the night by robbers who were trying to force an iron safe. About $20 worth of clothing was then consumed. In all these cases application was made to the local authorities for redress, but in vain.

In January last thieves entered the missionary church and took two clocks, valued at $18, two lamps worth $4, and an organ-cover valued at $1.

The total value of the articles taken in these depredations, so far as it can be correctly estimated, is $73.

About April 1 Mr. Mills sent to the prefect a statement, a copy of which I inclose. He promised to urge the district magistrate to do his duty and secure the restoration of the property. But so far as known he has done nothing.

May I ask you to urge upon the local authorities to punish the thieves, to secure the return of the value of property taken, and to guard more vigilantly against such depredations in the future?

I am,

JAMES B. ANGELL.

[Inclosure 2 in 198.]

Mr. Prince Kung to Mr. Angell.

PEKING, *July* 22, 1881.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply:

I have had the honor to receive your excellency's dispatch of July 14, reporting cases of robberies from American missionaries at Teng Chow fu in Shantung. You give an estimate of the value of the stolen goods, and inclose a copy of the missionaries' petition to the prefect, and you request me to order the local authorities to take rigorous steps for the arrest of the thieves, and to guard more vigilantly against such depredations in the future.

This office has sent a copy of your communication to the governor of Shantung, requesting him to instruct the local officers to inquire carefully into these cases of robbery, to arrest the robbers, and recover the stolen property.

Pending the receipt of a reply to our communication, when we will again write you, we send this dispatch for your excellency's information.

His excellency JAMES B. ANGELL, *&c., &c., &c.*

[Inclosure 3 in 198.]

Prince Kung to Mr. Angell.

PEKING, *August* 10, 1881.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

Referring to your excellency's dispatch anent the depredations committed upon the property of missionaries at Teng Chow fu, we have further to state that we have received a representation from the taotai of Teng Lai Ching, in which he says:

"The district magistrate had informed me some time since that the Rev. Messrs. Wherry and Mateer had complained of robberies from their premises. I ordered him (the magistrate) to send detectives after the thieves, but many days elapsed and they were not apprehended, nor was the property recovered. Having now received the Yamên's dispatch, I have again ordered the magistrate to take up these cases and make rigorous search for the culprits, appointing a time within which they are to be apprehended and dealt with."

We send the purport of the Taotai dispatch for your excellency's information.

His excellency JAMES B. ANGELL.

No. 171.

Mr. Hitt to Mr. Angell.

No. 121.] DEPARTMENT OF STATE,
Washington, August 16, 1881.

SIR: Your dispatch of the 20th of June last, No. 176, in regard to certain regulations lately promulgated by Mr. Hart, the superintendent of customs, has been received.

The regulation, the substance of which you give in your dispatch, namely, that if any foreign employé of the Chinese customs kills or wounds any person, he shall at once resign his place and report to the consul of his nationality within whose jurisdiction he resides, and that if the consul acquits him or decides that there is no cause for trial, such employé may resume his station with full pay during the time since his resignation, appears to be a just and reasonable one.

If in such a case the consul found that the employé killed or wounded a man in the discharge of his official duty, and under such circumstances as that he, if tried by a Chinese tribunal, be held guiltless, or such as would, under the laws of the United States, make the act justifiable or excusable, it would be the duty of the consul to discharge him. It would be difficult, and, indeed, inexpedient, to attempt to specify what the precise character of the circumstances should be that would warrant such acquittal by the consul. Each case must be determined by its own facts and *res gesta*.

I am, sir, &c.,

ROBERT R. HITT,
Acting Secretary.

No. 172.

Mr. Angell to Mr. Blaine.

No. 199.] LEGATION OF THE UNITED STATES,
Peking, August 18, 1881. (Received October 3.)

SIR: I regret to have to report a somewhat serious disturbance of the work of American Presbyterian missionaries in Tsi-nan-fu, the capital of the province of Shantung. The interior of a building which they had purchased and were fitting for use as a chapel, was destroyed by a mob and the lives of the missionaries and their families were threatened. Happily the intervention of the authorities, though apparently somewhat tardy, soon secured safety from personal danger.

I first received information of the principal facts through Mr. Vice-Consul Fisher, of Tientsin, late in the afternoon of July 29. He had received them through Rev. Mr. Pilcher, an American missionary at Tientsin, to whom a Chinese messenger had come from the missionaries at Tsi-nan-fu. A little later on the same day I received a letter from the missionaries themselves, Rev. John Murray and Rev. Stephen A. Hunter, M. D., reciting the facts in detail, and submitting to me certain questions which they wished me to answer for their guidance. I inclose a copy. On the next day I hastened to address a communication to Prince Kung, an extract from which I inclose.

As is usually the case, this disturbance was fomented by the literati

and gentry. Although the missionaries say they have no complaint to make of the Taotai, I have called Prince Kung's attention to what I deem his delinquency. He could certainly have prevented the tumult with the same force which he used to suppress it.

The missionaries, though young men, seem to have acted with much discretion.

The first of the four questions presented by them to me raises one of the most delicate points in the relation of missionaries to the government, namely, by what right do foreigners hold real property in the interior. I think the answer I have given is the correct one.

In respect to the fourth question as to the right of demanding the release of the Chinaman who had acted as intermediary in procuring the property, I did not see that anything could be asked under Article XXIX of our treaty of Tientsin, since it does not appear that he was punished for his Christian faith. On the other hand, as we have no *treaty* right to acquire property in Tsi-nan-fu, we could hardly intercede with a *demand* for his release, on the ground that the authorities were obstructing our citizens in the exercise of a right guaranteed by treaty, as we have felt justified in doing when Chinamen have been punished for leasing or selling us lands in an open port.

I have received a reply from Prince Kung, in which, after quoting my dispatch at length, he says, "We have sent the purport of it to the governor of Shantung, directing him to order his subordinates to take up the case and deal with it justly."

I at once informed the missionaries of the nature of the prince's communication.

Meantime the missionaries wrote me again on August 6, giving some further particulars of the situation. I inclose a copy of their letter, and also of my reply.

On the 16th instant I conferred with the foreign office on this disturbance. I gave them the names of the two principal instigators of the mob, and urged that the missionaries ought to be allowed to have an eligible site on the main street. They said, what I have no donbt is true, that the location of the chapel by the side of the examination hall was calculated to excite opposition, but they added that the governor was desirious of reaching a peaceful adjustment of the difficulties.

I think there is reason to hope that the missionaries will have no further serious trouble, though possibly they may not secure premises exactly in the location which they would prefer.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 199.]

Messrs. Murray and Hunter to Mr. Angell.

We, the missionaries in Chi-nan-fu, capital of Shantung province, being citizens of the United States, and having the usual passports, desire to make a statement of certain difficulties which have arisen from the purchase of property in this city. The main facts are the following:

1st. A property suitable for a chapel was bought on the main street of the city during the month of January, 1881.

2d. Peaceable possession of the same was given during the month of May, and the buildings put under contract for repairs.

3d. Upon the 13th of July the house was attacked by a mob led by the teachers or sien shangs from the Shu Yuan Yamên, and remained in the hands of the populace until taken possession of by a body of soldiers from the Yamên.

4th. The property has been given up by us upon condition that the authorities furnish us a suitable location elsewhere.

5th. The public excitement and popular outbreak has caused our lives and that of the native Christians to be placed in imminent danger.

Therefore, we now present the whole case to you, our national representatives, and ask for advice and direction concerning the proposed change of property, and, if need be, also, for protection of our lives and persons.

In order that you may be able more perfectly to understand the whole matter, we herewith subjoin a statement in detail of all the circumstances connected with this difficulty.

During the autumn of 1880, Rev. J. S. McIlvaine, a former member of this mission, but now deceased, entered into negotiation on behalf of the mission for the purchase of the aforesaid property. This property is one of the most eligible positions in the whole city for *our* purpose, being upon the west end of the main street, near our former rented chapel and connected with all our former work. It is situated by the side of the "Shu Yuan Yamên" and the ground is said to have formerly belonged to the same. The purchase price agreed upon was 3,750 taels. On the 19th of January, 1881, the sum of 3,100 taels having been paid, the titles were transferred, the balance to be paid upon possession.

Owing to the difficulties in the way of a foreigner purchasing property in the interior, one of our church members, Lui Yü Ting by name, agreed to purchase the property in his own right, and afterwards deed it to the church. The title which the former owner, Tsiao Tung Hing, made to Lui Yü Ting was duly signed, witnessed, and attested by the customary feast, Lui Yü Ting upon his part made a title to the church for public use. But this, one of the neighbors refused to sign and it was held by us simply as an evidence against the exclusive ownership of Lui Yü Ting. *This title, however, does not* properly form a part of the present case, as Lui Yü Ting does not deny his trusteeship.

The old titles furnished us extend over a period of eighty years, and the property is commonly reported to have had consecutive owners for two centuries. None of the titles, however, have the usual red stamp upon them as the property is "meé liang ti." Whether the same distinction obtains in other provinces or not is unknown to us, but as ordinarily explained, it has reference to certain laws, the owners of which were favored by the present dynasty upon its accession to the throne, and the lands were subjected only to a nominal tax. Much land is so held in this city. The owners' names are registered in the Ch'eng Shon Ying Ts'an Fu, and each owner receives a yearly tax receipt with the official stamp, upon payment of dues. When the property was bought the name of Lui Yü Ting was registered as its present owner, and upon payment of tax the usual receipt was given.

It is now claimed that these deeds are false, but the subsequent offer of the authorities to furnish us another location is a virtual concession that our title is valid.

We were put in peaceable possession of the property on the 19th of May and entered into a contract for certain repairs, for which we were to pay the sum of 1,300,000 small cash, and the carpenters to have the old material, the value of which was rated at 200,000 small cash (the whole sum being about $700 of our money). The building was to be repaired according to native plans and style of architecture, and every effort was made to avoid collision with the people. The repairing proceeded in peace for about three weeks. On the 12th of July we were informed by friends that on the following day an attack would be made upon the building and the workmen stopped. Having received this information we proceeded to the Taotai's Yamên and asked for a proclamation to preserve peace. The officer assured us that he would keep the peace and that no trouble should occur. The next day, 13th, we, ourselves, ordered the workmen to cease in apprehension of difficulty. About 9 o'clock a. m. the house was attacked by a mob led by the sien shangs from the Shu Yuon.

The Taotai was at that time in the Shu Yuan counseling with the officers, and we are informed that the teachers acted in defiance of the orders of their superior. After the teachers left the building it was in the hands of the mob, who severely beat one of the head workmen, and destroyed everything movable, carrying off money, valuable papers, &c. Late in the day the property was taken possession of by the soldiery.

During the same day our Christian Lui Yü Ting was taken to the fu Yamên, beaten, and cast into prison, where he still remains, despite our earnest endeavors for his release.

Late in the day we sought an interview with the governor, but were not able to obtain it. On the morning of the 14th we saw the governor in presence of four other officials, whom it seems he had invited to hear the case. After a lengthy consultation we agreed to give up the house we had purchased, upon condition we were furnished another on the west end of the main street. This they refused to promise, offering to refund us the purchased price and damages. They also offered to assist us in buying a house *whenever we could find one.* These terms we would not accede to, but demanded another house in exchange. This they would not promise to furnish, saying they

would consider the matter and give us word. But the governor promised to issue a proclamation affording us protection, and ordered the fu officer not to beat or further oppress our Christian now in confinement.

On the evening of the same day the proclamation was sent us, but it was not satisfactory, as it only quoted the words of the treaty, and made no mention whatever to the present circumstances. We returned it through the Taotai, and the next day, 15th, it was again sent us; this time in a more satisfactory form.

It was posted upon the gates of the city and upon our dwellings.

On the 16th the talk on the streets was alarming. The death of all the foreigners and native Christians was threatened, and the 17th was said to be the day on which it was to be carried into execution. A notice had been previously posted in public places calling the scholars of the province together upon that day to confer concerning the property we had bought; and the lower classes, taking this for a threat, were ripe for a mob.

In the evening of the same day we informed the Taotai of this increasing turbulence and asked for soldiers to guard our premises. This was promised. Upon the morning of the 17th, our position was apparently critical. No soldiers had yet arrived; and, relying upon our passports, in the early dawn we took protection in the Taotai's Yamên. The authorities then took precautions to avoid an outbreak, and in the evening of the same day we returned to our homes.

Since that time the city has been quieter, and the Taotai and other officials, invited by the governor to hear the case, have held several consultations, at which we have been present, and they have promised to furnish us another location and make good all our losses. But they insist that it is impossible to find a place upon the main street.

We are willing to concede much for the sake of peace, but we are not willing to be put in a corner. A chapel for daily preaching would be of little use unless upon the main street, *west of the center* of the city. And as the purpose of Mr. McIlvaine, the original donor of the purchase money, was to have a street chapel, we have no right to accept of any location unsuitable for such purpose. We have no complaint to make against the officials, as the governor and Taotai seem well disposed towards us. But it has been a difficult case for them to manage, because the scholars have disregarded their authority, and they cannot be dealt with as the lower classes. We only fear that we will be trifled with from day to day, and this matter, for an *indefinite period, remains unsettled.* Therefore we have presented the whole case to you, and await your advice and direction. We would especially ask for information concerning the following points:

1st. Have we, or not, a right to demand a house upon the main street, west end, when we are giving up the best location upon that street and the best in the whole city for our work?

2d. In case a house is offered us at an exorbitant price, what remedy have we to avoid imposition except refusing to take the place?

3d. Is the name of the Presbyterian church, which is used in the former deed, "*Chang lao hui yeh su chiao tang*" a sufficient title to enable foreigners, as well as natives, to control the property?

4th. Have we, or not, grounds for demanding the release of Lui Yü Ting, our native Christian, inasmuch as he only acted for the church in buying the property? In regard to these, and any other points which seem to you to arise out of this case, we respectfully ask and await your advice.

Hoping that the whole matter may be brought to a peaceful and satisfactory conclusion through your kind intervention,

We have the honor, &c.,

JOHN MURRAY.
STEPHEN HUNTER.

CHI NAN FU, *Shantung, July* 20, 1881.

[Inclosure 2 in No. 199.]

Mr. Angell to Messrs. Murray and Hunter.

JULY 30, 1881.

GENTLEMEN: Your communication of the 20th instant reached me last evening. It is with deep sympathy and with great regret that I hear of the violent interference with your missionary work. But I am relieved to learn from you that you and your families are probably safe from personal harm. The attitude of the governor furnishes assurance of your safety. An hour before I received your letter, I had heard from Bev. Mr. Pilcher, through our consul at Tientsin, that perhaps your lives were in peril.

You do not state what is the alleged objection to your occupancy of the premises you had secured. But from what I have heard of similar disturbances, I presume that your proximity to the Shu Yuan was offensive to those who wished to make you trouble. I am satisfied that it is generally advisable to choose for missionary work, especially in a city where there is any spirit of opposition to missionary labor, a site not too near any important official residence. The choice of a site near a Yamên is pleaded as an excuse, if it is not the real reason, for insisting on a change of place.

I am not sufficiently familiar with the laws and usages in Shantung to decide whether there is any technical flaw in the deeds. But the presumption is that they are valid, since the authorities seem to recognize your title to the property by offering to compensate you for it with money or with other land.

Your course during the trouble seems to me to have been very judicious. I am glad that you did not leave the city and also that you promptly offered to exchange your premises for some other eligible site. You showed courage in insisting on your right to remain and a proper spirit of conciliation in respect to the property.

You request me to give for your guidance answers to four questions.

"1st. Have we or not a right to demand a house upon the main street, west end," &c.

It must be confessed that we have very slender ground, if any, for *demanding* permission to purchase real property at any interior city like Chinan-fu. The British treaty of 1858, article 12, does indeed read thus:

"British subjects, whether at the ports *or at other places*, desiring to build or open houses, warehouses, churches, hospitals, or burial grounds, shall make their agreement for the land or buildings they require at the rate prevailing among the people, equitably, and without exaction on either side."

But that phrase "*or at other places*" was inserted with reference to situations contiguous to the ports and has been so interpreted.

Our missionaries have been allowed to acquire property in the interior rather on sufferance than by right. They have now so long been indulged that we can make the indulgence a ground for remonstrating against the discontinuance of it, but it is wise for us to proceed with much caution and delicacy. I think we have, strictly speaking, no *treaty right* to *demand* a site as our own anywhere in Chi-nan-fu. But from these facts, namely, that in nearly all parts of the empire, missionaries are allowed to procure property; that you and your associates have been so long in your city without giving cause of complaint; that you were allowed without any remonstrance to purchase the property on Main street and pay 3,100 taels, you have strong ground for insisting, and you may properly insist with firmness, that if your premises are taken from you some other eligible site shall be secured to you. I advise you to stand for that until it is clear that you cannot succeed and at any rate until the governor shall have heard from Prince Kung and the Tsung-li Yamên, whom I shall at once address on the whole matter. When I receive an answer from Prince Kung, I shall inform you immediately. He will probably answer me and write to the governor within ten or twelve days.

If all efforts to secure a site where you wish it fail, I would counsel you to take an inferior site rather than leave the city. We may expect that after a time this violence will abate and you can then improve your situation.

2d. In answer to your second question I should say your only remedy against taking a house at an exorbitant price is to refuse it.

3d. In response to your third question I have to say that I suppose the terms Presbyterian Church as used by you can only mean in law the Presbyterian Board of Missions. In that case, I suppose, you missionaries who are its only agents here, must control its property.

4th. In answer to the question whether you have the right to demand the release of Lui Yü Ting, the native Christian, who acted for the church, I reply that you cannot *demand* it. You can, as his friend, request it, and even urge it; I know of no ground upon which you can do more.

You will have need of patience. But I trust your troubles may be ended without too much delay. You may be assured that this legation will do all in its power to assist you.

I am, &c.,

JAMES B. ANGELL.

[Inclosure 3 in No. 199.]

Mr. Angell to Prince Kung.

[After reciting the facts and quoting largely from Messrs. Murray and Hunter's letter, the dispatch proceeds:]

AUGUST 2, 1881.

I have never heard that any complaint was made against our missionaries in Tsi-nan-fu. You will agree with me, I think, that they have showed a proper spirit of con-

ciliation in consenting promptly to make an exchange of their property for some other eligible site.

It is hard that men of such a spirit should be so maltreated. I cannot think the Taotai was as efficient as he should have been. When warned in advance that an attack was to be made upon the building, he did not make proper preparation to prevent it, and when the attack was begun in the morning it was not until late in the afternoon that the soldiers were called out to suppress the mob.

As to the mob and the leaders of it, I trust that your highness will urge the governor to punish the guilty parties.

Furthermore, it seems to me only fair that these peaceable missionaries who have so readily agreed to abandon their chosen site in order to prevent trouble should be met in the same spirit and allowed to have some good position. It is hardly to be credited that on a street nearly two li in length, no place can be found for them. I trust the authorities may assist them to find some site on the west end of the main street.

Finally, while now as always it is only with great delicacy that I refer to the punishment of a Chinese subject by the Chinese authorities, may I not speak a friendly word in behalf of the release of the Christian, Lui Yü Ting, unless he has committed some other offense than acting as the intermediary in the purchase of the property.

Confident that your imperial highness will direct the governor of Shantung to do what is right in the premises,

I am, &c.,

JAMES B. ANGELL.

[Inclosure 4 in No. 199.]

Messrs. Murray and Hunter to Mr. Angell.

TSI-NAN-FU, *August* 6, 1881.

DEAR SIR: Your communication of July 30 has just come to hand. Allow us to express our warmest thanks for your personal sympathy and interest in our welfare. While as the national representative, the execution of law must be one and the same, it is the source of no little gratification to us that you are so thoroughly in accord with the plans and purposes of mission work.

Before hearing further from you, we send herewith some additional information which may aid you in the prosecution of the case.

1st. The objections to our occupancy of the property bought were rather vaguely stated by the officials. In substance they were (1), unwillingness of the people; (2), proximity to the Shu Yuan; (3), spoiling the Feng Shui, and (4), occupying public ground.

2d. The origin of the difficulty, as we learn now, was mainly with two men; one commonly known as Li Shih-erh, a former governor of Honan. In addition to instigating the riot, he endeavored to deprive us of servants, by threatening to imprison them for aiding the foreigners, and said this plan had succeeded in driving the foreigners from Honan. His conduct has been so violent that it seems proper to make mention of his name. The other man, Yin-shih-fang, a former "chih fu" in Honan, seems to have been also a chief party in stirring up the people. Probably less than a hundred teachers took part in the attack upon the building, but the number of subsequent meetings was undoubtedly much greater.

3d. The officials have already offered us two locations. One of these was entirely unsuitable, being in a very retired location, and was at once refused. The other was inside the East Gate, and this we neither refused nor accepted, saying we had referred the matter to Peking. At a former conference they had pressed us so closely with the question, "If we cannot buy upon the main street, what other location is there most desirable?" That we at that time mentioned two other streets, viz, the south end of the Pu Cheng-tz, and inside the East Gate. But when we learned that three houses were for sale upon the main street, we refused to accept their statement that no houses could be bought there.

We now mention this offer, lest it should be represented that we have already consented to a location inside the East Gate. This we will not accept so long as there is any hope of being placed upon the main street. Should this hope fail us we will then consider other locations. But to leave the main street, where we have had a small rented chapel for a number of years, will necessitate a change of all our plans, and change the base of all our work.

Our hope of being placed upon the main street was not that we had any right *a prtori* to demand a location there, but being already located there, that we should not be displaced. We had paid the full amount of purchase money, taels 3,750, and had been in peaceable possession for more than six weeks before the riot.

4th. So far as we can learn our native Christian Lui Yu Ting was beaten as much

because he was a Christian, as because he purchased the property for us. Many of the questions asked him referred to his faith, and when he answered he was beaten. While we are aware that, as a general rule, we have no right to interfere with the native government in its punishment of its own subjects, yet it seems to us that, in this case, the rights guaranteed to native Christians have been infringed upon. The reason given us, however, by the "fu" officer for his punishment, was that he had deceived us (the foreigners) by selling us public land. Since we last wrote his condition in prison has been materially improved. But owing to the uncertain length of time that the case may be delayed in the courts we are anxious that he be released upon our bond which was formerly refused.

Presenting this additional statement of facts, we await the opinion of the Tsung-li Yamên, being assured that our case will be well and ably presented.

The city is now comparatively quiet, and we see little danger of further trouble.

Respectfully yours,

JOHN MURRAY,
STEPHEN HUNTER.

[Inclosure 5 in No. 199.]

Mr. Angell to Messrs. Murray and Hunter.

AUGUST 15, 1881.

GENTLEMEN: Your letter of August 6 reached me last evening. I was glad to hear that no new disturbances had occurred.

I shall report the names of the two prominent instigators of the troubles to the Tsung-li Yamên.

The ground on which you are pressing your request for a position on the west part of the main street is reasonable, and I should not readily abandon it.

As to the case of Lui Yü Ting, I answered you as I did, because I supposed they would not admit that they were punishing him for his religious belief, much less formally charge him with Christian faith as an offense. If they do admit that, or if it can be shown clearly that such is the fact, then you have the right as his friends to ask that he have the protection guaranteed by the treaty. While I have no expectation that they will concede that they are punishing him because of his Christianity, I will quote for you the twenty-ninth article of the treaty of Tientsin, 1858, that you may use it if they should make any such concession or if you can prove the fact. Article XXIX (quoted.)

I inclose you also a copy of the same in China.

I thank you for your too kind appreciation of the little I have been able to do for you. If it is my duty to aid you, it is still more a pleasure.

I am, &c.,

JAMES B. ANGELL.

No. 173.

Mr. Angell to Mr. Blaine.

No. 201.] LEGATION OF THE UNITED STATES,
Peking, August 18, 1881. (Received October 3.)

SIR: In my No. 186, I inclosed a copy of a communication to Prince Kung, stating, in compliance with the request of the ministers of the foreign office, my objections to the proposed concessions to the Northern Telegraph Company. That communication was sent in on July 17.

Having occasion to visit the foreign office on July 29 on other business, I took occasion to ask if they had received from the viceroy any reply to my communication which they had forwarded to him. They said they had, and that there was no intention of preventing the landing of a cable from America. When I asked whether there would be any obstacle to landing a cable which should touch at Japan, they hesitated, but expressed the opinion that the viceroy would arrange for that in some way. They promised to send me a paper upon the subject.

After waiting more than a week, I sent Mr. Taylor, acting interpreter,

to inquire when I could expect the promised paper and to explain my desire for it by assuring them of the profound interest my government feels on the subject. The next day I received the communication, a copy of which I inclose.

I think you, will agree with me in the opinion that it is a feeble, shuffling evasive, and entirely unsatisfactory document. Nothing could be more unworthy of the viceroy's vigorous mind than the passage extracted from his letter.

I may properly say in this connection that while awaiting this reply from the Tsung-li Yamên, I had the statement from one of the telegraph company's officers that the Tsung-li Yamên assented to the monopoly scheme before the viceroy entered into it. They assured me at the outset that the viceroy made the arrangement without consulting them. I am sorry to believe that there has been a deal of prevarication somewhere in this business.

Deeming it desirable to commit the ministers on paper to whatever they are willing to promise, I addressed to Prince Kung a series of questions, which I inclose. A reply, which I inclose, was sent me on the 14th inst.

The whole agreement for which I had asked was not sent to me, but only the second article, which the viceroy said he feared had been mistranslated. When I say that the article was exactly as I had it in my copy, further comment on this part of the transaction seems unnecessary.

My question whether the agreement has received imperial sanction is evaded, but I am informed that the viceroy has sanctioned it.

The answers to my third and fourth questions amount to this, that when an American company wishes to lay a line from America to China, "an arrangement" can be made for the line, but the foreign office cannot inform me what that arrangement is to be.

My question as to whether if the viceroy Li promises to make an arrangement for the American cable, his successor will be bound by the promise in case of the viceroy's death—a question which the prince criticises—was asked because all through our interviews and correspondence the ministers have carried the idea that Li Hung Chang had managed the business with the Northern Telegraph Company, and would see to it in some way that a door was left open for an American cable to enter China. As the language used about "an arrangement" has been so vague, it is quite possible that a successor of Li Hung Chang might not consider himself so bound by these indefinite promises as to overcome any special difficulties in order to accommodate us.

On a visit to the Tsung-li Yamên on the 16th, I asked whether the "arrangement," which was to be made for the American cable, contemplated the payment of money to the Northern Telegraph Company. The ministers (their excellencies Mao, Wang, Ch'ung Li, and Hsia being present) very emphatically assured me that it did not. They reiterated the assurance that the viceroy would complete the arrangement whenever the American company should be ready.

I told them that the plan was a less generous one than I had expected from this govermnent, but that without pursuing the discussion of the subject further at present, I should report to my government.

In this interview, as in previous interviews, the ministers sought to convey the impression that the whole of this telegraph business is in the hands of the viceroy, Li Hung Chang. No doubt this is substantially true, and although the present adjustment (if it can be so called) of the question is not what we could wish, it is probable that when an

American company is ready to lay a cable the viceroy will enable the company to land and work the wire without too onerous conditions.

Though the results of my labors on this subject are far from satisfactory, I trust it will prove that my efforts have not been altogether in vain, and that my course will meet the approval of the Department.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 201.]

Prince Kung to Mr. Angell.

PEKING, *August* 7, 1881.

Referring to the proposed telegraph arrangement between the northern superintendent of trade and the Great Northern Telegraph Company, your excellency has had several consultations with us on the subject, and lately you sent us a communication setting forth three points wherein the arrangement was of doubtful expediency for China herself. We sent a copy of your dispatch for Li Chung T'ang's consideration and have received a reply from him in which he says with regard to the three points (of doubtful expediency):

"'1st. * * * In case of war between some western nation and Denmark or China the northern company's lines might be destroyed, and China would lose telegraphic connection with the world.' * * * 'In case of war with any foreign power, the ports of China would be blockaded, and if the cable is cut at sea it will be no great damage to China.'

"'2d. China cuts herself off from constructing land lines to Foochow, Canton, and other points in the south.' * * * 'There is no such language in the second article of the general rules; I fear it must be an error of translation.'

"3d. The agreements made between the Great Northern Telegraph Company and France and Russia, and the general rules to which sanction has been given in this case are in the main very much alike in this case. Moreover the said company have only begged that their request be granted, but no agreement has been made which can be likened" (to a contract), &c.

The viceroy having thus clearly stated his views on the foregoing three points, it would seem that no disadvantage is likely to result to China.

The request made by the Great Northern Telegraph Company has special reference to their cable already landed in China. If your country (*i. e.* any American company) proposes to lay a cable across the Pacific Ocean to China, it will of course not come under these rules. Your dispatch also says the Danish company has never proposed to lay a line between America and China. This is true. A line from America to China would be a different route. The northern and southern cables of the Great Northern Telegraph Company are lines from China to Europe and are different from an American line. If hereafter an American company lays a cable from San Francisco via the the Sandwich Islands to Japan it can, in no way, concern the Great Northern Telegraph Company; but when a cable from Japan to China is contemplated it will be well to communicate in advance with this office that we may write to the viceroy Li who will order the Great Northern Telegraph Company to consult thereon and make a compromise. It never was intended, as your dispatch intimates, to make a compromise, by treating the Danish company generously to the exclusion of an American company.

Peking, August 7, 1881.

[Inclosure 2 in No. 201.]

Mr. Angell to Prince Kung.

AUGUST 10, 1881.

I have the honor to acknowledge the receipt of your imperial highness's communication of the 7th instant, concerning the telgraph question. If I venture to trouble you again on the subject, I beg you will believe that it is only because of the great importance to the United States of a proper settlement of the question.

Permit me then, to make a few further inquiries, as briefly as possible.

1st. Since in the viceroy's reply to me, embodied in your communication, it is stated

that my copy of the second article of the agreement is incorrect, may I ask if you can properly furnish me with a correct copy of the agreement?

2. May I ask whether the agreement has yet received imperial sanction, and so is definitely settled.

3. Am I to understand that an American company, notwithstanding the arrangement of the Chinese Government with the Northern Telegraph Company, is at liberty to lay a line when it chooses, directly from America, or from the Sandwich Islands to China. I understood the ministers of the Tsung-li Yamên, to say so in my last interview with them.

4. I do not understand clearly, what is meant by your statement: "When a cable from Japan to China is contemplated, it will be well to communicate in advance with this office, that we may write to the viceroy Li, who will order the Great Northern Telegraph Company, to consult thereon and make a compromise."

Am I to understand this as an assurance that some arrangement will certainly be made, by which the American company can continue its line from Japan to China? If so, may I ask what is the nature of the arrangement? And if unhappily the viceroy Li should die, is his successor held to the same promise, provided this is a promise.

With sentiments of the most distinguished consideration,

I am, &c.,

JAMES B. ANGELL.

[Inclosure 3, in No. 201.]

Prince Kung to Mr. Angell.

AUGUST 14, 1881.

I have the honor to acknowledge the receipt of your excellency's letter concerning the telegraph question, in which you ask a few farther questions on certain points wherein this business is of the greatest importance to your government.

In answer to your first inquiry, viz, "Since the viceroy replies that my copy of the second article of the agreement is incorrect, may I ask you to furnish me with a copy of the agreement?" We send herewith for your inspection a copy of the second article of the company's petition.

2d. These general rules have been sanctioned by the viceroy Li in compliance with the petition of the Great Northern Telegraph Company.

Your third question is, "I gather from the purport of your communication that an American company, notwithstanding the arrangement of the Chinese Government with the Northern Telegraph Company, will be allowed to lay a cable when it chooses, directly from America, or from the Sandwich Islands to China. I beg you to say clearly if this is your meaning."

In answer we have to say, if hereafter an American company proposes to lay a cable from America to China, as this is a different route (from those of the Great Northern Telegraph Company), a compromise can be made.

Again you ask " * * * if this is an assurance, may I ask what is the nature of the arrangement?" As your country does not propose just now to lay a cable, we have nothing on which to propose a mode of arrangement. But, as we have distinctly stated in our former letter that there is no intention to cause disappointment to an American company, therefore when the time comes a satisfactory arrangement can certainly be reached after consultation.

Finally you ask, "If unhappily the viceroy Li should die, is his successor held to the same promise?" We cannot help saying this is being too particular. In all questions of intercourse between China and foreign countries, it is the propriety or otherwise of a question that is considered, without reference to whether the official who originally deliberated the question be in office or be succeeded by some one else.

We send this special reply with compliments.

No. 174.

Mr. Blaine to Mr. Angell.

No. 122.] DEPARTMENT OF STATE,
Washington, August 26, 1881.

SIR: Your dispatch No. 174, of June 20 last, relative to the exclusive privileges which the Great Northern Telegraph Company are de-

sirous of securing from China, has been received and read with interest and your action respecting the subject, is approved.

In addition to your forcible presenting of the case and the evils not unlikely to result from such a course as the one proposed, you may call the attention of the Chinese authorities to the fact that the granting of monopolies of any kind is not conducive to public interests, and endeavor to dissuade them from giving their assent to any contracts like the one mentioned in your dispatch.

I am, sir, &c.,

JAMES G. BLAINE.

No. 175.

Mr. Angell to Mr. Blaine.

No. 204.] LEGATION OF THE UNITED STATES,
Peking, August 28, 1881. (Received October 24.)

SIR: In my No. 143 I explained why I thought the Chinese Government had a right to enforce a rule, long suspended, requiring junks chartered by foreigners on the Yang-tse River to pay port dues at the native customs.

However, in interviews with the ministers of the foreign office, I suggested the inquiry whether the strict enforcement of the rule might not, by diverting freights to the steamers, work some injury to the local customs and to the boat owners, and asked them to consider whether they could not devise some plan by which the frauds complained of could be prevented and still an opportunity could be afforded for the chartering of junks by foreigners.

Thereupon they consulted the northern and southern superintendents of trade, who have made a report. This report is embodied in a communication which I have received from Prince Kung. It appears that the enforcement of the rule is not complained of by merchants and is increasing the revenue. It is therefore decided to keep it in force.

As further information confirms me in the belief that the chartering of junks by foreigners was largely a dishonest business, intended to defraud the native customs, I am not disposed to complain of the action of the Chinese Government.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in No. 204.]

Prince Kung to Mr. Angell.

PEKING, *August* 13, 1881.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

In the month of May last I received a communication from your excellency concerning the enforcement of a rule requiring junks chartered by foreigners on the Yang-tse River to pay port dues at the native customs.

You said that this rule would work great hardship on the junk owners without increasing the revenue of the native customs. This office submitted the question to the consideration of the northern and southern superintendents of trade, directing them to report thereon. Their report has now been received in the following terms:

"By the regulations of the board of revenue, junks are required to pay dues at every

customs station which they pass. Before China engaged in trade with foreigners, junk dues were levied in accordance with this rule. During these many years the Hankow customs modified the rule and levied junk dues once every four months; this was a temporary measure. Last year the Chinese customs were instructed to enforce the sixth article of the rules for trade on the Yang-tse River. Since the enforcement of the rule there have been no complaints on the part of the merchants, and a decided benefit is resulting to the revenue without working any injury to the junk trade. It is our duty to report a faithful representation of the facts."

This office finds that the above measure is in accordance with one of the rules for trade on the Yang-tse River, and as the report says the revenue will be benefited without injury to trade, it is naturally our duty to instruct the customs stations to enforce the regulation.

As in duty bound, we send this reply to your excellency's dispatch.

No. 176.

Mr. Blaine to Mr. Angell.

No. 123.] DEPARTMENT OF STATE,
Washington, August 30, 1881.

SIR: Your dispatch No. 173, of the 18th of June last, respecting the immunity granted to Protestant Chinese converts, has been received and read with much interest.

The Christian world cannot but be deeply impressed by this action of the Chinese Government, which manifests so liberal and just a disposition toward such of its subjects as are led to adopt the Christian faith.

A copy of your dispatch has been communicated for the information of the American Board of Commissioners for Foreign Missions at Boston.

I am, sir,

JAMES G. BLAINE.

No. 177.

Mr. Angell to Mr. Blaine.

No. 206.] LEGATION OF THE UNITED STATES,
Peking, August 30, 1881. (Received October 24.)

SIR: Some months ago my attention was called to the fact that there was at times a serious obstruction to judicial proceedings in our consular courts in China from a lack of suitable regulations for the service of summons on absent defendants. In some cases defendants have concealed themselves in remote towns in the empire. In many cases they had left the country.

After due consideration of the subject, I decided to issue a decree to remedy the defect in our regulations. Knowing how easy it is to do injustice to absent defendants by inadequate provisions for summoning them, I aimed to take every precaution to secure to them their rights. I trust it will be found that my effort was successful.

The decree has been assented to by all our consular officers, and some of them have written in emphatic terms of the benefits it will secure.

In accordance with section 6 of the act of Congress approved June 22, 1860, I inclose to you a printed copy of the decree, with the opinions of the consular officers, that it may "be laid before Congress for revision."

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 206.]

ADDITIONAL REGULATIONS FOR CONSULAR COURTS OF THE UNITED STATES OF AMERICA IN CHINA.

LEGATION OF THE UNITED STATES,
Peking, May 26, 1881.

In accordance with section 5 of the act of Congress approved June 22, 1860, entitled "An act to carry into effect certain provisions in the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, or for other purposes," I, James B. Angell, envoy extraordinary and minister plenipotentiary of the United States to the Empire of China, do hereby decree the following regulations, which shall have the force of law in the consular courts of China.

JAMES B. ANGELL.

SHANGHAI, *June* 2, 1881.

Assented to.

O. N. DENNY,
Consul-General.

NING-PO, *June* 4, 1881.

Assented to.

EDWARD C. LORD, *Consul.*

CHING-KIANG, *June* 8, 1881.

Assented to.

E. J. SMITHERS, *Consul.*

HANKOW, *June* 11, 1881.

Assented to.

ISAAC F. SHEPARD, *Consul.*

FOOCHOW, *June* 18, 1881.

Assented to.

J. C. A. WINGATE, *Consul.*

AMOY, *June* 23, 1881.

Assented to.

W. ELWELL GOLDSBOROUGH, *Consul.*

SWATOW, *June* 27, 1881.

Assented to.

C. C. WILLIAMS, *Consul.*

CANTON, CHINA.

Assented to.

F. CARROW,
United States Vice-Consul in Charge.

TIENTSIN, *July* 20, 1881.

Assented to.

CHAS. L. FISHER,
United States Vice-Consul in Charge.

NEWCHWANG, *August* 5, 1881.

Assented to.

J. J. FRED'K BANDINEL,
Vice-Consul.

I. In civil proceedings between American citizens in the consular courts in China, the service of summons upon the defendant, if he is found within the Empire of China, shall be personal—that is, the copy of the complaint and summons, duly certified by a marshal of any consular court in China, shall be delivered into the hands of the person to be served. The officer so serving the summons shall certify the same to the consul before whom the suit is brought.

II. When the defendant has removed from or is absent from the empire, or conceals

himself therein to avoid the service of summons, and the fact appears by affidavit to the satisfaction of the consul, and it also appears by such affidavit or by the verified complaint on file that a good cause of action exists against the defendant, or that he is a necessary party to the action, such consul may make an order that the service be made by publication of the summons. Such order shall direct the publication to be made in a newspaper of general circulation (to be named) for such length of time as may be reasonable, in not less than six issues of such paper, if a daily, and in not less than four issues, if a weekly. Such publication shall be made in a newspaper published nearest to the consulate where the suit or proceeding is pending at least five months before the time fixed for the trial by the consul.

In case of publication when the residence of a non-resident or absent defendant is unknown, the consul shall direct a copy of the complaint and summons, duly certified and addressed to the person to be served at his supposed place of residence, to be deposited in the post-office by the marshal of said court.

JAMES B. ANGELL.

LEGATION OF THE UNITED STATES,
Peking, May 26, 1881.

No. 178.

Mr. Hitt to Mr. Angell.

No. 125.] DEPARTMENT OF STATE,
Washington, September 10, 1881.

SIR: Your dispatch No. 182 of July 16 last, reporting your further steps in the matter of the Danish Telegraph Company's monopoly scheme has been received.

Your letter to Prince Kung and your efforts to prevent the grant of the telegraph monopoly of the Chinese coast are approved. Such a monopoly would be prejudicial to our interests and contrary to our idea of the true interests of China.

I am, sir,

ROBERT R. HITT,
Acting Secretary,

No. 179.

Mr. Angell to Mr. Blaine.

No. 212.] LEGATION OF THE UNITED STATES,
Peking, September 14, 1881. (Received November 4.)

SIR: Since I wrote my No. 151, April, 30, on transit passes outwards, the diplomatic body have considered the subject in several conferences, and Mr. von Brandt, the German minister, has most industriously carried on the negotiations with the Tsung-li Yamên. We seemed to be on the very verge of a tolerably satisfactory agreement with the foreign office, when suddenly the Chinese ministers came forward with so important and unacceptable modifications that the diplomatic body at their meeting of July 11 were agreed that it was useless to prolong negotiations on such a basis. As some of the ministers have been absent from the capital during the summer, negotiations have been suspended for some weeks. It seems proper, therefore, that I should report what has been attempted since April. I cannot do this better than by inclosing a memorandum which Mr. von Brandt submitted

July 6, with a draft of provisional rules on transit passes outwards. The foreign representatives were prepared to adopt this with but slight modifications or additions, and it was supposed the Tsung-li Yamên would agree to them. The memorandum gives a brief review of the negotiations from the beginning. I inclose also the provisional rules. I do not deem it necessary to give a detailed account of the discussions in the conferences and of the various steps by which the rules were brought into their form as here given.

Mr. von Brandt's communication (confidential) of July 10 gives so fully the particulars of his interview with the foreign office that I need not dwell upon it. You will observe that the Tsung-li Yamên insisted on two concessions which we could not think of making. 1st. Foreign goods admitted free of duty shipped coastwise should pay coast-trade duty. 2d. Goods manufactured from native produce bought at the port should be subjected to the same restrictions as goods manufactured from produce brought down under transit pass. We believe that there is no ground in the treaties on which either of these claims can rest, and as the Tsung-li Yamên insisted on both of them, the negotiations were necessarily brought to a standstill.

The diplomatic body have recently had further conference on the subject and have decided to renew the effort to gain the assent of the Yamên to the provisional rules.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 212.]

Mr. von Brandt's memorandum.

PEKING, *July* 6, 1881.

Mr. von Brandt has the honor to lay before his colleagues the final result of his negotiations with the Tsung-li Yamên on the subject of the treatment of Chinese produce in the hands of foreigners.

Before proceeding to review the scheme now before his colleagues, Mr. von Brandt begs to draw their attention to the purposes for which the negotiations were begun and to the different stages through which they have passed.

The aim of the foreign representatives in bringing this question to the notice of the Yamên was to do away as much as possible with the complaints raised on the one hand by foreign merchants on account of the failure of the Chinese authorities honestly and completely to carry out the treaty provisions; and, on the other, by the Chinese Government against abuses and frauds, which it pretended to be perpetrated by foreigners under cover of the treaty provisions. This last complaint has been one of long standing on the part of the Chinese Government. Several times in 1872 (on March 23, and again on December 25), and in 1877 (on January 29) proposals to remedy the existing abuses had been laid before the foreign representatives by the Yamên, without, however, bringing about the desired end. Similar attempts had been made with no better success by some of the local Chinese authorities, until at last rules for the issue and use of transit passes outwards were arbitrarily introduced and enforced by the Chinese local authorities at some of the open ports, viz., at Chin-Kian, Pakhoi, and Hoihow, while a similar attempt at Shanghai proved abortive.

Though no objections could be raised against some of the provisions contained in these rules, others were contrary to existing treaty stipulations and oppressive, while the mode of their introduction, without the consent of the treaty powers having been first obtained, gave rise to grave apprehensions.

To do away with these local regulations, and to replace them by a general and uniform rule for all the open ports, was, therefore, the first object to be kept in view, while it seemed not less desirable and necessary to facilitate by the adoption of such uniform rules the *bona fide* introduction of the transit-pass system into those southern provinces, where, to the knowledge of all, it had not yet found any practical application.

It seemed further necessary to make use of the present opportunity to remove some

complaints, repeatedly pressed upon the attention of the foreign representatives by the illegal action of Chinese local authorities, viz:

1. The levy of export duty on (by treaty, duty free) native produce when carried coastwise;

2. The imposition of the payment of inland taxes on native produce bought at the port, when exported; and

3. The imposition of the payment of inland taxes on goods manufactured at the port from native produce bought there, when exported.

It was from these points of view and with these intentions that the first draft of the proposals to be laid before the Yamên by Mr. von Brandt in the name of his colleagues was discussed and adopted by the foreign representatives then resident at Peking.

The draft was handed to the Chinese ministers on May 18, 1880, when they declared that as far as they could see there was nothing in the proposals laid before them to which the Tsung-li Yamên could not assent, but that they would have to take the opinion of the two superintendents of trade on the subject.

It was only on September 27 that the ministers came forward with counter-proposals, the chief features of which were that in Rule I the provision for a joint investigation in cases of fine and confiscation (article 9) was omitted, while Rule II was completely eliminated under pretext that the treaties made no mention of duty free native produce.

In Rule III, with regard to the proposal that goods manufactured at the port from native produce bought there should, on exportation, not be called upon to pay any other duty or tax than the export duty, the Yamên claimed that the native produce, before being submitted to any manufacturing process, ought to undergo inspection by the customs authorities.

Some of the minor changes introduced by the Yamên in their counter-proposals were accepted by the foreign representatives in a conference held among themselves on October 25, while the changes above mentioned in Rules I, II, and III were rejected, and the former tenor either maintained or only altered in so far as to render it more precise.

This new set of proposals was laid before the Yamên on October 29.

On November 19 the ministers returned a verbal answer that they were willing to agree to Rule I, article 9, as well as to the remainder of the rule, but that in view of the strong objections raised by the provincial authorities they could accept neither Rule II nor Rule III. They proposed, therefore, to omit these two sections.

The answer returned to this, first verbally on the same day, and in writing on November 26, was that the aim of the measures proposed being to do away as much as possible with all causes of complaint and irritation, the foreign representatives had to insist upon the acceptance by the Yamên of Rules II and III, without which any arrangement would be incomplete and unacceptable to them.

In their answer of December 5 the ministers of the Yamên, while pointing out the discrepancies existing in the list of duty-free goods as contained in the treaties, objected to the introduction of Rule II into the arrangement on the ground that, as it was intended only to reassert a right granted already by the former treaties, its repetition seemed superfluous. With regard to Rule III the ministers repeated their proposals of an inspection of the native goods bought at the port and intended for manufacturing purposes.

In a note dated January 9, 1881, Mr. von Brandt replied to this, with the concurrence of his colleagues, that the foreign representatives were willing to recognize that the list of duty-free goods inserted in the treaties was not as clear and distinct as might be desired; they, therefore, proposed to the Yamên to accept in lieu of Trade Rule 2 another version of it which would do away with the discrepancies complained of. With regard to Rules II and III, the foreign representatives repeated their former arguments.

The reply of the ministers, dated February 9, 1881, raised some further questions with regard to the list of duty-free goods, while maintaining their former position on the other subjects.

Owing to the absence of the first interpreter of the German legation, it was only on June 2 that Mr. von Brandt had an interview with the Tsung-li Yamên. On this occasion he insisted on the necessity of settling all the pending questions at the same time, and declared that though he was not authorized to speak in the name of his colleagues, he, for himself personally, could not but regard the acceptance by the Yamên of some stipulations similar to those contained in Rules II and III as the *conditio sine qua non* of the conclusion of any arrangement whatever. In the ensuing discussion the ministers of the Yamên abandoned most of their objections formerly raised against Rules II and III, and they promised to give their best attention to the proposals before them.

On June 9 they presented two counter-proposals for Rules II and III, which, while not yet being quite satisfactory in all their details, showed a decided progress compared with the former attitude assumed by the ministers.

At a conference on June 15 the discussion resulted in a new proposal by the Yamên, which, coupled with some verbal declarations by the ministers and the assurance of their readiness to repeat them in writing, seemed to do away with the principal difficulty encountered until then in the course of the negotiations.

At another conference on June 25 new difficulties arose, however, with regard to the treatment of duty-free native produce shipped coast-wise, notwithstanding some further concessions on this point on the part of the foreign negotiator. His excellency Wang, who throughout all the conferences had been the spokesman of his colleagues, stated that the Yamên did neither know nor understand the reason which had prompted his former colleague, Shen, to accept the proposal of a new list of duty-free goods; that the Yamên would prefer by far to leave matters as they were, but that in any case, if the revised list was to be maintained, some changes ought to be introduced with regard to the items, "household and ship stores," by either restricting their exoneration from duty to foreign stores only, or by adding some characters in the Chinese text which would be indicative of small quantities of such stores only being admissible free of duty. Mr. von Brandt, being unable to agree to these proposals, the conference came to an end without an understanding on these points being arrived at.

A further conference on July 1, between Mr. Arendt (the German interpretor) and the Yamên, brought no better results. On the contrary, the opposition of the ministers to Rule II took a still further form, and they asked for the insertion of a clause stating that the goods mentioned as duty free were so only when imported for personal use.

They conceded, however, on this day, another important point, proposed to them for the first time on June 25, viz, that all claims now pending under one of the heads contained in the rules under consideration should be settled in accordance with the principles laid down in them.

On July 3 their excellencies Wang Mao, Ching Lien, Ch'ung Li, and Hsia continuing to offer the same resistance as formerly to the application of the treaty provisions on duty-free goods, as understood by the foreign representatives, Mr. von Brandt declared to them that the acceptance of the principle put forward in Rule II was a *conditio sine qua non* for the continuation of the negotiations, and that unless the ministers were ready to agree to it, he would prefer to break off all further pourparlers on the question now before them. This brought matters to a climax, but it was not without still much further discussion that the ministers agreed to Rule II as it now stands.

With regard to the annexed draft, the result of long and tedious negotiations, Mr. von Brandt has the honor to lay the following remarks before his colleagues:

Rule I, for the issue and surrender of transit passes outwards, may be considered as nearly entirely satisfactory. While doing away with the just complaints of the Yamên, by reasonably limiting the time within which use has to be made of the transit passes and certificates, or within which native produce brought to a port under transit certificate has to be exported, the uniform treatment of this question by the local authorities, which is to be one of the results of the arrangement, will help in bringing about the practical application of the transit-pass system in all the provinces of the empire. At the same time the joint investigation in all cases of confiscation and fine, instituted by Article 9 of this rule, will very materially contribute to render the settlement of claims more easy and rapid, and thereby diminish the chances of foreigners having to suffer from the illegal action of the local authorities.

The only not quite satisfactory point in this part of the arrangement seems to be in Article 5, paragraph 2, where the Yamên will only consent to grant one month's extension of time in case the original six months should prove insufficient for the purposes of exportation. It may, however, be safely assumed that seven months in all will meet the requirements of every case that will present itself. The reason given by the Yamên for their desire to limit thus the powers of the customs authorities is, that the principal rule itself would be nullified if the customs were at liberty to extend *ad libitum* the time originally named for exportation.

Rule II, for the treatment of duty-free native produce, and foreign imports, is in its present form very nearly a reproduction of trade Rule II, of the treaties with an addition referring to the payment of coast-trade duty, by duty-free native produce. The list of duty-free goods has been revised and rectified, where its provisions were in contradiction with the tariffs, and slightly modified in so far as a number of less important articles were, at the desire of the Chinese ministers, made duty free only when of foreign origin.

The clause giving the customs power to act according to their judgment in the case of household-stores and ship-stores when being imported in excessive quantities, does little more than reaffirm the right which they have undoubtedly always possessed to protect the revenue against fraud. The clause may therefore be regarded as superfluous; but as the ministers seem to attach great value to it, it may perhaps be inserted without any apprehension of complications arising through it. From every other point of view, Rule II, as it reads now, is by far preferable to the former trade rule 2, as it finally does away with the objections constantly raised by the Chinese Government, that only

foreign articles ought to be considered duty free, and even those only when imported for personal use.

Rule III, for the exportation of goods bought or manufactured in the port, is on the whole very satisfactory. The changes which were introduced into it in the course of the negotiations can hardly be said to have taken away from its thoroughness; on the contrary, the present text appears to be even more to the point than the former one, as instead of only asserting in general terms certain principles it condemns expressly the use of those illegal exactions by the Chinese local officials, which gave rise to so many complaints. The obligation imposed on the foreign merchant to furnish the customs with a statement that the goods to be exported by him were bought at the port, seems little dangerous, hedged in, as it is by the positive assurances that nothing more shall be asked; while the previous inspection of native produce intended to undergo some manufacturing process ought hardly to give rise to suspicion. This part of the agreement has besides the advantage of giving a legal status to the manufacturing of goods at the port out of native produce brought there under transit pass, which, until now, could be done only with the tacit acquiescence of the customs.

All the rules are to be provisional, and in force only for a few years, after the expiration of which they may continue so, if they give satisfaction, until formally denounced by one of the contracting parties. With regard to the date of their introduction, it seems best to put them in force provisionally, and, pending the approval of the governments of the treaty powers, without any further delay. Not only would the existing abuses thereby be remedied immediately, and a cause of much irritation and complaint be removed, but the time which must necessarily elapse between the date of the provisional putting in force of these measures, and that of the arrival of the approval of the home governments will give an opportunity to judge of the good faith of the Chinese officials and the working of the new rules. It might perhaps even be well to recommend to the home governments to grant their approval of the measures only on the condition of their having worked satisfactorily in the mean time.

[Inclosure 2 in No. 212.]

DRAFT OF PROVISIONAL RULES.

I.

FOR THE ISSUE AND SURRENDER OF TRANSIT PASSES (OUTWARDS).

ARTICLE 1. These rules coming into force on the —— day, —— moon, —— year of Kwang Hsü all outward transit passes issued before this date shall, after the expiration of one year, if the merchant has not (within that time) reported for examination to the customs authorities by whom the passes were issued the native produce stated in the pass as to be bought and the corresponding transit certificate, be forthwith canceled by the superintendent of customs, and the corresponding transit certificates recalled, and all goods which the holders of such canceled passes may attempt to bring down under them will be confiscated.

All outward transit passes issued subsequently to the —— day, —— moon, ——year of Kwang Hsü, and not used within one year from date of issue, will be canceled at the expiration of such year.

ART. 2. Henceforward all outward transit passes* which may not have been availed of for the purchase of produce within one year from the date of issue will be forthwith canceled by the superintendent of customs and the corresponding transit certificates recalled, and all goods which the holders of such canceled passes may attempt to bring down under them will be confiscated.

In any case of loss of a transit pass by theft or otherwise, the merchant to whom it was issued must report the loss at once to the customs of the port, that the pass may be canceled and the corresponding transit certificate recalled. For any unlawful use of such canceled transit pass after the loss has been reported the original holder shall not be held responsible.

No further passes will be issued to a merchant whose passes have had to be canceled, their time having expired, or who, in opposition to this rule, does not surrender his passes.

ART. 3. Produce purchased under transit pass must arrive at the barrier nearest the port within six months (one year at Tientsin) from the date of the exchange of the transit pass for a transit certificate. In default of this the goods will be liable to confiscation.

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* Styled in treaties "Memoranda."

Should, however, produce be detained *en route*, either by the action of barrier or other officials, by force majeure, or by unforeseen accidents, such as floods, rebels, or the like, and be unable, in consequence, to arrive within the time allowed, the circumstances of such detention must be reported at once to the authorities on the spot, and to the superintendent of customs at the port, who will grant such an extension of time as the circumstances of the case may require. The goods, meanwhile, will not be liable to confiscation, unless they arrive at the port within the extended time allowed.

ART. 4. On the arrival of the produce at the barrier nearest the port, or, where there is no further barrier, on the shortest and most direct line between the one at which the transit certificate was issued and the port at the custom-house, an application giving the full particulars of the packages, and their contents, must be sent in to the commissioner of customs, who will issue a permit to allow the goods declared to pass the last barrier. The produce, on arriving at the port, must be brought direct to the customs jetty for examination and payment of transit dues, which being done, the goods may be stored in the merchant's go-down. Any merchant failing to comply with this rule the goods will be liable to confiscation.

In case of alleged damage and deterioration of the goods *en route* the customs, on the application of the merchant, will inspect the goods, and if the damage, &c., be proved, grant a proportionate diminution of the transit dues.

ART. 5. Produce brought from the interior under transit pass must be exported to a foreign port or to another treaty port for reshipment to a foreign port within six months from the date of its arrival at the port. If the produce be not exported within the said period, the merchant shall pay to the customs a sum equal to two and a half times the export duty and be released from the obligation to export.

The customs authorities shall be at liberty to grant an extension of the time for reshipment of one month in every case where it is proved to their satisfaction that shipment within the prescribed time will be impossible.

When the produce is shipped to another treaty port for subsequent reshipment to a foreign country the merchant must produce a certificate from the customs of the other port to the effect that the goods have been shipped to a foreign country within twelve months of their arrival in that port; or, in default in addition to forfeiting the half duty deposited, he should pay to the customs a sum equal to an additional export duty (so that the whole payment made will be equal to two and a half times the export duty) and be released from the obligation to export.

ART. 6. A merchant desirous to repack prior to shipment the native produce which he has brought down under transit pass, must first make application to the customs, who having verified the goods will issue a "permit to repack," and will depute an officer to repair to the go down and superintend the repacking.

Any unauthorized repacking of goods or willful alteration of their condition by the substitution or addition of other goods will render them liable to confiscation.

ART. 7. In cases of alleged damage and deterioration in intrinsic value, sustained by goods while at the port, the customs, on the application of the merchant, will depute an officer to examine the goods and appraise the actual amount of damage sustained. A deduction in the amount of export duty payable will be made in proportion to the ascertained damage, and should the merchant desire to be released from his obligation to export such damaged goods, his obligation will be canceled on his paying to the customs a sum equal to two and a half times the diminished export duty.

ART. 8. Should a merchant be about to give up his business and leave the port he shall return to his consul for immediate cancellation all transit passes which have been taken out by him and not yet used. Should there be at the time of his closing business any goods which have been bought in the interior under transit pass or passes taken out by him, but which have not yet arrived at the port, or which are awaiting shipment to a foreign country, at this or another treaty port, the persons to whom such goods or the disposition thereof may be transferred will be held responsible for the observance of these rules.

When transferring such goods the merchant shall report the nationality and the name of the merchant to whom the goods are transferred, to the consul, by whom they will be communicated to the superintendent of customs to be placed on record, in order that the merchant may not throw off any responsibility afterwards.

ART. 9. In all cases in which under these rules goods are liable to confiscation and the whole or some part of them is not forthcoming, the person in default is liable for the goods not produced.

ART. 10. In all cases of fine or confiscation arising out of these rules the same procedure will be followed, which is laid down in the rules for joint investigation in cases of confiscation and fine by the customs authorities of the seventh year of Tung Chih (1868).

If a fine awarded remains unpaid no new transit passes will be issued to the merchant who is in default, and all passes already taken out by him may be canceled by the superintendent, and the corresponding transit certificates recalled.

RULE II.

FOR THE TREATMENT OF DUTY-FREE FOREIGN IMPORTS AND NATIVE PRODUCE.

The following goods shall be duty free:

OF FOREIGN MANUFACTURE OR ORIGIN.	OF FOREIGN OR NATIVE MANUFACTURE OR ORIGIN.
Coins.	Gold and silver in bullion.
Confectionery.	Biscuits.
Clothing.	Preserved meats and vegetables.
Candles.	Cheese.
Tobacco.	Soap.
Cigars.	Charcoal.
Butter.	Fire wood.
Flour.	Household stores.
Indian meal.	Ship stores.
Sago.	Personal baggage.
Plated ware.	Cutlery.
Jewelry.	
Perfumery.	
Wine, beer, and spirits.	
Stationery.	
Carpeting.	
Druggeting.	
Glass and crystal ware.	
Medicines, unless specially mentioned in the tariff.	

The above enumerated articles are free from duty. With regard, however, to the two items, "household stores" and "ship stores," if their quantity as to weight or number of packages should be excessive, the customs authorities shall, as heretofore, be at liberty to act after their best judgment according to the merits of each case.

Whenever any native produce declared to be duty free is shipped, it is to be shipped accordingly, exempt from tariff export duty; when relanded it is exempt from tariff import duty, but it has to pay a coast-trade duty, the amount of which is declared to be 2½ per cent. ad valorem.

Duty-free goods of foreign manufacture or origin are exempt from import and coast-trade duty, but if they are transported into the interior, they shall, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of 2½ per cent. ad valorem.

A freight or part freight of duty-free commodities (personal baggage, gold and silver bullion, foreign coins excepted), will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

RULE III.

FOR THE EXPORTATION OF GOODS BOUGHT OR MANUFACTURED IN THE PORT.

ART. I. Native merchandise bought at a port is to pay tariff export duty when shipped, but is not called upon to pay any other duty or tax whatsoever. When native produce is to be exported, with the exception, however, of native produce brought down from the interior of the country under transit pass, that is to say, as regards such native produce as has been purchased at the port, merely a declaration shall be required to the effect that it has really not been brought down under transit pass from the interior. The production of duty and lekin certificates shall not be demanded.

ART. 2. Whenever native produce, no matter whether arrived under transit pass or purchased at the port, is to be manufactured within the port, notice thereof shall previously be given to the custom-house, whereupon the customs authorities will at once dispatch an officer to inspect the produce in question, before the commencement of the manufacturing process. Fees for such proceeding shall not be demanded on the part of the custom-house. The goods so manufactured on being shipped shall have to pay only the tariff export duty applicable to them in their present state, but be exempt from all other taxes (duties and lekin) whatsoever. But if such goods are exported to another treaty port, they shall be dealt with according to regulations in force with regard to native produce.

Clause to be inserted in Rule III, Article 2.

With regard to goods manufactured out of produce brought down under transit pass to the port, an exception shall be made to the terms of shipment, as mentioned in Rule I, Article 5. The merchant who, at the expiration of the period of six months, there stipulated, has not yet shipped his goods, and is unwilling to pay the additional duty which would liberate him from the obligation of exporting them, will, however, have to store them in a go down at his own expense, under the supervision of the customs authorities, whence they will not be allowed to be taken out except for the purpose of exportation, it being forbidden, under penalty of confiscation, to sell them in the port where they have been manufactured. He shall, however, be at liberty to transfer them to another merchant for purposes of exportation, due notice of such transaction being given to the customs through the consular authority of the seller.

All the rules under heads I, II, and III to be provisional and to remain in force for a period of four years; after the expiration of this period they shall also continue in force, unless formally denounced by one of the contracting parties, when they shall cease to be in force six months after the date on which notice was given.

All claims now pending under any one of the heads contained in these rules shall be settled in accordance with the principles laid down in them.

[Inclosure 3 in No. 212.]

Mr. von Brandt to Mr. Angell.

Confidential.] PEKING, *July* 10, 1881.

MY DEAR COLLEAGUE: I regret to have to inform you of the unfavorable turn which my negotiations with the Chinese ministers on the subject of transit passes outwards, &c., have taken at the conference which I had at the Yamên to-day with their excellencies Wang, Ching Lien, Mao, Lin Shu, and Hsia.

The ministers began by stating that further reflection had shown them the necessity of making some changes and additions in the rules now under discussion. Foreign duty-free goods shipped coastwise ought to pay coast-trade duty, and goods manufactured by foreigners from native produce bought at the port or brought down under transit pass ought to be exported within the term of six, resp. seven months mentioned in Rule I, Art. 5. To my objection to the first proposal, that all foreign imports could freely and without payment of coast-trade duty be transported from one open port to another, the ministers replied that trade rule 2 contained nothing on the subject, and that consequently foreign duty-free goods were subject to coast-trade duty exactly in the same manner as duty-free native produce and that, if imports having paid import duty were free from coast-trade duty, they were so on account of their having paid some other duty already.

Not thinking it worth my while seriously to discuss such a proposal I replied that if such were the views of the ministers I was quite willing to agree to a rule by which foreign or native goods having paid import or export duty were freed from coast-trade duty, while duty-free goods of foreign or Chinese origin would have to pay the coast-trade duty equal to 2½ per cent.

This for the moment effectually silenced the ministers on this point.

With regard to the second proposal, referring to the time within which goods manufactured at the port from native produce were to be exported, I informed the ministers that my colleagues and I had also felt the necessity of providing some rule on this subject, and that I was authorized by my colleagues to lay before them the inclosed proposal, which we hoped would meet their views, as, while giving sufficient facility for the exportation of manufactures made at the port, it protected effectually the customs against any attempt at fraud; regulations on this subject restrictive as to the time of exportation could, however, of course, be made only for such goods as had been manufactured at the ports from native produce brought there under transit pass, goods manufactured from produce bought at the port being subject to no such restriction.

This proposal gave rise to a good deal of discussion, the ministers objecting to the exemption from the restrictions of goods manufactured at the ports from produce brought there, and bringing forward several counter proposals, in which both classes of goods were subject to the same restrictions, consisting mostly in a limitation of the time within which they ought to be exported. In the course of this rather desultory conversation I was struck by a casual remark from the minister Hsia to the effect that foreigners could not be allowed to compete with Chinese in the trade in native produce. The remark not having been addressed directly to me, I did not feel called upon to take it up then and there, but it seemed to me to contain the keynote of the Yamên's new objections.

Finally, after more than two hours' discussion, in which no progress had been made, the ministers draughted the inclosed proposal, to which I replied that, while I was willing, though seeing very grave objections against any limitation of the time for exportation, to lay the part of the proposal referring to such a measure before my colleagues, I could not do so with any hope of success with the port applying the same restrictions to goods manufactured from produce bought at the port as to those made from produce brought there under transit pass. The Chinese Government had the right to exercise the strictest supervision over native produce brought from the interior under transit pass, such produce having been exempted from the payment of inland taxes, under the express condition that it was intended for export, this obligation only to be canceled in case of the payment of two and a half times the export duty, which payment was to compensate the Chinese authorities for the loss of the inland taxes. With regard, however, to goods bought at the port, the foreigner was at liberty to deal with them as he liked without any restriction as to time or use; he might export them, sell them to foreigners or natives, manufacture them, forward them for sale to the interior, or destroy them without any hinderance or supervision from the Chinese authorities, provided he paid, on exportation, the tariff export duty due on them in the state in which they were at the time of exportation, or, when transported inland, all native charges and duties.

To this the ministers replied that, by treaty, foreigners had the right to buy produce either in the interior or at the port for exportation only to some foreign country or some other treaty port, and that they were not allowed to put it to any other use nor sell it at the port unless they paid two and a half times the export duty to the government, to make good the loss of the export duty to which the Chinese Government was entitled on all produce bought by a foreigner, either at the port or brought there under transit pass; that Chinese having to pay taxes and duties on all commercial transactions amongst themselves within the ports, foreigners could not be allowed to compete with Chinese under more favorable terms; they would therefore have to pay the same taxes as Chinese if they wished to sell Chinese produce bought by them at the port.

The government, however, were willing to make a concession to foreigners by not insisting upon their treaty right as far as native produce in its natural state was concerned, but they must insist upon goods manufactured out of native produce bought at the port, being not disposed of at the port without having paid two and a half times the export duty.

Another hour having passed in useless attempts to prove to the ministers that the views put forward by them were not only contrary to treaty, but also to all sound principles of commerce, I finally declared that unless the ministers were prepared to accept the treatment of native produce, in its original state or manufactured, when bought at the port, the rules as laid down by me in the course of the conversation, I could but consider any further discussion as useless. The ministers agreed to this, adding that the imposition of the same restrictions on goods manufactured from produce bought at the port, as from produce brought there under transit pass was the last word of the Yamên.

Though I do not believe this to be the case, I cannot but consider any further discussion with the Yamên of the whole question as worse than useless, the general impression I have received from the two last conferences being that while the Yamên will not fail to stretch to the utmost every concession made to it by the foreign representatives, there seems to be very little chance indeed of seeing the foreign complaints done away with by a strict execution of the new rules agreed upon in their favor. The whole spirit in which the whole discussion during the two last conferences has been conducted by the Yamên has been one eminently unfair, distorting the stipulations of the existing treaties so as to make them seem to uphold the most unjustifiable pretensions, and making use of every concession obtained from the foreign representatives in the course of these negotiations to base some new claim upon it. As an instance of this I may state that the first part of Rule III—2. "Whenever native produce, no matter whether arrived under transit pass or purchased at the port, is to be manufactured within the port, notice thereof shall previously be given to the custom-house"—was brought forward by the ministers as a proof that the foreign representatives themselves had recognized that the two kinds of goods ought to be treated alike. It is these proceedings which render any concessions to the Chinese so dangerous. For example, were the foreign representatives to agree to the treatment of goods bought at the port and manufactured there, as proposed by the Yamên, this concession would be claimed in after days, when the arrangement now before us was denounced, as implying the recognition on their part of the claim put forward by the Chinese that foreigners could buy native produce only for purposes of exportation.

I am unwilling to take the responsibility of recommending to my colleagues the acceptance, as a whole or in part, of the arrangement negotiated under their instructions and approval with the Tsung-li Yamên. Nothing, therefore, remains to me but to return to them the powers which they had confided to me, and to express to

them my most sincere thanks for the forbearance which they have shown in the course of these very lengthy negotiations, and the support I have invariably received from them.

I avail myself, &c.,

M. VON BRANDT.

[Annex to Inclosure No. 3.]

Yamên's proposal of July 10, 1881.

Native produce brought down under transit pass to the port, as well as native produce which has been subjected to a manufacturing process, shall, with regard to the term of shipment, be dealt with in the manner set forth in the above stipulations; as, however, native produce bought at the port, when it is subjected to a manufacturing process, cannot be put on the same level with native produce which, without having been subjected to such a process, is directly exported, so that cases may arise in which the term of six months, fixed in Article 5, might not be sufficient, the customs toatai shall, if the circumstances justify it, have the right to extend the term of shipment in such a way, however, that the whole term conceded shall not exceed a period of ——— months. As regards native produce bought at the port and goods manufactured there out of native produce, if at the expiration of the six-monthly term they have not yet been exported, notice thereof shall be given to the customs, who will thereupon inspect them and put them under official lock, from where they shall not be taken out except for the purpose of exportation. A sale of them at the port is not permitted, under the penalty of confiscation. If any one of the above categories of goods are reimported into another treaty port, they shall be dealt with in accordance with the regulations in force for native produce.

No. 179.

Mr. Angell to Mr. Blaine.

No. 214.] LEGATION OF THE UNITED STATES,
Peking, September 17, 1881. (Received November 4.)

SIR: On the 27th of August I received from Mr. Consul Shepard, of Hankow, a dispatch calling my attention to a case of interference at Nan-Ch'ang-fu, the capital of the province of Kiangsi, with the Christian work of a native helper sent to that city by the Rev. Mr. Hart, an American missionary at Kiu Kiang. The dispatch covered correspondence between the consul and Mr. Hart. I do not deem it necessary to send you the correspondence, as the essential facts reported in it are embodied in my dispatch on the subject to Prince Kung, a copy of which is inclosed.

You will observe that the helper leased premises near a gate of the city. He was received kindly by the neighbors but was soon disturbed by a person, who is a sort of head man of a hundred families, and has a certain responsibility for them. This person after trying in vain to persuade him to leave, finally put the furniture of the helper into a boat and sent him with it down the river.

The district magistrate afterwards admitted to the foreign missionary, who went to Nan-Ch'ang-fu to inquire into the case, the right of the helper to hire the premises, but argued that the neighbors and the owners of the house were opposed to his remaining.

There can be no reasonable doubt that the whole proceeding was instigated by petty officials, and the class of gentry who originate all the opposition to missionary work. Nan-Ch'ang-fu has acquired an unenviable notoriety heretofore for its hostility to foreigners, even those

who are not missionaries. One of the British secretaries, sent there some years ago to visit the governor on business, was very rudely treated.

As we have no consul resident in the province of Kiangsi, I thought it wise, rather than to instruct Mr. Consul Shepard to open correspondence with the governor, as I should have done if the trouble had occurred in his province, to confer myself directly with the Yamên.

On the 6th instant I sent Mr. Acting Interpreter Taylor to the foreign office, instructing him to express my regret that there seemed to be of late an increasing tendency to interfere with the peaceable prosecution of missionary work, to recite the facts in the case, to say that I could see no reason why under the treaties our missionaries might not send a native helper to Nan-Ch'ang-fu to hire premises and teach Christianity, that this seemed to be expressly provided for by the twenty-ninth article of the treaty of Tientsin, and to inquire whether the authorities at Nan-Ch'ang-fu could not be notified that such interference as that complained of is improper and should hereafter be prevented.

The ministers talked of the matter in an excellent spirit; said that these little troubles about missionary work could not be altogether prevented, and asked that I would send in an informal letter on the subject. Accordingly on the next day I sent to Prince Kung the letter above referred to and herewith inclosed.

The prince has replied, saying that he will at once write to the authorities at Nan-Ch'ang-fu to learn what they have to say of the facts.

This is one of the cases in which, as I conceive, it is easy for the missionary to suppose that our treaty rights are broader than they really are. I think we may properly claim the right of the foreign missionaries to send a helper anywhere in the empire to teach Christianity, and that the helper may, if necessary for his work, hire premises. But I see no assurance in any treaty that the foreigner may rent or buy buildings in interior cities. The fact that they have so long and in so many places been permitted to do so, doubtless entitles us to remonstrate against any sudden change or perhaps against any change at all in the tolerant policy of the government. But, after all, it must be remembered that we cannot base on the treaties an argument for the right of purchasing or renting property in cities like Nan Ch'ang-fu.

I have written in this sense to Mr. Consul Shepard. I have also informed him of the action of the foreign office.

I have, &c.,

JAMES B. ANGELL.

[Inclosure in 214.]

Mr. Angell to Prince Kung.

PEKING, *September* 7, 1881.

SIR: Yesterday I sent Mr. Acting Interpreter Taylor to the Tsung-li Yamên to confer with the ministers concerning what seems to me an unwarrantable interference with the Christian work of a Chinese teacher employed at Nan Ch'ang-fu in Kiangsi by American missionaries. The ministers desire me to send in a communication.

By the instructions of the missionaries this teacher went to the provincial capital in June last, and rented premises just outside the Teh Sheng Gate and began his work. He was received with entire courtesy and kindness by the neighbors.

The owner of the house with willingness leased it to him, a deed of rental was executed in due form, and one term's rent was paid in advance. While he was thus peaceably at work some persons from the Pao Kia-chü, and afterwards the Pao Kia himself, called to tell him he must not stay. Finding they could not easily frighten him away,

they tried to alarm the owner of the house and succeeded in this, who then asked the teacher to go. On the 6th of July, the Pao Kia-chü hired a boat and ordered his men to take the teacher's furniture from the house, and sent him away to Wu Cheng.

The American missionary, resident at Wu Ch'eng, went to Nan-Ch'ang-fu and saw the Chi-hsien. This magistrate admitted the right to hire the premises, but argued that the people were unwilling the teacher should stay, and finally produced a deed of sale of the premises leased, to show that the relatives of the man who leased the property wished to part with it. The missionary replied, and with justice, that the deed of sale could not affect the deed of rental for the term, which had been paid for, and that the neighbors were not unwilling that the teacher should remain until the Pao Kia and his men stirred them up to opposition. But as the Chi-hsien was unwilling to take any action, the missionary left and reported the fact to our consul at Hankow; we have no consul in Kiangsi.

It seems to me very clear that an injustice has been done. By the twenty-ninth article of the treaty of Tientsin, it is certainly guaranteed that a Chinese convert may peaceably teach the Christian doctrine anywhere in the empire; and as the American missionaries sent this teacher to Nan Ch'ang-fu, they may properly bring this case to the notice of your government.

I respectfully submit it to your consideration whether the authorities at Nan Chang-fu shall not be notified that proceedings like that now complained of shall not be repeated.

JAMES B. ANGELL.

No. 180.

Mr. Angell to Mr. Blaine.

No. 217.] LEGATION OF THE UNITED STATES,
Peking, September 24, 1881. (Received November 19.)

SIR: It will be remembered by the Department that Sir Thomas Wade has been charged by the diplomatic body here with the conduct of the negotiations in their behalf with the Tsung-li Yamên concerning a proposed substitution of an addition to the present import duty in place of the lekin taxes, to which goods carried into the interior are now subjected.

I have the honor to forward to you herewith copies of a communication from the British minister to the Tsung-li Yamên and their reply. I received the papers September 7; since that time no further progress has been made.

You will observe that the British minister, by the instruction of his colleagues, pressed the foreign office with the inquiry how far they were prepared to go, in really securing the emancipation of foreign goods from the lekin burdens, provided an import duty of 10 per cent. was paid in lieu of the 5 per cent. now levied, and informed them that he and his colleagues could not recommend the adoption of this change to their respective governments, unless certain other provisions asked in their collective note of November, 1879, were conceded.

The Tsung-li Yamên express their readiness to abide by the proposition to accept 10 per cent. import duty and abolish the lekin, but owing to the demand for certain other regulations, defer action for the present.

It has been a tedious and difficult task to bring them to accept a proposition for a 10 per cent. duty in lieu of the present duty and lekin. There is every reason why they should prefer some such change as that suggested, because the import duties collected by the so-called foreign customs all go to the imperial treasury, while the lekin taxes go to the provincial officers. But they have feared that the provincial authorities would not endure the change.

The diplomatic representatives are, without exception, I think, of the

opinion that, if certain safeguards can be secured, it is worth the while to try, as an experiment, say for five years, the scheme proposed. But all deem it necessary to have some sort of court of reclamation, in which redress can be gained if lekin is really assessed. Yet, it must be confessed, that it is very doubtful whether, for some time to come, the government can prevent the levying of lekin. The people hate the tax, and would gladly be rid of it. But it is extremely convenient for the local authorities, and the whole weight of the influence of the provincial officials will be thrown in favor of the continuance of it. The temptation for them to collect it in violation of any engagements made by the imperial government will be great—perhaps, in many cases, irresistible. But the lekin assessment now loads foreign goods circulating in the interior with so grevious burdens, and at a certain distance from the ports, in so many cases, becomes prohibitory in effect, that the representatives of the nations which trade with China agree in the belief that some such arrangement as that now under consideration had best be tried for a limited period.

Still, the negotiations have not proceeded far enough to justify any prediction as to the time of their completion.

I have, &c.,

JAMES B. ANGELL.

[Inclosure 1 in No. 217.]

The British minister to the Tsung-li Yamên.

PEKING, *July* 7, 1881.

The undersigned has the honor to request the attention of the ministers of the Tsung-li Yamên to the following observations on the subject of taxation of imports inland.

The disputes arising out of the taxation of imports protested against by foreign representatives, as in contravention of the treaties, had extended over a long period. They may be said to have commenced, indeed, from the day that the treaties of 1858 came into operation. There had been other questions with regard to which foreign representatives conceived themselves equally entitled to complain. In order to the consideration of these they assembled in Peking in the autumn of 1879, and upon the ——— November of that year they communicated the result of their deliberations to the Prince of Kung in a collective note.

The negotiation of the changes desired was intrusted to different ministers. That regarding inland taxation of imports was committed to the undersigned; his brief, so to speak, being a memorandum in twenty articles, in which the difficulties alleged to embarrass both the import and the export trade were set forth. The memorandum had formed an inclosure in the collective note of the representatives.

So far as imports are concerned, the grounds of complaint exposed in this memorandum might be stated generally under two heads:

(1.) The taxation of imports in excess of treaty provisions both at the ports and inland.

(2.) The neutralization of the safeguards plainly provided by the treaties against excessive taxation inland, either by the act or the neglect of the Chinese authorities. By the treaties but two forms of taxation are recognized. The tariff duty imposed at the port of entry, when the imports are landed, and the transit duty, equal to a half tariff duty, the payment of which is optional, but the certificate attesting payment of which is held under some of the treaties to free the imports certificated from all further imports possibly leviable.

But the Chinese authorities, to state the case summarily, have conceived themselves at liberty to impose inland taxation without limit on imports, and the methods of levying this or other taxation when denounced as objectionable by the foreigners, have been defended by the Chinese authorities as in no way opposed to the treatics. In particular has the interpretation of the transit duty clauses proved matter of endless contention.

In a reply to the collective note dated ———, the Tsung-li Yamên informed the foreign representatives who had signed it that there were three courses open to them, the

abandonment of the exterritoriality clauses, in which case natives and foreigners would be treated alike; adherence to the existing treaty provisions, or acceptance of the modifications of treaty stipulations accepted by the late British minister, Sir Rutherford Alcock, in his convention of 1869.

The certainty that it would be in vain to expect acceptance of the first of these propositions by any one of the treaty powers has practically excluded it from consideration, and as regards the second, the undersigned has but expressed the unanimous feeling of his colleagues, when he has declared that nothing would be more satisfactory than adherence to the existing treaties, could but a common understanding be arrived at regarding the meaning of some of their most significant provisions. That such an understanding was clearly impossible, so long as the provisions in question were so differently interpreted by the Government of China and foreign powers.

There remained the convention of 1869 which, though it had been, in some quarters, considered open to objection, was nevertheless admitted to contain much that might be safely accepted. The Tsung-li Yamên manifestly entertained the opinion that this convention must be adopted as a whole or not at all.

It is not necessary here to retrace further the history of the undersigned's conferences with their excellencies the ministers upon the subject. Upon the 29th June, 1880, the undersigned put the following plain questions to their excellencies: Is there no arrangement under which by a single payment of import duty at the port of entry all further charges may be avoided? The object of the undersigned, as he observed, was not more the alleviation of trade from taxation, which the importer regarded as violation of treaty, than the termination of those ever-recurring discussions to which such taxation gives rise.

The answer of their excellencies was in effect that to secure this end, they saw no means but the one, an increase of the import duty.

This involving a reference on the part of the undersigned to his colleagues, and on the part of the Tsung-li Yamên to the provincial governments, a considerable time elapsed before negotiations were resumed. When they were, the position of the question was, in a few words, as follows: It was contended by the Yamên that, from inquiries in the provinces, the lekin now imposed on foreign imports amounted to something like three times the tariff duty. In other words the tariff duty being generally taken to represent some 5 per cent. ad valorem, the lekin and tariff together might be stated at 20 per cent. ad valorem. Their excellencies, after some intermediate propositions, declared themselves ready to advocate a single payment of 11½ per cent. as the equivalent of the present tariff duty plus inland taxation.

The undersigned and his colleagues, being of opinion that if the half tariff duty, now paid only at the option of the importer when he elects to certificate his goods inland, were levied simultaneously with the tariff duty, the Chinese exchequer would receive not only far more than now falls to its share, but to the full as much as it is fair to impose upon imports, were nevertheless prepared to make an effort to meet the Chinese Government. But the rise to 11½ was at once pronounced excessive, and the proposition was rejected accordingly.

The undersigned having vainly suggested 8 per cent., 8½ per cent., or even 9 per cent., as a maximum of increase, was finally given to understand, on the 28th of March last, that their excellencies were prepared to agree to 10 per cent. ad valorem as the amount that should include tariff duty and all other charges.

As their excellencies are aware, the adoption of this or any other change so important depends not only upon the acquiescence of the foreign representatives now in China, but upon the assent of all foreign governments having treaties with China, and as the Chinese secretary and assistant Chinese secretary at the British legation were instructed on the 21st May to intimate to their excellencies, it will be essential that the Tsung-li Yamên should state explicitly to what extent the Chinese Government is prepared to go in the emancipation of the import trade, supposing that foreign governments agree to this last proposition, which is in effect to double the import duty. To state the question in other terms: before they consent to any increase of the taxation to which they believe imports under the present treaties liable, foreign governments will require the most explicit assurance that by such increase imports shall be freed from all other imposts, no matter what their denomination, and no matter in what part of the empire or in whose hands, native or foreign, they may be found.

It may be at the same time considered certain that the increase of the import duty, if sanctioned at all, will not be sanctioned otherwise than as an experiment for a stated term of years. It will be regarded, and had accordingly better be described, as a provisional increase (or an increase upon its trial).

The Chinese Government will be expected to undertake that, if, when the conditions of exemption from further taxation shall have been agreed upon, it can be proved that imports are none the less taxed in excess of the limit agreed to, the excess shall be made good without delay to the party interested; and that to this end some system of joint investigation is to be established.

The Tsung-li Yamên was further reminded on the ——— that there are other provi-

sions claimed for the protection of trade in general in the collective note of November —, 1879, some of which have not been as yet conceded, and the support of the proposition to increase the import duties is not to be counted upon until reasonable satisfaction on these points be secured.

The taxation of opium has of necessity been referred to, both directly and indirectly, in the discussions above referred to, and their excellencies have more than once observed that the trade in opium is exclusively a British question. It has further been urged by their excellencies that its position differs from that of any other item of the import trade within the scope of the collective note, in this, that the undersigned had individually engaged to regulate the taxation of the opium trade.

It is perfectly true that the opium imported into China is almost exclusively the produce of British India. It is also true that the undersigned did independently engage to attempt the regulation of its taxation. But it is none the less true that opium is in the tariff of almost every treaty power, and that, although there is reason to believe that whatever the British Government may eventually agree to regarding opium will not in the end be objected to by any other treaty power, it is perfectly open to any treaty power that may consider its treaty rights insufficiently respected to decline, until they be respected, the adoption of any arrangement affecting opium taxation that may be sanctioned either by Great Britain or any power. As their excellencies are well aware, the undersigned has not used this argument for the purpose of obtaining any advantage for the opium trade, but as one which it behooves the Government of China not to lose sight of when considering the complaints concerning the import trade advanced by the powers in general.

The undersigned has to express his regret that the ministers of the Tsung-li Yamên have had to wait so long for fulfillment of the promise of the undersigned that he would address their excellencies a note in this sense. For the delay which circumstances have made unavoidable, none is responsible but the undersigned.

THOMAS WADE.

[Inclosure 2 in No. 217.]

Ministers of the Tsung-li Yamên to Sir Thomas Wade.

AUGUST 1, 1881.

The ministers are in receipt of a note from the British minister, in which he observes that the negotiation of the changes desired in the matter of inland taxation has been committed to him, and that he was given to understand on the 28th of March last that the ministers were prepared to agree to 10 per cent. ad valorem as the amount that should include both tariff duty and lekin. The adoption of any change so important would, however, depend upon the assent of all foreign governments having treaties with China, and it would be essential that the Tsung-li Yamên should state explicitly to what extent the Chinese Government is prepared to go in the emancipation of the import trade. The change would be tried as an experiment for a stated term of years.

The British minister added that there were other provisions claimed for the protection of trade in the collective note of November, 1879, and that the support of the proposition to increase the import duties is not to be counted upon until satisfaction on these points be secured. Referring to the opium question, the British minister remarked that opium is in the tariff of almost every treaty power, and it is perfectly open to any power to decline the adoption of arrangements affecting opium taxation that may be sanctioned by Great Britain.

The ministers would observe, omitting from present consideration the question of opium, which still remains to be discussed, that foreign goods which have paid import duty at a treaty port are conveyed into the interior under transit certificate, which frees them from all other levies after payment of the transit duty. On the other hand, goods unprovided with transit certificates are liable to duty and lekin at such stations as they may pass. So much is clearly stated in the treaty regulations.

Sir R. Alcock's supplementary convention of 1869 provided that certain commodities of foreign origin, confined to three categories, should circulate freely in treaty port provinces on payment simultaneously of import duty and transit due, but in the case of non-treaty port provinces the commodities having arrived at their place of destination would thenceforth be liable to inland charges in the same manner as native produce.

This arrangement, however, never came into force in consequence of the regrettable refusal of the British Government to ratify the convention. The proposition of the British minister, who is now engaged with the conduct of this question, to obviate inconvenient charges by a single payment once for all, is in fact what Sir R. Alcock intended by the simultaneous payment of import duty and transit due, and the min-

isters of the Yamên proposed at the outset to adopt Sir R. Alcock's project in its integrity. The British minister not agreeing to this, the Yamên were inclined to make some concession, and first proposed a general import duty of 20 per cent. ad valorem, and subsequently of 11½ per cent. to cover all levies *en route* to the place of destination, no matter where. The British minister still held out, until at last the Yamên, in a spirit of accommodation, went so far as to offer a still further reduction to a rate of 10 per cent.

Under the conditions at present existing the import duty of 5 per cent., with the transit duty of 2½ per cent., amounts to a total levy of 7½ per cent. ad valorem on foreign imports. The arrangement proposed would increase the aggregate by no more than the amount of the transit duty, and it would be very unsafe to assume that this addition will compensate the Chinese Government for dues which at present are levied *in transitu*, or after the goods have passed the place of destination. If, however, on the representation of the several ministers the present proposal should obtain the sanction of the treaty powers, regulations for its enforcement as an experiment during a provisional term would of course be negotiated forthwith by the representatives and the Yamên. The institution of such provisional experiment would, for the moment, be premature, in view of the British minister's remark that "there are other provisions claimed for the protection of trade in the collective note of November, 1879, and the support of the proposition is not to be counted on until (reasonable satisfaction on) these points be secured." Nevertheless, now that the general principle (of the proposed change) has been determined, there is no harm in deferring for a time the discussion of its application in detail.

No. 181.

Mr. Angell to Mr. Blaine.

No. 218.] LEGATION OF THE UNITED STATES,
Peking, September 27, 1881. (Received November 19.)

SIR: I send you by this mail two copies of a report of the imperial maritime customs on the consumption of foreign opium in China. The statistics are doubtless gathered with as much care as is possible. The result reached is that 10,000,000 catties (a catty is about 1⅓ pounds avoirdupois) of opium is imported, and that this will suffice for the supply of about 1,000,000 smokers, or say one-third of one per cent. of the population. Assuming that the native product of opium is equal to the foreign importation, the conclusion is given that less than one per cent.—that is, less than 3,000,000—are opium-smokers.

Of course, it is impossible to say with accuracy what is the average consumption of a smoker. The belief is largely entertained that in some way the observations made by the customs officers have failed to indicate the extent of the practice of opium smoking. The North China Herald of Shanghai, which is by no means a severe critic of the use of opium in China, says that the report has erred in not taking account of the fact that practically a large amount of the opium is used twice, the ashes being saved and sold for about half the price of new opium. It remarks:

> We have heard it stated by many sensible Chinese that the number of their male friends who smoke opium, as against those who do not, is about seven to three, a calculation sometimes modified to six to four, and our own experience goes to prove that the calculation is not very far astray.

Personal inquiries which I have made would lead me to think that the proportion of smokers in Peking to the whole male population is less than that reported for Shanghai, but certainly much larger than the estimate of the report.

It is impossible to learn how large is the native production of opium. But in some provinces, especially Szechuen and Yunnan, it is very large.

Since a poppy field is said to yield a crop two or three times as valuable as a wheat crop, and the demand for the product is so great, it can readily be seen that nothing but most severe laws, stringently enforced, can prevent the spread of the cultivation of the plant.

What is the treatment of opium by the government? The importation of the drug they cannot at present prevent. For the most part they content themselves with heavy taxation of it after levying a duty of $40 a chest on importation; while in the hands of natives at the port it is often taxed as high as $100. As it travels into the interior it is taxed at the local barriers indefinitely. Since it is the only article imported for which transit passes, freeing articles from further duties *in transitu*, are not given, it is regarded as lawful prey for tax collectors, official "squeezes," and extortions of all sorts.

There have been cases in which a governor has prohibited the introduction of the drug into his province, but probably such a prohibition was ineffective. When a new magistrate takes office in a city, he often begins in a very virtuous way by issuing a fierce proclamation closing all the opium shops for a while. After a time his moral indignation subsides under the influence of bribes, and gradually the shops open cautiously and remain open till the next magistrate succeeds to the office. One is reminded of the alternations of usage in respect to the enforcement of the Maine law in our cities. But in general, I think it may be said that since many officials are more or less addicted to opium, and find it a convenient source of revenue, the traffic goes on, subject mainly to pecuniary burdens.

Imperial decrees make the use of opium by officials or by soldiers punishable with death, but transgression when punished, as it sometimes is, is visited with a lighter penalty, degradation in the case of officials and dishonorable dismissal in the case of soldiers.

Earnest attempts have been made by the central government and by some of the provincial governors to suppress the cultivation of the poppy. One could quote from the Peking Gazette of the last ten years pages of imperial decrees, commanding the viceroys and governors to punish all who violate the law. The decrees assign as the reasons for prohibiting the growth of the poppy, first, that opium is pernicious, and, secondly, that the cultivation of it leads to a short supply of food. The famine which in 1878 destroyed millions of persons in Shansi and other provinces would have been far less severe, if so many acres had not been given up to the poppy instead of to wheat. Tso-Tsung-Tang, when viceroy, did succeed to a great extent in checking the cultivation of the poppy in Kansuh. Some of the officials say, "Since we must receive the drug from abroad, why should our people not have the profit of raising it?" This is certainly as good reasoning as that of the Christian statesmen and merchants of the West, who say, "Since the Chinese themselves raise opium, why may we not have the profit of selling or of transporting it to them?"

For years many of the leading statesmen and best men in China have been watching with the greatest solicitude the increase of the use of the drug. They would gladly check it. The request for the insertion of the anti-opium clause in our recent treaty is one proof of it. But the obstacles to the extirpation of the use of opium are so formidable that it is not surprising that some should deem it impossible. It is thought by some that certain Chinese statesmen who have been most vigorous in their opposition to opium are disposed to tax it very heavily and let it remain in use. The temptation to compromise in the warfare by an arrangement, which easily replenishes the public treasury is great, it

must be confessed. That some men should yield to it need not surprise us. Yet some of the Chinese statesmen believe in the power and the will of the government to check the growth of opium in the country, provided the importation can be arrested. When we consider the docility of the Chinaman, we may believe that if importation should be stopped and a vigorous emperor should undertake the work of stopping the cultivation of the poppy and the use of the drug, very much could be done towards so desirable a result. I think that neither the imperial government nor the provincial governors are now doing as much as they might and ought to do in this direction. Still the Chinese ministers have more than once expressed to me a strong desire to meet the difficulties of the case and overcome them.

In my last visit to the Tsung-li Yamên, Prince Kung said to me that if the importation from India could be stopped, the government could and would suppress the growth of it at home. Surely good men of all lands and the governments of states which call themselves Christian may well strengthen the hands of the Chinese Government in every act which tends to rid China of what all must regard as a great calamity.

It is a cause of just congratulation that the United States have taken the initiative in showing that one nation at least is ready to abstain from bringing to her ports the drug which is destroying the strength and the happiness of so many Chinamen and drawing heavily on the financial resources of the nation which it is cursing.

I have, &c.,

JAMES B. ANGELL.

No. 182.

Mr. Hunter to Mr. Angell.

No. 126.] DEPARTMENT OF STATE,
Washington, October 6, 1881.

SIR: Your dispatch No. 190, of July 28 last, relative to the purchase of land by foreigners at Canton, has been received, and your action, with respect to that subject, is approved.

I am, sir, &c.,

W. HUNTER,
Acting Secretary.

No. 183.

Mr. Blaine to Mr. Angell.

No. 128.] DEPARTMENT OF STATE,
Washington, October 28, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 204, of August 28 last, reporting the decision of the Chinese Government in the matter of the Yang-tse junk regulations, and to say that, in view of all the facts now before it, the Department is not supposed to question the justice of the conclusion reached by that government.

I am, &c.,

JAMES G. BLAINE.

No. 184.

Mr. Blaine to Mr. Angell.

No. 135.] DEPARTMENT OF STATE,
Washington, November 17, 1881.

SIR: Your dispatches numbered 177 to 216, both inclusive, have been received. Your action, reported in your No. 206, of August 30 last, respecting the service of summons on absent defendants in proceedings before the United States consular courts in China, is approved,

I am, sir, &c.,

JAMES G. BLAINE.

No. 185.

Mr. Blaine to Mr. Holcombe.

No. 137.] DEPARTMENT OF STATE,
Washington, November 23, 1881.

SIR: Mr. Angell's dispatch No. 199, of August 18, last, has been received. It reports an attack upon the American mission at Tsi-nan-fu, and incloses his correspondence relating thereto.

In approving Mr. Angell's action, I am free to say that the protection of American missionaries must be trusted to the minister at Peking, and at this great distance the matter left largely to his discretion.

It seems, however, that the Chinese Government should, in a spirit of impartial justice, at once put a stop to these uncalled-for and unprovoked annoyances, by promptly punishing the offenders, and by affording our citizens every possible protection in the future.

I am, &c.,

JAMES G. BLAINE.

No. 186.

Mr. Blaine to Mr. Holcombe.

No. 142.] DEPARTMENT OF STATE,
Washington, December 10, 1881.

SIR: Adverting to previous correspondence respecting the concession to the Great Northern Telegraph Company by the Government of China, I have now to acknowledge the receipt of Mr. Angell's No. 201, of August 18, last, further relating to the telegraph monopoly scheme.

Mr. Angell's course in the matter is approved, and, in the judgment of the Department, the time has arrived when the Chinese Government should be asked to give more emphatic and distinct definition touching that concession, and to state upon what terms and conditions China will, in future, grant permission to American companies to lay cables. Admitting it to be a hypothetical question, as inferred from Prince Kung's reply to Mr. Angell, which he inclosed, inasmuch as such companies are not yet formed, still the United States is anxious to know whether the proposed contract with the Great Northern Company is in-

tended to be an exclusive monopoly for all times, or, if not, its precise nature.

This government would certainly view, in an unfriendly light, any act of the Chinese Government which precluded our people from an equal participation with the citizens or subjects of any other friendly power, in such enterprises, mutually beneficial to the interests of both countries. We would greatly regret to see China bestow upon any corporation these exclusive privileges. I deem it but just to say that such a policy would not only be in direct opposition to her own interest, but strongly in contrast to that more liberal spirit which should animate and control the Chinese Government in its intercourse with foreigners.

You will present the subject to that government and report the result of your application to the Department, for its information.

I am, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

No. 187.

Chen Lan Pin to Mr. Evarts.

CHINESE LEGATION,

Washington, November 10, 1880. (Received November 12.)

SIR: Referring to an interview which I had with your excellency on the 5th instant and in which the recent disturbances at Denver, Colo., were mentioned, I have now the honor to state that I have just received advices from some of the Chinese residents of Denver, which show that the affair was of a very serious character; that many of the Chinese were imprisoned in jail for their protection; that several were wounded, and one killed. The property destroyed by the mob is estimated to be from $20,000, to $30,000 in value.

As you kindly promised an investigation of the matter, I will ask that the Government of the United States extend its protection to the Chinese in Denver, and see that the guilty persons are arrested and punished, and it would seem to be just that the owners of the property wantonly destroyed shall in some way be compensated for their losses.

The Chinese in Denver went there under treaty stipulations and engaged in labor and trade, but now unfortunately they are subjected to such persecutions that they cannot peacefully labor, and the destruction of their property has interrupted the prosecution of their business. How this unhappy condition of affairs shall be amended, the Chinese be protected and such occurrences prevented in the future, the general government and the local authorities must decide.

Accept, sir, the renewed assurance of my high consideration.

CHEN LAN PIN.

No. 188.

Mr. Evarts to Chen Lan Pin.

DEPARTMENT OF STATE,
Washington, December 30, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 10th of November last, in relation to the recent unfortunate occurrences at Denver, Colo., by which certain Chinese residents of that city suffered very serious injuries in their persons and property, were subjected to wanton and undeserved outrage, and one of their number killed.

These sad consequences resulted from the conduct and action of a lawless mob, who, for a brief period, during the 31st of October, and the night following that day obtained the mastery over the law and the local authorities. The attack of the mob appears to have been, at first, indiscriminately directed against the peaceable and law-abiding of the whole community.

I embrace this oportunity to state for your own information and that of the Chinese Government, which you worthily represent, that the President upon the receipt of the information that in this outbreak of mob violence the Chinese residents of Denver had been made a special object of the hatred and violence of that lawless mob, felt as much indignation and regret as could possibly be felt by yourself or your government, and I need scarcely assure you that, in common with my colleagues in the executive government, I shared fully in this sentiment of the President.

You express, in your note, the desire that this government shall extend protection to the Chinese in Denver, and see that the guilty persons are arrested and punished; and you add that "It would seem to be just that the owners of the property wantonly destroyed shall, in some way, be compensated for their losses."

It affords me pleasure to assure you that not only in Denver, but in every other part of the United States, the protection of this government will always be, as it always has been, freely and fully given to the natives of China resident in the country, in the same manner and to the same extent as it is afforded to our own citizens, As to the arrest and punishment of the guilty persons who composed the mob at Denver, I need only remind you that the powers of direct intervention on the part of this government are limited by the Constitution of the United States. Under the limitatons of that instrument, the Government of the Federal Union cannot interfere in regard to the administration or execution of the municipal laws of a State of the Union, except under circumstances expressly provided for in the Constitution. Such instances are confined to the case of a State whose power is found inadequate to the enforcement of its municipal laws and the maintenance of its sovereign authority; and even then the Federal authority can only be brought into operation in the particular State, in response to a formal request from the proper political authority of the State. It will thus be perceived that so far as the arrest and punishment of the guilty parties may be concerned, it is a matter which, in the present aspect of the case, belongs exclusively to the government and authorities of the State of Colorado. In this connection, it is satisfactory to be able to note, with approval, the conduct of the public authorities of Colorado, and of the people of Denver, on the unfortunate occurrence in question. It was seen then as it always is in such outbreaks that the fury of the brutal and lawless, who compose such mobs, is ultimately turned against

the weak and defenseless, and it is creditable alike to the appreciative sense of public duty of the authorities of Colorado and the humane instincts of the citizens of Denver, that their first care in this emergency (involving as it did for the moment, the lives and property of all alike), was the protection and safety of the Chinese residents, whose presence seemed to serve as a special incitement to the passions of the mob. And this brings me to the suggestion of your note, "That the owners of the property wantonly destroyed shall, in some way, be compensated for their losses."

It seems superfluous to recall to your attention the fact, but too well attested by history, that on occasions, happily infrequent, often without motive in their inception, and always without reason in their working, lawless persons will band together and make up a force in the character of a mob of sufficient power and numerical strength to defy, for the moment, the denunciations of the law and the power of the local authorities. Such incidents are peculiar to no country. Neither the United States nor China are exempt from such disasters. In the case now under consideration it is seen that the local authorities brought into requisition all the means at their command for the suppression of the mob, and that these means proved so effective that within twenty-four hours regular and lawful authority was re-established, the mob completely subdued, and many of the ringleaders arrested.

Under circumstances of this nature when the government has put forth every legitimate effort to suppress a mob that threatens or attacks alike the safety and security of its own citizens and the foreign residents within its borders, I know of no principle of national obligation, and there certainly is none arising from treaty stipulation which renders it incumbent on the Government of the United States to make indemnity to the Chinese residents of Denver, who in common with citizens of the United States, at the time residents in that city, suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado or to the citizens of the United States from other States of the Union resident in Colorado for losses resulting from that occurrence, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of the mob. This is all that the principles of international law and the usages of national comity demand.

This view of the subject supersedes any discussion of the extent or true meaning of the treaty obligations on the part of this government toward Chinese residents, for it proceeds upon the proposition that these residents are to receive the same measure of protection and vindication under judicial and political administration of their rights as our own citizens.

In communicating to you the views of this government in the premises, I have pleasure in adding the assurance that it will upon every occasion, so far as it properly can, give its continued attention to every just and proper solicitude of the Chinese Government in behalf of its subjects established here under the hospitality of our treaties.

Accept, sir, the renewed assurances of my distinguished consideration,

WM. M. EVARTS.

No. 190.

Chen Lan Pin to Mr. Evarts.

CHINESE LEGATION,
Washington, January 21, 1881.

SIR: Referring to the recent riot and attack upon the Chinese residents in Denver, Col., I had the honor to address you a note on the 10th of November last, stating the facts petitioned to me from the Chinese there; and at the same time I had authorized the consul-general at San Francisco to appoint a member to proceed to Denver for making investigations on this subject.

According to the report of Mr. F. A. Bee, Chinese consul, who went personally to Denver and investigated thoroughly the case, I learn that the occurrence of the riot was owing to the incompetency of the authorities, and that it resulted in a homicide and the wholesale robbery of the property of the Chinese. Mr. Bee also procured the statements of the losses sustained by the Chinese, each signed by the individual sufferer; a copy of the verdict of the jury, and the evidence of the witnesses taken before the coroner's jury at the inquest over the dead body of Look-Young, otherwise Sing Le; and the statement of Mr. Pomeroy.

The above-named documents were forwarded to me by the consul-general at San Francisco, and while I was preparing to send you copies of the same, I received your note of the 30th ultimo, which I read and considered carefully. I find some parts of it highly gratifying, and some which I do not quite comprehend. Allow me, sir, therefore to mention to you what these are.

It is stated in your note that "these Chinese residents are to receive the same measure of protection and vindication under judicial and political administration of their rights as our own citizens," and that "our government will, upon every occasion, as far as it properly can, give its continued attention to every just and proper solicitude of the Chinese Government in behalf of its subjects established here," and "not only in Denver, but in every other part of the United States, the protection of this government will always be, as it always has been, freely and fully given to the natives of China resident in the country, in the same manner and to the same extent as it is afforded to our own citizens," and that "the President, upon the receipt of the information that in this outbreak of the mob violence, the Chinese residents of Denver had been made a special object of the hatred and violence of the lawless mob, felt much indignation and regret, and that in common with my colleagues in the executive government, I shared fully in the sentiment of the President."

The above extracts indicate the friendly and kind feeling of your government, and I need not assure you that I feel gratified by their avowal, and that my government on learning of them will share that sentiment with me.

As regards the arrest and punishment of the persons guilty of destroying life and property, it is stated in your note that "the brutal and lawless composed such mob." It is clear that these guilty persons are detested throughout the country, and ought to be punished severely in order to give a warning against similar recurrences. But I regret to learn from your note that the powers of direct intervention on the part of the United States Government are limited by the Constitution.

It appears to me that treaties as well as the Constitution are the supreme law of this land. The Chinese residents who were subjected to the wanton outrage of the mob, came to this country under the right of treaties between China and the general Government of the United States, and not with Colorado or any individual State.

Thus the case under consideration should be a question of intercourse between China and the United States, and different from that to be dealt with under the ordinary internal administration of a State. It was with this view that I had in my last note requested you to cause this case to be examined. But I fail to learn from your note the number of the guilty persons that have been arrested, and how they have been punished or dealt with, and how the general Government of the United States has exercised, or intends to exercise, its power in executing the treaty obligations to protect the Chinese. Indeed I cannot see where these residents should seek for protection.

As regards the indemnity of losses of property, I noted from your dispatch that:

> Such incidents are peculiar to no country, and as the local authorities brought into requisition all the means at their command for the suppression of the mob, you know of no principle which renders it incumbent on the Government of the United States to make indemnity to the Chinese residents.

It is therefore manifest, whether the indemnity shall be made or not, depends upon whether the local authorities had brought into requisition all the means for the suppression of the mob. According to the report of investigation, I learn that the Chinese residents of Denver have been made a special object of the hatred, violence, and bitter persecution of the lawless mob, which is quite different from the sudden attack of a band of depredators directed against the whole community of the place, involving (as you have intimated) for the moment the lives and property of all alike; and that the local authorities knew well at the beginning of the outbreak that this mob was directed solely against the Chinese; but instead of meeting the mob with a proper force, they ordered the firemen to throw water on them, and took no measures to cause the immediate arrests of the rioters then and there; and during the prevalence of the riot they put the Chinese in jail, and most of them, as it is asserted, remained there three days for safety, and no guard was placed over their property or places of business; thus the mob had free access to rob at their leisure. These are real facts, known to all. I beg to call your attention to the following verdict of the coroner's jury:

> The evidence shows that the said mob could have been suppressed by the regular force had they fearlessly arrested the ringleaders; but which, owing to the disorganized condition of the police force of the city and the incompetency and inefficiency of its government by the proper authority and the failure of the county authorities to render the necessary aid and assistance required in such emergencies, the mob assumed such proportions as culminated in the destruction of human life and the disgrace of the city in not affording protection to life and property.

This verdict shows clearly that the local authorities had not brought into requisition all the means for the suppression of the mob. The treaty between China and the United States says:

> ARTICLE I. There shall be, as there has always been, peace and friendship between the United States of America and the Taching Empire and their people respectively. They shall not insult or oppress each other, &c.

The Chinese residents came to this country under the right of the treaty, and were peaceably pursuing their calling. In this present case there was no other cause for the murderous outrage than the hatred of

the mob which brought on them the loss of life and property. The local officials failed to render necessary, timely, and proper protection to the innocent sufferers at the beginning and greater part of the outbreak, nor have they since exerted their utmost in the recovery of the plundered goods and making reparations for their losses. I do not see that this can be considered as full protection according to the treaty stipulations.

I have the honor to send you herewith two copies of Consul Bee's reports and other papers, and requesting you again that you will be so good as to take the matter into your impartial consideration, and that you will deal with this case in a reasonable and satisfactory manner, justifiable to the moral sense, and when you reach a conclusion I hope you will favor me with a reply, that I may report to my government.

Accept, sir, &c.,

CHEN LAN PIN.

[Inclosure 1.]

Report of F. A. Bee, Chinese consul.

HIS IMPERIAL CHINESE MAJESTY'S CONSULATE,
San Francisco, December 8, 1880.

SIR: I have the honor to report to your excellency that in accordance with your instructions given me to "visit the city of Denver, State of Colorado, and investigate the acts of a mob that destroyed the lives and property of Chinese subjects residing there on the 31st day of October, 1880, and communicate the result of such investigation to you."

In conformity therewith, I left this consulate on Tuesday, November 23, arriving at Denver at midnight of the 27th, having been detained *en route* twenty hours by snow storms. Returning, I left Denver December 1, arriving here on the 5th, having been delayed twenty-four hours by extreme cold weather and snow storms.

The city of Denver is distant by rail from San Francisco 1,530 miles; the city proper has a population of nearly 40,000 souls, including about 450 Chinese.

Immediately upon my arrival, I called a meeting of the resident Chinese and made known to them my mission as well as your instructions, requesting that they should promptly furnish me a true and correct statement of their losses by the mob of October 31, 1880. In due time and in compliance with my request I received one hundred and forty-one vouchers of losses in detail, each article lost or destroyed, as well as money, being given, and value carried out. To obviate and condense this large number of claims I caused to be made a balance-sheet of the true total of each claim, requiring each one to make oath to its correctness after signature. I herewith transmit to your excellency these sworn statements, numbered respectively from 1 to 141.

That you may see what the property lost generally consists of, I refer you to claims No. 1 and from 136 to 141; the articles being specified will give you a good idea of all.

To further carry out your requests, I called upon prominent citizens of Denver to obtain information as to the cause that led to this mob violence against the Chinese, its origin, &c.

For a full and correct (as I was informed) history of the outrage, I call your excellency's attention to Document A, consisting of four pages of printed matter, extracts from the press of Denver giving full details published the day following the riot. Also Document B, containing the statement of M. M. Pomeroy, esq., a prominent citizen of Denver, to whose endeavors may be credited what action was taken to quell the riot, however weak and unsuccessful.

To enable you to judge as to the action of the city and county authorities towards the punishment of the leaders in this riotous proceeding, I procured after considerable delay the evidence of several witnesses, taken before the coroner's jury at the inquest over the dead body of Look Young. (See Document C.) Page 1 contains the verdict or findings of the jury. I call your attention therein to the strong language used towards the authorities.

Your attention is respectfully called to my letter to their excellencies, the Chinese ministers, giving the particulars in reference to the deceased Chinaman, place of nativity, age, &c.

I desire to call your attention to the case of Wong Tan Chung, whose claim for losses

is numbered 86. He received most brutal treatment from the mob; a rope was placed about his neck, and he was dragged through the street, at the same time being beaten and bruised in a most cruel manner, and would no doubt have been murdered had not a citizen cut the rope and thus enabled him to escape from his would-be murderers. Many other cruel deeds might be enumerated. I was informed that seven Chinamen were temporarily stopping in Denver over Sunday (the day of the riot), intending to leave on Monday for China; that they came from the Black Hawk mine, where they had been engaged in mining; each one had from $700 to $1,000 in money, all of which was taken from them by the mob, as well as having their personal effects destroyed. These men had left Denver when I arrived, and I could not get such information as would enable me to present to you their loss. I would suggest that efforts be made to find their present place of residence.

I learned from an officer of the city government of Denver that upwards of 400 Chinese were placed in the county prison and kept there for three days as a measure of precaution. In fact during the prevalence of the riot 150 were taken out of their houses by citizens and placed in jail. As no guard was placed over their property or places of business the mob had free access to rob at their leisure.

The utter incompetency of the authorities to put down the mob was evident, and such was the opinion expressed to me by all.

I took occasion to call upon the mayor of Denver (Mr. Sporis), with the view of obtaining further information in this connection. In this I failed, as the whole interview was taken up by the mayor in describing to me how he dispersed the mob by the use of water. To quote his words: "When I found that they were determined to kill as well as rob, I ordered the firemen to throw the water upon them, which made them scatter."

Thus you can judge what protection the Chinese residents of Denver had from its officials when they were being robbed and murdered by a drunken mob.

In this connection I call your attention to the fact that the entire police force of the city consists of only 15 men, with no discipline or organization to cope with an emergency; but the facts show that the mob had no opposition from 2 o'clock until 10 p. m., when their murderous work was complete.

I also called upon his excellency Governor Pitkin, but found him engaged with the State board of canvassers, and therefore failed to see him.

In reference to the cause that brought about this riot, there was but one opinion among all classes of good citizens—that the Chinese residents had given no cause for the outrage, but, on the contrary, were law-abiding and peaceable. My attention was directed to the fact that not one of the 400 resident Chinese had ever been before the courts of Denver for the crime of theft; therefore the only object the mob had was rapine and murder.

I have, &c.,

F. A. BEE,
His Imperial Chinese Majesty's Consul.

His Excellency CHEN SHU TANG,
His Imperial Chinese Majesty's Consul-General, San Francisco, Cal.

[Inclosure 2.]

Mr. Bee to the Chinese ministers.

SIRS: I have the honor to inform your excellencies that I have obtained the following facts in reference to the Chinaman who was so brutally murdered by the mob at the city of Denver, State of Colorado, on the 31st day of October, 1880.

The name of the deceased was Look Young, and employed at the Sing Lee laundry. His native place is in Hock Sun, about 80 miles from the city of Canton, China. His age was twenty-eight years. He leaves a wife, father, and mother in China, who were wholly dependent upon him for support. Had been a resident of the United States for four years and six months, and had resided in Denver for six months previous to his death.

For your information in relation to his murder please see inclosed statements from the newspapers.

I have, &c.,

F. A. BEE,
His Imperial Chinese Majesty's Consul.

[Inclosure 3.]

Estimate of losses sustained by Chinese residents during the riot in Denver, October 31, 1880.

No.	Name.	Estimated loss.	No.	Name.	Estimated loss.
1	Quong Wah	$1,780 80	73	Lin Kong	$259 50
2	Wah Hing	713 45	74	Sing Lee	100 50
3	Chu Mung Lang	264 45	75	Quon Sam Kee	188 50
4	Ah Ou	164 00	76	Len Chee	300 75
5	Wah Kee	575 87	77	Ah Ming	848 50
6	Quong Fing	108 50	78	Yan Kim	289 85
7	Hop Kee	53 75	79	Ah Gau, Ah Fee's wife	2,260 50
8	Hop Lee	88 85	80	Ah Yot	150 00
9	Gee Wa	68 00	81	Yee Ah Hop	544 50
10	Ling Sing (wife)	260 50	82	Chin Miai Nam	569 50
11	Yee Ah Foe	367 50	83	Chin Wah Him	361 50
12	Ah John's wife	264 00	84	Hop Lee	196 00
13	Hong Wau	515 00	85	Chin Lum Hing	149 00
14	Yee Yot	139 50	86	Wung Yau Chung	615 50
15	Ah Yung	77 75	87	Wau Yee Sen	447 25
16	Sam Sing	335 85	88	Sam Kee	375 00
17	Hum Bark	416 50	89	Dou Dock	469 50
18	Sing Kee	263 65	90	Yee Foy	293 50
19	Wah Lee	750 00	91	Lee Hong	1,646 00
20	Ah Quong	240 50	92	Sam Wah	71 00
21	Co Wah	127 50	93	Say Kim	647 75
22	Sam Kee	165 00	94	Wee Chung	216 30
23	Cheng Yung	279 25	95	Ah Oy's	99 50
24	Loo Hing	159 75	96	Ah Moon	204 00
25	Lee Doe	94 00	97	Yok Hi On	358 75
26	See Lee	73 20	98	Yee Chaw	350 00
27	Ah Gee	280 75	99	Un Sing Lee	140 50
28	Lun Shing	96 25	100	Sung Lung	305 50
29	Gim Som Sin	306 50	101	Yee Sick Youn	471 50
30	See Chung	100 35	102	Ah Fee & wife	948 75
31	Yee Shee Chung	647 75			537 50
32	Ah Wie	557 00	103	Ping Hing	368 00
33	Don Jah	192 00	104	Ah Yee	68 00
34	Sam Lee	85 75	105	Yee Ah Quon	228 50
35	Sing Lee's partner	91 00	106	Yee Gee Wah	697 00
36	Yee Ah Chung	290 50	107	Ah Gah	28 00
37	Ying Wah	253 60	108	Yee Kee	186 50
38	Sing Lee's partner	50 00	109	Yee Qua Wah	1,159 00
39	Sam Long	46 25	110	Ah Song	181 50
40	Yee Chune	271 00	111	Loui Hop Shoung	84 75
41	Ah Yong	42 50	112	Nu Hlueien	474 00
42	Yee Lock	1,907 10	113	Leon Fong	1,304 00
43	Un Faun	207 00	114	Len Yuen	592 00
44	Yu Ha (woman)	701 00	115	Choi Wing	190 75
45	Eu Ah Soi	1,020 50	116	Lee Gang	95 60
46	Di Hal (woman)	454 50	117	Woo Ah Jim	330 50
47	Sing Kee	321 25	118	Loo Chung	226 00
48	Yee Gum Yum	470 00	119	Lim Jung	158 00
49	Yee Tung Sing	156 50	120	Yee Young Wah	586 00
50	Yee Ah Joo	492 00	121	Hop Kee	487 75
51	Un Qui	875 00	122	Yee Sin	176 00
52	Lieu Fouk	349 50	123	Wah Lee Yee Che Quong	136 72
53	Hung Wan	261 45	124	Yee Taw	342 35
54	Sing Wah	281 40	125	Ah Joe	711 50
55	Wau Ching	13 00	126	Yee Sing Chung	291 00
56	Chin Kee	947 00	127	Chin Chow	166 00
57	Yau Chung	487 70	128	Ah Lang	532 00
58	Yee Chin Young	235 50	129	Koung Nee	312 75
59	Yee Ah Joe	492 00	130	Ah Bow	267 25
60	Shun Baun	731 00	131	Sing Lee	454 15
61	Yee Ah Fu	352 50	132	Ah Jim	119 00
62	Ham Tip	248 00	133	Yak Man	134 00
63	Sing Long	630 00	134	Soue Quie	584 80
64	Wy Chung	331 75	135	Bang Kee	993 50
65	Sou Sing	416 50	136	Ah You	160 75
66	Sam Leong	221 50	137	Quong Sing	744 50
67	Ah Kee	35 75	138	Ah Fee	282 00
68	Ah Ken	115 50	139	Ah Wie	107 75
69	Choy Yee	160 00	140	Low Get	127 70
70	Ah Show	269 00	141	Ed Shun	136 00
71	Sam Sing	46 00			
72	Ah Au's wife	65 50		Total	53,655 69

[Inclosure 4.]

Testimony before the coroner's jury sitting on the body of Sing Lee.

STATE OF COLORADO,
County of Arapaho, ss:

An inquisition held at Denver on November 1, 3, 4, 5, 6, 8, 9, 10, 11, and 15, A. D. 1880, before Thomas Linton, coroner of said county and State aforesaid, on the body of Sing Lee, lying there dead.

The jurors, whose names are hereto subscribed, after having first viewed the body and heard the evidence adduced at the inquest, on their oaths do say:

That the said Sing Lee came to his death at the office of Dr. O. G. Cranston, in the Moffat and Rassler block, in the city of Denver, on the 31st day of October, A. D. 1880, at 8.30 o'clock p. m., from compression of the brain, caused by being beaten and kicked by ——— Corrigan, Ed. Wendell, Fred. Miller, and ——— Krieger, aided and abetted by other parties to the jury at present unknown, at the corner of Arapaho, and Nineteenth, and between Eighteenth and Nineteenth streets, in the city of Denver and county and State aforesaid, about 7 o'clock p. m. of said day.

And we further find that the said mob was but the outgrowth of a drunken attack by two or three white men on some Chinese in the rear of their quarters between Blake and Wazee streets, near Sixteenth, and, which the evidence shows, could have been suppressed by the regular police force had they fearlessly arrested the ringleaders; but which, owing to the disorganized condition of the police force of the city, and the incompetency and inefficiency of its government by the proper authority, and the failure of the county authorities to render the necessary aid and assistance required in such emergencies, the mob assumed such proportions as culminated in the destruction of human life and the disgrace of the city in not affording protection to life and property.

Witness the hands of the said jurors, this 15th November, 1880.

GEO. TRITCH.
JOHN T. IRELAND.
G. P. McARTHUR.
J. A. J. BIGLER.
JAMES A. MILLER.
J. C. McKEE.

THOMAS LINTON, *Coroner.*

STEPHEN GILL, being duly sworn, says:

I live at 364 Wellon street, and work for Higgins, the ice man. I was present on Arapaho and Sixteenth street on last Sunday eve, and was there when the mayor arrived. I saw the mob there present, and heard the leader of the mob say to throw the Chinaman in the wagon or they would finish him. He was put in the wagon, and I believe he was then dead. I believe the dead body here is the same Chinaman, by his size and general appearance. At the time I saw him in the wagon he was lying crumped up, and bruised on the head and face. The crowd and the leader directed the driver to take the Chinaman down to headquarters and to the undertakers. Some one suggested that they ought to serve the mayor, when he came, in the same way. After the body was taken away the mob fell back, but I don't know where they went. I next saw a mob at the corner of Fifteenth and Arapaho, and they went over towards the Chinese house back of Parham's drug-store. The man whom I considered as the leader was about 5 feet 10 inches high, and rather heavy set, but, I think, had no whiskers. I met, the next day on Wazee street, a man by the name of James McCann, who said to me that, "We cleaned them out yesterday; we gave them hell; God damn them; they have got to go." I don't know the driver of the wagon. The wagon had an oil-cloth top, but no side curtains. It looked like a market wagon. I think I would know the man who made the remark, "They would finish him if he was not taken away," if I would see him again. He had on a dark old-style cloth coat, the balance of his clothes being dark. I have seen the prisoners in the county jail, and I recognize a man there whom I believe to be the man whom I heard make the remarks I have heretofore spoken of. He gave his name as Ed. Trondell.

N. S. GILL.

NICHOLAS G. KENDALL says:

I live at 507 Stout street, this city. I am working at a shoe-store near the corner of Nineteenth and Larimer. On last Sunday I came down town about 7 o'clock from home and saw the mob come from Blake street to Nineteenth street and up Nineteenth street as far as Lawrence. During the time I was behind the mob until near Nineteenth and Holliday and then I went ahead of the mob to the corner of Nineteenth and Lawrence.

They went straight to Sing Lee's house and commenced breaking in the windows. A portion of the mob went into the house in the rear. They proceeded to break up everything and throw it out. There were about ten went into the house. They caught one Chinaman and brought him out with a rope around his neck, and they were dragging with the rope while he was on his back. The Chinaman got the rope off and run around the building and out across the lot. While he was being dragged I saw one man strike him with a chair or table and take down a lamp from a bracket. I don't believe I would recognize the man. The man who struck the Chinaman had on an old-fashioned stiff square-top hat. His clothing was light colored. After going out back I saw the same Chinaman, I believe, across on the other side of the alley on the steps of a brick house attempting to get up the stairs and struggling to release himself from a white man. There were two white women trying to defend the Chinaman, but the white man got possession of the Chinaman, and the crowd then came up and cried, "Cut.off his cue; cut off his nose," &c. I saw a man open his pocket-knife when a man said, "Cut off his cue."

I then left and did not see what was done to him until ten or fifteen minutes afterwards. I saw them throw him into the wagon at Eighteenth and Arapaho. The crowd following the wagon went down Arapaho toward Fifteenth street. This is all I saw of the affair. I have seen the prisoners at the jail and at the sheriff's office but I don't recognize any of them as having seen them at the mob. During part of the time spoken of there were with me two men by the name of James Smith and ——— Gilmore who live at Nineteenth and Holliday, and I afterwards saw Smith again at Lawrence and Nineteenth street during the riot.

NICHOLAS G. KENDALL.

Dr. C. C. BRADBURY:

I live at 533 Arapaho street in this city; am a physician. About half past seven last Sunday I was attracted by the noise of the mob, and I went out of the house and down to Nineteenth street, and first met the mob, in the rear of Sing Lee's place. I went into the crowd and saw that one man had the Chinaman (deceased) by the cue, and another had a rope around deceased's neck. They were then moving towards the corner of Nineteenth and Arapaho. I made every remonstrance that I could with the mob. I was pushed away repeatedly by them. The mob took deceased to the corner with the avowed purpose of hanging him. When they got there I took hold of the leader and endeavored to persuade them not to hang him; in doing so I was pushed across the ditch. I made my way to deceased and he was pulled out of the ditch by the mob by the rope and by the cue. While being held up by one of the mob his cue was cut off by another. Deceased was at that time nearly insensible, he having been beaten by part of the mob with a large oak stick. At the time his cue was cut off, my wife and Mrs. Cale then stepped between the deceased and the mob. The crowd then fell back except these two leaders. I grappled one of the leaders and released the Chinaman (deceased) and with the help of some parties who appeared on the ground he succeeded in getting across the street when he was again seized by the mob. They then dragged him down Arapaho toward Eighteenth by the rope and the collar or the remainder of his cue. About half way between Eighteenth and Nineteenth on Arapaho, and while near the fence they stopped again and commenced beating and kicking him. I again made my way to him, and while they were beating him I got between one of the leaders and deceased again. One of the leaders (the short one), then told me to get out of the way or he would kill me, and at that time one of the crowd struck me from behind three times on the side of the head with his fist. At that time I was standing between one of the leaders and the deceased and leaning over the deceased when the blood from deceased spurted over my clothing. Deceased was then on his knees held in that position by one of the leaders who was kicking him and the other was pounding him on the head with his fists. I then got deceased released again and he was grasped by some young men whom I had urged to assist and take around the corner, and while I was between the principal leader and deceased, he was thrown into a wagon and taken away down Arapaho street, and I did not see him again.

I have seen the prisoners in the jail, but I cannot positively say that I recognize any of them as members of that mob. One of them answers the description of one of the leaders except in height.

I have seen two prisoners in the sheriff's office and am rather positive they are the two leaders of the mob above spoken to.

C. C. BRADBURY.

LEWIS RICH:

I live at 212 Tenth street, and am a newsboy. I have lived in Denver two years. I saw the mob at the corner of Wazee and Sixteenth streets last Sunday, and on Blake and Seventeenth. While I was there the water was thrown on the mob and they dispersed. I then left and returned about half-past five to Wazee and Sixteenth streets,

and saw that all the Chinese quarters were destroyed, and they were in charge of the police. There were a good many boys and men standing around. After I left there Henry Eichoff and I went up to Nineteenth and Arapaho, where the mob were then collected. The first thing I saw was the mob in charge of a Chinaman near a lamp-post, at corner of Nineteenth and Arapaho. I had first seen them take the Chinaman from the rear of the house to the lamp-post. He had been beaten and was all bloody. One man was holding him by the cue, and I heard him say, "I have got his cue." I saw a man also with a hatchet; he was a short man. The man who cut off the cue was tall and wore a stiff hat, but crushed down at the top. Some of the crowd wanted to release him and the tall man hallooed for a rope to hang him. The short man wanted to kill him. I think I would know the two men if I was to see them. I did not know any of the men in the mob.

I have been over to the sheriff's office and seen the prisoners there and recognize the tall man as the man who cut off the cue and called for the rope to hang him, but I cannot say positively that the small man was the other. The tall one I afterwards saw carrying off clothing from the Chinese house in the rear of the Grand Central Hotel, between 8 and 10 o'clock p. m. This house was destroyed by the same mob that attacked Sing Lee's house at the corner of Nineteenth and Arapaho.

LEWIS RICH.

DR. O. G. CRANSTON:

I live at 545 Curtis, and am a physician. On last Sunday night about half-past eight or nine o'clock, the body of a man was brought in a wagon to the hall in front of my office. I examined him and found him still alive, and he was carried up into my room (No. 13 Moffatt and Kassler block) and laid on a lounge, and I went to work to try and resuscitate him by giving him stimulants. I found a cut on the left side of his head through the scalp clear to the skull. As far as examined I did not consider the skull fractured. By rubbing and counter-irritants we succeeded in raising his pulse and he breathed easier. He had a wound on his forehead, over the right eye, and the right side of his face was swollen considerably. His teeth were mostly all loose, and we took out some which were entirely broken out. He was bruised all over the body as though he had been kicked. His feet and hands and limbs to his body were cold, and he was in a cold sweat when brought there. The indications were that he was hurt internally and probably some rupture of a blood vessel. I think the cause of his death was concussion of the brain. There was no fracture of the skull, but concussion frequently occurs from a jar of the brain, as being struck by a broad instrument, jarring and paralyzing the brain. There were marks on his neck as though caused by strangulation, but don't think that the cause of his death. I attended him to near his death in company with Dr. Park and Dr. Coburn. He was in my office about one and a half hours before he died.

O. G. CRANSTON, *M. D.*

HENRY EICHOFF:

I live on Fifteenth, near the bridge; I am fifteen years old; I am a newsboy. Last Sunday I saw the crowd on Fifteenth and Blake about dusk. I afterwards went up to the corner of Nineteenth and Lawrence and saw the mob have a Chinaman at the corner of Nineteenth and Arapaho, and heard them crying to hang him. I had followed the crowd to see what they were going to do, and I heard them say, "Now for Nineteenth and Lawrence." When I got to Nineteenth and Lawrence, I saw that the windows were broken in, and they had run the Chinese out, and the crowd had the deceased at the corner of Nineteenth and Arapaho at a lamp-post, and were threatening to hang him, and were calling for a rope. They then told him to run for his life, and he started to run, and he was moaning as he ran, and the crowd followed and struck him, and caught him again between Eighteenth and Nineteenth, on Arapaho. They afterwards threw him into a wagon at the corner of Eighteenth and Arapaho. I heard some one say, "Cut off his cue," and I heard the large man say, "I have; I have got it in my pocket." This man had on a stiff hat. I afterwards saw this same man carrying away clothing from the Chinese house in the rear of Grand Central hotel. I had seen this man striking and kicking the deceased at Arapaho and Nineteenth, and between Eighteenth and Nineteenth on Arapaho. He took the clothing down Seventeenth street past the Grand Central Hotel. I have seen two men in the sheriff's office but don't recognize them as having seen them in the mob. I did not see the rope on the Chinaman's neck. From the corner of Arapaho and Nineteenth the Chinaman was released and told to run for his life, and started to run, but was overtaken about halfway to Eighteenth and seized again by the mob and beaten again. He ran and was dragged to Eighteenth, and was there thrown into the wagon, and the wagon started down Arapaho towards the 'bus barn. I saw the same man who seemed to be the leader at Arapaho and Nineteenth down at the Chinese house in the rear of the Grand Central Hotel carrying away clothes under his arm down past the Grand Central. I followed the crowd down to the Grand Central from Arapaho and Nineteenth.

HENRY EICHOFF.

FRISBER HAYDEN:

I live at the corner of Nineteenth and California, and am a barber. Last Sunday about 6 or 7 o'clock p. m., I was passing the corner of Nineteenth and Arapaho on my way home, and saw the mob at that place near the lamp-post in charge of a Chinaman. One of the mob had the Chinaman by the cue and said he would cut his throat, and put his hand in his pocket. Not wanting to see the man's throat cut, I moved away. The man who made the threat had a sandy mustache, and a soft hat, dark coat, rather tall. I don't believe I would recognize him again. I think from his appearance he might have been an Irishman. I saw another man kick the Chinaman while he was down on the ground, and as the Chinaman raised up another man struck him. I then crossed over the street and could not see anything more, but I noticed the Chinaman had wounds on the right side of his head, and the blood was running from the wounds. I noticed an old gentleman with white beard remonstrating with the men who were holding the Chinaman, and one man standing near said to him, to "Stand back," "Go away," and pushed the old man away.

FRISBIE W. HAYDEN.

ALEX'R ELY:

I live at 289 Twentieth street. I am collector for James Duff, and agent for Mr. Horr's property, occupied recently by the deceased on Lawrence and Nineteenth. Last Sunday eve, about 7 o'clock, on the corner of Nineteenth and Larimer, I first saw the mob attempting to destroy a Chinese house. After breaking in that building they went to the corner of Nineteenth, and Lawrence. I was knocked down at the corner of Nineteenth and Larimer by a man while I was trying to protect the property for Mr. Horr. I did not know the man, and he escaped in the crowd. I was told by the crowd that if I attempted to assist the Chinese that they would serve me the same as the Chinese. I think my assailant was an Irishman. I heard some parties then call out to the mob to come on and they would go to the corner of Lawrence and Nineteenth, and clean out that place. When they got there they attacked Sing Lee's place with axes, hatchets, stones, &c., and broke in the windows and doors. I saw two men with hatchets, and one of them took the hatchet from his overcoat pocket.

(2.) One of these men with hatchets I saw seize the Chinaman in the rear of the building, and drag him to the lamp-post at the corner of Arapaho and Nineteenth. I heard him say he was going to take the town in and kill every damned son of a bitch of a Chinaman he could find. I saw the same man cut off the cue of the Chinaman. This man was a dark complexioned man, tall, with dark beard and mustache, and about thirty-five or forty years of age.

(3.) I saw another man assisting in dragging the Chinaman by the arm. He was a short man, sandy complexioned, dark coat, dark brown pants, and black soft hat, short stubby whiskers. I have been over to the sheriff's office, and have seen two prisoners there, and I recognize one of the prisoners there as the tall man I have heretofore spoken of (Corrigan). He was the third man who entered Sing Lee's building and found deceased under the lounge and commenced beating him, and dragged him out and said, "Here is one of them, the son of a bitch; we will kill him." He helped drag him out by the collar, and two others assisted and got him into the back yard, and there they beat him again. They then got the clothes-line, and Corrigan said, "We will hang him to the tree," and the others said to hang him to the lamp-post. They dragged him by the rope which they had put around his neck, across the ditch and street to the lamp-post, and a dark-complexioned man went to the lamp-post to throw the rope over, and a lady present begged them not to hang him. I also asked them not to hang him, and they said they would hang me if I did not keep still. I have been to the county jail, and among the prisoners I recognize a man there as the same man as heretofore marked No. 2. I also saw another man there that I have heretofore spoken of as No. 3 I also saw another man there (Craigen), that I recognize as having seen at the head of the mob on Larimer street. He is a tall young man, no whiskers. He was present aiding the mob and throwing into the house on Larimer street. He gave his name as Gregory (Craiger) at the jail. The crowd at Larimer street then shouted to go to Lawrence street, and hallooed for Hancock. When I left the lamp-post where they were trying to hang Sing Lee, I did not see anything more. I heard the man described as No. 2 tell Sing Lee they were going to kill him.

ALEX. EALY.

FRANK STANTON:

I live at 497 Arapaho street, and am a baker; I saw the mob first at the corner of Nineteenth and Larimer, about 7 o'clock in the evening, on their way to Sing Lee's place. I went home and returned in a short time, and saw the crowd in possession of a Chinaman whom they were dragging toward the lamp-post; I followed the mob, and saw them attack Sing Lee's place. When they got him to the lamp-post, I first noticed two men in particular; one was a tall man with a light mustache, a dark hat,

and dark clothes; the other man was short and heavy set, dark clothing. They had hold of the Chinaman, and were beating and kicking him; the tall man I saw cut off the cue. I then saw them dragging him toward Eighteenth street. These two men and the crowd were shouting to hang him. I saw several ladies there trying to persuade the crowd not to kill him. I have been over to the sheriff's office, and seen the prisoners there, but I do not recognize any of them as having seen them before; I recollect seeing Dr. Bradbury in the crowd trying to persuade the mob to release the Chinaman, and he finally succeeded in getting him away, and into a wagon, and got him away.

FRANK STANTON.

GEO. C. HICKEY:

I live at the Taney House, 341 Holladay street, and am a printer. I saw the mob on Blake street, between Sixteenth and Seventeenth streets, when the water was thrown on them. The mob still remained there, and I came to Hop Lee's at 416½ Blake street, and remained there half an hour. The small boys commenced throwing stones at the windows, and then the men commenced kicking in the doors and windows. I then went to the rear of the house, and Officer Ryan and a citizen were there trying to keep back the crowd. A. Tom then came out and said to get carriages and a policeman, and they would go away with us. The mob then threw stones so fast we had to retreat from the building. Another man and myself then went into the building, and Ryan and a citizen were trying to beat back the mob. I went through the house to the front to admit a policeman, and it being fastened, it had to be broken open to admit them. After the officer came in I went to the sleeping room and found there and urged them to run out. They all did so but Ah Chung, who remained and hid under the table. The mob then broke past the officers at the door and got into the building and found Ah Chung and put a rope around his neck and threw him and dragged him out. I followed him out, and Officer Ryan tried to release Ah Chung, but being unable, some one cut the rope. Ryan and the citizen then ran him across the lot to Seventeenth street and down Holladay until again stopped by the mob. We got him into a doorway, the door being fastened, near Sixteenth.

The sheriff then ordered the mob to disperse, and Ryan, the citizen, and Ah Chung then moved on. I kept behind the party down Sixteenth street and into a place in the rear of the American House. I then went up to my room and changed clothes and returned to the scene, which was then on Wazee street attacking the Chinese houses in that quarter. The mayor and a squad of police then appeared and fired several shots, when the mob fell back. Two specials were left, and the main body of police left. The mob, after completing the destruction after the police left, darted for Eighteenth and Larimer, going up Wazee to Seventeenth, thence to Blake, thence to Nineteenth. On the way to Nineteenth they attacked and demolished two Chinese houses. They then shouted, "For Nineteenth and Lawrence!" I knew they were going to Sing Lee's, and I ran ahead to warn him, and when I got here and called to him he locked the door and would not come out. The mob then came and attacked the place with sticks and stones, and commenced breaking in the windows and doors in the rear. I went around to the front of the house, and while I was there they broke open the building, and one of the mob entered through a window, and I followed him. The crowd by that time had forced the back door and entered. I saw Sing Lee on his knees, and when he saw me he came and dropped down in front of me for protection, and I endeavored to shield him and prevent them from putting the rope around his neck. The crowd then commenced kicking him, and said I was a damned Chinaman, and they would hang me if I did not get away, and attempted to put the rope over my neck.

I noticed one man in the crowd who was very active; tall, light hat, rather poorly dressed, and, I think, an Irishman. I did not notice any other one particularly so that I can describe them. I saw them take Sing Lee out with a rope around his neck, but could not recognize any of the men who had charge of him. They caught Ah Sin and took him out, and I followed and I hallooed to him to run, and he ran and I pulled my revolver and kept the crowd back until Ah Sin was hidden away in a coal-shed, and I afterwards washed him and brought him to headquarters. I saw the mob pounding Sing Lee with cord wood, but I could not get to him on account of the crowd. I have seen the body of Sing Lee at the coroner's, and identified it as Sing Lee's. The crowd called me a damned half Chinaman, and said they would hang me if I did not clear out. They were shouting for Hancock.

GEO. C. HICKEY.

GEORGE MILLIGAN:

I am fourteen years old and live in the alley between Twenty-third and Twenty-fourth and Lawrence and Larimer. About one o'clock I came down Larimer street and I saw a crowd of people running down the alley by the American House. I did not see anything there, but that night about 7 o'clock I saw the mob up on Nineteenth and

Lawrence. I went up to the corner of Nineteenth and Arapaho, and saw the crowd dragging the Chinaman by the cue across the street from the Chinese house at the corner of Nineteenth and Lawrence toward the corner of Nineteenth and Arapaho. They were taking him to hang him to a tree, as the crowd announced. A lady stood by and requested that they release him, and after beating him with clubs and kicking him in the face they released him, and after letting him run a short distance they again caught him and beat him again, and he was again released, and he ran to the corner of Eighteenth and Arapaho and fell. He was there thrown into a wagon that came along and the driver directed to take him to the jail.

I did not see any one in the mob that I knew personally, but I saw one man with long hair and wide-brimmed hat, rather tall, and think I should know him if I should see him again. A man there by the name of Burke whom they called ("Captain") "Colonel" Burke, on horseback, was hallooing to "Hang the Chinese," and I heard him say to the crowd that "He was the first man to go to a Chinese house." He announced that his name was not "Colonel" Burke, that it was "Mr." Burke. He rode a bay or brown horse and very fine appearance. This man Burke was of medium size. When I first saw Burke he was coming up Nineteenth toward Arapaho, and was crying to "Come on, boys," "Hang the Chinese." He was in front of the mob, and when the mob got the Chinaman out, he dismounted and another man held his horse. I next saw Burke with the crowd, on his horse, with the mob going down toward the Clifton House. After the Chinaman was put in the wagon, I saw him in front of the mob at the Arapaho-street school-house. The crowd were continually shouting for "Hancock," and "Down with the Chinese," and I heard Burke shouting to the mob to come on.

GEORGE MILLIGAN.

Mrs. W. M. COLE:

I live at 529 Arapaho street. Last Sunday eve, about half-past seven o'clock in the evening, Dr. and Mrs. Bradbury and myself had started down town, and before we reached the corner of Nineteenth, we saw the mob and were told that they had attacked the house of Sing Lee. They came to the lamp-post with the Chinaman with a rope around his neck shouting to hang him, and just as he got to the ditch he fell, as I believe, of strangulation. Mrs. B. and I went into the crowd to try to get him released, but the crowd were so close that we could do nothing. Some one asked Mrs. B. if she wanted to see him hung, and she said "No, and he shall not be hung here." I noticed one boy, whom I believe I recognize as the boy here shown, who was very active and pointed out a place to hang him, and called on them to come on. I heard them shout to cut off the cue and saw one of the men cut it off. He seemed to be nearly insensible. They then got him up and started him off, and I thought they were going to let him go. One man, a large man with a sandy mustache, said "No, kill him; don't let him go." And the crowd surged forward down Eighteenth street, and caught him again. The mob were beating and kicking him all the time, but there seemed to be two principal men doing most of the beating and kicking. The mob were shouting all the time to kill him, and I heard them repeatedly say they were a democratic crew, and they were continually shouting for Hancock.

MRS. W. M. COLE.

T. J. RYAN:

I live at 372 Delgany street, and am a policeman. Last Sunday I first saw the mob at the corner of Sixteenth and Wazee, and I assisted in getting the mob up Sixteenth and into Blake, where the water was thrown on the mob. Judge Welborn then appeared and requested the mob to disperse if they would, and I suggested to Welborn to go ahead and halloo for Hancock, and I thought the crowd would follow, and he went up Sixteenth, and 200 or 300 followed him when he cheered for Hancock. He told the crowd that "To-morrow is the day to vote for Hancock." The balance of the crowd then attacked Hop Lee's house, on Blake, between Sixteenth and Seventeenth, and destroyed it. There was no policeman that I saw present there but myself, and I tried to persuade the mob to cease their attack, but the mob directed me to get away or I would get hurt. The mob in the meantime got a Chinaman out with a rope around his neck, and I attempted to release him. Another man and I then got to the Chinaman, and he cut the rope, and we got the Chinaman from the crowd and started into the alley, and the crowd then got to us again. We succeeded in getting the Chinaman along into the front of Louis's ten-pin alley, when the door was shut against us. Some one then attempted to quiet the mob by addressing the mob, and attracted the attention of the mob, and I got away with the Chinaman down to Sixteenth and down to the American House, where I got the Chinaman into the rear of the hotel.

The mob then came down and attacked the Chinese houses in the rear of the American Hotel, and I went out into the mob and attempted again to pacify the crowd. Some man then broke in the door of the Chinese store, and the mob attempted to get in. Four shots were then fired, and a white man appeared, holding up his arm bleed-

ing, and cried, "See the white man's blood," and the crowd rushed into the house. They then went through the Chinese house near the corner. The mob then moved around to Wazee, and I remained in charge of the house at the alley. I did not see Captain Burke at all, nor did I see any one whom I recognized, as I was so busy that I could not stop to look at any one in particular. The man who was shot in the arm I think was one of the mob. On Wazee street I tried to disperse the crowd from the sidewalk near John's place. I saw a man by the name of Jim Lewis, and I ordered him away also, and he told me "No; I am a 'special' under Spangler;" and I said, "All right," and I did not see him again until about 5 or 6 o'clock in the back part of the Chinese house at the corner of the alley, between Blake and Wazee, when I ordered a man away from a trunk he was trying to get into. I don't know what he was doing, but he was making himself busy there in some way. He had on a broad-brimmed hat, and wears long hair, black coat, and brown mustache and goatee. I was not up to Nineteenth and Arapaho at any time during the attack there, and did not see anything there.

T. J. RYAN.

AH SING (through Chee Quong, interpreter):

I live at the corner of Nineteenth and Lawrence. I keep a wash-house. I was in the house last Sunday evening when the mob came, and I was lying under the ironing-table. I saw the parties, but could not recognize them as it was dark. I did not see them take out Sing Lee, as the mob put a rope around my neck and dragged me out of the house, but it was so dark I could not see them to identify them. Sing Lee was in the house at the time the mob entered the house. The mob cut off my cue after they got me outside of the house. I could not identify any of the prisoners if I should look at them. They took me out before they seized Sing Lee.

CHEE QUONG.

GEORGE LE CLAIR:

I live at the corner of Thirteenth and Holladay, west Denver, and am a bar-tender. On last Sunday, on Blake between Sixteenth and Seventeenth, on the south side of the street, in the rear of a Chinese house, the same house attacked by the mob, I saw a man by the name of *Kinney* or *McKinney* throwing stones and bricks at the building during the attack on the building. He then advanced on the building and urged the crowd to follow, and was shortly after that arrested by Mr. Hawley and taken away, and is now in jail. Another man, who gave his name as Smith, arrested on last Saturday night by Officer Sherman on Blake street, I saw on the Sunday eve of the riot, while myself, Sherman, Welch, and Clarke were bringing two Chinamen from the Chinese house on Blake street above described to the American House; he made an attempt to rescue the Chinese from us, and said, "I will take the God damned Chinamen from them; I am no 'tenderfoot.'" This was near the American House. I afterwards saw this same man at the head of the mob at the corner of Fourteenth and Lawrence when they were dispersed by the officers, and also saw a man with a yellow hound, named Poole, who was also throwing stones, and saw him kicking at the door and break in the windows of the Chinese house above spoken of. He appeared to be very active, and was in the lead of the mob. I also saw a man by the name of Eisenhart, who was mounted and was leading the mob at the corner of Fourteenth and Lawrence, and when the mob came in sight of the Chinese house at Fourteenth and Lawrence, I heard him say to the mob, pointing to the Chinese house, "There is one of them now." After the mob were fired into and dispersed, this man Eiseahart rode up in front of the Chinese house, and he was asked by a party there what he was doing there, and he said he "was working for the city," and when asked his name he said it was none of their business. He was asked to show his badge or authority, and he said he "did not have any and did not need any." He was arrested and taken off his horse and taken to jail by Officers Sherman and Levy. I did not see any attack made or ordered by any one in charge of the police at any place during the day except at Fourteenth and Lawrence, when the police were ordered to fire on the mob.

GEORGE LE CLAIR.

JOHN ASMUSSÉN:

I live at 404½ Wazee street, and keep the saloon known as "John's Place." I was present at my saloon last Sunday, the last of October, when the riot occurred on Wazee street and Sixteenth, near my place, about 2 o'clock. There was in my place at the commencement of the row, George E. Shalle and two Chinamen playing pool. Shalle works at 406 Arapaho street. They were playing quietly when three or four men came in who were drunk and went up to the table and commenced to disturb the game. One of the Chinamen asked them to quit; the men then commenced abusing the Chinamen, and I remonstrated with them, and they said they were as good as Chinamen, and they came up to the bar and got some beer. While they were drink-

ing I advised the Chinamen to go out of the house to prevent a row, and they went out at the back door. After a few minutes one of the white men went out at the back door and struck one of the Chinamen without any provocation. Another one of the crowd called to one of the same gang inside to "come on Charley, he has got him," and he then picked up a piece of board and struck at the Chinese, which the Chinese defended against as well as they could, and tried to get away. This was the beginning of the riot. I then closed the doors and would not admit any one, and did not see any more of the riot. These men were strangers to me, and I had never seen them before, nor have not since. I saw Jim Lewis in the saloon at the time the row commenced, and he tried to get out of the back way, which I tried to prevent, but he got out by me and immediately he got out I heard the bricks flying. He tried afterwards to get back, but I would not let him in. The man who went out with Lewis I don't know by name.

JOHN ASMUSSÉN.

I certify that the foregoing is a correct and true copy of the evidence, so far as taken by the coroner over the dead body of the Chinaman murdered at Denver, Colo., October 31, 1880.

F. A. BEE,
His Imperial Chinese Majesty's Consul.

I hereby certify that the foregoing evidence is a true and correct copy, so far as taken, of the evidence given before the coroner's jury at the inquisition held of the body of Sing Lee, in the city of Denver on the dates given in the verdict above

WALTER S. SULLIVAN.

[Inclosure No. 5.]

Statement of M. M. Pomeroy.

OCTOBER 31, 1880.

Sunday I was in North Denver dining with friends. The first I heard of the riot was about 5 p. m., when Mr. Nichols who had come over from the city, reported that a mob had gathered in Blake street to kill the Chinese, and had been partially quieted. I hastened to the city, left my wife at our home, and then drove to the stables of Elledge & Co., on Holliday street between Sixteenth and Seventeenth. At this time about 3,000 persons were assembled back of these stables, about the houses occupied by Chinese on Blake street; the houses were entirely surrounded by a surging, infuriated mob of brutal cowards, with clubs, stones, &c. They were breaking in windows and doors, cursing, howling, and yelling "Kill the Chinese! Kill the damned heathens! Burn the buildings! Give them hell! Run them out! Shoot them; hang them!" &c.

I saw doors broken, saw men enter the houses and with impromptu torches look for those who inside were hiding; saw clothes and other articles brought out and thieves run away with them.

I appealed to men standing a little back to rush in and save life and property and prevent the starting a conflagration, but those appealed to stood as benumbed or answered by curses and cries, "The Chinese must go!"

Then I saw two men wounded by bricks thrown towards the house, and was glad that two of the rioters were hit. Just then a Chinaman was found in one of the houses and dragged out to be knocked down, kicked, jumped upon, and beaten with clubs by the rioters, who were filling the air with horrid curses, yells, cheers, and cries. A rope was thrown over the head of the Chinaman and the crowd started with him on the run, to the cries of "Hang him! hang him! hang him!"

I saw one policeman trying to beat the mob back, but could not get to him. I then ran to the executive department on Larimer street and found Governor Pitkin in his office, having just come. I asked him if he could do nothing to save the city from destruction and to the preservation of life. He wanted to know what was going on; he said that he could not move, could not call out the militia till called upon by the civil authorities, but offered to go in person and assist the police, appeal to the mob, or do whatever he could to stop the riot. I asked him to remain where he was till I could find the mayor. He agreed, and directed me where to find the office of the mayor on Lawrence street. As I started to go there Governor Pitkin asked me to ask Mayor Sopris to at once appoint General Cook chief of police. I at once ran to the office of the mayor and found there a number of gentlemen smoking; asked if the mayor was in, and Alderman Austre, I think it was, pointed to a man sitting by a desk and introduced me to him as Mayor Sopris. Hurriedly I reported what was going on, told

of my call upon the governor, and of his request to appoint General Cook, and of his being in his office ready to act officially when called upon. The mayor replied that he had quelled the riot in the afternoon all that he could, but had no force at his command to preserve the peace. I urged him to go in person to the heart of the mob and command it to disperse, and then if it persisted in disregard of law to call upon the State for the use of its militia. After a time he said he would go. He put on his overcoat and hat, took his cane, swore in as special police two men who had come into his office with myself. General Cook came in, and he at once appointed him chief of police and asked him to go with us.

Then we hastened out upon the sidewalk. General Cook ran for his pistols; with the help of W. J. Sprague we formed into line, two by two, quite a squad of citizens, who were willing to go with us to protect the mayor in the discharge of his duty. By this time General Cook, the new chief of police, came up and took the lead, Mayor Sopris and myself arm-in-arm following him with a number of brave men, forming a compact squad. As we marched down Sixteenth street from Lawrence I called on all who would to join us, and many, to their credit be it said, fell in line. We marched down the center of the street, and turned into the one where the mob was breaking in a row of houses, pushing ahead through the swaying mob till we neared the house. General Cook commanded the mob to disperse, and began firing in the air. The crowd broke and ran. The mayor then spoke, counseling regard to law and public decency. We stopped the demolition of property. When something like quiet was restored, the mayor returned to his office, and I ran to inform the governor that I believed the mob was broken, and that General Cook and the special police being sworn in, could preserve the city and hold the people to respect for law without his aid. Then I ran to the office of the mayor. Learning on the way that a mob was gathering near the Lawrence House to attack a Chinese laundry there, I ran to the mayor, and he came out again, went into the crowd, begged of those assembled to disperse. He was greeted by cheers, hoots, oaths, curses, &c., and stood there powerless, unable to be heard or respected. He offered to deliver the city over to the governor, and we hastened over to the governor's office, where, at five minutes before eight, Mayor Sopris formally asked Governor Pitkin to take the responsibility, to call out the troops, and protect the innocent from the guilty. Governor Pitkin at once telegraphed to the sheriff and to the headquarters of certain troops to be in readiness at once. I then hastened to my office and armed, returning to the governor's office for duty. He said all was in readiness, but that Sheriff Spangler thought that his increasing force of specials would be able to disperse the rioters; that if not, he was ready, and that the Governor's Guards and one or two batteries were ready to move. Governor Pitkin hoped the necessity could be averted, but was ready to issue orders if called upon by the sheriff. He asked me to get a horse and ride over the city, assisting the special police, and reporting to him of the condition of the streets.

I went to the stable of Philips & Son, procured a horse, and for two hours, with other special police, mounted or on foot, assisted all I could in the restoration of order, calling upon crowds to disperse, clearing saloons, &c. I found the Governor's Guards, under arms, in an alley, ready to move if called upon. I told crowds in the street that the militia was ordered out, and to hasten home to save bloodshed. Sometimes I was greeted with hoots and curses; at other times was thanked for the information. By eleven o'clock all was comparatively quiet. The specials having dispersed several riotous crowds, I helped to run Chinamen into places of safety, including the office of the mayor. I saw but one dead Chinaman on Lawrence street. I believe that the rioters dispersed when they realized in General Cook and the regulars and extra force under him, and in the governor, they had stern men to deal with. Had there been a prompt meeting of the mob with lead instead of streams of water at two o'clock in the afternoon, the riot would have died a-borning.

No. 191.

Chen Lan Pin to Mr. Evarts.

CHINESE LEGATION,

Washington, February 25, 1881. (Received February 25.)

SIR: I had the honor on the 21st ultimo to send your excellency a communication upon the subject of the riot at Denver, Colo., which resulted in the loss of life and the destruction of property owned by the Chinese residents.

I shall be greatly obliged, Mr. Secretary, if I may soon receive a reply thereto, that I may communicate the same to my government.

Accept, sir, the renewed assurance of my highest consideration.

CHEN LAN PIN.

No. 192.

Mr. Blaine to Chen Lan Pin.

DEPARTMENT OF STATE,
Washington, March 25, 1881.

SIR: Referring to your note of the 10th of November last, and my predecessor's reply thereto of the 30th of December following, on the subject of the riot on the 31st of last October, at Denver, Colo., I have now the honor to acknowledge the receipt by the Department, of your notes of the 21st of January and 25th of February, respectively, in relation to the same matter.

I note with satisfaction the expressions of appreciation of the disposition of this government toward that of China, and the subjects of China resident in the United States, which you so frankly avow. I must express my regret, however, that the views so clearly expressed by my predecessor in regard to the question of liability of this government to make pecuniary indemnity to the Chinese sufferers by the occurrences at Denver, failed to commend themselves to your enlightened judgment. Concurring, as I do, in the conclusions thus reached by Mr. Evarts, and conceiving the principle upon which they rest to be in consonance with public law and the universal practice of nations, I must insist that that principle is the one by which the obligations of this government in regard to the incident in question are to be measured. After recounting the efforts put forth by the local authorities for the suppression of the riots (efforts that happily proved successful with only the loss of one life, although the mob numbered thousands), my predecessor thus states the rule:

> Under circumstances of this nature, when the government has put forth every legitimate effort to suppress a mob that threatens or attacks alike the safety and security of its own citizens and the foreign residents within its borders, I know of no principle of national obligation, and there certainly is none arising from treaty stipulation, which renders it incumbent on the Government of the United States to make indemnity to the Chinese residents of Denver, who, in common with citizens of the United States at that time resident in that city, suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado, or to the citizens of the United States from other States of the Union resident in Colorado, for losses resulting from that occurrance, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of that mob. This is all that the principles of international law and the usages of national comity demand.

You observe with reference to these views, "that it appears to you that treaties, as well as the Constitution, are the supreme law of this land." "The Chinese residents," you add, "who were subjected to the wanton outrage of the mob came to this country under the right of treaties between China and the General Government of the United States," and quoting from the verdict of the coroner's jury at the inquest over the body of the unfortunate Sing Lee, you proceed to say that "this verdict shows clearly that the local authorities had not brought into requisition all the means for the suppression of the mob." Invoking a support of these views the treaty of June, 1858, between the

United States and China, you partially quote the provisions of the first article, the entire text of which is as follows:

> There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

In submitting for your consideration such remarks as these observations in your note seem to demand, I first bring to your notice the provisions of the first paragraphs of Article XI of the same treaty. It says:

> All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals and punish them with the utmost rigor of the law.

You will perceive that neither in this article, nor in any other part of the same treaty is there any provision reciprocal with this with regard to subjects of China resident in the United States, and the reason for this must at once be obvious to your superior intelligence. No treaty stipulations are necessary to enable subjects of China to come to this country, take up their residence here and pursue any lawful business or calling in common with the citizens or subjects of every country in the world, who may choose to make their home in this republic. The subjects of China, in respect to their rights and security of person and property, are placed under the protection of the laws of the United States in manner and measure equal to that extended to native citizens of this country, and that the Chinese residents of Denver at the time of the unfortunate occurrences now in question, were in the enjoyment of this common protection of the law, is shown by the report of the Chinese consul, Mr. Bee, to you, a copy of which accompanies your note. One or two of the local functionaries may, at first, in the presence of an enraged mob numbering over 5,000, have shown some hesitation and timidity. Under the circumstances, it cannot be a matter of surprise that they were seized with such feelings, but as is seen by the report in question, the governor of the State, the mayor of the city, and the sheriff, acting in conjunction in the exercise of their respective powers, succeeded in quelling this formidable riot, which had its incipiency (in a drinking-house where Chinese and others were engaged in gambling on Sunday, contrary to the laws of the State) at two o'clock in the afternoon, within the short space of eight hours, quiet and order having been completely restored by ten o'clock of the same night. A more successful resistance to a mob of such character and numbers cannot be found in the history of any community or country, and that this should have been accomplished without the shedding of blood or a resort to the use of fire-arms is at once creditable to the authorities and to the popular respect for the laws.

And it is pertinent to add here that from Mr. Bee's report, it also appears that amongst a number of the ringleaders who have been arrested, two have been identified as the chief assailants of Sing Lee, and are now held for trial for the murder.

Your observations to the effect that treaties form a part of the su-

preme law of this land equally with the Constitution of the United States, is evidently based on a misconception of the true nature of the Constitution. That instrument, together with all laws which are made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, are the supreme law of the land. Such is the language of the Constitution, but it must be observed that the treaty no less than the statute law, must be made in conformity with the Constitution, and were a provision in either a treaty or a law found to contravene the principles of the Constitution, such provision must give way to the superior force of the Constitution, which is the organic law of the republic, binding alike on the government and the nation. It is under this interpretation of the Constitution that foreigners, no less than citizens, find their best guarantee for that security and protection in their persons and property which it is the aim and desire of the Government of the United States to extend to all alike.

Having thus replied to the several observations and suggestions submitted in your note, I venture to express the hope entertained by this government that the determination thus reached after mature consideration, will be accepted by that of China as the final conclusion of the subject.

Accept, sir, the renewed assurances of my high consideration.

JAMES G. BLAINE.

COLOMBIA.

No. 193.

Mr. Dichman to Mr. Evarts.

No. 226.] LEGATION OF THE UNITED STATES,
Bogotá, November 6, 1880. (Received December 8.)

SIR: It will be interesting and gratifying to you to learn that in the various steps connected with the construction of a proposed interoceanic canal at Panama by a distinguished citizen of the French Republic, the course of the French Government has been marked by a strict adherence to the policy of non-interference in the matter.

I have learned that when Mr. L. N. B. Wyse, came to this capital in order to negotiate the contract for that enterprise with the Colombian Government, the representative of the French Republic received strict instructions on no account to commit his government to the support of the project.

Further, when Mr. de Lesseps, arrived at Panama, the French consul delivered an address of welcome containing some fanciful allusions to France and the interest manifested in his undertaking by the French Government. This action of the consul was disapproved and he was reprimanded.

Since then, in the instructions to the French legation, the positive injunction has been renewed to abstain from giving any countenance to the canal scheme, and to make it understood that the French Government is in no way interested in the same.

As this information coincides with the statements made to you by the French minister at Washington, I have no doubt but that you will be pleased to hear of this exhibition of a frank and loyal spirit on the part of the Government of the French Republic.

I am, &c.,

ERNEST DICHMAN.

No. 194.

Mr. Dichman to Mr. Evarts.

No. 228.] LEGATION OF THE UNITED STATES,
Bogotá, November 12, 1880. (Received December 20.)

SIR: Ever since the provinces of the former unitary Republic of New Granada were changed by legal and revolutionary proceedings into sovereign states, resulting eventually in the federal union of the United States of Colombia, one of the gravest difficulties with which the government of the latter has had to deal has been an inordinate claim for state sovereignty advanced on the part of the constituent states of the Colombian Union, rendering the federal government practically incapable of providing for the interior harmony of the country and impotent for securing its exterior defenses.

Hitherto the Colombian Government has been powerless to protect the government of one of its states from internal violence, a resort to which having been the but too frequent method of bringing about a change in the administration of state governments, thereby preventing system in the administration leading to the defeat of the most salutary measures, and enervating both federal and state governments to such an extent as to produce a condition of anarchy and confusion.

The attention of Colombian statesmen has not been blinded to this evil, and measures have been proposed from time to time for its correction, all of which, however, have not been carried to a satisfactory conclusion, principally on account of having encountered too great a resistance on the part of the different state governments, which apprehended in the proposed measures a diminution of their own power.

With a view of removing one of the causes of the violent political agitations under which this country has suffered so frequently, by strengthening the hands of the general government, the Colombian Congress, at its last session, which has just been brought to a close, passed a law "upon public order," the model for which has been found in the 4th section of article IV of the Constitution of the United States, as you will learn from the inclosed copy and translation of the law, to which I beg leave to invite your attention.

In transmitting to you the above information concerning this important legal measure, it would afford me pleasure if I could also hold out the hope that in its application it will be productive of the beneficial results which in some quarters are confidently anticipated.

My knowledge of the history of the political development of this country, and of the character of its politicians, leads me to entertain the opinion, in which I hope I may prove to be mistaken, that the Colombian law above quoted will be used merely as an instrument for the selfish purposes and personal aggrandizement of the politicians

who, for the time being, may wield the power of the federal government, by giving a pretext of legality to any interference on their part in the affairs of the government of a state which may suit their temporary convenience, and thus, instead of being conducive to greater stability and order in the administration of government, produce, by ill-directed attempts at its enforcement, the very outbreaks of domestic violence and revolutions which, by the enactment of the law "upon public order," it was the intention to restrain.

Irrespective of its constitutionality, which, according to the terms of the Colombian constitution, may at least be said to be doubtful, a question has already arisen as to its construction and enforcement.

One of the states of the Colombian Union having purchased a quantity of arms and ammunition for the use of its army, they were seized at the custom-house at Barranquilla, by order of the federal government, on the ground that the maintenance of an armed force by a state government was contrary to the spirit of the law "upon public order."

For the present the advantage in this question remains with the Colombian executive. But inasmuch as, according to the Colombian constitution, any law of Congress or any act of the Colombian executive which attacks the sovereignty of any one of the states may be declared null and void by a resolution of the legislatures of the majority thereof, and as the legislature of one state, which happens to be in session, has already so expressed itself, it will be found that however much the Colombian senators and representatives may have been in favor of the passage of the law, their respective state legislatures will obstruct its enforcement, and thus another one will be added to the long list of constitutional and legislative acts of this country which incumber the statute-books, but are not productive of any practical results whatever.

I am, &c.,

ERNEST DICHMAN.

[Inclosure in No. 228.—Translation.]

LAW 19 OF 1880. (MAY 8.)

UPON PUBLIC ORDER.

The Congress of the United States of Colombia decrees:

SOLE ARTICLE. The national government secures to each of the states of the union a republican form of government, in the terms established in the federal constitution, and will restrain every attempt at invasion of any one of them, as well as all domestic violence against the government of whatever state, it being always understood that in the latter case the intervention of the national government be requested by the state legislature, or if the recess thereof by the state executive power.

Given at Bogotá on the seventh of May, one thousand eight hundred and eighty.

The President of the Senate of plenipotentiaries:

CÁRLOS ICAZA AROSEMENA.

The President of the Chamber of Representatives:

OCTAVIO SALAZAR.

Let it be published and executed.

The President of the Union:

RAFAEL NUÑEZ.

No. 195.

Mr. Dichman to Mr. Evarts.

No. 232.] LEGATION OF THE UNITED STATES,
Bogotá, December 5, 1880. (Received January 14, 1881.)

SIR: The Colombian minister at Washington has probably informed you before this of a circular note addressed by his government to the governments of the other Spanish-American republics, based upon article III of the projected treaty between Colombia and Chili, reported in my No. 205, of the 7th of September last, and having for its object a meeting of plenipotentiaries of all the Spanish-American states at Panama in September, 1881, for the purpose of executing with each other an international treaty or convention, similar to the one executed between Colombia and Chili, and thus not only establish the principle of international arbitration for the determination of any differences which may arise between any of the co-signatory states, as a part of the public law of this continent, but also provide for the practical application of this principle by constituting the President of the United States the permanent arbitrator under the proposed treaty.

On the same subject I am in receipt of a note from the Colombian secretary of foreign relations, inclosing a copy of the circular note above mentioned, and requesting me to solicit your good offices with governments of the several Spanish-American republics to the end that they may be induced to accept the invitation of the Colombian Government.

Although this action of the administration of President Nuñez in extending the invitation above mentioned may perhaps be premature, in view of the fact that the treaty between Colombia and Chili upon which it is based has not yet been approved and ratified, I nevertheless beg leave to recommend the solicitation expressed in the accompanying note of the Colombian secretary of foreign relations to your favorable consideration; for I am sure that the laudable object of providing for the more harmonious relations between the republican nations of this continent, and the increased moral influence of the Government of the United States is a matter in which you are deeply interested.

The inclosed correspondence does not disclose the fact that a plenipotentiary from the United States is invited to join in the execution of the proposed treaty or convention. This is probably owing to the reason that the position assigned to the Government of the United States by the proposed treaty is to maintain and exercise a friendly and judicial impartiality in the differences which may arise between the powers of Spanish America.

I would, however, respectfully recommend that if this proposed meeting of plenipotentiaries should take place, the Government of the United States be represented upon the occasion, in order to convey to that body the interest felt in the United States in its proceedings, and to manifest the willingness of the President of the United States to accept the trust which by the proposed treaty it is intended to confer upon him, if such should be his pleasure.

I am, &c.,

ERNEST DICHMAN.

[Inclosure 1 in No. 232.—Translation.]

Señor Santamaria to Mr. Dichman.

UNITED STATES OF COLOMBIA, NATIONAL EXECUTIVE POWER,
DEPARTMENT OF FOREIGN RELATIONS,
Cartagena, October 14, 1880.

MR. MINISTER: I have the honor to inclose to your honor the circular which, under date of the 11th instant, I have sent to the republican governments of Spanish America, inviting them to be represented before my government at Panama in the month of September, of the coming year, with the object that all of them may give adhesion to the convention celebrated between Colombia and Chili upon the subject of the preservation of international peace, which I also inclose to your honor.

As the reunion of all the representatives of the republics of this part of the world may, and doubtless will, give an occasion for establishing the principles of international law, which should rule in the future in their relations among each other and with the nations of Europe, and as your honor has demonstrated to me the convenience (apparent from every point of view) of the reunion of a congress for the indicated object, for the cause of democracy and the civilization of these peoples, I beg your honor to have the goodness to interest yourself with the Government of the United States, to the end that it may use its good relations with all the others of America, excepting that of Brazil, to induce them to send their representatives to Panama at the designated time.

The co-operation of the government of your honor will doubtless be of the greatest efficacy in furthering an object so important for all America.

With sentiments of most distinguished consideration, I subscribe myself your honor's attentive and obedient servant,

EUSTACIO SANTAMARIA.

[Inclosure 2 in No. 232.—Translation.]

Circular note of Colombia Government.

UNITED STATES OF COLOMBIA, DEPARTMENT OF FOREIGN RELATIONS,
Carthagena, October 11, 1880.

MR. MINISTER: Adjoined your excellency will find an authentic copy of the convention celebrated in Bogotà on the 3d of last September, between the Governments of Colombia and Chili, by virtue of which the two republics bind themselves to settle in perpetuity whatever differences or controversies may arise between them by means of the civilized and humane method of arbitration, and to obtain by treaty from other sister peoples the celebration of similar mutual conventions, with the object of forever banishing international wars from the American continent.

My government, initiator of this measure, considers it of such importance that it has not wished to lose a single moment in making it known to all the other governments of America, in order that they may, as soon as possible, give adhesion to this idea and adopt as an integral and essential part of American international law the principle incorporated in the said convention.

Peace is an especial necessity for Spanish America, and there is a visible anxiety to secure this inestimable boon, and to preserve it from one extremity to the other of our continent. In effect great efforts are being made everywhere to disseminate public instruction among the masses, and to foment commerce and industry, while at the same time the inveterate elements of discord are being energetically attacked. Order will thus establish itself upon solid bases, as the knowledge and practice of republican institutions extend themselves, all of which will be accomplished when intestine wars shall become rarities.

But international dissensions may supervene, especially those arising from questions of boundaries and a strained punctiliousness.

Nations like ours, owners of immense territories, ought not to ruin or dishonor themselves by bloody and disastrous wars on account of portions of uninhabited, and in many cases uninhabitable, regions, which, for the sake of the civilization and humanity of America, might as well belong to one nationality as to another.

Wars of this class are those to be averted, and this will doubtless be accomplished, if all the nations of the continent adhere to the saving principle included in the transcendant compact celebrated between Colombia and Chili.

The President of the republic desiring to assist all sister governments in the adoption of so humane a measure, has resolved to return to Panama in the early part of Sep-

tember of the coming year, and he has ordered me to request your excellency to cause to be appointed a representative of your republic to proceed to said city with sufficient powers to sign the referred-to convention, not only with my government, but with those of the other American republics that may send representatives.

The city of Panama being in easy communication with the capitals of all the American republics, and as it were the center of this continent, is the most appropriate point to reunite the representatives of them all, and it is for this reason that by order of the executive power I extend to the government of your excellency this invitation, which I hope will not be disregarded, as its object is of such importance to America.

With the well established hope to receive at Bogotá a speedy and satisfactory reply from your excellency, I take the advantage of this opportunity to present to your excellency the sentiments of the highest and most distinguished consideration with which I subscribe myself,

Your excellency's very attentive and obedient servant,

EUSTACIO SANTAMARIA.

His excellency the MINISTER OF FOREIGN RELATIONS OF THE UNITED STATES OF AMERICA,

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No. 196.

Mr. Dichman to Mr. Evarts.

[Extract.]

No. 235.] LEGATION OF THE UNITED STATES,
Bogotá, December 20, 1880. (Received February 21, 1881.)

SIR: The return of President Nuñez from the coast was officially notified to his fellow-citizens by means of a proclamation, a copy and translation of which you will please to find inclosed.

In this proclamation President Nuñez recites the benefits which have been secured for Colombia by him during his absence from the national capital. The settlement of the dispute with Costa Rica, the calling of a meeting of Spanish-American plenipotentiaries at Panama, the obtaining of a loan in the United States and the maintenance of peace are the facts, with an account of which the first half of the document is occupied, while the latter half is devoted to an outline of the future policy of his administration, dwelling with much emphasis upon the necessity for the utmost economy in the expenditure of the public funds. * * *

From the measures which have already been taken in the last four days, it would seem as though the promises of President Nuñez were intended to be complied with. * * * Decrees have already been issued to reduce the army from 5,000 to 3,500 men (it could stand a greater reduction); to declare vacant all paid diplomatic and consular appointments on the first of July next; * * * to provide for the reduction in the cash payment of all salaries and pensions to a minimum, the balance to be paid in depreciated treasury scrip; and to establish a national bank with a capital of $1,000,000, which is to commence operations on the 1st of January next. What part this bank is to perform in the regeneration of the country is as yet shrouded in mystery, for as a question of financial policy the establishment of a national bank is perhaps a mistake.

It is gratifying to be able to report to you, however, that with the return of President Nuñez public confidence has been measurably restored, that the country is at peace, and that the only threatening element for the future is in the selection of the candidate for the next presidential term. Perhaps President Nuñez would like to be his own successor,

but as that is prohibited by the Colombian constitution the influence of the national bank may be fully developed when the reform of that instrument comes up for discussion during the next session of the Colombian Congress.

I am, &c.,

ERNEST DICHMAN.

[Inclosure in No. 235.]

PROCLAMATION.

After an absence of three months, which had for its principal object the prompt recovery of a part of the national territory occupied *de facto* about the middle of last year by authority of the Government of Costa Rica, I find myself again in the capital of the Union, and the executive power, with the direction of which I am charged, resumes its functions, therefore, as in regular and ordinary circumstances.

The Government of Costa Rica in a spirit of fraternity and of justice, certainly very worthy of praise and even of gratitude upon our part, hastened to repair the momentary offense as soon as it was able to comprehend that thus we considered the indiscreet act of its subordinate agents. The temporary and confidential mission, so ably acquitted of its obligation, that was charged with demanding the evacuation of our territory, has been finally replaced by one which should effect, by means of diplomatic discussion, a definite arrangement as to the ordinary question of boundaries, which will be eventually submitted to arbitration in accordance with the resolve of the senate of Colombia in its last session.

Having promoted the celebration of a diplomatic conference for adoption by the natives of Spanish America, of this principle of arbitration for whatever controversy that may arise between them in fulfillment of what is stipulated in a plan of convention between Colombia and Chili, the constitutional sanction of which I expect, anticipating it by putting it into practice with a country inferior in population and wealth to Colombia, will be an eloquent proof of our cordial adhesion to this humanitarian mode of formally resolving difficulties which are the cause of countless misfortunes, when in order to decide them appeal is had to arms.

The warlike preparation which the not-to-be-disregarded care of the exterior security of the republic obliged us to make, having no object now, the army has consequently been ordered reduced to a limit that at this time seems indispensable for the strict maintenance of internal peace, without which all constitutional liberty is endangered, and no improvement, however modest, is practicable.

My accidental residence in the states of the Atlantic afforded me the occasion for intervening with prompt and happy results in the demand for the execution of the revenues of the railroad *de facto* and unadvisedly initiated by our old foreign creditors when there was being negotiated in New York a loan, as an auxiliary urgently necessary for the improvement of our credit and of our finances in general, whose notorious and progressive prostration, the fruit of errors which we should only recall as a lesson, is already seriously threatening the entire mechanism of the public service, and compromising also, in this manner, the preservation of order which cannot be compatible with the paralysis, however partial, of administrative labor.

The loan was finally negotiated, notwithstanding the obstacle presented by said creditors, and the unfavorable coincidence that the commencement of work upon the interoceanic canal was considered near at hand, which would leave without effective value the clause of the contract with the Panama Railroad Company concerning its prolongation. After six years of repeated fruitless exertions the republic has succeeded in acquiring this extraordinary resource, which will relieve without doubt our financial condition, but in order to amply justify this costly draft upon the future it is indispensable that we carefully apply its product to operations of a reproductive character; and such is the firm purpose of the government, since for ordinary expenditure it would not under any circumstances have endeavored to obtain it.

There have been at the same time opportunely and effectively examined other matters of public interest in the coast, which, although of secondary importance, it was desirable to arrange in time, and with direct knowledge of their respective details. Peace has been preserved with the same stability in the midst of the numerous population of the interior of the republic as in other parts of the country, and this pleasing fact has been a great objective demonstration that there is already established in the Colombian sentiment an odium for armed resolutions, which, except in very rare cases, ever bring upon the people evils much greater than those they seek to remedy, if they do not involve them in awful ruin, without compensation of any kind.

I now propose to continue the task undertaken to strengthen the spirit of harmony by sustaining the practice of toleration, by the exact fulfillment of constitutional and legal duties, and especially by an impartiality, in which there shall not be the shadow of deception, respecting the exercise of the right of suffrage. To Congress it will be demonstrated that there is vital importance in making considerable reduction in the estimate of expenses, in order to avoid social disaster, which can scarcely be partially regulated by the employment of combinations of credit and other accessory means. Whilst Congress reconvenes and deliberates in the spirit indicated, as I promise it shall, in view of what has occurred, the government will proceed with the greatest moderation in the matter of expenses, deferring all that is of minor importance; since it is not only convinced of the necessity, more than commanding, of substantial economy, but that this is one of the clearest demands of the national opinion, justly alarmed at this time by the penury of the treasury.

This work of common salvation I could not have realized in that part of my term already passed, nor can I succeed in effecting it during that which remains without the co-operation of the country whose affairs it is my duty to administer, in accordance with the solemn promise I gave before God and Congress when I took possession of the Presidency of Colombia. Long ago I expressed the conviction, not only of the inconvenience but of the impossibility of governments of monopoly, and to-day more than ever I find motives to preserve this conviction. The logic of interest, which so greatly dwarfs politics, is as inexorable as any other logic, and in the rigid domination of military prejudices it fatally exalts itself above the apparent causes of the decomposition of great parties. When these are again divided by the true necessities of principles, instead of diminishing, they increase each day the groups that these principles proclaim with the continued accession of strength, which might have until then appeared antagonistic. It is very evident that important and inevitable influences may oblige one who governs to abandon the most mighty and best considered of his purposes; but, so far as I am concerned, I can assure the nation that according as circumstances clearly determine or permit the direct departures from the fundamental rule that are possible shall be corrected, since the first aspiration of a government that thoroughly comprehends its entire responsibility should be the desire to secure the greatest sum of public confidence by means of acts which are in reality capable of inspiring it.

RAFAEL NUÑEZ.

BOGOTÁ, *December* 10, 1880.

No. 197.

Mr. Dichman to Mr. Evarts.

No. 237.] LEGATION OF THE UNITED STATES,
Bogotá, December 27, 1880. (Received February 21, 1881.)

SIR: Upon the conclusion of an exhibition drill by the cadets of the Colombian military school, held at the close of the exercises connected with the first annual examination of that institution, in the presence of the President of this Republic, the members of his cabinet, the diplomatic corps, and an immense concourse of spectators, President Nuñez requested me to inform you of the great satisfaction experienced by him at the result of the labors of First Lieut. Henry R. Lemly, Third Regiment of United States Artillery, by whom the school of civil and military engineering has been organized.

It will no doubt be of interest to the War Department to learn of the satisfactory manner in which Mr. Lemly has acquitted himself in the discharge of the duties of his position, and the credit his conduct reflects upon the branch of the public service to which he belongs.

At my request, Mr. Lemly prepared a brief report upon the condition and organization of the Colombian army and military school, a copy of which I beg leave to inclose and to which your attention is respectfully invited.

I am, &c.,

ERNEST DICHMAN.

[Inclosure in No. 237.]

Mr. Lemly to Mr. Dichman.

REPORT UPON THE ARMY AND NATIONAL MILITARY SCHOOL OF THE UNITED STATES OF COLOMBIA.

BOGOTÁ, *November* 28, 1880.

SIR: In obedience to your verbal request, I have the honor to submit the following report upon the organization, equipment, &c., and the recent operations of the army of the United States of Colombia, and of the lately established national military school, in which, by the courtesy of our own government, I hold the position of commandant of cadets, professor of military engineering and the science of war, and instructor of tactics.

The Army of the United States of Colombia comprises, in round numbers, 5,000 men, of whom 1,000 constitute the regular garrison of Bogotá and 500 that of Panama. At present there are 1,500 men at the latter station, the increase being ostensibly due to boundary complications with Costa Rica. This fact, and perhaps a combination of political causes, have effected, during the existing administration, an addition of 2,000 or 3,000 to the ordinary strength. The 2,500 men unaccounted for above are distributed among the principal cities of the nine States which comprise the Republic.

The army is divided primarily into the general staff (*estado mayor-general*) and the line. The *personnel* of the former is as follows:

The commander or general-in-chief (ex-president Julian Trujillo).

The chief-of-staff, who is a brigadier-general.

Three first adjutant-generals (*primeros ayudantes generales*), who are brigadier-generals.

Four adjutant-generals, who are colonels.

Nine second adjutant-generals (*segundos ayudantes generales*), four of whom are lieutenant-colonels and five majors.

Ten assistants (*adjuntos*), who are captains and (or) lieutenants.

Two orderlies (*cornetas de ordenes.*)

One inspector-general.

The line comprises four divisions of two columns each, and consists of sixteen battalions of infantry and one of artillery, with which are associated one battalion of sharpshooters (*tiradores*) and one of sappers (*zapadores.*)

Each division (properly brigade) is commanded by a brigadier-general, who, with the officers of his staff, forms the *cuartel general*, as follows:

The brigadier-general, commanding the division.

The chief of staff, who is also a brigadier-general.

Three assistants, who are colonels and (or) lieutenant-colonels.

Three assistants, who are captains and (or) lieutenants.

One orderly (*corneta de ordenes*).

Each battalion contains about 250 men, and is commanded by a colonel or lieutenant-colonel, with a major second in command, and a captain as adjutant, and comprises five companies (or batteries), in each of which are the following officers and non-commissioned officers:

One captain, commanding,
One lieutenant,
Two sublieutenants,
One first sergeant,
Three second sergeants,
Five first corporals,
Five second corporals, and
Two musicians, one with drum, the other with bugle.

To each battery of artillery are assigned two Whitworth guns of two or three inches in diameter, which, unprovided with caissons or limbers, are drawn by the men themselves; the ammunition consisting of solid shot and shell, being transported in chests, one to each piece, slung to the carriages. There are also three Gatling guns on carriages and two on tripods, all firing the Remington rifle cartridge, which are distributed one to each battery of artillery, and some brass pieces of varying caliber, most of which were captured from the Spaniards in the war of independence.

The army is furnished with the Remington rifle and sword bayonet (Spanish model), but not with pistols. The officers carry swords only. What few munitions of war are required are transported upon the backs of beasts, or even of men and women; and tents and similar camp equipage are usually dispensed with. As for subsistence stores in barracks or upon the march, every officer and soldier provides for himself, an easy matter in this country of luxuriant and indigenous fruits and vegetables.

The topography is ill-suited to the operations of mounted troops, and there is no

cavalry in the army. During the revolution of 1876 the government armed with the lance and Winchester carbine about 500, but they were disbanded after the war. There is, however, a very fine and spirited breed of horses of Andalusian extraction, upon the elevated plateau whereon Bogotá is situated, that deserves especial mention. They are natural pacers or rackers; and although rarely or never groomed, indifferently stabled, and fed exclusively upon the green grass of the *Sabana*, are distinguished alike for their beauty, docility, and endurance.

To each battalion is assigned one surgeon, with the assimilated rank of major; and both in Bogotá and Barranquilla there is a military hospital, under the immediate charge of one chief and two assistant surgeons each, and the care of the Sisters of Charity, to whom, in return for which attention, the government furnishes a partial support.

Of military bands there are three, each with a drum-major and from 16 to 20 musicians, the former ranking with a first sergeant and the latter with corporals. Two bands are permanently stationed in Bogotá and the third accompanies the general-in-chief.

The pay of the army is as follows:

General-in-chief	per month	$400 00
General	do.	200 00
Colonel	do.	140 00
Lieutenant-Colonel	do.	100 00
Major	do.	80 00
Captain	do.	55 00
Lieutenant	do.	40 00
Sublieutenant	do.	30 00
First sergeant	per day	0 60
Second sergeant	do.	55
First corporal	do.	50
Second corporal	do.	47½
Soldier	do.	40

In addition each soldier receives per month one pair *alpargatas* (a sort of shoe or sandal made of native hemp), soap with which to wash his clothes, two uniforms per year, and one blanket. They are comfortably quartered in barracks, one or two of which in Bogota are lighted with gas. The inferior commissioned officers reside in the same *cuarteles* with the men, but occupy distinct rooms.

The above comprehends the entire pay of the army, and as before remarked each officer and soldier has to provide his own sustenance.

Many of the officers have homes or perhaps form messes for this purpose; but while the latter means may be resorted to by a few of the soldiers, as a general thing each one has his wife or woman (distinctly called *zuanas* here), who, at intervals, enters the barracks with his food, which usually consists of a nutritious but cheap soup, called *masamora* (the *pot-an-fen* of the French), served in a *botuma* (gourd) with a wooden spoon. On the march and upon the campaign these women accompany the troops, are excellent foragers, and have been known to fight with great pertinacity in battle. Of course the soldiers are all Indians, chiefly from the States of Boyacá, Cundinamarca, and Santander. They are recruited almost as cattle are lassoed, never resist, and rarely desert. Small in stature, they have strong and well-knit frames; and although not fond of work, endure fatigue without a murmur. They are quiet in demeanor and susceptible of much discipline. Mutinies and the graver military offenses are of rare occurrence; for those of minor degree, flogging and other corporal punishment s aread-ministered. If ordered to shoot a comrade in ranks, they obey unhesitatingly; and well led, they are capable of the greatest bravery and tenacity. If surrendered or taken captives, however, they fight equally well for their captors until the chances of war, perhaps, bring them again under their old standard. The advocates of machine soldiers, would, in short, find in them fit subjects.

As the subsistence of the army is accomplished without a commissary department, neither is there a quartermaster nor a pay department. The officers of the general or special staffs may be assigned to duty in a capacity analogous to that of quartermasters, engineers, ordnance officers, or judge advocates, although their system of military jurisprudence is neither complicated nor extensive; and the payment of the troops is effected in the following manner: In each *cuartel general* and battalion respectively, there is annually designated by the officers thereof, a lieutenant or sublieutenant as treasurer, who receives from the national treasury in advance, five times per month or every sixth day, the sum total of their salaries and the pay of the men for such period. This is transferred to the officers at such times, and the pay of each company to its captain, who daily distributes the same to the men. The latter precaution wisely insures their subsistence, and is not only an obstacle to desertion, but to gambling and *chicha* (a native, undistilled, but intoxicating liquor) drinking, to which vices the Indians are greatly addicted. In a residence of four months in Bogota I have not seen

a drunken soldier, and must confess that in this respect our bi-monthly (at times, semi-annual) payments with their attendant desertions and general ebriety, suffer greatly by comparison.

There are no factories of any description connected with the army, but uniforms and equipments, arms and munitions of war, &c., are purchased by contract or in open market. The former are of French manufacture, and comprise jackets or dolmans of dark blue cloth, trimmed with red frogs and cord; the trousers of the artillery of the same color as the coat, with two wide stripes of red, and those of the infantry of the latter color entire. The dress hat is similar to that of our own artillery, and upon parade officers and men alike wear epaulets, the former golden, the latter of yellow wool. Their fatigue cap is the French *chasseur*.

They execute with no little military precision the manœuvres of the Spanish tactics adopted twenty years ago by General Mosquera; and especially in the manual of arms, by drum-signals, show great aptitude.

There is no retired list. Every officer retains his commission, and is subject to military service when called upon by the government; but, except when actively engaged, he receives no salary. As a consequence of their small pay, they often continue, when practicable, other occupations with the exercise of their legitimate profession.

The families of those killed, or who die of wounds received in battle, are entitled to a small annual pension, and Congress occasionally grants an annuity for life to veterans who have especially distinguished themselves by gallantry or length of service.

For the aged soldier there is no provision.

During the civil wars, which have almost yearly ravaged certain sections of the country, guerrillas have abounded in all parts, and practiced with no little success their peculiar mode of warfare. The most recent revolution of any consequence was that of 1876, and it may not be uninteresting to briefly notice a few of the principal battles thereof.

Twenty thousand troops, more or less, were actively engaged upon each side, and the struggle lasted about one year. A political party, the *conservadores* (conservatives), formed the revolutionary element, and were defeated by the government troops in almost every instance.

In the first engagement of any note, that of Altogrande, in the State of Santander, General Bernal commanded for the government, and the following figures obtained: Government forces, 400; revolutionary forces, 1,200. Very few were armed, and the opposing sides closing, fought with their fists.

The first battle was that of Chancas, in the State of Cauca, in which General Trujillo commanded for the government. Government forces, 3,500; revolutionary forces, 6,000; killed and wounded, 1,000.

Battle of Garrapata, in the State of Tolima, General Acasta commanding for the government: Government forces, 4,500; revolutionary forces, 6,000; killed and wounded, 3,000. Trenches and rifle-pits were employed, notwithstanding the opponents approached and fought within seventy-five yards of each other.

Battle of Dan Juana in the State of Santander, General Camargo (now ex-minister to England and Radical candidate for the Presidency) commanding for the government: Government forces, 3,000; revolutionary forces, 4,000; killed and wounded 800.

In the skirmish of Ramiriqui, a force of 15 government troops are said to have captured 150 insurgents, losing one man killed.

The last battle of the war was that of Manizales, in the State of Antioquia, General Trujillo commanding for the government: Government forces, 6,000; revolutionary forces, 10,000; killed and wounded, 500. The town of Manizales is almost impregnably situated upon a mountain, only one side of which is accessible. The insurgents occupied and fortified the town; but in the course of several months, during which General Trujillo successfully employed regular approaches and other military engineering expedients, and displayed great humanity, patience, and tenacity of purpose, the besieged were slowly driven from one bastion to another, and the town, its remaining defenders, their arms and munitions of war, captured.

Few, if any, of the officers of the army have received a professional military education; and apparently realizing the necessity therefor, Congress, by act 69, of 1877, authorized and directed the establishment of a national "School of civil and military engineering" in the city of Bogota, in pursuance of which, the executive power (President Trujillo) on the 26th of November, 1879, decreed the organization and opening of said school upon the 2d of February, 1880. It was intended to secure two French officers to fill professorships in the military department, but through your instrumentality, it was determined to apply for American officers instead, and Mr. Thomas B. Nichols, of Pittsburgh, Pa., a graduate of the United States Military Academy at West Point, N. Y., class of 1872, and recently second lieutenant of the Sixth Regiment of United States Cavalry, and I contracted with an agent of the Colombian Government in the city of New York for this purpose. Owing to our non-arrival, the school was not opened in February, as was expected, but in August of this year, a second decree

by the executive power (President Nuñez), No. 632, of 1880, dated July 30, supplementing the first. By it, a five years' course of study, very similar to that pursued at the United States Military Academy, was established, and by decree No. 633, of the same date, a director, inspector, professors, surgeon, and other officers of the institution were named, since which the school has been in successful operations.

The scholastic year begins in February, for admission at which time there are more than two hundred applications. Thirty cadets, apportioned among the nine States of the republic, have also been officially appointed by the government. These receive $120 each per annum.

There are both *internos* and *esternos*, that is, cadets who live in and out of the school; but all are required to attend daily, and to submit to military discipline. The tuition is free, and board for the ensuing year has been contracted for at $8 per month. A uniform of dark blue cloth, with white gloves and belts, has been adopted, and the cadets armed with Remington rifles. The systems of reports, &c., and of punishments, &c., are similar to those in use at West Point. Annual examinations will also be held in the months of November and December, and the remaining days of the latter month and all of January will be passed by the cadets in camp and upon marches, during which time they will receive exclusively practical military instruction. At present the old convent La Candalaria is occupied by the school, but in the new year it will remove to the building known as El Seminario, now undergoing repairs for the purpose.

I omitted to state that cadets are required to be between the ages of fourteen and twenty, and to pass a preliminary physical, as well as examination in reading, writing, and other elementary branches. Those officially appointed pledge themselves to serve, when called upon, in the army.

There is, of course, little to say for the school in its present incipient state, but its future is full of promise. The reception and support given Mr. Nichols and myself have been in every respect gratifying.

By direction of the secretary of war, the tactics used by the Army of the United States have been adopted, and the cadets are twice daily drilled therein. Of their military instruction I have exclusive charge, while Mr. Nichols has several classes of officers of the army, whom he is instructing in the duties of the staff, and especially at this time in signaling.

In this connection I cannot refrain from requesting and urging you to recommend to our government the propriety of inviting the Government of Colombia to send at least two or three of the cadets who most distinguish themselves in this school, to each of our national academies (West Point and the Naval Academy of Annapolis). Such national courtesy would seem to involve no expense whatever; and while it does not appear to be of any national consequence, you cannot have failed to observe that every South American who visits the United States establishes, or induces others to establish, business connections with our citizens. However insignificant, this will, at least, be a step in the preservation of our friendly, and the extension of our commercial, relations with a country inherently so rich that with the progress of years the introduction of railways and other means of rapid communication and traffic, and possibly the construction of an isthmus canal, it must become of vastly increased commercial importance. The United States is the natural exporter to South America; yet England, France, and Germany divide half, if not the greater part of the trade (our own has greatly augmented during the last few years, especially with Colombia), and even that which remains to American merchants is largely or entirely transported in English steamships.

Begging your indulgence for this brief digression, and your favorable consideration and recommendation of the proposal which induced it,

I have, &c.,

H. R. LEMLY,
First Lieutenant Third United States Artillery.

No. 198.

Mr. Dichman to Mr. Evarts.

No. 238.] LEGATION OF THE UNITED STATES,
Bogotá, December 29, 1880. (Received February 21, 1881.)

SIR: It is not without a sincere feeling of sorrow on my part that I bring to your notice the death, which took place on Sunday, the 26th instant, of Dr. Manuel Murillo, who for many years has occupied a prominent position in the politics of this country. In him I not only

mourn the loss of a personal friend, but also regret the disappearance from this political stage of a statesman who was always ready to put into practice the admiration felt by him for the United States and its political institutions. To his wise counsels, springing from a ripe judgment, and his active co-operation, made invaluable from the exceptional political position which he occupied, I shall always feel deeply indebted for facilitating the discharge of my duties at this legation. He will, no doubt, be pleasantly remembered by Mr. Hunter, about whom he made frequent inquiries of me, having been the Colombian minister at Washington from 1862 to 1864. The courtesy extended to him by Mr. Seward by placing a man-of-war at his service to bring him back to his country, where, during his absence in the United States, he had been elected to the position of President of this republic, has always been remembered by him and his many friends as a pleasing and gratifying mark of personal consideration and of international attention.

His funeral, which took place yesterday, was attended by the entire official society at this capital, in addition to which a multitude, estimated at over 10,000 people, who, in the midst of a pouring rain, accompanied his remains to their final resting place, testified by their manifestations of sorrow the firm hold which the departed statesman had enjoyed upon the sympathies of his fellow-citizens.

Although for some time past, owing to the precarious state of his health, he had withdrawn from the active participation in politics, his death will leave a void in the counsels of this nation not easy to be filled. Next to Santander he was the father of the liberal party in Colombia, and the author of many political measures for the purpose of bringing the practices of the government of this country in accord with the civilization of the present day.

While the meed of perfection cannot be claimed for him any more than for any other member of the human family, and while in the political reforms which he advocated with varying success perhaps too little account was taken of popular prejudice, thereby sometimes endangering the stability of political institutions and reducing measures conceived to be for the public good to the dangerous level of mere political experiment, it will redound to his lasting fame in the history of Colombia that he was always a courageous and able champion for the rights of the people, constantly struggling for their education, elevation, and advancement.

With a firm faith in the efficacy of republican institutions to dissipate the mists of ignorance and superstition by which the social and political atmosphere of this country has been obscured, he bore the changing fortunes of a political career extending over forty years, during which he was twice elected to the position of President, with a philosophic equanimity born of the sincerity and strength of his convictions, and, as with the receding years the salient features of his character stand out in bolder relief, it is safe to predict that among the names of the many statesmen which are recorded in the annals of Colombia none will occupy a more conspicuous position and be entitled to more honor than the one of the late Dr. Manuel Murillo.

I am, &c.,

ERNEST DICHMAN.

No. 199.

Mr. Dichman to Mr. Evarts.

No. 245.] LEGATION OF THE UNITED STATES,
Bogotá, January 20, 1881. (Received March 23.)

SIR: Upon the receipt of your No. 133, of the 13th of October last, referring to the treaty for the preservation of peace between the Republics of Colombia and Chili, I took the first favorable opportunity for bringing the sentiments contained in your dispatch just cited to the knowledge of the Colombian Government, upon which the most gratifying impression was produced, to the extent of eliciting the suggestion on the part of the Colombian foreign secretary that I might find it convenient to embody your views in an official communication in order that the Colombian Congress, at its next session, might be made acquainted therewith.

Accordingly, I addressed a note to the Colombian foreign secretary, a copy of which I beg leave to inclose, in which I endeavored to convey to his government a knowledge of the pertinent parts of your dispatch No. 133, above mentioned.

From the accompanying copy of his answer you will be pleased to learn that your sentiments, of which I was happy to be the simple instrument of transmission, were received by the President of this republic with the most profound satisfaction, and that the ready approval extended to this government in its adhesion to the great principle of international arbitration and the acceptance for the President of the United States of the office of arbitrator, the interests of peace between the Spanish-American Republics have been advanced, and the friendly and honorable position of the United States as their mediator and counselor is fully recognized.

I am, &c.,

ERNEST DICHMAN.

[Inclosure 1 in No. 245.]

Mr. Dichman to Señor Santamaria.

LEGATION OF THE UNITED STATES,
Bogotá, January 7, 1881.

SIR: The negotiation of the treaty for the preservation of peace between the Republics of Colombia and Chili, concluded between the chargé d'affaires of the latter country and yourself, having been reported by me to my government, it affords me much pleasure to inform you that the intelligence thus conveyed by me has been received with feelings of lively satisfaction at Washington, as indicating on the part of the Government of Colombia, not merely a desire to maintain and strengthen the relations of peace and good will with the Government of Chili, but as evincing also a concurrence with the great principle of arbitration in the settlement of international disputes, by establishing in the treaty above mentioned that system of appeal as between cosignatory states in all future emergencies; and the designation, made in the same instrument, of the President of the United States as arbitrator between them in certain contingencies has been accepted as a manifestation of that confidence in the impartial amity of the Government of the United States for the sister republics of the American continent, which it has always been its proud privilege to welcome on every fitting occasion and strengthen by its example of good will and kindly interest in their welfare.

In advance of the completion of the treaty by the exchange of the ratifications for which provision is made in the fourth article, or in anticipation of any formal invitation by Colombia, I am pleased to be able to convey to you the informal assurance that should occasion for arbitration between the two countries which are parties to the treaty arise,

the President of the United States will deem himself privileged in being able to respond to the flattering trust reposed in him and as evincing the interests of the people and Government of the United States in all that concerns the welfare of Colombia.

Before bringing this communication to a close it may also be of interest for you to learn that, on the subject of the treaty between Colombia and Chili, an instruction, of similar tenor to the one which has given rise to this communication, has been sent by the honorable Secretary of State at Washington to the minister of the United States at Santiago, who, I have no doubt, will convey to the government of Chili the like sentiments of amity and high appreciation which it has been my pleasant duty to express to you upon the occasion.

I am, &c.,

ERNEST DICHMAN.

[Inclosure 3 in No. 245.—Translation.]

Señor Santamaria to Mr. Dichman.

UNITED STATES OF COLOMBIA, DEPARTMENT OF FOREIGN RELATIONS,
Bogotá, January 14, 1881.

SIR: Your courteous note of the 7th instant was placed by me in the hands of the President of the republic, and I have the honor to inform you that its contents produced in him the most profound satisfaction, although not really a surprise, since when he dictated the stipulation contained in article 2 of the convention of peace between Colombia and Chili he did not doubt for a moment that the President of the United States would accept with good will the part of arbitrator between the two republics which is therein attributed to him, and that this fact would afford the government at Washington the opportunity of again manifesting and of putting into practice, occurring the contingency, those sentiments of impartial friendship it has ever shown in favor of its sister republics of the American continent, and more especially of Colombia, to which it has been bound during many years by the closest and most cordial ties through their community of interests of great importance and identity of aspirations and institutions.

The adherence of my government to the grand principle of arbitration as the only available mode of amicably adjusting whatever international disagreement or nonconformity, has been constant and firm since the political emancipation of this country, and whenever it has been admissible it has yielded to it in public treaties, especially with sister republics. But the adherence of my government to such principles and its submission to it in said treaties would be worthless if at the proper time it were not provided, nothing improbable, in the event that the contracting parties could not or would not agree respecting the selection of an arbitrator, in which case the application of the great principle would become useless and there would remain no other recourse than an appeal to arms or the most abject humiliation of the contracting parties. It was to avoid this grave occurrence that the head of my government caused to be introduced into said convention the very excellent stipulation that in the event of disagreement in the selection of an arbitrator, it would be obligatory upon the contracting parties to submit to the decision of the President of the United States.

As you must know the convention alluded to was very well received by the Government of Chili on which account it may be expected that it will be approved during the year by the Congress of each republic. So that relying as we may with security upon the gracious acceptance by the President of the United States of the charge of arbitrator that by virtue of said stipulation appertains to him it may be safely predicted without risk of equivocation that the doors are forever closed to a war between Colombia and Chili.

But you are aware that although it is a cause for satisfaction for Colombia that she succeeds in obtaining the assurance of living perpetually in peace with Chili she will have effected very little for her future tranquillity without the absolute certainty of living in like manner with her other sister republics with some of which she possesses clashing interests by reason of boundaries, proximity, and other circumstances. It is precisely with Chili that this country least fears difficulties. The great distance that separates their territories, the proper pride that Colombia has ever experienced at the sight of the prosperity of this sister republic, the admiration with which she has contemplated the solid peace she has enjoyed and the great and sincere sympathy which has been won from this country by the thinking people of Chili in their stoic struggle constant and audacious in favor of those liberal principles based upon justice and toleration are circumstances which would make even without the convention alluded to if not impossible at least most remote, any cause for difficulty between the two countries.

The President regarded the matter in this light and anxiously the idea of a convention of peace between Colombia and Chili when the chargé d'affaires of the latter proposed it with the object of introducing in it the clause alluded to and that which is contained in article 3. These two points comprise what there is truly grand, practically, substantially, purely American, and especially new in that document.

The said convention accepted in these terms by the American republics as may be expected that it will be in the course of the year at Panama, there will be a perpetual international peace upon the American continent and the United States will assume the great office, as of right pertains to it, of mediator and counselor among the sister republics of the New World, bearing upon her banner high and secure the celebrated motto of one of her Presidents: "America for the Americans."

In the name of my government I have the honor to thank you for your spontaneous solicitude in laying the subject to which this note refers before that at Washington and to beg that you will deign to accept the sentiments of high consideration and respect with which I subscribe myself,

Your very obedient servant,

EUSTACIO SANTAMARIA.

No. 200.

Mr. Dichman to Mr. Evarts.

No. 248.] LEGATION OF THE UNITED STATES,
Bogotá, February 4, 1881. (Received March 23.)

SIR: The 1st day of February of each year being the time fixed by the Colombian constitution for the meeting of Congress that body met on the day just stated.

Although this is an adjourned session from last year the members of this Congress having been elected at the same time and for the same period of two years as the present administration, it can already be noted that the opposition party in Congress which can hardly be said to have had an existence during the last session has increased its members to such an extent as will tax the resources and ingenuity of the administration to the utmost to prevent it from acquiring a majority.

Deferring a general examination of the President's message (one copy of which has been forwarded separately, and another is inclosed) to a future occasion, I beg leave to invite your attention at present to that part thereof which treats of the relations between the United States and Colombia, as connected with the concession granted for the excavation of an interoceanic canal across the Isthmus of Panama.

I am, &c.,

ERNEST DICHMAN.

[Inclosure in No. 248.—Translation.]

Extract from the President's message to the Colombian Congress.

With the United States of America we continue in relations of the most friendly harmony, the slight misunderstandings arising from the concession granted for the opening of the interoceanic canal having received a mutual and frank explanation.

As this canal is to be cut through a territory, the neutrality and sovereignty of which have been guaranteed by the government of that republic, which in that sense considers itself our ally, it is not impossible that new controversies may arise which may make discussions between the two governments upon this matter necessary, but judging from the spirit of justice and kindness which distinguishes the acts of the Cabinet of Washington, and of which its representative at this capital has made himself more than once the authorized interpreter, I am confident that the conclusions of such discussions will always be pacific and satisfactory in every respect.

No. 201.

Mr. Dichman to Mr. Evarts.

No. 258.] LEGATION OF THE UNITED STATES,
Bogotá, March 30, 1881. (Received May 6.)

SIR: In compliance with the instructions contained in your No. 149 of the 20th of last January, relating to the protection afforded to Colombian citizens in Peru by the minister of the United States at Lima, I addressed a note to the Colombian secretary of foreign relations embodying the statements contained in your dispatch, and I am now in receipt of an answer from that gentleman in which he makes due acknowledgment of the friendly services of Mr. Christiancy, as well as expressing a proper appreciation of the approval extended to his action by the Department.

I am, &c.,

ERNEST DICHMAN.

[Inclosure 1 in No. 258.]

Mr. Dichman to Señor Becerra.

LEGATION OF THE UNITED STATES,
Bogotá, March 18, 1881.

SIR: Under date of January 21, 1881, the honorable Secretary of State of the United States communicates the following information to this legation:

"In his dispatch No. 218 of the 3d ultimo, the minister of the United States at Lima, Mr. Christiancy, reports the extension by his legation of protection to the citizens of the United States of Colombia and their interests during the present war now going on in Peru. In view of their having no diplomatic representative in that country, the vice-consul of Colombia applied to him for such protection, and the Peruvian Government having recognized him as acting in their behalf, he will render them all possible assistance. Mr. Christiancy's action in the premises has been approved."

In complying with my instructions from the honorable Secretary of State of the United States to bring the above recited information to your knowledge, it affords me pleasure to add that in the action of Mr. Christiancy at Lima, and the approval thereof by his government, the government and people of the United States of Colombiawill no doubt recognize a manifestation of the spirit of fraternal regard and friendlyconsideration which has always characterized the relations between the United States and Colombia.

With renewed assurances, &c.,

ERNEST DICHMAN.

[Inclosure 2 in No. 258.—Translation.]

Señor Becerra to Mr. Dichman.

UNITED STATES OF COLOMBIA,
DEPARTMENT OF FOREIGN RELATIONS,
Bogotá, March 26, 1881.

SIR: Your courteous communication of the 18th instant, in which you are pleased to transcribe a paragraph from the honorable Secretary of State of the United States, to the effect that the minister of said nation in Lima had assumed the protection of the Colombian citizens and their interests during the present war in Peru, has been received in this office.

The Colombian Government, by direct official correspondence, had already been informed of such fact as gratifying for it, as it was honorable for Mr. Christiancy and for the nation he so nobly represents, and had hastened through this department to give merited thanks to the worthy agent of the United States.

I have the honor to make known in this note, as you desire that in the proceeding of Mr. Christiancy, and in the approval of his conduct by his government, the Colombian Government and people recognize a manifestation of the spirit of fraternal regard that has existed until now in the relations of the two countries.

Renewing the expression of my distinguished consideration, I subscribe myself your very obedient servant,

RICARDO BECERRA,
Secretary of Public Instruction, and in charge of the Department of Foreign Relations.

No. 202.

Mr. Dichman to Mr. Blaine.

[Extract.]

No. 263.] LEGATION OF THE UNITED STATES,
Bogotá, April 16, 1881. (Received May 28.)

SIR: In my No. 215, of the 8th of last October, I reported an amicable settlement of the differences existing between Colombia and Costa Rica, relating to a question of disputed boundaries.

As at the time that dispatch was written the terms of the settlement could not be communicated, it may not be uninteresting to you to learn now that the final determination of the ownership of the disputed territory in question is to be left to arbitration, according to a treaty concluded by plenipotentiaries of Colombia and Costa Rica, which has been submitted to the Colombian Congress for legislative action thereon, the probabilities being that the action of the Colombian Congress will be favorable.

The first arbitrator named in the treaty is the King of the Belgians, and in the event of his inability or unwillingness to act, then the matter in dispute is to be left to the decision of the King of Spain, and if he should decline the trust, then the queston is to be submitted to the judgment of the President of the Argentine Republic.

The deep interest which you have manifested in your instructions to me, that the causes of the strained relations between the Governments of Colombia and Costa Rica might be removed in a friendly manner, perhaps justifies me in adding that, although the differences between these two neighboring republics might not seem to have been of sufficient importance to have called for the elaborate machinery which has been provided for their adjustment, it cannot be otherwise than gratifying to you to learn that by the proposed treaty, now awaiting approval by the Colombian Congress, the danger of a breach of the peace in Central America has been averted, and the anxiety in the public mind connected with that subject has been allayed.

* * * * * * *

I am, &c.,

ERNEST DICHMAN.

No. 203.

Mr. Dichman to Mr. Blaine.

No. 273.] LEGATION OF THE UNITED STATES,
Bogotá, May 14, 1881. (Received June 21.)

SIR; Señor José Antonio Soffia, envoy extraordinary and minister

plenipotentiary of the Republic of Chili, was received in his official character by the President of Colombia on the 4th day of this month.

A certain amount of interest attaches to the mission of Señor Soffia on account of the questions pending between his government and that of Colombia, growing out of the alleged violation of neutrality by Colombia at the port of Panama in the war between Chili and the allied republics of Peru and Bolivia. It was thought here that the manner of adjusting these questions had been determined by the arbitration convention between Chili and Colombia, reported in my No. 205 of the 7th of last September, and that in the era of good feeling which was expected to follow the negotiation of that convention, the Government of Chili might even overlook its cause of complaint and not press for a settlement, but now it is learned that the Chilian Congress has adjourned without giving to the arbitration convention its legislative approval, and it appears as though the Government of Chili would prefer to adjust the pending differences with Colombia before giving its adhesion to the general application of the principle of international arbitration between the two countries.

I am, &c.,

ERNEST DICHMAN.

No. 204.

Mr. Blaine to Mr. Dichman.

No. 169.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: In your dispatch No. 235, date 20th December, 1880, you inclosed a proclamation of President Nuñez upon his return to the capital, in which he announces:

> The Government of Costa Rica, in a spirit of fraternity and justice certainly very worthy of praise and even of gratitude upon our part, hastened to repair the momentary offense as soon as it was able to comprehend that thus we considered the indiscreet act of its subordinate agents. The temporary and confidential mission, so ably acquitted of its obligation, that was charged with demanding the evacuation of our territory, has been finally replaced by one which should effect, by means of diplomatic discussion, a definite arrangement as to the ordinary question of boundaries, which will be eventually submitted to arbitration, in accordance with the resolve of the senate of Colombia in its last session.

I have since learned from Mr. Logan, our minister in Central America, under date January 25, 1881, that a convention between Costa Rica and Colombia was signed on the 25th December, 1880, ratified by the council of state of Costa Rica, signed by President Guardia, and transmitted to the Colombian Government for like ratification.

This convention refers the settlement of the disputed boundary to the arbitration of the King of Belgium; in case of his refusal, to the King of Spain; and should he decline, then to the President of the Argentine Republic.

You have not, in more recent dispatches, made further reference to the matter, and I am at present uninformed if any action has been taken by the Government of Colombia in ratification of this convention.

In your dispatch No. 187, date July 19, 1880, you indicate that the settlement of this boundary line will determine whether the islands in

the neighborhood of the Boco del Torro, on the Atlantic coast, and the Gulf of Dolce, on the Pacific, be properly within the territory of the State of Panama or the Republic of Costa Rica.

If I have rightly understood you, therefore, this contention involves the question as to whether certain portions of the littoral on both oceans, lying in the neighborhood of some of the projected interoceanic communications, belong to the State of Panama, the neutrality and territorial integrity of which the United States of America have guaranteed by the thirty-fifth article of the treaty of 1846, or to Costa Rica, with whom our treaty relations are different.

Under these circumstances, while the Government of the United States of America does not expect or claim the position of necessary arbitrator in differences between those two republics, it cannot but seem strange that Colombia has not communicated to this government its intention to submit to arbitration the boundaries of the State of Panama, the territorial integrity of which the United States of America have guaranteed by a treaty, the provisions of which they have been more than once called on to execute.

As no official communication has been made to this government of the convention, and as we are still uninformed as to its ratification by the Government of Colombia, no formal representation can be made by you. But you will take an opportunity, as from yourself, not under instructions from but with full knowledge of your government, to say to the minister of foreign affairs that the Government of the United States of America cannot satisfactorily account for the absence of any official communication upon a subject in which it is so directly interested, and that while it recognizes the wisdom of the method of arbitration in the solution of international differences, and has no objection to urge to the arbitrators who have been named, it thinks that its opinion, both as to the character of the submission and the choice of arbitrator, should have been consulted and considered, and that it will not hold itself bound, where its rights, obligations, or interests may be concerned, by the decision of any arbitrator in whose appointment it has not been consulted, and in whose selection it has not concurred.

I am, &c.,

JAMES G. BLAINE.

No. 205.

Mr. Blaine to Mr. Dichman.

[Extract.]

No. 175.] DEPARTMENT OF STATE,
Washington, June 24, 1881.

SIR: Your No. 269, of the 9th ultimo, reports the rumors which reach you, confidentially, to the effect that Colombia is seeking from the European powers some sort of joint declaration of the neutrality of the Isthmus of Panama, as well as of Colombian sovereignty over the territory thereof.

In view of like rumors which reached me from various channels, exhibiting a tendency on the part of some of the maritime powers to consider the expediency of uniting in such a guarantee, I had already pre-

pared a circular instruction to the representatives of the United States in Europe, directing them in event of their having cause to believe that this movement is assuming tangible proportions to acquaint the respective governments to which they are accredited with the view of the President, that the exisiting guarantees, under the treaty of 1846 between the United States and Colombia, are complete and sufficient, and need no supplemental reinforcement from any other source.

I am not yet prepared to direct the communications of this dispatch *in extenso* to the Colombian Government, but if the feeling of excitement which arose on Señor Santo Domingo Vilas's return to Bogotá, and culminated in a request for your recall, should have yielded to a better spirit, showing a return of confidence, you may, if proper occasion offers, inform the Colombian secretary for foreign affairs of the stand taken by this government to check the apprehended movement of the powers of Europe in the direction of a joint guarantee, as needless, as offensive to Colombia and to the United States as well.

* * * * * * *

I am, &c.,

JAMES G. BLAINE.

No. 206.

Mr. Blaine to Mr. Maney.

No. 3.] DEPARTMENT OF STATE,
Washington, July 25, 1881.

SIR: I forward herewith, for your information, a copy of my instruction* to Mr. James R. Lowell, United States minister at London, of the 24th ultimo, relative to an interoceanic canal across the Isthmus of Panama.

A similar instruction was also addressed to the representatives of this government accredited to the seveal European Governments.

I am, &c.,

JAMES G. BLAINE.

No. 207.

Mr. Dichman to Mr. Blaine.

[Extract.]

No. 301.] LEGATION OF THE UNITED STATES,
Bogota, August 1, 1881. (Received September 17.

SIR: In further reference to my No. 237 of last December 24, bringing to your favorable notice the conduct of Lieut. H. R. Lemly, Third United States Artillery, in connection with the Military Academy of Colombia, I am pleased to be able to inform you, thanking you to transmit the information to the War Department, that, by his knowledge, tact, and devotion to duty, Lieutenant Lemly has secured the approval

* For inclosure see under Great Britain.

of the Colombian authorities and respect of this community to such an extent as to be advanced to the position of superintendent of the academy, officially styled "chief director of studies of the School of Civil and Military Engineering," and that as a special mark of distinction this appointment has been accompanied by a decree conferring upon him the rank of colonel in the Colombian army.

A copy of the very complimentary note of the Colombian secretary of war, in which the above-mentioned appointment of Mr. Lemly is communicated to this legation, as well as a copy of my answer to the same, are respectfully inclosed.

* * * * * * *

I am, &c.,

ERNEST DICHMAN.

[Inclosure 1 in No. 301.—Translation.]

Mr. Payan to Mr. Dichman.

BOGOTÁ, *July* 14, 1881.

MOST EXCELLENT SIR: I have the honor to inform your excellency that the executive power of the Union has been pleased to appoint Mr. H. R. Lemly, a citizen of the United States of America, director, chief of studies of the School of Civil and Military Engineering of the Republic, and likewise that the Government of Colombia will direct the issue to the said Mr. Lemly of the commission of colonel in the Colombian army.

The executive power has desired to manifest in this manner its gratitude to Mr. Lemly for his especial devotion to duty, and for the zeal and interest in favor of this country that he has shown in the discharge of the duties of the professorship in the School of Engineering, to which he was called by virtue of a contract.

The ability of Mr. Lemly and the elevation of his character have merited the especial consideration of the Government of Colombia, which believes it a duty to inform your excellency of the above, as the representative here of the government and people of the great republic.

I have, &c.,

ELISCO PAYAN,

Secretary of War and the Navy of the United States of Colombia.

[Inclosure 2 in No. 301.]

Mr. Dichman to Mr. Payan.

LEGATION OF THE UNITED STATES,
Bogotà, July 21, 1881.

SIR: I have to thank you for your polite communication No. 3211 of the 14th instant, in which you are pleased to inform me that, in recognition of the devotion to duty, zeal, and interest manifested by Mr. H. R. Lemly, in his relations with the School of Civil and Military Engineering, the executive power of Colombia has seen fit to appoint him director of said school and confer upon him also the rank of colonel in the Colombian Guard.

As Mr. Lemly is an officer of the Army of the United States it will no doubt be gratifying to the honorable Secretary of War at Washington to learn of the well-merited appreciation and esteem which Mr. Lemly enjoys in Colombia, and the consideration and distinction which he has received from your hands, and I shall therefore take the first opportunity of transmitting a copy of your No. 3211, above mentioned, for the information of my government.

Be pleased, &c.,

ERNEST DICHMAN.

No. 208.

Mr. Dichman to Mr. Blaine.

No. 303.] LEGATION OF THE UNITED STATES,
Bogotá, August 13, 1881. (Received October 8.)

SIR: Permit me to invite your attention to the accompanying publication, being a dispatch from the Colombian secretary of legation at Paris, purporting to give an account of an interview between that gentleman, General Sandford, and Mr. de Lesseps, during which the latter appears to have stated his views of the political questions connected with the proposed canal at some length and with considerable warmth of feeling, concerning which I only beg leave to observe that the statement concerning the neutrality of the Suez Canal is perhaps not strictly correct, for by means of the fortifications at Perim and the possession of Cyprus the British Government exercises a dominion over the Suez Canal as great as over any highway in the British Empire; and concerning the crowning of Mr. de Lesseps's career—to be killed at the Isthmus of Panama fighting for "the independence and integrity of Colombia," as he expresses it; that, I suppose, may be taken as a figure of speech prompted by the "noble outburst of enthusiasm" by which the Colombian secretary of legation says he was carried away.

Of course the opinions of Mr. de Lesseps are highly colored by the interest which he must feel in the success of his enterprise, and for the expression thereof he is, perhaps, not fairly subject to criticism.

I am, &c.,

ERNEST DICHMAN.

[Inclosure in No. 302.—Translation.]

Mr. Pereira to the Secretary of Foreign Relations of Colombia.

PARIS, *June* 24, 1881.

* * * * * * *

When I was introduced into the room in which was Mr. de Lesseps he was engaged in an animated conversation with the North American general, Mr. Henry Shelton Sandford (the same who went to Bogotá, in the years 1860 and 1861, with the double charge of representing there the North American Government and the Panama Railroad Company), whom he was endeavoring to convince that the American policy in questions relative to the canal showed great injustice and very little wisdom.

Upon my arrival he paused in order to present me to General Sandford, as the secretary of the Colombian legation in France, and to add that I could, without doubt, give him creditable information upon the latest phases of the subject. Introduced thus directly into the conversation I stated that I was unable to give them any authentic account of what had occurred, since I had received nothing; still less could I guarantee the authenticity of what the public press had published, but I was inclined to believe that at bottom there was much truth in what was said. According to the newspapers a protocol of conference had been signed in Washington, whose official text I did not know, but that I imagined would prove to be that given by the press; that our minister, in view, without doubt, of the gravity of the question, had believed it necessary to go in person to submit to the consideration of the Government of Bogotá the propositions of that of Washington; that in Colombia all this had caused much alarm, and that the Senate had unanimously authorized the executive power to denounce the treaty of 1846, upon the provisions of which the American Government based its pretensions to erect forts upon the isthmus.

"The question of the neutrality of the canal," said Mr. de Lesseps, "has no other true or practical solution than that which the logic and principles of international law indicate; to respect the sovereignty of Colombia in that territory. If Colombia permit, which she will not, that the United States construct fortresses there she will undoubtedly lose the isthmus. There remain to her, then, but two paths; to celebrate

with the principal European maritime powers treaties similar to that which binds her to the United States, or denounce the latter contract, as the Senate has suggested, and which, without doubt, is the best that can be done if she would avoid complications in the future. Under any circumstances the diplomats will continue to agitate the question in order to arrange everything upon paper; but the important point is that meanwhile I may open the canal.

"Diplomacy has never served but to recognize accomplished facts. The sword or genius opens a highway according to its mode without caring for idle discussion, and diplomacy comes afterwards to say that what was done was well done. For more than thirty years I have served as a diplomat, and I have never had occasion to do otherwise.

"When it was proposed to open the Suez Canal, the same questions arose that arise to-day. All the powers began negotiations with the object of reaching a general agreement and guarantee in common the neutrality of the canal. The negotiations are still pending, but the question is resolved in the manner most simple and that best conduces to the interests of all. The men-of-war and the armies of all the nations of the earth may pass through without any distinction. In the last year 97,000 soldiers of different nations passed through the canal.

"England was no less hostile to the Suez Canal than the Americans show themselves to be to-day to that of Panama. Lord Palmerston directed various protests, full of threats, to the Ottoman Porte, with the object of forcing him to revoke the concession for the opening of the canal." * * *

"Lord Palmerston proved to be a great statesman," here interrupted Mr. Sandford.

"And nevertheless the English cabinet finally consented that the work of excavation should be begun when the enterprise was already almost completed.

"For that reason I say to Americans and Europeans, *negotiate, negotiate* as much as you wish, if before you have terminated your discussion I shall have opened the canal and solved the problem."

"But the conditions of the canal of Suez," objected the general, "were not the same as those of Panama. There the neutrality is effective, because it is to the interest of all the maritime powers of the first order; here we are the only maritime power menaced, and, it gives me pain to confess it, we have not a war marine that can advantageously oppose that of England for example. Our extensive Pacific coast is to-day well defended by two men of war; the canal opened, that defense would be insufficient. Ours is a country of work and of peace. We have no such armies as in Europe, and have cause to fear everything from a canal in which our preponderance shall not make itself exclusively felt."

"These fears, replied Mr. de Lesseps," are unfounded. To-day all nations desire peace and work. Without doubt, English fleets may pass through the canal, but yours, also, may do the same, and really this is not a serious argument. Every road brings us nearer, it is true, but it serves equally for offense as for defense. The navigation of the seas is free. No nation, be she perhaps the most powerful, may say to the others, 'Your ships cannot pass through here.' * * * "

"The canal is an artificial work that does not enter the case; it is the Strait of Gibraltar to America."

"That is an error; the canal as the strait is ever the sea. What I am going to do is join the waters of two oceans that nature has separated. Gibralter is an inaccessible rock, where, by an exceptional situation, the English have succeeded in fortifying themselves in what they won in honest war; but the same will not happen with Panama. This is an open territory of a sister nation of which you cannot possess yourselves without violating the law of nations nor without a struggle, long, tenacious, and without quarter. The Colombians have, as I, Spanish blood in their veins, and the last one will die rather than consent to such spoliation. You are a great, strong, and rich nation; they, few in numbers, helpless and poor, but no matter. It will make no difference, because you cannot commit an act like that, which would be unworthy of such a people, which I am pleased to call the most advanced upon the globe. And, besides, it is not so easy as it would appear to conquer a nation, warlike and of such glorious traditions, that counts upon the immense moral force that justice, right, and the sympathies of the civilized world give it.

"As for me," he added in an outburst of noble enthusiasm, "I would be honored, to crown my career, to be killed there, defending with arms in my hand the independence and integrity of Colombia!"

His interlocutor, partly discomfited and part in doubt, said to him, "You are very young." "Not very," replied instantly the illustrious old man, "when I visited San Francisco and Chicago, I said to their people, who appeared to doubt the success of my enterprise, 'You are great cities, not one-third as old as I am, and it is very difficult to make me believe that you can doubt the incomparable power of labor, you who are its most surprising manifestation.'" And terminating the interview, he said to Mr. Sandford, "I return to the beginning. The canal will be built, and its neutrality will be preserved, not because diplomacy will resolve the question, but because it is de-

manded by the very nature of things, by universal interest and our own business (undertaking), which consists in the ships of all nations, whether men of war or merchantmen, passing through it without other condition than the payment of their respective contributions."

Such were, if not with his own words, the ideas expressed in substance by Mr. de Lesseps. Perhaps I may have misunderstood some point or committed errors, but, as the mail goes to-day, I have no time to correct the account I have just written; and thus I send it, hoping that the secretary will not ill receive the liberty I have taken.

I am, &c.,

R. S. PEREIRA.

No. 209.

Mr. Becerra to Mr. Blaine.

UNITED STATES OF COLOMBIA,
DEPARTMENT OF FOREIGN RELATIONS,
Bogotá, May 7, 1881.

SIR: Our representative at Washington having returned to this city, has laid before the government the minute or protocol which was signed by him conjointly with Mr. Trescot, your excellency's commissioner, in the city of New York, on the 17th day of February last, and which contains declarations with regard to the sense, scope, and manner of execution of article 35 of the treaty of 1846 between the two republics, in reference to the neutrality of transit across the Isthmus of Panama and the rights of sovereignty and dominion of Colombia over that portion of her territory.

After maturely considering the declarations made in that protocol in the name of this republic, my government regrets to find them at variance with the instructions which were transmitted to our representative, and with the means which we deem best adapted to prevent any extension of the obligations contracted by both nations by the treaty of 1846, and to avoid the dangers which might arise, both for them and for the other republic having territory on the Pacific from the substitution of a ship-canal across the Isthmus of Panama for the present barrier, which is the isthmus itself. Inasmuch as that work is to be for the benefit of the world's commerce, it is not just that it should entail exceptional charges or costs upon the nation that generously offers its territory for the purpose, or upon the American Government.

In view of these facts, and as Colombia has ever been actuated by an earnest desire to promote the safety and the commercial interests of both nations by reason of their mutual, firm, and sincere friendship, the government of the undersigned hopes that it will be able to continue the negotiations at Washington with as little delay as possible, and that the temporary interruption which has occurred will not be displeasing to your excellency, since the work of the canal has scarcely been commenced, and cannot be finished for a number of years to come.

With sentiments, &c.,

RICARDO BECERRA.

No. 210.

PROJECT OF PROTOCOL SUBMITTED BY COLOMBIAN MINISTER, GENERAL SANTO DOMINGO-VILA.

Considering that the United States of America, by section 1, article 35, of the treaty now in force between the two countries of the 12th of

December, 1846, has bound itself to guarantee to the United States of Colombia their sovereignty over the territory called the Isthmus of Panama, and the neutrality of transit through that territory;

That the possible opening of the canal will render still graver the obligations contracted by the Government of the United States of America;

That it is the duty of Colombia to concur with the United States of America in the defense of her territory and the neutrality of the aquatic passage from one sea to the other;

The two governments, namely, the United States of Colombia and the United States of America, have agreed to amplify the existing treaty of peace, friendship, navigation, and commerce between the Republic of New Granada and the United States of America of the 12th of December, 1846, in the following terms:

I.

(A.)

For the purpose of the guarantee of the neutrality and the sovereignty of Colombia over the territory called the Isthmus of Panama, by the United States of America, according to the section and article above cited of the treaty of the 12th of December, 1846, it is understood that said territory is the same comprised at present in the State of Panama in the Colombian Union, and that the neutrality and sovereignty guaranteed embraced the entire extent of that territory.

(B.)

The guarantee of neutrality consists in this, that the United States of America shall, by all adequate measures, including a belligerent alliance with the United States of Colombia, prevent said territory from being converted into a theater of hostilities by any power or foreign force; and if this shall have taken place without it having been possible to prevent it in time, the United States of America shall assist with Colombia in its defense as long as hostilities last, and shall oblige the responsible power to make the proper reparation.

(C.)

The guarantee of sovereignty consists in this, that the United States of America shall, by the necessary measures, including the use of force, prevent the territory in question from being the object of conquest or usurpation, or of intrigues which shall tend to separate it from the Columbian Union, employed by any foreign power.

(D.)

The expenses incurred by the United States of America in the fulfillment of the engagements entered into for the defense of the sovereignty of Colombia over the Isthmus of Panama and its neutrality shall be at the charge of the Treasury of the United States of America.

II.

With the object of facilitating to the United States of America the ful-

fillment of the obligations which they have contracted by the treaty of the 12th of December, 1846, to which the foregoing article refers, the two contracting parties have agreed as follows:

(A.)

Colombia will lend to the Government of the United States of America all the facilities which may be in her power, including permission for the temporary occupation of the territory threatened or invaded, as long as the emergency may last.

(B.)

The Governments of Colombia and of the United States of America, of common accord, shall designate on the coasts of the Isthmus of Panama two places where there may be erected works of defense, permanent or temporary, where there may be established coaling stations for the provision of the naval forces which the two nations may have at their service.

(C.)

As long as there is no occasion for the United States of America to assist with Colombia in the defense of the sovereignty of the latter over the territory of the Isthmus of Panama and in the maintenance there of neutrality, the custody of the defensive works which may be constructed shall be at the charge of the Government of Colombia.

(D.)

The American forces destined by the Government of the United States of America to act in concurrence with those of the Government of Colombia in the defense of the sovereignty and neutrality of the territory of the isthmus in their relations with the Colombian authorities shall exercise their functions in the territory of Colombia in the same terms which the constitution prescribes for their exercise by the national forces of Colombia.

(E.)

The military operations shall be under the charge of the commander-in-chief of the Colombian or American forces who may hold the greater number of military stations in the field of operations.

(F.)

In case the President of Colombia shall assume the command of the Columbian armies, and shall be present in the field of operations, these forces, and those of the allied armies employed there, shall act under his immediate command.

(G.)

With the exception of the case which is merely possible, not probable—and please God never shall occur—of war between the United States of Colombia and the United States of America, transit shall be

permitted through the above-mentioned canal; first, to the ships of war of the United States of America at all times, whether the United States are or are not engaged in war; second, of the troops of their Army or Navy which it may be necessary to transport from one shore to the other of the American Union, with the proviso that they shall pass without arms through the waters of the canal and integral part of the Colombian territory; and thirdly, of every class of supplies for the service of men-of-war and of troops.

III.

For the security of transit through the Isthmus of Panama against internal political disorders, the Government of the United States of Colombia will always maintain in that territory a national armed force sufficient to preserve tranquillity and public security against revolution, mutiny, or disorder of any kind.

IV.

For the fulfillment of the obligations contracted in the present treaty, the two contracting parties shall proceed always in good faith and entirely in accord.

COUNTER-PROJECT FROM THE DEPARTMENT.

Whereas the United States of America, by section I, article 35, of the treaty now in force between the two countries of the 12th of December, 1846, have bound themselves to guarantee to the United States of Colombia their sovereignty over the Isthmus of Panama and the neutrality of transit through that territory;

Whereas the possible opening of an interoceanic canal through the said isthmus will render still graver and more onerous the obligations contracted by the Government of the United States of America;

And whereas it is the duty of the United States of Colombia to support and facilitate the United States of America in the maintenance and protection of the sovereignty and neutrality of the said isthmus;

Now, therefore, the two governments have agreed:

I.

That all concessions or grants heretofore made, or hereafter to be made, by the Government of the United States of Colombia for the purpose of securing the completion of an interoceanic canal across the Isthmus of Panama are, and shall be subject to the rights accruing to the United States of America in virtue of the guarantee by the said United States of America in the thirty-fifth article of said treaty, and the exercise of which may become necessary for the proper discharge of the obligations therein undertaken. And no such concession or modification of any such concession, can or shall be hereafter made without the consent of the said United States of America.

And in execution of this provision, any such concession, made or to be made, shall receive the approval of the said United States of America before the work authorized by such concession shall be undertaken or commenced.

II.

That while the sovereignty of the United States of Colombia over the territory of the said isthmus shall not be divested, the use of the said canal shall be as free to the government and citizens of the United States of America as to the government and citizens of the United States of Colombia; and the government and citizens of the United States of America shall be subject to no other tolls or conditions upon its use than are charged upon the government and citizens of the United States of Colombia.

Whenever the canal shall become the property, or shall come into the beneficial possession of the United States of Colombia, the Government of the United States of Colombia shall hold it as a trust for the commercial world, collecting only such tolls as are necessary for its proper administration and as reasonable revenue to that government, according to its general taxation of real and personal property.

III.

That, in order to maintain efficaciously the said guarantee, the Government of the United States of America shall have the right to occupy and fortify such places in the ports and harbors at the termini of the said canal as may be deemed by the said government necessary and fit for the establishment of coaling stations, naval depots, ship-yards, and docks; and the Government of the United States of America shall have the further right to establish and occupy at the entrances of said canal, or along the line of its construction, such fortifications as the said government may deem necessary for the maintenance and protection of the neutrality of said canal and the sovereignty of the said United States of Colombia. And the selection of such naval stations and the location of such fortifications shall be made by the two governments, and they shall together regulate the mode and extent of the occupation thereof; and the expense of their construction, maintenance, and occupation shall be at the cost of the United States of America.

IV.

That in time of peace the canal shall be free and open to the mercantile marine of all nations upon payment of the tolls and compliance with the regulations which may be established therefor under the supervision and with the consent of the two governments. And in time of war, the two governments agree that neither will exercise the belligerent right of capture, detention, or blockage of merchant vessels within the limits of said canal, its ports, harbors, or dependencies, and such distance of open sea as may hereafter be determined, against the merchant vessels of any power which has, by treaty stipulation with the United States of America and the United States of Colombia, agreed to respect the neutrality of said isthmus.

V.

That the canal is closed, as matter of right, both in time of peace and war, to the naval vessels, or military transports whether of troops or munitions, of all nations, except the two contracting governments; but the said governments hereby agree to declare open to all vessels of war the harmless use of the canal communication in time of peace,

subject to such regulations and restrictions as the said two contracting governments may jointly adopt.

TENDENCIES OF THE DRAFT PRESENTED BY THE MINISTER OF COLOMBIA.

1. To recognize that the construction of a canal across the Isthmus of Panama increases the obligations contracted by the United States of America by article 35 of the treaty of 1846, which is now in force between the two nations; and to manifest the willingness of Colombia to facilitate the fulfillment of said obligations.

2. To determine the territory referred to by the guarantee of the sovereignty of Colombia over the isthmus and of the neutrality of transit.

3. To define the circumstances under which it shall be the duty of the United States to assist Colombia in the defense of the guaranteed territory.

4. To state with precision the facilities which Colombia is ready to lend the United States for the fulfillment of the obligations contracted by them, among others, the designation, by common consent, by the two governments, of the places requiring temporary or permanent fortifications, of places suitable for coaling stations for the vessels of both nations, the occupation by force of the United States of America, of the territory threatened or invaded, so long as the emergency shall last, and free passage through the canal for the war-vessels of the United States.

TENDENCIES OF THE DRAFT PRESENTED BY THE HON. SECRETARY OF STATE.

1st. Article 2 tends to modify article 6 of the Salgar-Wyse convention.

2d. Article 3 is based upon the idea of the fortification and permanent occupation of the canal and its appurtenances by forces of the United States of America.

3d. Articles 4 and 5 tend to modify article 5 of the Salgar-Wyse convention.

It may easily be deduced from the comparison made, that articles 2, 4, and 5 of the draft of the honorable Secretary of State are open to the same objections as article 1, which it has been determined not to discuss, in view of the fact that the undersigned minister does not consider himself authorized to agree in the name of his government to any deviation from the Salgar-Wyse convention, without the consent of the other party that has contracted with Colombia, which reason induced the undersigned to abstain from entering upon any discussion on the basis of article 1 of the draft of the Hon. Secretary of State, and to solicit fresh instructions from his government.

With respect to article 3 of the draft of the Hon. Secretary of State, the undersigned takes the liberty to observe that if the fortification of the territory in question is to take place before the occurrence of the danger from which it is sought to guard that territory, he does not think that the permanent occupation of said territory by the forces of the

United States of America is indispensable, or even necessary, especially since Colombia will, the case arising, keep such an armed force on the isthmus as may be necessary to protect the canal from surprise, thus giving the United States time, in any event, to come to its aid.

The undersigned, as he stated in the draft which he submitted to the consideration of the Hon. Secretary of State, would be willing to agree to permanent fortification, but only to temporary occupation; that is, during the prevalence of the danger recognized by the Government of Colombia.

R. STO. DOMINGO VILA.

WASHINGTON, *February* 12, 1881.

MEMORANDUM OF THE DEPARTMENT OF STATE ON THE COLOMBIAN PROJECT AND COUNTER-PROJECT.

The project submitted by the Colombian minister recites that it is based upon three considerations:

1. That there is an existing guarantee of the neutrality of the isthmus and of the sovereignty of Colombia over the isthmian territory, assumed by and now obligatory on the United States by virtue of thirty-fifth article, treaty of 1846.

2. That the probable opening of an interoceanic canal communication through the isthmus renders still graver these treaty obligations.

That Colombia is bound to concur with the United States in the maintenance of this guarantee of neutrality and sovereignty.

In the value of these considerations the United States concur, and both parties are therefore agreed upon the reasons which render important stipulations in development and explanation of the former treaty.

The United States do not consider it necessary to describe more specifically the boundaries of the territory covered by the guarantee than they were defined and understood at the date of the treaty. Nor does it seem desirable to attempt a more precise description of the obligations of the guarantee than the treaty contains. The provisions of the treaty are sufficiently full and accurate in the description of the obligations of the guarantee, and the United States do not desire either on the one hand to limit its existing responsibility or on the other to increase or extend its obligations. Besides which the provisions of any supplemental treaty which may be agreed upon will, by the practical details for the execution of the guaranteee which it may furnish, sufficiently define and limit the character of the treaty obligation for the execution of which it provides.

ARTICLE I.

This article declares that all concessions or grants heretofore made or hereafter to be made by the Colombian Government, for the execution of an interoceanic canal, are and shall be subject, in virtue of the guarantee of the thirty-fifth article, to the approval of the United States.

The Colombian minister objects to this, that it is inadmissible so far only as concerns any concession heretofore regularly made by the Colombian Government, for such concession must be considered as an executed contract. He recognizes as not unreasonable the right of the United States to demand the preliminary of their consent to any new

concession or to the modification of any one now existing. Putting aside a discussion of the principle involved in this objection, it would seem quite possible to find ground for substantial agreement by so shaping the practical articles of the proposed supplemental treaty as to protect the rights of the United States accruing under the thirty-fifth article from any invasion by the grants of the concession. For if the sovereignty and character of Colombia are concerned in the maintenance of a contract which, however inadvertently as far as the rights and interests of the United States are concerned, it has regularly and formally executed, that sovereignty and character are none the less concerned in the maintenance of a treaty, which is a higher contract of an older date. Besides, as the text of the concession is now before both governments, it would be convenient to their common interests and obligations under the existing treaty, for the United States to assign the clauses or provisions in the concession which seem objectionable, and for Colombia to undertake for their modification by the grantees, or, if impracticable, accept the protest of the United States as to their being inoperative as against the United States.

ARTICLE II.

This article provides that while the sovereignty of Colombia shall not be divested, the use of the said canal shall be as free to the government and citizens of the United States as to the government and citizens of Colombia.

The details of this article need not be recapitulated, for the objection of the Colombian minister seems to be confined to the claim of equality of use of the canal by the government, although the commercial use by the citizens of the United States is not questioned.

The difficulty seems to arise from the provisions of the Wyse concession, which (article 6) declares:

> The United States of Colombia reserve to themselves the right to pass their vessels, troops, and munitions of war at all times without paying any dues whatever.

This provision is supposed to confer upon the holders of the concession the right to impose dues upon the vessels, troops, and munitions of war of all other nations, and, therefore, to be incompatible with the right claimed by the United States of the free and equal use of the canal by the government as well as by citizens.

This concession was granted in 1878.

In 1846, in the thirty-fifth article of the treaty of that date, "the Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama, upon any modes of communication that now exist or that may be hereafter constructed, shall be open and free to the government and citizens of the United States," and then goes on to provide that no other tolls or charges for the use of this communication shall be levied upon the citizens of the United States than are levied upon the citizens of New Granada.

The stipulation is clear and explicit that the communication is "open and free to the Government" of the United States, and "open and free to the citizens" of the United States, subject in case of the citizens to the collection of the same dues collected from citizens of New Granada.

And in order to secure themselves the tranquil and constant enjoyment of these advantages * * * the United States guarantee positively and efficaciously, &c.

That is to say, the United States guarantee the neutrality of the isthmus and the sovereignty of Colombia over its territory, upon the express condition that the canal communication shall be open and free absolutely to the government and open and free conditionally to the citizens of the United States, the conditions being the same imposed upon Granadian citizens. Under this article the United States may justly claim that the freedom of use of the canal was theirs absolutely, whether the Colombian Government consented or not to the payment of toll for that use; but all they have asked is that the use of the United States shall be the same as the use of Colombia.

And it surely must have occurred to the Colombian minister that, if this right to levy toll upon the Government of the United States by the holders of the concession be admitted, the United States might find themselves not prevented from discharging the obligation of their guarantee, but annoyed and encumbered with heavy impositions and burdensome regulations whenever Colombia might require the use of their vessels, troops, or munitions of war in execution of the guarantee.

It cannot be supposed that the United States ever contemplated such a condition; and the language of the Colombian minister in reference to the obligation of the Colombian Government to maintain its concession once guaranteed would sufficiently justify the United States in declining to believe that the Colombian Government has ever intended or would now undertake to subordinate the provisions of the elder treaty to the stipulations of the later grant.

If this error has been inadvertently committed, it is for the Colombian Government to correct it; and, should that government deem it needful, no difficulty ought to be anticipated in obtaining from the holders of the concession the requisite consent.

ARTICLE III.

This article recognizes that, in order efficaciously to execute its guarantee, the United States should be provided with a necessary base both for military and naval operations, and refers the method of such preparation to a future convention.

The Colombian minister, both in his project and conversation, accepts the principle of this article. He desires to limit its execution by the condition that in time of peace, and when no hostile exigency is apparent to the two governments, the occupation of military positions should be entrusted to the Colombian Government, with such provision for the preservation of war material and fortifications as the United States might desire.

This suggestion would not be unfavorably received if confined to fortifications along the line of construction and perfected in detail by a convention. It could scarcely apply to naval stations, coal depots, or dock-yards, which would from their character have to be held in continuous possession and occupation by the power using them.

But it would seem that there is no important difference on this article. Its principle is recognized by both governments; it contains in itself provision for a convention to regulate details; and it is certain that neither the United States nor Colombia will desire to go to the heavy expense of military preparation without absolute necessity and the fullest opportunity for concerted action.

ARTICLE IV.

This article provides that in time of peace the canal shall be free and open to the mercantile marine of all nations, upon payment of tolls and compliance with the regulations which may be established therefor under the supervision and with the consent of the two governments.

This consent of the two governments, as a preliminary to the establishment of tolls and regulations, is supposed to interfere with the right conferred by the concession upon its holders to determine the tolls and make the necessary regulations for the use of the canal.

Still waiving the question whether the consent of the United States to any concession is not made requisite by the thirty-fifth article, and assuming that the tolls and regulations do not infringe upon any right of the Government of the United States secured by the older treaty, this objection might be considered and obviated by an acceptance on the part of the United States of the tolls and regulations as ascertained by the concession, if found reasonable, with the understanding or stipulation, however, that, in case of difference between the holders of the concession and the Colombian Government, the Government of the United States shall be consulted and its consent obtained to any change or settlement.

ARTICLE V.

This article provides that the canal is closed, as matter of right, in time of peace and war, to the naval vessels or military transports of all nations, without the consent of the two governments.

It is suggested by the Colombian minister that this is also an infringement of the right secured to the holders of the concession to levy tolls, &c., on the naval vessels of all nations except Colombia.

Article 5 of the concession does not seem to warrant this construction. Why it does not apply to the United States Government has been already stated.

As to other nations, all that article 5 strictly and properly interpreted gives to the holders of the concession, is the right to levy toll upon the war vessels and transports of all nations except Colombia, *if they are allowed to pass.* But there is no obligation assumed by Colombia that they shall be allowed to pass. That is a question which, as to every nation other than the United States, Colombia must decide according to her interests, and it cannot be supposed that Colombia has in this article so far abdicated not only her sovereignty but her duty to regard what may be great political and territorial interests, as to deprive herself (in connection with her guarantor) of the right forever, under any and all circumstances, of closing the canal in times of peace to all war vessels. If this construction be correct then the right of the holders of the concession to levy tolls, *when* such vessels pass, is not taken away by the preservation of the right of Colombia to decide that "when."

Besides which, this article contains a declaration that both governments will agree that the canal shall be open to the harmless use of war vessels in time of peace, subject to such cautionary regulations as they may agree upon. And this would seem to remove the practical difficulty suggested as arising from article 5 of the concession.

Mr. Evarts to Mr. Trescot.

DEPARTMENT OF STATE,
Washington, February 15, 1881.

SIR: You will receive herewith a copy of a memorandum indicating the subject and scope of a conference between the Colombian minister and myself in relation to certain projects of treaty which have been considered by us. You are already advised of the general situation of the subject as hitherto treated between this government and that of Colombia.

You will proceed to New York, and in an interview with the Colombian minister, who has been advised of your coming, you will, guided by this memorandum, submit to him the views of this Department.

Should the result of your conference be an indication on his part of his authority and readiness to conclude a treaty upon the modifications suggested, you will inform him that I am prepared to renew our conferences upon that basis in the expectation of a conclusive arrangement. But if, as is more probable, you find that he considers himself only authorized to refer to his government the views entertained between you, your object will be by free and frank consultation to ascertain how far his opinions and those expressed by me in the memorandum, promise the possibility of an accord, upon the subjects embraced, which will justify positive instructions in that sense to the United States minister at Bogotá.

You will bring or forward a report of your interview in the shape of a *précis* of the conversation between you.

It is hoped that such a report can reach this Department in time for the next mail to Panama. But if you find this impossible, you will inclose a copy of such report in the letter addressed to Mr. Dichman, which is sent you with this, and mail the letter and inclosure so as to secure its transmission from New York by the mail which leaves immediately after your interview with the Colombian minister.

I am, sir, your obedient servant,

WM. M. EVARTS.

Mr. Evarts to General Santo Domingo.

DEPARTMENT OF STATE,
Washington, February 15, 1881.

MY DEAR GENERAL SANTO DOMINGO: I have the pleasure to introduce to you the Hon. William H. Trescot, who has received from me instructions and authority to continue, on the part of the Department, the conferences which have engaged our attention up to the moment of your leaving Washington.

However much I may regret that you have thought yourself obliged to leave this capital with our conferences not advanced to a conclusive result, I deem myself fortunate in being able to confide the further treatment of the matter to so experienced and accomplished a representative of the views of the Department as Mr. Trescot. He has become fully possessed of the whole posture of the two governments, as it has appeared in the treatment of the subject between us, and of the views

which I should further have pressed upon your attention had you remained in Washington. He will, I hope, receive the same confidence on your part in meeting these views in the same frankness that you would if offered by myself.

I venture to anticipate that you may be able to come to such an accord as may furnish the material of a preliminary protocol, if not of a definitive convention.

Wishing you a prosperous voyage, I am, my dear general, yours, very truly,

WM. M. EVARTS.

Mr. Trescot to Mr. Evarts.

WASHINGTON, *February* 18, 1881.

SIR: I have the honor to inclose herewith a protocol signed on the 17th February, 1881, by General Santo Domingo Vila, envoy extraordinary and minister plenipotentiary of the Government of the United States of Colombia, and myself, representing the Secretary of State of the United States of America, under instructions from you.

At my first interview with General Santo Domingo, I submitted to him the memorandum with which I was furnished by you, containing a *précis* of the character and scope of the conferences heretofore had between yourself and the Colombian minister.

You will find, I hope, that the protocol contains sufficiently full and satisfactory declarations upon the points under discussion, with the exception, perhaps, of the provision of the first article of the project which you submitted to his consideration.

That article was intended to declare that any concession for the execution of an interoceanic canal, heretofore made or hereafter to be made by the United States of Colombia, was and should be subject to the rights of the United States of America as guarantor of the neutrality of the isthmus and of the sovereignty of Colombia over isthmian territory secured to the United States by the thirty-fifth article of the treaty of 1846, and that the consent of the United States of America must be considered as a preliminary necessary to the validity of any future grant or the modification of any existing one.

General Santo Domingo recognized that no rights secured to this government by the older treaty could be subordinated to rights conferred by the more recent concession; and in the first declaration of the protocol it was distinctly declared that the right of the Government of the United States to the free use of the canal for its war vessels was superior to the right granted the holders of the concession, in article 5, to levy tolls upon all such vessels, except only the war vessels of Colombia.

He was unwilling to make such a declaration as seemed to him to imply that there had been such an infringement of our treaty rights by the grants of the concession, which, as a fact, he did not admit. He thought the relations established by the treaty made the right of the United States so plain to insist upon the observance of article 35 and to lay before the Colombian Government, by protest or otherwise, any

provision of the concession which was deemed an infraction of the treaty, as to require no more specific declaration. But he was not willing to accept the protest of the United States as, *ipso facto*, rendering any provision of the concession which might be complained of inoperative, for that would seem to dispense with the necessity of amicable consultation for the purpose of removing the supposed difficulties. If such consultation reached no satisfactory solution, the power and right of the United States were indisputable, and the question would be then one of those in which each government would be free to maintain its position by adequate means and in view of its general interests.

As the first declaration of the protocol had recognized, in the only practical case, the superiority of the treaty obligation; as the other declarations established an accord between the two governments in the construction of the rights secured by article 35 of the treaty; and as the Government of the United States had, in former diplomatic communications to Colombia, indicated its dissatisfaction with the grant of the Wyse-Salgar concession without its previously obtained consent, and had explicitly informed the Colombian Government that the necessity for such consent was and would be maintained as a consequence and function of the guarantee undertaken by the treaty of 1846—I deemed it best not to press further the present consideration of article 1 of the project, and to reach, if possible, a practical accord which might even deprive its future discussion of any large consequence.

This, I think, was reached in the third declaration of the protocol, in which Colombia accepts the concurrence of the United States in any modification of the tolls and regulations of the canal-transit now established, which, *for any cause* Colombia may see fit to require. The cause for such intervention on the part of Colombia might be any apparent conflict between the rights secured by treaty and such as are granted by concession.

The other declarations of the protocol would seem to cover all the provisions of the project:

1. The equal freedom of the use of the canal by the governments as well as by the citizens of Colombia and the United States.

2. The authority of the United States, in execution of its guarantee, to occupy the territory of the isthmus and to provide the necessary basis for military and naval operations; and the adoption, by convention, of such methods as may be found most fitting for the co-operation of the two governments.

3. The right of the two governments to close the canal in time of peace to the war vessel of all other nations.

In discussing this last declaration, General Santo Domingo recognized that a contingency might arise in which the interests of the United States would require the canal to be closed to the war vessels of some other nation, and the relations of the two nations were such as to justify the United States in expecting the concurrence of Colombia. But in such case he observed that the nation so excluded might resent the exclusion even to war, and that the guarantee of the United States was confined to the isthmus, and the rest of Colombia would be thus exposed to hostile demonstration without responsibility on the part of the United States for its defense.

While, therefore, willing to accept the general principle that, as matter of right, the canal should be closed to the war vessels of all nations other than the two contracting parties, in time of peace, but that its innocent use should be allowed to such vessels, subject to such regulations and restrictions as the two powers might jointly adopt, he thought

that in case the United States required such closing of the canal, it should be prepared to co-operate with Colombia in the resistance of any attack that might be made on its sovereignty or territory in consequence of such action.

This condition seemed to me so reasonable and was in fact so entirely the line of conduct which the United States would have necessarily to adopt, if the circumstances occurred, that I had no hesitation in shaping the declaration as you will find it in the protocol; stating clearly and explicitly the principle of the closing of the canal in time of peace to the war vessels of other nations, and defining with precision the obligation which the United States would assume in the contingency contemplated.

Having reached this accord, I informed General Santo Domingo that I was authorized to say that "you were prepared to renew your conferences upon that basis, in the expectation of a conclusive arrangement."

He replied, that the necessity for his immediate departure was urgent and his presence as a member of the Colombian Senate of pressing importance; that our accord, formulated in a protocol, would enable him to lay the whole subject before the Colombian Government in such a light as to secure a treaty on that basis, either through the official action of the United States minister at Bogotá, or through renewed negotiation with him on his return here in June.

Under these circumstances, I felt that I was best carrying out my instructions by signing the protocol, and submitting it for your approval.

I am, sir, very respectfully,

WM. HENRY TRESCOT.

PROTOCOL.

The United States of Colombia recognizing—

That the construction of an interoceanic canal through the Isthmus of Panama will render more onerous the obligations of the United States of America assumed by the said United States in the thirty-fifth article of the treaty of 1846, between the United States of America and the United States of Colombia, then known as the Republic of New Grenada;

That the United States of Colombia are bound to concur with the United States of America in the maintenance of the neutrality of the Isthmus of Panama and of the sovereignty of the United States of Colombia over the territory of the said isthmus, guaranteed by the thirty-fifth article of the said treaty;

General Santo Domingo Vila, envoy extraordinary and minister plenipotentiary of the United States of Colombia to the United States of America, and William Henry Trescot, of South Carolina, for that purpose authorized and empowered to represent the Secretary of State of the United States of America, have signed this protocol, containing the following declarations:

I.

That, in conformity with the above-recited treaty of 1846, any interoceanic communication through the Isthmus of Panama, by canal or otherwise, shall be as free and open to the government and citizens of the United States of America as to the government and citizens of the

United States of Colombia, except in case, which God forbid, of war between the two nations.

II.

The two governments will by common accord select such points in the territory of said isthmus as they may deem proper for fortification, temporary or permanent, and for military and naval depots, coaling-stations, and dock-yards, and will provide by convention for the occupation and establishment of such depots, stations, and fortifications.

And if the case contemplated in article 35 of the treaty of 1846 should occur and the sovereignty of the United States of Colombia over the Isthmus of Panama, or the neutrality of the transit across said isthmus, be threatened, the United States of America are authorized to occupy and maintain such threatened territory during the existence of such exigency in co-operation with the military forces of Colombia and in the defense of said sovereignty and territory.

But it is also understood that in time of peace, and no exigency existing in the judgment of the two governments, no military force (other than such detail as may be arranged by the two governments for the repair and preservation of fortifications and military stores, and the maintenance of docks, naval stations, and coal depots) shall occupy the said fortifications or be stationed within the said territory, except such military forces as shall belong to the United States of Colombia.

III.

That in case the United States of Colombia find cause to intervene for the modification of the tolls or regulations established by the holders of any concession of the said government for the execution of said inter-oceanic communication, the Government of the United States of Colombia will accept the concurrence of the United States of America in the adjustment of such tariff.

IV.

As the United States of Colombia and the United States of America are the only nations who have by treaty guaranteed the neutrality of transit across the Isthmus of Panama, and as the United States of America have further by treaty guaranteed the sovereignty of the United States of Colombia over the territory of said isthmus, the canal shall not be considered open as matter of right in time of peace to the war vessels or military transports of any nations except the said United States of Colombia and United States of America. But the said two contracting parties agree that they will declare the said canal open to the innocent use of the war vessels of other nations, subject to such regulations and restrictions as the said two contracting governments may jointly adopt.

But it is understood that if at any time the two governments should concur in withdrawing such declaration and closing the canal to the war vessels of other nations, and danger should threaten the sovereignty or territory of the United States of Colombia in consequence of such action, the United States of America will co-operate with the United States of Colombia in the means necessary for the defense of the sovereignty and territory so threatened.

Signed by us in the city of New York, on the seventeenth day of Feb-

ruary, in the year of our Lord one thousand eight hundred and eighty-one.

WM. HENRY TRESCOT.
SANTO DOMINGO VILA.

The ageement upon the points embraced in this protocol of the same accords with my views and has received the approval of the President.

The question, however, as to whether other points might not need to be entertained as a part of a formal convention on the basis of article 35 of the treaty of 1846 is not understood by me to be precluded by this protocol.

WM. M. EVARTS.

FEBRUARY 18, 1881.

General Santo Domingo to Mr. Evarts.

LEGATION OF COLOMBIA IN WASHINGTON,
NEW YORK, *February* 18, 1881.

SIR: The undersigned, minister of Colombia, has the honor to inform his excellency the Secretary of State that yesterday he and the Hon. William Henry Trescot, as the representative of his excellency, signed the protocol of this same date, in which are embraced the most important points relating to the guarantee of the sovereignty of Colombia in the Isthmus of Panama and the neutrality of the interoceanic passage [via] to be opened there, according to the treaty of 1846 existing between this and that republic.

Having little time at his disposal, as the undersigned is on the point of starting for Colombia, he limits himself to giving this notice to his excellency, adding at the same time the expression of his sincere desire that the bases agreed upon may soon acquire the form of a complete treaty, which will doubtless be the case before long.

The undersigned takes leave of his excellency renewing the assurances of his high consideration and esteem.

R. STO. DOMINGO VILA.

[Translation of papers published by authority of the Colombian Government in Diario Oficial, Bogota, May 27, 1881.]

MINISTRY OF FOREIGN AFFAIRS.

The government has ordered the following documents to be published, relating to negotiations referring to the neutrality of the Panama Canal, and the guarantee of the dominion and sovereign rights of Colombia in that territory:

I.

PROJECT OF PROTOCOL*—EVARTS-AROSEMENA.

At a meeting for this purpose between the undersigned, William M.

* This protocol "formed the subject of several conferences at Washington, between Dr. Justo Arosemena (the former Colombian minister), and myself. This draft was proposed by Dr. Arosemena, and not found acceptable by Mr. Evarts, to whom it was submitted informally by me." (Extract from Mr. Dichman's No. 272.)

Evarts, Secretary of State of United States of America, and Dr. Justo Arosemena, minister resident of the United States of Colombia at Washington, taking into consideration that in view of the possibility of the present or future opening of a canal between the Atlantic and Pacific Oceans, across the Isthmus of Panama, which canal will affect the interests of the United States in a notable manner, and whereas the first paragraph of article 35 of the treaty existing between both nations, dated December 12, 1846, contains important stipulations, not well defined, but which, with a clear understanding, will provide for all necessities which for both countries will arise from or be augmented by the opening of said canal, the undersigned, being fully empowered by their respective governments, have agreed upon the following declarations:

1. (*a*) Whereas the first paragraph of the thirty-fifth article of the treaty of December 12, 1846, concedes to the Government of the United States, as well as to their citizens, the free right of way by whatever means of communication which exist, or which may be *constructed in future*, it permits virtually the transit through said canal—

1st. For all vessels of war of the United States at all times, whether the United States find themselves engaged in war or not.

2d. For the troops of their Army or Navy which they may find necessary to transport from one coast of the United States to the other; provided that the troops pass disarmed through the waters of the canal, which are an integral part of Colombian territory.

3d. For munitions of war for the service of the vessels and troops.

(*b*) From this concession, to which the paragraph refers, is excepted the case, barely possible, but not probable, and which God grant will never take place, of a war between the United States of Colombia and between the United States of America, in which eventuality, and while the same continues, the latter power shall not be permitted (free) to transport through the canal its vessels, troops, and munitions of war.

2. (*a*) Concerning the neutrality of and sovereignty of Colombia over the territory called the Isthmus of Panama, guaranteed by the United States of America, according to the paragraph and article cited from the treaty of 1864, it is understood that said territory is the same as is now embraced by the State of Panama in the Colombian Union, and that the neutrality and sovereignty guaranteed applies to the whole extent of said territory.

(*b*) The guarantee of neutrality consists in that the United States of America will prevent, by all adequate means, including that of making themselves belligerents as allies of the United States of Colombia, that said territory be made the theater of hostilities by any foreign power; or if it shall have taken place, the same not having been opportunely prevented, the United States of America will come to the defense while said hostilities continue, and compel the responsible (respective) power to make due reparation.

(*c*) The guarantee of sovereignty consists in that the United States of America will prevent, by all necessary means, including the use of force, that the territory referred to be made the object of conquest or usurpation, or of invidious steps tending to separate it from the Colombian Union by any foreign power or unauthorized private expeditions.

3d. In order to enable the United States of America to comply with the duties which they have under the treaty and to which the foregoing paragraph refers, they will employ, with all prudence, the indispensable measures while the emergency exists for which they are necessary. For this purpose and for their security, they will receive from the United States of Colombia all the facilities which they may have in their power,

including the temporary occupation of the territory which may be threatened or invaded, and the right to fortify, also temporary, the places which may require it, both parties interested proceeding always in good faith and entirely in accord.

4th. (*a*) As soon as the above declarations shall have been definitely approved by the governments which the undersigned represent, they shall be held as an explanation of the article of the treaty of 1846 to which they refer, and they shall continue as a part thereof during the existence of the treaty, according to the third paragraph of the same article.

(*b*) And whereas said declarations refer to the understanding (tenor) of an article of the treaty which may have an actual application, it is understood that they shall control, in order to decide any questions which may arise from the same, independently of the opening of an interoceanic canal.

In faith whereof, &c.

II.

PART REFERRING TO THE INSTRUCTIONS FORWARDED TO THE MINISTER OF COLOMBIA IN WASHINGTON.

With regard to the interoceanic canal across the Isthmus of Panama, which seems to present some chance of being realized, you will naturally do whatever may be in your power to persuade the United States Government that the existing treaty between Colombia and the United States gives to the latter power all the influence that need be desired over the enterprise, besides which the said treaty may be amplified in any sense the United States might consider convenient, by affirming the Monroe doctrine, to which the United States of Colombia adheres without the slightest reservation. Your predecessor, Dr. Arosemena, drew up the project of a protocol extending that article of the treaty which refers to the transit across the Isthmus of Panama and duly forwarded it to the Secretary of State, but this functionary failed to take the matter into consideration, probably because the circumstances were unfavorable on account of the electioneering excitement. While the negotiation progresses, you may hint, directly in the same sense he did, employing therein all the prudence which distinguishes your character, and in case your insinuation should be well received, you may proceed to modify the treaty, adopting as a guide the before-mentioned project of protocol, which ought to be in the archives of the Colombian legation.

III.

Protocol of the 17th of February—Trescot–Santo Domingo Vila, *vide* page 374, *ante*.

IV.

NOTE OF THE NEGOTIATING MINISTER UPON THE FORMER PROTOCOL.

COLOMBIAN LEGATION IN WASHINGTON,
In Commission—Bogotá, April 22, 1881.

MR. SECRETARY OF FOREIGN AFFAIRS: Having been authorized by

the citizen President of the Republic to present myself in this capital to render an account of the mission confided to me to the United States of America, I have the pleasure to hand to the department of foreign affairs a detailed report comprehending the course and termination of the negotiations in question, thus complying with the instructions communicated to me dated November 1, 1880.

For the purpose of making the narrative more simple and in order, I will treat each one of the points indicated in the instructions separately, taking them in the order therein established.

(B.) The first point of the instructions says as follows:

It being of the highest importance that Colombia should maintain the most cordial relations with the United States, you will not omit, during your mission, any means to attain this object, provided they be legitimate and honorable. You are aware that certain complications may arise with the neighboring republics, in which case it is necessary that we should possess in the United States, if not an ally, at least a decided friend to interpose his influence and weight in America, in order to avoid conflicts which might eventually terminate in fratricidal war, like that which for the last year past has been desolating three republics of the Pacific, and which we ought to endeavor to avoid by every means consistent with the national honor.

From the correspondence which has passed between the legation and the American Government, it will be seen that the relations between the two countries have been maintained upon the best footing, notwithstanding the situation certainly at times disturbed, which the publications of the official press created for me for a short period with respect to the enterprise of the Interoceanic Canal of Panama, and the manifest tendencies of the United States Government to, in my opinion, exercise a galling superintendence over all the interoceanic routes, derogatory to the sovereignty of Colombia. Nevertheless, by means of my official correspondence, as well as private conferences with the Hon. Mr. Evarts, Secretary of State, I have endeavored, and, in fact, have obtained, in my opinion, a plan to conciliate the defense of the rights and sovereignty of Colombia with the good understanding recommended, calculated to promote rather than retard a convenient solution of the important negotiations to which the instructions refer.

The points 2, 3, 4, and 5 apply to the convention made in this city with the representative of the Government of Chili, respecting the conservation of peace between the two republics; to the circular communicated in consequence by the Government of Colombia to the republican governments of South America, inviting them to send representatives to Panama in the month of September next, to form part of that convention and observe the method observed for the discussion and adoption of the bases for a complete code of international law for South America.

At first upon reading the convention made with the representative of the Government of Chili about arbitrations, I observed that this document was wanting in the approbation of both countries, and communicated the fact to you in my note of the 18th November ultimo, No. 12, wherein I notified the government of my intention to limit myself, for the moment, to sounding the President of the United States, Mr. Hayes, at the same time disclosing to him my opinion that perhaps it might be as well to reform the convention so as to have two or three chiefs of friendly nations instead of one only, from amongst whom, in case of necessity, an umpire might be selected.

After delivering the above-mentioned note, I held several conferences upon the subject with Mr. Evarts, who always manifested the best disposition on the part of his government to accept the honorable office of umpire, excepting only the case when the nature of its relations with

any of the countries interested might not permit it to decide with the necessary impartiality due to a careful study of the point or points in dispute. At the same time he expressed the interest which his government would take in persuading the representatives of the South American republics to meet in Panama those of our republic. Of all these matters I gave due notice to the government in various official communications.

The sixth point says:

The Government of the United States being bound by a treaty still in force to maintain the neutrality of the State of Panama, and guarantee the integrity of the same, you will endeavor to find out what the Secretary of State understands by the term neutrality, and how far the said guarantee may be made to extend. This point might become of importance in case the Republic of Chili should claim indemnification from Colombia for the transport of arms across the Isthmus of Panama. This traffic, with but few exceptions, has been carried on by the agents of the Panama Railroad and other American citizens, the fact being that all the arms conveyed across the isthmus were for the use of the belligerents of the Pacific, besides being manufactured and sold by citizens of the United States.

The protocol of the 17th February ultimo will show how I complied with this clause of the instructions. Bearing in mind the complaints of Chili on account of the transport of arms across the Isthmus of Panama, it appeared to me that I ought to leave this point untouched, inasmuch as it would have placed us in an awkward situation with respect to the American Government, as the asking for such an avowal might be interpreted disadvantageously for us, if made precisely at a moment when our relations with the Government of Chili, either with or without reason, were not on the best footing.

It was consequently natural to await the discussion which had already been provoked relating to the opening of the canal, in order to examine that article of the instructions to which I am about to refer.

The seventh or last of the instructions given to me by the government is to the following effect:

(For this, vide II, page 378, *ante*.)

In the examination of this clause, which is the basis of the protocol of the 17th February, already submitted to the consideration of the citizen President of the Republic, I will endeavor to explain in detail all the circumstances that have occurred and the notes which have been exchanged in relation thereto, in order that the government may form a correct idea of what the United States hope to obtain from the legation in my charge, and what the latter got in turn from the cabinet of Washington. The project of the protocol drawn up by my predecessor, the illustrious Señor Don Justo Arosemena, which, according to the clause copied, ought to serve me as a guide for initiating the amplification of the treaty of 1846, still in force between the two countries, says as follows:

(Vide page 376, *ante*.)

After studying carefully the spirit of the preceding document, I solicited private interviews with the Secretary of State, for the purpose of discussing a plan convenient for both nations for extending the treaty of 1846, and after two or three conferences we agreed upon presenting in character of confidential, the bases we judged to be suitable for the desired amplification.

Upon the day appointed I went to the Department of State, and placed

in the hands of Mr. Evarts the annexed project of treaty, the bases of which, with certain additions favorable to Colombia, are identical with those of the project of the Hon. Sr. Arosemena. I ought here to confess that without a full confidence in my own inspirations in regard to the fulfillment of my duty, it would have sufficed to determine me to accept the opinions of Dr. Arosemena the respect which I have always entertained for his competency and honor. The project says as follows:

(Vide page 361, *ante*.)

Two days afterwards Mr. Evarts submitted to my examination the "counter project," the true translation of which I copy, and to which, Mr. Secretary, I desire most particularly to direct your attention.

(Vide page 364, *ante*.)

From article 1 of the foregoing "counter project" the fact may be inferred that the American Government has at last determined to disclose its pretension to revise the concession made by Colombia in favor of Mr. Lucien N. B. Wyse, or any other enterprise having for its object the opening of an interoceanic canal through Colombian territory. This pretension I could not allow without humiliating the sovereignty of the nation I represented. For the purpose, therefore, of convincing the American Government that it was out of the question to hope that Colombia would consent to such an act of abdication, I addressed to him a note dated the 10th of February, of which I annex a copy.

General Santo Domingo to Mr. Evarts.

LEGATION OF COLOMBIA AT WASHINGTON,
Willard's Hotel, Washington, February 10, 1881.

SIR: The undersigned, minister of Colombia, has read and examined, with all the interest which the subject demands, the bases confidentially handed to him by his excellency the Secretary of State during their interview of yesterday for the discussion of the proposed amplification of the treaty of 1845, which is now in force between Colombia and the United States of America, which bases were proposed after his excellency read the draft which was likewise confidentially placed in his hands by the undersigned minister previously to his recent departure for New York.

As frankness and sincerity in its foreign relations are the unvarying guides of the government which he represents, the undersigned minister deems it likewise his duty to be governed by them; he will therefore proceed to state his opinions without reservation of any kind.

When the undersigned minister confidentially handed a statement of the views of the Government of Colombia, in the form of a draft of a treaty, to his excellency the Secretary of State, he referred solely, as is shown by the contents of said draft, to the manner in which the United States of America, as allies of Colombia, were to contribute to the fulfillment of the engagements contracted by said treaty; he did not even imagine that the enlightened American Government proposed to discuss the right of Colombia, as an independent and sovereign nation, to conclude conventions of the nature of that which she has concluded with Mr. Lucien N. B. Wyse for the construction of an interoceanic canal through her own territory.

Although the "whereases" of the draft presented to him are based

upon the very obligations contracted by the Government of the United States of America in article 35 of the aforesaid treaty of 1846, that is to say, upon obligations designed to guarantee the sovereignty of Colombia over the Isthmus of Panama, article 1 of the draft prepared by his excellency the Secretary of State is, in the opinion of the undersigned, in direct derogation of the very sovereignty which it is proposed to guarantee, when it proposes to Colombia to agree that before granting a privilge similar to that which it has granted it needs to secure the consent and approval of a foreign power. Still more is this the case when, as in this instance, that proposition refers to a privilege already granted after all the formalities required by the institutions and laws of Colombia have been complied with, which having been done, the faith of the nation is solemnly pledged.

The undersigned minister has already had occasion to inform his excellency the Secretary of State that the Government of Colombia adheres, without reserve, to the Monroe doctrine; it does not think, however, that that doctrine can be enforced in the present case without disregarding the fraternal idea which constitutes its essence.

If his excellency thinks, therefore, that the idea contained in article 1 of the draft which he has been pleased to submit to the consideration of the undersigned is an indispensable preliminary on the part of the American Government to the discussion of the amplification of the treaty of 1846, which is now in force between Colombia and the United States of America, the undersigned minister is sorry to inform his excellency that without fresh instructions from his government he cannot accept that idea as a basis of discussion; and that as he is about to return to his country, his government may, when informed of the opinions of the enlightened government of which his excellency forms a part, give the proper authorization to its representative at this capital.

The undersigned minister desires this note to be considered as possessing the same confidential character as the interviews which he has had in relation to this matter, and he avails himself of this occasion to reiterate to his excellency the assurance of his high esteem and personal consideration.

R. STO. DOMINGO VILA.

The precise terms of my refusal to admit a discussion upon such bases undoubtedly decided the Secretary of State to propose that we should set aside the discussion of article 1, to which my former note referred, if, in my opinion and in accordance with terms of my note, the proposition should attack the sovereignty. At the same time he manifested his wish to discuss the articles following the counter-projects already mentioned.

In a confidential interview I endeavored in the first place to show clearly the contradictory tendencies of the project of the treaty presented by me and those of the counter-project which in his turn the Secretary of State had submitted to my consideration.

The following were my observations:

TENDENCIES OF THE PROJECT PRESENTED BY THE COLOMBIAN MINISTER.

1st. To admit that the excavation of a canal across the Isthmus of Panama might seriously augment the obligations contracted by the United States of America, in accordance with article 35 of the treaty of 1846, still in force between the two nations, and to manifest the willingness of Colombia to facilitate the fulfillment of the said obligations.

2d. To determine the limits of the territory embraced by the guarantee of sovereignty, and the neutrality of the interoceanic route.

3d. To define the facts and cases which might oblige the United States of America to join with Colombia to defend the territory guaranteed.

4th. To determine the facilities which Colombia might be disposed to afford to the United States to enable it to comply with the obligations it has undertaken, and, amongst others, that of the two governments mutually designating the places which require permanent or provisional fortifications. Those also that may be suitable for coal depots for the use of vessels of both nations. The occupation of any territory which may be menaced or invaded, so long as the emergency lasts, and the free transit of the canal by the American naval forces.

TEGDENCIES OF THE COUNTER-PROJECT PRESENTED BY THE SECRETARY OF STATE.

1st. Article 1 will completely annul the sovereignty of Colombia.

2d. Article 2 tends to modify article 6 of the convention Salgar-Wyse.

3d. Article 3 is based upon the idea of fortifying and occupying permanently the canal and its appurtenances by forces of the United States of America.

4th. Articles 4 and 5 point to a modification of article 5 of the convention Salgar-Wyse.

From the above comparison it may be clearly deduced that articles 2, 4, and 5 of the Secretary of State's project are affected with the same inconvenience as article 1, the discussion of which was set aside, because the undersigned did not feel himself authorized even to accept it as a basis of discussion.

With regard to article 3 of the Secretary of State's project, the undersigned takes the liberty of observing that if the fortification of the territory in question must be executed before the occurrence of the danger against which it may be desired to guard, he fails to see that the permanent occupation of the territory guaranteed by United States troops should be indispensable, because in case of necessity Colombia would maintain a sufficient armed force on the isthmus to defend the canal against a sudden attack, thereby giving time to the United States to come to her succor.

Being again urged by the Secretary of State to continue the discussion upon the basis of this counter project, which I had already definitively rejected, I wrote to him on the 11th February the following note:

General Santo Domingo to Mr. Evarts.

LEGATION OF COLOMBIA AT WASHINGTON,
Washington, February 11, 1881.

SIR: Although the time which is at the disposal of the undersigned minister in this capital is very short, he hastens to reply to the note of the Department of State bearing date of yesterday and referring to his of the same day.

The undersigned is sorry not to have succeeded in conveying to his excellency's mind the idea which he had in view when he dictated it, viz, that inasmuch as the draft which was submitted to his consideration is based upon its first article, and as the undersigned minister interprets it as not being in harmony with the sovereignty of the country

which he represents, he has thought that, without fresh instructions from his government, he cannot continue the discussion touching so important and grave a matter, since the Government of Colombia could not foresee, when it gave him his instructions for his present mission, the possibility that, when the amplification of the treaty of 1846 should be considered, with a view to specifying the manner and providing the means for the fulfillment of the obligations contracted by the American Government in connection with the guarantee of the sovereignty of Colombia over the Isthmus of Panama, it should be sought, even remotely, to jeopardize, or even to call into question, its national sovereignty, as, in the opinion of the undersigned, it would be jeopardized if he were to accept as a basis of the discussion of a treaty anything similar to what is contained in article 1 of the draft prepared by his excellency, to which the undersigned now has reference.

Being without instructions, therefore, for this unforeseen case, and being obliged to return to Colombia with as little delay as possible, the undersigned will take occasion to inform his government, in person, of the views and wishes of the executive branch of the American Government, in relation to the treaty of 1846, which is now in force between Colombia and the United States of America, and to transmit it via the Isthmus of Panama.

In case, moreover, the American Government shall not think proper to authorize its minister at Bogotá to continue the negotiations there, the undersigned will, ere long, return to Washington; or, if not, another agent of the government of Colombia will soon be accredited; and the undersigned hopes that, when the discussion of this important question shall be reopened, the mutually advantageous result will be attained which is desired by both governments, and which the undersigned most sincerely regrets not to have been able, thus far, to bring about.

The undersigned will, nevertheless, be glad to visit the Department of State this afternoon at three o'clock, if his excellency the Secretary of State has no previous engagement, and he will be still more glad, on taking his leave for the time being, once more to hear the assurances of the fraternal feelings entertained by the great American nation towards its sisters on this continent.

The undersigned reiterates to his excellency the Secretary of State the assurances of his respect and consideration.

R. STO. DOMINGO VILA.

Having accepted the interview solicited at the end of the foregoing dispatch, I was again requested by the Secretary to delay my return to New York, with the hope, as he expressed it, that we might be able to arrive at an arrangement acceptable to both parties; but as the Secretary refused to fix the terms of the proposed arrangement, I informed him of my determination to go to New York with the intention of sailing in the steamer of the 18th instant.

The negotiation being in this state, and, as one may say, suspended, on the 15th February I received a telegram from Mr. Evarts informing me that he had sent Mr. Trescot, who, as representing the Department of State, was invested with power to continue the negotiation.

The discussion having been resumed in the manner explained, and finding the representative better inclined to recognize the justice of my rejection of the basis which had been proposed, I repeated the substance of my first project, and not having time to draw up a treaty, which might contain and develop them, I agreed to sign the protocol, of which

I have given an account, and which, as may be deduced from its context, is confined to making important declarations relating to the treaty, still in force, of the 12th of December, 1846, between Colombia and the United States of America.

After relating the condition of the negotiation, which has resulted in the protocol of the 17th of February of the present year, the original of which I have handed to the secretary of foreign affairs, I will now proceed to show the meaning that, in my opinion, should be attached to the declarations contained in the said protocol.

A mere perusal of the counter project presented by the Hon. Mr. Evarts will show the exact measure of the demands which are meditated against Colombia, and evident intention that exists of upsetting the organization of the company holding the concession made in favor of Mr. Lucien N. B. Wyse, through the humbug of a simulated superintendence by the American Government over all interoceanic communications across the Isthmus of Panama, in accordance with the views already proclaimed by the American press, which have also been advocated even in the chambers of the national representation.

In order to justify its designs the American Government has been compelled to invoke the Monroe doctrine, in spite of its being inapplicable to the case, and to interpret article 35 of the treaty of 1846, &c., as creating a right to interfere in matters which affect the sovereignty of Colombia. This article, so far from conceding to the United States the right claimed, imposes obligations upon that government which Colombia stipulated for as a compensation for the concessions made in the first part of the said article 35 to the United States.

Planting itself in this way upon a forced interpretation of article 35 of the treaty of 1846, before cited, the United States deny the right of Colombia to grant concessions of the kind made in favor of Mr. L. N. B. Wyse, without the previous approbation of the American Government.

It is necessary to study with attention the protocol of the 17th February, in order to discover whether or not the minister of Colombia induced the Cabinet of Washington to desist from such a pretension, and, in consequence, the perfect right of Colombia to make the law authorizing the excavation of a canal through her own territory.

After studying separately each of the points to which the protocol refers, and examining the terms and making the necessary comparison between that document and the treaty of 1846, basis of the aforesaid protocol, it will be admitted that the real object of the Colombian minister was to extract from the American Government two important declarations, calculated to include the recognition, as a fact legally consummated, of the contract Salgar-Wyse, and Colombia's right to seek from other powers a guarantee similar to that which the United States have bound themselves to make effective.

It will likewise be admitted that these declarations were obtained without any new concession of a definite character on the part of the representative of Colombia, *i. e.*, none that were not contained in the treaty of 1846, and much less any that might be considered not included in the instructions which were delivered to him as a guide, and invested him with authority to sign the documents which it is now proposed to examine.

The first article of the protocol is confined to the recognition of the fact that by article 35 of the treaty of 1846, &c., all interoceanic communication across the Isthmus shall be free equally for the government and citizens of both nations, saving the exception provided for in the proto-

col, which is not in the treaty, of the case of war between the two nations.

Article 2 declares the consent of the two nations to be necessary for the erection of temporary or permanent works, and the establishment of convenient sites therefor. The same with respect to naval stations, dock-yards, and coal depots.

Besides the above, *ulterior conventions* will be required to arrange and attend to the maintenance of the aforesaid establishments.

Colombia, therefore, in the before-mentioned declaration has compromised herself to nothing, no time having been fixed for the construction of any defensive work in her territory, nor can any be constructed without her express consent, the occasion for conceding or denying not having occurred. In the mean time it is expressly stipulated in the said article 2 that until the danger provided for in article 35 of the treaty of 1846 shall become apparent no military force, except it belong to the army of Colombia, shall be stationed in the territory of the Isthmus.

Remembering the fact already proved that the Colombian minister decidedly and energetically refused all discussion upon the basis of conceding to the United States of America the right to modify the contract Salgar-Wyse, it will be comprehended that when he accepted in article 3 the concurrence of the American Government for fixing the tariff only in the case in which Colombia might consider herself justified in intervening in the regulations *either dictated* or which may be dictated..... by whom? *by the company which owns the concession*, it is proposed to compel the American Government to recognize this company, whose existing contract with Colombia was the obstacle which prevented it from considering itself at present possessed of the right to interfere with the regulations adopted.

This important recognition was obtained merely at the cost that Colombia should accept the concurrence of the United States for the execution of an act which will not take place, or for the exercise of a right that Colombia will not be able to recover, except in case of the expiration of the existing contract—a contract whose revision is claimed by the American Government.

The fourth article says:

(*Vide* page 375, *ante*.)

No great effort of the imagination is required to discover that the intention of the Colombian minister in drafting that part of the article of the protocol just copied was to determine the possibility that by treaty other powers might also take part in guaranteeing the neutrality of the interoceanic route and the sovereignty of Colombia over its own territory, thereby inducing these powers to hasten the celebration of the said treaties with the bait of concessions made to the United States, this up to the *present time* having been the only nation that had offered her guarantee, and *this same constituting the foundation of all the concessions hitherto granted.*

It may consequently be deduced from the foregoing that article 4 was designed to secure for Colombia a collective guarantee from all the maritime powers, this being the only one that can satisfy the necessities of universal commerce, besides avoiding the conflicts that an isolated guarantee might maintain pending, like the sword of Damocles, not only over the sovereignty of Colombia, but also over the head of the entire commercial world.

In this manner I have analyzed each of the points contained in the protocol of the 17th of February, 1881, which it has been my fate to

sign. In so doing I feel myself honored, in spite of having been informed that voices have been raised in terms of disapprobation both in and outside the Senate, even to the extent of denouncing my conduct as an act of treason towards the republic. Those persons who censure me in this way will not be the only ones whom I have been called upon to forgive. The hour of real danger for this country will be the proper time for branding the true traitors. May my accusers in my presence never have occasion to hang their heads with shame!

CONCLUSION.

The secretary for foreign affairs will permit me to repeat the opinion that from New York I urged upon the Government of Colombia the advantage of promoting actively amongst the maritime nations of the world the idea of a collective guarantee. According to my view, this measure is the only one calculated to secure effectively the rights and sovereignty of Colombia over the Isthmus, at the same time that it will maintain the neutrality of the interoceanic route, a matter in which the principles of universal commerce are interested.

It is to the obtainment of this collective guarantee that, in my humble opinion, the patriotic efforts of Colombia should be directed with all due caution, talent, tenacity, and constancy through her legations.

If the patriotic interest which I have dedicated to the discharge of the honorable mission that the Government of Colombia confided to me in the United States of America should eventually be recognized, together with my firm intention to adhere strictly to the tenor of the instructions delivered to me, and which served me as a guide during the negotiations of which I have just given a detailed account, I shall consider my labors fully recompensed.

R. SANTODOMINGO VILA.

Señor SECRETARIO.

V.

THE MONROE DOCTRINE.

President Monroe in his message to Congress in 1823, after stating that friendly negotiations were in progress with Russia and England to clearly define the respective rights of these powers on the northeast coasts of America, expressed himself in the following terms:

"During the discussions that have taken place about the arrangement of this business it has been judged a proper occasion to affirm, as a principle of national interest, that the continent of America, in virtue of the liberty and independence that it has conquered, ought to be considered as free from all intention of future colonization on the part of European powers." *

* MEMORANDUM.—The above is a Colombian version of the Monroe doctrine, which, of course, does not exactly correspond with the language used by President Monore.

VI.

OFFICE OF FOREIGN AFFAIRS,
Bogotá, May 28, 1881.

A communication having been made to the honorable Senate of the Union that the executive power, without declining to appreciate as patriotic and well intentioned the conduct of our minister in Washington, has declared the bases of the protocol of the 17th February to be inacceptable in a general point of view, and in consequence has given to the negotiations the turn corresponding to such decision.

This resolution ends for the present the important business to which the documents published this day refer.

The Secretary:

BECERRA.

DENMARK.

No. 211.

Mr. Cramer to Mr. Evarts.

No. 624.] LEGATION OF THE UNITED STATES,
Copenhagen. March 2, 1881. (Received March 25.)

SIR: An interesting German work has recently come to my notice. Its title (translated) is: "North America: Its Cities and its Natural Wonders; its Scenery and its People." I consider the appearance of this work in Germany, and a translation thereof in the Swedish language, a hopeful sign of the times, as regards the dissemination in that country and in Scandinavia of just and correct views concerning the United States. For since my residence abroad I have noticed with pain that, with some noble exceptions, the secular press of Germany and, to some extent, of Scandinavia, has been unfriendly, not to say, hostile, towards our country. Three principal reasons may be assigned therefor:

First. The reflex influence of our republican institutions upon the people of those countries. The United States has demonstrated four things to the nations of the earth: 1. Its power to maintain itself as a nation while passing through the terrible ordeal of war; 2. Its capacity to assert and maintain itself as a first-class power without a large standing army; 3. Its great prosperity while following different principles of state-craft from those followed by European political "*doctrinaires*," 4. Its ability, without having recourse to heavy national taxation, not only to meet all its financial requirements, but also to reduce its national debt from $40,000,000 to $60,000,000 per annum, and that at a time when a number of European governments have to contend with an annual "deficit," notwithstanding the enormous taxes they have imposed upon their people. In spite of the press, the people of Germany and Scandinavia somehow get to know these things. It sets them to thinking. They naturally infer that civil and religious liberty—republican institutions—are highly favorable to individual and national prosperity. This creates in them a desire to emigrate to the United States. Many thousand of the thriftiest, most energetic, and intelligent Germans and Scandinavians have already found a home there, and many thousands

more are annually flocking thither. What is Germany's and Scandinavia's loss is our gain. Nor is this all. Among those who are unable to emigrate from want of means republicanism is gaining ground, step by step, engendering dissatisfaction with large standing armies and consequent heavy taxes. Is it a wonder that under these circumstances the so-called conservative press of these countries becomes alarmed, assumes an unfriendly attitude toward our country, and publishes all kinds of bitter things against it, while the socialistic press denounces us because we are not radical or revolutionary enough in its eyes?

Secondly. The German press is unfriendly towards our country because our protective tariff prevents Germany from flooding our markets with its manufactured goods. Like its British colleague, the German (and to some extent the Scandinavian) press has heretofore denounced our tariff as a financial, commercial, and industrial heresy, while our country quietly, but energetically, attending to the development of its mineral, agricultural, industrial, and commercial resources, reached under this supposed heresy an unparalleled degree of prosperity. This fact has, however, opened their eyes, and a considerable number of German journals are now advocating the adoption of a similar tariff for Germany by pointing to the United States as a proof of its great success in securing a revenue, as well as in aiding the development of the industries of our country. They begin to learn from us, though with no friendly spirit, what we have long understood and practiced, viz, that a people cannot become prosperous by laws and police regulations, restricting individual liberty and enterprise; but that a commonwealth must always see its best riches in the number of its well-educated, healthy, and well-to-do citizens, in the number of its arms to work, brains to think, hearts to love the family and the country, and in opportunities for them to develop what is in them.

Thirdly. Second and third rate literati, unfit for any position in their own country; newspaper reporters unable to grasp large subjects and given only to chronicle gossip, and students having failed to pass the required examination in their respective professions, have not unfrequently emigrated to the United States, in the hope of rapidly making a splendid career. Having failed to do this also, they wrote gloomy letters to an already unfriendly press, denouncing the people and the country which, in the eyes of millions, are unexcelled by any other in the world. They failed from a lack of a proper knowledge of the English language, or of tact and practical common sense, or from their inability to adapt themselves to their new surroundings; but unwilling to admit their faults, they attribute their failure to our country and people, and many of the German papers are only too glad to print their diatribes against us.

But the times are changing. There are honest and honorable students, men of character and ability in the "Fatherland" who visit the United States to see things as they are, to learn our language, our manners and customs, our methods of work, our trade, commerce, and industries, in short, to thoroughly understand our country and people. Such a gentleman is the author of the work mentioned at the beginning of this dispatch (Mr. Ernst von Hesse-Wartegg). A "nobleman" by birth, and equipped with a thorough education, he traveled through and studied our country, using and enjoying every facility to become thoroughly acquainted with our people, their mode of life in cities, towns, and villages; with our schools, colleges, and universities; our agriculture, trade, and commerce; our natural scenery, wonders, and resources. The results of his extensive observations and studies are

embodied in the stately volume referred to (822 pages and 300 illustrations). This work cannot fail to disseminate in Germany and the Scandinavian countries just and correct views concerning our country and our people.

The publisher of this work (Mr. Gustav Weigel, of Leipzic) is also publishing, in German, a "German Emigration Gazette," the design of which is to collect and disseminate just and correct information concerning the agricultural, industrial, and commercial interests of the United States, that is, just such information as is needed and wanted by those who desire to emigrate to our country.

These are hopeful signs of the times. They indicate a desire, on the part of the German and Scandinavian peoples, to become better acquainted with our country and our people, and to obtain reliable information of what is of universal interest in the western hemisphere. They also indicate that the future emigrants to the United States will belong to the intelligent, industrious, and well-to-do classes; a class of people that will find there ample room and opportunities to develop what is in them, as well as to assist in developing our immense resources; and thus contribute not only to their own wealth, but also to the wealth of the country.

I have, &c.,

M. J. CRAMER.

FRANCE.

No. 212.

Mr. Noyes to Mr. Evarts.

No. 406.] LEGATION OF THE UNITED STATES,
Paris, November 12, 1880. (Received December 6.)

SIR: The Parliament met in extra session on Tuesday the 9th. The new ministry appeared with a declaration, which the prime minister, Mr. Jules Ferry, read in the Chamber, and Mr. Barthélemy St. Hilaire, the minister of foreign affairs, in the Senate. In this document, which was looked for with eager expectation and of which I inclose a copy and translation, the ministry point out with much stress the fact that their action in vigorously enforcing the decrees of the 29th May, expelling the unauthorized congregations, was but obeying the majority of the Chamber, and appeal to that majority for a frank expression of confidence or the reverse. The delivery was interrupted a great deal in both Chambers, but, on the whole, was received favorably by the republican majority; yet, instantly afterward, the ministry were defeated upon the first motion, a mere question of the order of business, and immediately resigned.

Here was a curious embarrassment. The ministry were republican and had zealously endeavored to carry out the wishes of the majority, yet were outvoted at the first step. Who would be willing to take their places and face the changing moods of the Chamber if Mr. Gambetta refused to take power, and everybody knew that he would? The President declined to accept their resignations, and several conferences were held with the leaders of the republican groups, when it appeared that the vote was rather the result of a misunderstanding than a real differ-

ence, and it was agreed that the Chamber should give them a vote of confidence and they should continue the administration. This was done yesterday and the Jules Ferry ministry goes on.

This singular misunderstanding arose in this way: A bill is pending to change the tenure of office of the judges who, by the present law, are immovable and who are generally not in sympathy with the government and are unwilling to carry out its measures. Another bill of great importance providing a system of primary education, as well as bills ameliorating the law of the press and of public meetings, are also awaiting action. Mr. Ferry asked to have the education bill put at the head of the list and proceeded with first. Many members of decided republicanism, while not opposing the education bill, were eager to get at the magistracy bill at once in order to reach the insubordinate judges immediately. Others of the advanced left were glad of any chance to give a blow to the ministry. The whole of the right of all shades is always ready to vote against the government. When Mr. Ferry therefore made this mere motion on the order of business, a ministerial measure, and insisted upon it, the extreme left and the right for once voted together, defeating him by 200 against 166, and placing the magistracy bill first. These 200 votes were made up of 33 of the extreme left, 5 pure left, who think the ministry go too slow, 4 of the left center, who think they go too fast, and 43 Bonapartists and 38 royalists, who oppose the government on everything. These last 81 reactionaries decided the vote, which was not the real expression of the republican majority; many abstained from voting.

By the new arrangement, giving the ministry a vote of confidence and continuing them in office, there is apparent harmony, but the want of cohesion in the majority which has just expressed confidence in the government is evident, and the confidence is not wholly without reserve. They still did not let Mr. Ferry put the educational bill first, but kept the magistracy bill in its place, and will proceed first to discuss and dispose of it. Meantime the present ministry will be the apparent governing power in France, though the influence and will of Mr. Gambetta really control political movements. He will not take possession nominally, and so long as the real and the ostensible power are wielded by different hands, it is hardly to be expected that there will be a vigorous and stable ministry. On the other hand, it is reassuring to know that the changes that have recently taken place and those that may occur are not radical changes of principle or policy, but differences in degree of opinion among sincere republicans, and that the republic continues, steadily gaining in strength with time, and the people of France, contented with their political institutions and busily engaged in their affairs, are prosperous, peaceful, and happy.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 406.]

Ministerial declaration.

The change of ministry effected during your recess is not one of those modifying the general direction of public affairs. The policy we submit to you is not new to you. You yourselves inspired it. We have remained faithful to the line of conduct clearly issuing from the debates of last session in both chambers. We have not deemed it possible to suspend the exercise of the laws on account of the difficulties and resistance excited by their application, nor held it necessary to ask of Parliament a change in legislation.

The laws regulating in France the condition of religious communities are not laws of haphazard or violence. They are laws of wisdom, necessity, and tradition. They form part of that collection of guarantees established by the foresight of our forerunners for the defense of civil society, and of the rights of the state—guarantees which the republican government cannot any more than any other dispense with, and which it would be supremely imprudent to disdain or weaken. These laws are fundamental ones. They are found in all times and countries. They infringe neither dogma nor conscience. To deny them is to deny the state. Yet such is the spectacle we are witnessing. Impelled by passions more political than religious, and with the significant co-operation of parties whom the country has rejected, a certain number of irregularly established communities have ostentatiously organized rebellion against the laws.

It behooved us to put an end by general measures to a situation injurious to the public peace. Two hundred and sixty-one unrecognized establishments have been dispersed. The dissolution has extended to all the male communities devoid of legal status. It has been effected by administrative methods, as is the acknowledged right of the government whenever the modes of execution are effective or practicable. We have no intention of applying them to the female communities. Their position will be settled by another procedure. You may leave the charge of that to the government, which will have received your confidence, and you will calmly enter on your parliamentary work.

We are now at a decisive moment. The legislature, elected on the 14th of October, 1877, has just entered on its last year of existence. It must be anxious to go to the country, not with labors sketched out, the variety and abundance of which testify only our good will, but with legislative works completed, and, even though small in number, with solutions arrived at.

In the first rank of bills which may and should before all others receive the sanction of the two chambers, you will certainly place those respecting education. This is the direction in which the present legislature has most strongly marked its resolutions and tendencies. You have not only with incomparable generosity endowed public education of all grades, but you have also—and this will be one of your claims before history—resolutely undertaken to restore to the republican state its essential rights and responsibilities as regards education. Thanks to you, we are reascending the incline so imprudently descended for thirty years. The law on the conferring of degrees and the law on supreme educational councils, already passed by both chambers; the bills on letters of obedience and on girls' secondary education, which will soon obtain the adhesion of the Senate; bills which will insure the religious neutrality of the elementary public schools, as also compulsion and gratuitousness; lastly, a bill which we have prepared and which may be speedily passed for requiring from non-state establishments of secondary education substantial guarantees of the fitness of their degrees and for strengthening therein the supervision of the state—all these measures are bound up together; they are looked for by public opinion, so anxious among us for everything affecting the enlightenment of men's minds and the moral unity of the fatherland.

Besides education bills, last session bequeathed us a bill respecting the magistracy. An agreement was effected on the chief points between the cabinet we have succeeded and the committee to whom the subject was referred. Our intention is to abide by that agreement. The composition of the judicial staff is a vital question for every government which is being founded. Directly or indirectly all new powers for a century past have taken guarantees in this respect. The republic cannot escape the common rule. It is unavoidable that measures of this kind should affect things to be supremely respected; but when those measures are temporary, moderate, and equitable, when they may put an end to a troublous situation, good neither for justice nor for the executive, it is a work of wisdom to accept them.

There are other bills that are urgent. Two fundamental measures are pending before the chambers—the public meetings bill and the new press laws. You will deem it a matter of honor to bring them to a fitting consummation. You owe it to liberty; we ask for it in the name of government. We enforce the laws in the broadest spirit, but we shall never agree under the republic to a legal interregnum. So long as the system of preliminary authorization subsists the government will have responsibilities from which we shall not shrink. Nor do we think that Parliament is more ready than we are to put up with a system which would leave the government disarmed or indifferent in regard to provocations to crime or civil war. This paradoxical impunity is revolting to our public manners, and public opinion is apt to desert governments that do not defend themselves. Must we insert in the programme of the year now commencing a general bill on public meetings? We think that neither the time remaining to us nor the state of people's minds affords hope of seeking in the two chambers with any success the solution of a problem so difficult and so complex. We have only taken one chapter from it, on which agreement seems easy. A bill on professional associations and syndicates will simply legalize an already old state of things, and put into the hands of the industrious democracy an instrument of free initiative and of social progress of considerable importance.

We need not remind you that the general customs tariff bill has now only to be examined and voted by the senate, and that it is in the highest degree important to the public prosperity that the economic situation of France in regard to her neighbors should be settled by well-considered treaties before the conclusion of the present legislature.

As to public works, all the main laws are passed, and the grand plans of M. de Freycinet are being resolutely carried into execution. We shall complete them by important measures relating to the improvement of national roads, to agricultural improvements, and more especially to that which will hasten the construction of the canal derived from the waters of the Rhone, so much desired by the south of France, so necessary to the most sorely tried regions of our country.

Lastly, our military organization requires to be completed by a bill concerning the administration, so long under consideration in Parliament, and by a bill on the promotion of army and navy officers, which is impatiently awaited by the army and navy. The ministers of war and marine will add new clauses to it relating to the re-engagement of non-commissioned officers. These dispositions respond to imperative wants, and are, like the promotion bill, highly urgent. Lastly, the unification of the tariffs of pay has been studied so as to introduce substantial improvements in the situation of the privates and the non-commissioned officers.

The government will communicate to Parliament the diplomatic documents relative to the negotiations which have followed the signature of the treaty of Berlin, and especially those referring to the most recent incidents in Oriental affairs. You will therein find evidence of our good relations with all the powers, of the peaceful spirit animating them all, and of the constant efforts of the European concert to prevent new collisions. As to the Montenegrin question, notwithstanding delays and hesitations, we are persuaded that the will of the great powers will in the end prevail. The maintenance of common deliberations is the surest guarantee of the tranquillity of Europe. The government of the republic has never ceased to act in a spirit of disinterestedness and peace, which nobody abroad doubts, and which has won for republican France the esteem and confidence of the world.

We have told you how we look upon the task of our last year. That programme does not resemble certainly those ambitious and high-sounding manifestoes which touch everything without solving anything, and in which the detractors of the present majority are glad to cloak their powerlessness. But we have as our judge a serious and prudent nation, which for ten years has seen the policy of realities at work, and is not ready to desert it. To carry out so many useful objects two things are necessary—method and the spirit of continuity; method to defend the general order of our work from the multiplicity of individual propositions and the invasion of sterile debates; the spirit of continuity to give to the parliamentary situation that stability without which there can be neither enduring work nor a fruitful session. The ministry which you accept must enjoy your entire confidence. The understanding between the majority and the cabinet which is about to preside over its labors must be complete. As to ourselves we cannot be content with an apparent confidence and uncertain approbation. You know who we are and whither we shall go. We do not wish the majority to tolerate us. We ask it to give us, or resolutely to refuse us, its cooperation.

No. 213.

Mr. Noyes to Mr. Evarts.

No. 430.] LEGATION OF THE UNITED STATES,
Paris, February 4, 1881. (Received February 21.)

SIR: The debate which took place yesterday in the Chamber of Deputies, closing with a declaration from Mr. Barthélemy St. Hilaire, the minister of foreign affairs, will do much to quiet the uneasiness lately prevailing here and throughout Europe in apprehension of war growing out of the Greco-Turkish question, and the fear which within a few days has been entertained of a change in the French cabinet and policy by the retirement of Mr. St. Hilaire.

The position of France during and ever since the Berlin conference has been friendly to Greece, so much so that Mr. Waddington, her representative in that conference, was called a philhellene. Mr. St.

Hilaire, too, whose reputation as an author and philosopher rests upon studies in Greek literature, has been considered a friend of Greece, until, of late, the publication of his circular of instructions to the French diplomatic representatives showed a reserve on the part of France and a more severe disposition in regard to the explosive policy of the little kingdom. This publication was viewed, however, by the diplomatic world with satisfaction as tending to preserve peace by restraining the bellicose Greeks.

But a few days since articles began to appear in the Republique Française, which is looked upon by many as Mr. Gambetta's organ, criticizing Mr. St. Hilaire's policy in such sharp terms that it was interpreted to mean that Mr. Gambetta had determined on a change in the cabinet, and that Mr. St. Hilaire should go out. When Mr. Proust, the near friend of Mr. Gambetta, gave notice that he should question the ministry on the foreign policy on Thursday, it drew universal attention to the discussion; and when the day arrived—yesterday—the diplomatic tribune was crowded to its utmost capacity by my colleagues, who watched the development of the debate with deep interest.

Mr. Proust's speech was not in a hostile spirit. He desired not so much to have categorical answers to questions as a free exchange of views and a perfect understanding of the situation. His review of the historical precedents and of the circumstances surrounding the Eastern question was listened to with impatience. Mr. Lamy, an accomplished young member of the Left Center, spoke forcibly in support of Mr. St. Hilaire's policy as far as disclosed in the correspondence published.

Mr. Barthélemy St. Hilaire, whose appearance at the tribune was awaited with eagerness, was received and listened to with profound attention and respect. His speech was clear, full, and decisively marked out the policy of France, as a member of the European concert, in favor of peace, and in disapproval of the bellicose demonstrations of Greece.

He refuted the misinterpretations which had been given in many quarters to the character of the Berlin conference, reviewed the action and policy of Mr. Waddington, and his successor, Mr. de Freycinet—friendly to Greece, but seeking always to preserve the peace of Europe.

As to the present attitude of the Greeks he said:

> They are friends whom I would be glad to declare were in the right, but whom I am compelled, in the name of truth, of the interests of France, of Europe, and of Greece herself, reluctantly to say are in the wrong.

He pointed out that no one was attacking or proposed to attack Greece, who coveted territory which a neighbor had held for centuries; that the territory demanded was not that ceded by Turkey in the treaty of San Stefano, and which the conference at Berlin undertook to divide and regulate in a way to satisfy the various populations and interests; that negotiations are in progress to settle the whole question by arbitration, and there must be patience for a little instead of rushing upon war, with all the disasters that will come and will fall first of all upon Greece herself; that France had been so sincere a friend to Greece in the past that she had the right to give her counsel now, and to have that counsel heeded. He said:

> We have given advice to the Greeks, but so far, they have not listened. I remember that eleven years ago advice was given to our government to prevent its undertaking a war which was most disastrous, and from which this country still suffers. That

advice was not heeded, but it was wise counsel. Do not reproach us now if we are not listened to by the Greeks. We urge, Europe unanimously advises her to cease her armaments, which are compromising and ruining her, and to trust to the good will and the justice of Europe, which she ought not to doubt. To-day peace exists; all Europe desires that it shall continue; only Greece wishes to kindle war.

All sides of the House, even to the Extreme Right, were gradually gained by him as he proceeded with increasing plaudits, and when he closed the House passed, by a unanimous vote, an order of the day approving his declaration, a real triumph for Mr. St. Hilaire, and an assurance of the strength of the ministry and the concord of the Republican leaders.

The tone of the debate, and its happy close, showed, to the gratification of those who watched, that there was no such breach as had been supposed between Mr. Gambetta and the ministry, and it gave an assurance of peace that every one welcomed.

In the evening, at the reception given by President Grévy at the Elysee Palace, which was thronged by almost all the notabilities of Paris, I conversed with several of my colleagues, including Lord Lyons, Prince Hohenlohe, and Count Beust, who expressed their satisfaction at the situation and confidence that the complications which have of late obscured the outlook and threatened a European war would pass by, and the general peace be preserved.

I have, &c.,

EDWARD F. NOYES.

No. 214.

Mr. Evarts to Mr. Noyes.

[Telegram.]

WASHINGTON, *February* 19, 1881.

If decree has issued prohibiting importation of American meats, present regret of this government, and protest firmly if it seems appropriate to do so.

EVARTS.

No. 215.

Mr. Noyes to Mr. Evarts.

[Telegram.]

PARIS, *February* 20, 1881.

Have to-day sent dispatch to minister for foreign affairs expressing profound regrets of my government that the Government of France has seen fit to promulgate a decree forbidding importation of American pork.

Have called attention to the fact that this decree is far reaching, and the most detrimental to the commercial interests of my country, and have asked for a revocation of the order. Requested statement of cir-

cumstances which induced this extreme measure, and requested personal interview to-morrow. Will protest more firmly if facts and attitude of French Government seem to warrant. Decree professedly based on inspection of meat, and recommendation of board of health.

NOYES.

No. 216.

Mr. Noyes to Mr. Evarts.

[Telegram.]

PARIS, *February* 21, 1881.

Short interview with minister for foreign affairs to-day. Have another to-morrow. Nothing decisive. Minister says decree was issued under pressure of public opinion. Shall insist firmly upon revocation.

NOYES.

No. 217.

Mr. Noyes to Mr. Evarts.

[Telegram.]

PARIS, *February* 23, 1881.

I have had protracted interview with minister for foreign affairs and minister of agriculture and commerce. Former conciliatory; latter more reserved, being alone responsible for decree. Promised, however, that all pork shipped before date of decree should be admitted on inspection, diseased only being condemned. The government is considering expedient to secure public health without maintaining decree. Have great hope it will be revoked after some delay. Am using all possible influences.

NOYES.

No. 218.

Mr. Noyes to Mr. Evarts.

No. 439.] LEGATION OF THE UNITED STATES,
Paris, February 26, 1881. (Received March 12.)

SIR: Referring to the telegraphic correspondence, which has passed between the State Department and this legation, upon the subject of a decree of the French Government prohibiting the importation into France of American pork, I have the honor to inclose herewith—

1. The report of Mr. Tirard, minister of agriculture and commerce, and the decree of the President *in French.*

2. Translation of the report and decree.

3. Copies of telegrams from and to State Department on the subject.

4. Copies of my dispatches to the minister for foreign affairs of the French Republic.

In addition to the information communicated by these documents, I have the honor to report that immediately upon the promulgation of the decree, February 19, 1881, I took measures to acquaint myself with the facts and circumstances which led to this summary action, more fully, if possible, than appeared in the report of Mr. Tirard.

On Sunday morning, the 20th instant, I received your telegram, and the same day, addressed to the minister for foreign affairs, the communication expressing, by your authority, the regrets of my government. On Monday, the 21st, and Tuesday, the 22d, I had interviews with Mr. Barthélemy St. Hilaire, and on Wednesday, the 23d, by appointment, with Mr. Tirard, minister of agriculture and commerce, I was informed by both these ministers, that the necessity for the decree was found in the fact that numerous inspections of American pork had recently been made by most competent scientific men; that the meat was taken at a random, from many different packages, or consignments, and that all, or nearly all, was found to be infected with trichinæ; that in the estimation of the Government of the French Republic, the preservation of life and health was a matter more important and imperative than any consideration of trade and commerce; that the resolution of the government had only been taken after full investigation, mature reflection, and great pressure of public opinion; that the decree, while it undoubtedly affected injuriously American commerce, was not less severe and appreciable to the French traders and population, as American pork entered largely into the daily consumption of a great number of the poorer classes of Frenchmen; that the maintenance of the decree would depend upon the necessity, and that it would be revoked as soon as the occasion for it had disappeared, or had become so rare as to warrant its recall.

I assured the ministers referred to that I was incapable of urging or suggestiug any action on the part of the French Government, which would imperil life, or the public health; that I fully appreciated all which had been said upon that subject; but I ventured to suggest, that among fifteen millions of my countrymen very little meat was consumed, other than American pork; that among that great number of persons this constituted a part of their daily food; that among thirty-five millions more of our population pork was eaten interchangeably with other meats, and that no danger to life or health had resulted from such consumption and use. I also cited England, where a vast amont of American pork is used, and where no disastrous effects have followed. I represented that it was inconceivable to my government, that different and dangerous consequences could follow its consumption in France. I corrected the statement contained in the report of Mr. Tirard, as to the prohibition of importation of such meats into Germany, Austria, and Spain, on the authority of our ministers in those countries. I represented the magnitude of the interest involved; the disastrous consequences which would follow the continued operation of the decree, and in the name of my government asked for its revocation, or suspension, until such time as the subject could receive a fuller and more searching investigation.

I inquired if any actual cases of sickness or death, resulting from the use of American pork in France had been officially reported. I

was answered that while no certain case could be cited, there were numerous cases where it was believed, or suspected, to have been influential in producing said results. I said that I would venture to affirm that no case could be found, in France or elsewhere, in which death or illness had resulted from the use of American pork *well cooked*, even if infected as claimed. I also said that this disease was not confined to American pork, but was far more common in France and Germany, by reason of the inferior and less healthful substances upon which the hogs of those countries were fed and fattened.

I called attention to the fact that this decree had been published without notice, and that it became immediately operative; that American pork, to the value of many millions of francs, had arrived in France, and was awaiting delivery, or was on the sea *in transitu;* that bills on account of payment for these consignments had been drawn and discounted, and that these drafts would be continually arriving in Paris, would be protested and would cause financial ruin to many who had acted in good faith, and who had made their shipments without notice of this decree, or the facts upon which it purports to be based.

The minister of agriculture and commerce finally assured me that all pork which had been shipped from America prior to the publication of the decree, should be admitted into French ports, and delivered to consignees, subject only to inspection, and the condemnation of such meat as might be found diseased. He also informed me that the government would diligently seek for expedients, in order to be able to abrogate the decree, without putting in jeopardy life and health.

In my interviews with both these ministers, I found them not unkindly disposed, and their assurances were frank and conciliatory. While no promise was made by either, the impression I gained was, that at no distant day, the decree would be revoked, and some thorough system of inspection substituted therefor. To this end I have utilized all possible influences, and shall continue to do so. I hope for favorable results.

I have, &c.,

EDWARD F. NOYES.

[Inclosure 1 in No. 439.—Translation.]

Report to the President of the French Republic.

My attention has recently been called to the introduction into France, of large quantities of salted pork; meat (*viandes de porc salées*) imported from America. These meats are infected with trichinæ, and might endanger to a great extent public health.

The board of health (*comité d'hygiene publique*) of France, to which I have referred the matter, was unanimous in declaring that trichinæ introduced alive into the digestive organs of man communicated the malady, known as *trichinosis*, a disease, the terrible effects of which produces in nearly all cases death. In presence of so positive an affirmation, the government should take, without delay, proper measures to avoid the danger to which the population would be exposed by using the meats already introduced into France and delivered for consumption. I have therefore addressed a circular to the prefects, prescribing the indispensable culinary precautions to be taken, in order to destroy the pernicious effects of the trichinæ with which the pork coming from America, is infected. The largest publicity has been given by the prefects to this circular, which was also inserted in the *Journal Officiél* of the republic.

But the measures indicated, infallible, if strictly applied, have not seemed to me to afford a sufficient guarantee to the consumers of these meats, who belong mainly to the poorer classes of the population, against the risks they may incur, by neglecting or ignoring the precautions prescribed. I have concluded to combat the principle of the evil, and I have charged the committee of public hygiene to report by what practical

means it would be possible to detect the presence of trichinæ in the salted pork before delivering it for consumption.

This inspection to be efficient should be made by competent men in a limited number of ports of entry, and in custom-houses of the frontier, specially designated for the introduction into France of pork meat coming from abroad.

It has been established that the introduction of these meats through the single port of Havre, where importation, it is true, the largest amount to not less than 29,000,000 or 30,000,000 kilograms per year, that is to say, an average of 2,500 tons per month. The inspection, by microscope, of meats thus imported, would require for every operation, a time relatively long, and such that it would not be possible to analyze accurately such considerable quantities, whatever might be the number of persons employed. The control therefore would necessarily be partial, and consequently inefficient and would give to the public a deceiving security which would embarrass the action of the government. I was therefore compelled to give up any scheme of inspection of imported pork meat, at least for the present.

Still, it is important to put an end to the real and permanent danger to which public health is liable by the introduction into France of meats notoriously infected with trichinæ. An efficient supervision seeming impossible, I consider it indispensable to interdict, without delay, on the whole border line of the republic, the importation of salted pork meats coming from the United States of America. Such a measure has already been taken by many states of Europe; in Russia, in Italy, in Austria, in Spain, in Portugal, and in Greece pork meats of this origin are no more admitted.

However, considering that pork meats of American origin enter largely into the alimentations of the poorer classes, I will continue to study the means of resolving the difficulties of this important question, giving at the same time to the consumers of these meats the guarantees they have the right to expect from a vigilant government.

Please receive, Mr. President, the homage of my respectful devotedness.

The minister of agriculture and commerce.

P. TIRARD.

[Inclosure 2 in No. 439.—Translation.]

The President of the French Republic, on report of the minister of agriculture and commerce, based upon the advice of the committee of public hygiene of France.

Whereas, the introduction into France of salted pork meats notoriously infected with trichinæ presents the greatest danger to public health—

Decree:

ARTICLE 1. The importation of salted pork meats, coming from the United States of America, is prohibited in the whole of the territory of the French Republic.

ART. 2. The minister of agriculture and commerce and the minister of finances are charged, each one in what may concern his department, with the execution of this decree, which will be published in the *Journal Officiel* and the *Bulletin des Lois*.

Paris, February 18, 1881.

JULES GRÉVY.

By the President of the Republic.

The minister of agriculture and commerce:

P. TIRARD.

The minister of finances:

J. MAGNIN.

* * * * * * *

[Inclosure 3 in No. 439.]

Mr. Noyes to M. Barthélémy St. Hilaire.

LEGATION OF THE UNITED STATES,
Paris, February 20, 1881.

SIR: I am instructed by Mr. Evarts, Secretary of State, at Washington, to convey to your excellency an expression of the profound regret entertained by the Government of the United States, that your excellency's government should have deemed it

advisable to issue the decree of the 18th instant prohibiting the importation of American pork into France.

I need not remind your excellency that the influence of such a decree is far reaching and most detrimental to the commercial interests of the United States. Speaking in the name of my government, I beg leave to express the hope that further consideration, and a fuller investigation of the facts which led to the decree, may result in its revocation.

In the mean time I beg to be informed as to the circumstances which have induced your excellency's government to adopt the extreme measure set forth in the decree, in order that I may promptly make known the facts to my government.

I take this opportunity to renew to your excellency the assurance of the distinguished consideration with which I have the honor to be, your most obedient servant,

EDWARD F. NOYES.

[Inclosure 4 in No. 439.]

Mr. Noyes to M. Barthelémy St. Hilaire.

LEGATION OF THE UNITED STATES,
Paris, February 22, 1881.

SIR: Referring to our conversation of this morning, regarding the decree of your excellency's government, prohibiting the importation into France of American pork, I beg leave to submit, for such consideration as your excellency may deem them entitled to, the following observations:

The preparation and sale of pork constitute one of the most important industries of the United States, and a vast amount of capital is invested in the same. The maintenance for any considerable time of the decree in question would result in the financial ruin of thousands of our business men. Pork, to the value of many millions of francs, is now afloat, on its way to France, or has already arrived, and is waiting delivery. Bills for payment on account of these consignments have been drawn and discounted, and the drafts will inevitably go to protest in Paris if this decree remains in force. I trust, therefore, that it will not be considered strange that my government and countrymen entertain a deep feeling on this subject.

The decree was issued without notice, and became immediately operative. Therefore, there was no opportunity afforded to provide against the immediate disastrous effects and loss occasioned thereby.

I appreciate fully the considerations regarding the public health, referred to by your excellency in our interview of to-day, and should be loth to urge or suggest any action which would imperil either life or health. But I respectfully suggest that in the United States there are probably fifteen million persons who consume daily American pork, to the exclusion of all other kinds of meat. Thirty-five million more habitually partake of pork, interchangeably with other kinds of meat. No disastrous consequences have followed, and *neither* life *nor* health has been endangered. Under such circumstances, and with such unlimited means of knowledge, it seems to my government and people inconceivable that the infection or disease complained of, and which purports to form the basis of the decree, can be so general or extensive as to warrant the summary measure adopted by the French Government; and I respectfully suggest that the disease complained of is not confined to American pork, but is quite as common to that of France and other countries. In American pork it is certainly exceptional, and comparatively rare, as a long and extensive experience has assured my government and countrymen.

Considering, therefore, the interests involved, and the facts to which I have alluded, I beg leave to express the hope that the decision arrived at by your excellency's government may not be considered final and irrevocable, but that the decree may be at least so modified as to admit American pork into French ports subject to rigid inspection and condemnation of such, if any, as may be found diseased.

My government very respectfully, but most urgently, protests against the decree, as now in force, and urges a reconsideration of the subject, with a view to the revocation of the order and the adoption of some other expedient not injurious to American trade and commerce, and not incompatible with the welfare of the French people.

I beg to be informed, in as much detail as is convenient, as to the extent of the inspection of American pork, upon which the order was based, the relative amount of such meat found to be defective, and as to whether any actual cases of sickness or death in France, resulting from the use of American pork, have been officially reported.

I avail myself of this occasion to renew the assurances of the distinguished consideration with which I have the honor to be, your excellency's most humble and obedient servant,

EDWARD F. NOYES.

No. 219.

Mr. Evarts to Mr. Noyes.

No. 337.] DEPARTMENT OF STATE,
Washington, March 2, 1881.

SIR: Inclosed is an autograph letter from the President to President Grévy, with an office copy thereof, tendering the invitation of the Government and people of the United States to the Government and people of France to participate in the centennial celebration of the surrender of Lord Cornwallis at Yorktown.

I also inclose a letter, with copy for your files, addressed by me to M. Oscar de Lafayette, through whom, as a prominent representative of the family of General Lafayette, a like invitation is extended to that family.

These invitations are tendered in pursuance of a joint resolution of Congress of February 18 ultimo, copies of which I transmit herewith.

You will deliver the President's letter to the President of the French Republic, and will ask an audience for that purpose. In leaving to you the choice of the language to be employed in communicating this invitation to the President of the Republic, as also that to the family of General Lafayette, I trust to you to appropriately and simply express the feelings which prompt the American people to this act of grateful friendship, and the hope of the President that the invitation will be accepted.

It is too early as yet to foresee what arrangements will need to be made for the reception of the distinguished visitors. I am, however, directed by the President to say that the visitors who may represent the French Republic at this commemorative celebration, as well as the members of the Lafayette family who may come as private citizens, will be entertained as the guests of the American Government and people.

If the invitation be accepted, you will briefly telegraph the fact and date of acceptance.

I am, &c.,

WM. M. EVARTS.

No. 220.

President Hayes to President Grévy.

GREAT AND GOOD FRIEND: I have the honor to inform you that the Congress of the United States have adopted a joint resolution authorizing and requesting me to extend to the government and people of France a cordial invitation to unite with the government and people of the United States on the 19th day of October, 1881, in a fit and appropriate observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown.

It becomes therefore my agreeable duty to hasten, in the name of the government and people of the United States, to tender this invitation to the government and people of France. Our friendship with France, formed during the war of our revolution, rendered glorious by feats of arms performed by soldiers of the two nations on the same victorious fields, confirmed by a hundred years of peace, and now happily strength-

ened by our common enjoyment of popular institutions of government, has always been highly valued and cherished by the American people. I trust that the celebration of the hundredth anniversary of a victory which consecrated the early union of our arms may serve to draw still closer the bonds of fraternal regard and amity between the two republics.

I embrace this opportunity to repeat the assurances of my fervent desire for the prosperity and happiness of yourself and of the great republic over which you have so fortunately been called upon to preside.

Written at Washington this 2d day of March, 1881.

Your good friend,

R. B. HAYES.

By the President:
WM. M. EVARTS,
Secretary of State.

No. 221.

Mr. Evarts to M. de Lafayette.

DEPARTMENT OF STATE,
Washington, March 2, 1881.

SIR: Rarely has a more agreeable duty devolved upon me than that which I now fulfill in transmitting, through you, to the family of General Lafayette the cordial invitation which, by a joint resolution of the Congress of the United States, is tendered to them to unite with the government and people of the United States, on the 19th day of October next, in a fit and appropriate observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown.

To this expression of the national will, and the fervent gratitude of the people of this country for the noble and fraternal aid they received from the truest and best blood of France, in their memorable struggle for freedom, no words of mine can add emphasis to the sentiments of reverence for the memory of Lafayette, and affection for his descendants, which have ever animated and always will animate the people of the United States.

I have instructed the minister of the United States at Paris to convey this invitation to you in a fitting manner, and to say that the members of this illustrious family who may do us the favor to visit our country upon this commemorative celebration will be welcomed as the guests of the nation.

I have, &c.,

WM. M. EVARTS.

No. 222.

Mr. Evarts to Mr. Noyes.

[Telegram.]

WASHINGTON, *March* 7, 1881.

Published statements of mortality among swine are false.

EVARTS.

No. 223.

Mr. Blaine to Mr. Noyes.

No. 342.] DEPARTMENT OF STATE,
Washington, March 15, 1881.

SIR: Your No. 439, relating your action with respect to the late decree of the French Government prohibiting the importation of American pork into France, has been received. I have pleasure in approving your course, and I trust that your discreet and conciliatory efforts towards procuring such modification of the enforcement of the decree as will relieve legitimate commerce from a sudden and disastrous check may be successful.

The publication in the London Times on the 19th of February ultimo, of a report made in December last, by the then acting British consul at Philadelphia, has occasioned wide-spread alarm, and given rise to correspondence with the British legation here, and with the boards of trade of the great pork producing and shipping centers. Mr. Crump's report, besides stating that "immense mortality among swine by a disease known as hog cholera" exists (from which disease 700,000 head are stated to have died in Illinois during the past year), proceeds to confound that disease with the entirely distinct disorder of *trichinosis*, of which latter he relates certain horrible examples.

The most searching investigation fails to show the basis of these published statements. While the mortality among very young swine from the so-called hog cholera has been less than for several years past, the health of the full-grown hogs (which are alone packed as pork) has never been better in the great producing States, and the absence of communicable diseases among them has been most noteworthy.

In view of all the facts accessible to it, this Department cannot but reach the conviction that the good faith of the British representative at Philadelphia has been imposed upon by designing speculators to the great injury of legitimate trade.

My predecessor sent you a telegram on the 7th instant in the following words:

NOYES, *Minister, Paris:*

Published statements of mortality among swine are false.

EVARTS.

Since that date, my correspondence with the British legation here has not elicited any ground for the extraordinary report of Mr. Crump. You may therefore unhesitatingly deny it, in view of the mass of direct testimony to the contrary possessed by this government, in case the French minister should appeal to it as justifying interdiction of, or onerous interference with, the pork trade of this country.

I am, &c.,

JAMES G. BLAINE.

No. 224.

Mr. Blaine to Mr. Noyes.

[Telegram.]

WASHINGTON, *March* 16, 1881.

Your course respecting pork decree of French Government approved. Statements of Crump, acting British consul at Philadelphia, have occa-

sioned excitement and widespread comment here, leading to correspondence with British legation and boards of trade.

Hog cholera is confounded with trichinosis, which is an entirely distinct disease. But representations regarding hog cholera are very greatly exaggerated. Most searching investigation fails to show the basis for published statements. The mortality among very young swine from cholera has been less this year than for several years past, and the condition of full-grown hogs, which are alone used for packing and export, is this year exceptionally good. British representative at Philadelphia has apparently been misled by designing speculators to great injury of legitimate trade.

Deny in strongest terms report of British consul, should French ministers appeal to it as justifying them in interdicting or restricting American pork trade.

Instructions follow.

BLAINE.

No. 225.

Mr. Blaine to Mr. Noyes.

[Telegram.]

WASHINGTON, *March* 17, 1881.

It is indicated to me that there are impediments to entry of pork products shipped before the date of prohibitory decree. Insist energetically that all shipments made before date of decree shall be received on proper inspection, as otherwise great hardship will result to American shippers.

BLAINE, *Secretary.*

No. 226.

Mr. Noyes to Mr. Blaine.

[Telegram.]

PARIS, *March* 18, 1881.

French Government originally intended to admit only on sea, but now agrees that all loaded on ships before date of decree (when this fact is well established) will be admitted, subject to inspection, with as little delay as careful examination permits. Prospects for early revocation of decree not very favorable, as reports of inspectors are very damaging. French Government had your dispatch before I did.

NOYES.

No. 227.

Mr. Noyes to Mr. Blaine.

[Telegram.]

PARIS, *March* 21, 1881.

President Grévy informally accepts invitation to Yorktown celebration, and says that as France shared in the danger and cost of securing

national independence to America, she gladly takes part in rejoicing over the victory.

NOYES.

No. 228.

Mr. Noyes to Mr. Blaine.

[Extract.]

No. 449.] LEGATION OF THE UNITED STATES,
Paris, March 24, 1881. (Received April 7.)

SIR: I have the honor to inclose copies of telegrams regarding the decree prohibiting the importation of American pork, sent and received since the date of my dispatch No. 439, of date February 26, 1881.

The French Government has consented to receive, and to deliver to consignees, subject to inspection and condemnation of such as is found to be diseased, all pork which had actually been shipped from its original starting point by packers and merchants prior to the date of the decree of prohibition. Positive proof, however, will be required that the meats were actually *in transitu* before the decree was promulgated.

I have sent copies of your telegrams on this subject to Mr. Lowell, United States minister at London, as you directed.

The inspection of American pork here has demonstrated that a considerable percentage, just how large cannot be ascertained, as reports are conflicting, is infected with trichinæ, and the prejudice among Frenchmen against it so great that sales by retail dealers are largely suspended. Some dealers inform me that they cannot dispose of American pork and hams at any price. But as the price of French pork has greatly advanced since the decree of prohibition was promulgated, it is not likely the present state of things will continue. The French people of the poorer classes must have American pork, and in time the decree will, I am confident, be revoked, but I do not expect it at present.

* * * * * * *

I have, &c.,

EDWARD F. NOYES.

No. 229.

Mr. Noyes to Mr. Blaine.

No. 453.] LEGATION OF THE UNITED STATES,
Paris, March 25, 1881. (Received April 7.)

SIR: I have the honor to inform you that I was, on Monday, the 21st day of the present month, admitted to a private audience with the President of the French Republic, and that I delivered to him the autograph letter of the President of the United States inviting the French Government and people to unite with the Government and people of the United States in a commemorative celebration of the surrender of Lord Cornwallis at Yorktown.

President Grévy received the letter very graciously, and said:

I receive with pleasure the invitation of which you are the bearer, and I thank the Government of the United States for having thought of extending it to us.

As in the great undertaking of securing American independence France, it is true, had some trouble, she will take her share of the joy which the celebration of the centennial of the achievement of that undertaking will bring.

During the hundred years which have elapsed since the heroic feat which the contemplated centennial will commemorate the United States have developed themselves marvelously. France has been the sympathetic witness of that prosperity, and her government will be happy to accept the invitation extended to it and the nation.

The interview was altogether informal, and my part in it was very brief and simple, as seemed to me befitting the occasion.

The President was very cordial, and was evidently very much pleased with the invitation.

I also sent to Mr. Oscar de Lafayette, with a brief note of transmittal, the invitation for him and other members of the Lafayette family. He is very ill at the present time, and sent me word by a member of his family that he would transmit to me, as soon as possible, a formal acknowledgment of the exceedingly kind, thoughtful, and polite invitation of my government.

I have, &c.,

EDWARD F. NOYES.

No. 230.

Mr. Noyes to Mr. Blaine.

No. 455.] LEGATION OF THE UNITED STATES,
Paris, March 29, 1881. (Received April 13.)

SIR: Only a few days since I took great pleasure in forwarding to Mr. Oscar de Lafayette the invitation for him and his family to take part in the celebration of the surrender of Lord Cornwallis at Yorktown. He was then seriously, but not supposed to be dangerously, ill. To-day, as one of the pall-bearers, I followed him to his grave. His death was sudden and unexpected.

M. de Lafayette and his family were deeply touched by the invitation of our government, and all expressed to me their profound gratitude. I take a mournful satisfaction in the fact that the invitation reached M. de Lafayette before his death, and while he was still conscious.

I sent from this legation a beautiful wreath, to be placed upon the coffin.

The funeral mass was attended by an immense concourse of people, and by a great number of the dignitaries of the state, and the service was a most impressive one.

The only remaining member of the family having the name of Lafayette is Edmond de Lafayette, senator, brother of the deceased. There are many other relatives not bearing the same name.

I have, &c.,

EDWARD F. NOYES.

No. 231.

Mr. Blaine to Mr. Noyes.

No. 363.] DEPARTMENT OF STATE,
Washington, April 23, 1881.

SIR: I inclose herewith for your information a copy of a letter to this Department from the firm of S. Davis, jr., & Co., making some statements in regard to the proceedings of the French authorities in reference to certain lots of pork sent to France by them for sale.

In view of the great hardships to which this firm have been exposed by the action of the French Government, based upon false reports as to an extraordinary prevalence of trichinosis among the hogs of this country, I will thank you to bring the complaints of Messrs. S. Davis, jr., & Co. to the attention of the French foreign office with a view of obtaining for them such relief as may be practicable.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in 363.]

S. Davis, jr., & Co. to Mr. Blaine.

Cincinnati, March 26, 1881. (Received March 13.)

DEAR SIR: It has been suggested to us that we advise you of the course pursued in Paris with our meats, and to offer letters.

We send copy of one entire, with comments below.

In contrast with it, where our hams passed "with honor," another house, with hams packed the *same day* here and forwarded by *same steamer*, were rejected in Paris, and lot sent back to Havre. This, too, after passing inspection at Havre.

[Letter from Havre.]

Lot per "Volner" found sound by the government inspector, and, with authority of consignees, forwarded to Paris. (Second lot.) But they may be rejected at Paris like the first. Here they do not find trichina, but it appears they find some in Paris, and *then immediately destroy the meat.*

Mr. P. returned us here nine crates (from Paris). We will try and sell the hams; *but it is a pity* to see how these hams are *damaged;* the covers are off, and they have holes as big as a thumb.

PARIS, *March* 4, 1881.

S. D., JR., & CO., *Cincinnati:*

Your invoice of January 22 reached me to-day, after passing the ordeal of microscopical examination *with honors.*

The delay and trouble and *consequent expenses are so great that* I can hardly say whether I am glad or sorry that the invoice of January 4 has at last reached Havre. * * * Many persons are, of course, prejudiced against American pork. This was, no doubt, the only object of the recent decree.

I hear that some members of Bordeaux chamber of commerce, who were deeply interested in the American pork trade, came here recently, and, choosing some freshly killed French pigs at the abattoir, had them analyzed with the result that several were found to be more or less infected with the newly-invented disease.

That I understood to be with the object of showing that trichina is possible in French pigs. Many here contending that, in the way they are fed, they are more liable to have them than ours, as we *have sounder and fresher food.*

S. DAVIS, JR., & CO.

We desire to state that this has been the most favorable season for curing meats that we have had for years, and with consumers here and abroad the cure has been pronounced better than last season.

We take great pains with meats for export, being drier than domestic meats when shipped, and for two years have had double covers.

And one matter, very important—for there have been complaints that meats are sent over not fully cured, and sometimes true, and so ordered by French people—we have *not* this season, or at any time, sent *any hams* but *those fully cured.* We have, by cable and letters, given a portion of this information to Governor Noyes, who has our hams for his own use, and whom the writer well knows.

You can see our *losses* are likely to be *severe,* and portion of meat may be *returned* here, and some destroyed.

Very respectfully, your obedient servants,

S. DAVIS, JR., & CO.

No. 232.

Mr. Blaine to Mr. Noyes.

No. 367.] DEPARTMENT OF STATE,
Washington, April 28, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 455, of the 29th ultimo, in relation to the illness, death, and burial of Mr. Oscar de Lafayette, and informing me of your action in sending from the legation a wreath to be placed upon his coffin. You also state that the invitation from this government, for him and his family to take part in the Yorktown centennial celebration, reached him before his death, and while he was still conscious.

In reply I have to inform you that your action in the premises is approved by this Department, and to add that the death of so warm a friend of our country, and of so worthy and able a representative of a great name, has caused deep and general regret in America.

I am, &c.,

JAMES G. BLAINE.

No. 233.

Mr. Blaine to Mr. Noyes.

No. 371.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: On the 23d instant, I sent you the following telegram, viz:

NOYES, *Minister, Paris:*

A telegram from Bordeaux to Chicago, 18th instant, says that the deputies from Bordeaux and Havre had an interview with minister of commerce touching American pork exports, and that minister asserted that American papers are full of revelations of extent and intensity of trichina in America. If made, as asserted, statement is based on erroneous impression in minister's mind formed by isolated items maliciously published for speculative purposes. Most rigid examination adds daily to strength of position of this government in claiming that the hog exports of this country are singularly free from trichina or any communicable disorder. Make dignified protests against minister's statements as prejudiced and inimical rumors, to which the mass of the American press lends no credence.

BLAINE, *Secretary.*

I inclose herewith, for your further information, a copy of a letter from Messrs. Armour & Co., of Chicago, communicating to the Department the information upon which the above telegram is founded.

I am, sir, &c.,

JAMES G. BLAINE.

[Inclosure in No. 371.]

Messrs. Armour & Co. to Mr. Blaine.

CHICAGO, *May* 18, 1881. (Received May 21.)

SIR: We beg to call your attention to the inclosed cable dispatch received by us to-day from Messrs. Seignouret Frères of Bordeaux, by which you will see that the efforts being made by those interested in the importation of American meats into France are being seriously hampered and offset by the circulation of false reports in that country respecting the situation of affairs here.

We have for some time, through our agents in Havre, Marseilles, and Bordeaux, been engaged in some effective work, we think, in bringing about the repeal, or at least the modification, of the prohibitory decree of the 18th February last; and as the prompt action taken by yourself in denial of the erroneous statements current about that time were of the utmost value in modifying the original decree, whereby all meats shipped from this country before issuance of the decree were permitted entrance, we now take the liberty to suggest that an official denial be made of the existence of any newspaper articles of the kind mentioned in the inclosed cable dispatch.

Friends of the American meat trade all over France are, we know, meeting with every possible obstacle in their efforts to effect the repeal of this decree, and any official assistance you may see fit to render them by the denial of false rumors will, of course, be of the very greatest value.

Messrs. Seignouret Frères, from whom the inclosed cable dispatch was received by us, are by far the largest dealers in and importers of American meats in France, and have been ever since this prohibitory order was issued unremitting in their exertions toward its repeal.

Confident of your sympathy with the general effort being made to relieve the commercial public, equally with the agricultural interests of this country now suffering from the effects of this prohibitory decree of the French Government, and soliciting your valuable co-operation at this time,

We have, &c.,

ARMOUR & CO.,

[Appendix to letter of Messrs. Armour & Co.—Telegram.]

BORDEAUX, *May* 18, 1881.

ARMOUR, *Chicago:*

Bordeaux-Havre deputies had, yesterday, interview with minister commerce, who asserted that American papers are full of revelation on extent and intensity of trichina in America. We advise strong protest from the press, and true reports sent by officials.

No. 234.

Mr. Noyes to Mr. Blaine.

No. 475.] LEGATION OF THE UNITED STATES,
Paris, May 27, 1881. (Received June 10.)

SIR: I have the honor to send you herewith the translation of remarks made in the Chamber of Deputies on the occasion of the interpellation of Mr. Tirard, minister of agriculture and commerce, by the deputy from Havre, on the 24th day of May, 1881. It will be noticed that at the close of the remarks of Mr. Tirard he plainly indicated that

as soon as the necessary arrangements could be made for thorough inspection of American meats, he would propose the revocation of the prohibitory decree. I learn also from other sources, unofficial, that this is in contemplation by the French Government.

In answer to your telegram of the 24th instant, referring to certain published statements alleged to have been made by the minister of agriculture and commerce to the deputations from the Chambers of Commerce at Havre and Bordeaux, I take pleasure in saying that after careful inquiry, I am satisfied that the minister did not make the statements imputed to him. What he did say was in substance the same as what appears in the report of his remarks in the Chamber of Deputies herewith inclosed.

You can rest assured that I have neglected no opportunity to assert and emphasize your views upon this question, and very powerful French influences are operating to secure the revocation of the decree. There is unavoidable delay, but I believe the result will be attained after a time.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 475.]

CHAMBER OF DEPUTIES, SITTING OF MAY 24, 1881.

Mr. PEULEVEY (Havre) asked to put a question to the minister of agriculture and commerce, relative to the prohibition of American salted meats. He explained that the maintenance of the decree of prohibition caused a great prejudice to an important branch of French commerce. For more than twenty-five years the laboring population had contracted the habit of finding in these meats a healthful element of alimentation. This situation has been overturned by a decree of prohibition. It was charged that American salted meats contained live trichinæ; but it is necessary to know whether the fact is such, and, if so, whether it offers a real danger. Only one case of trichinosis has been established in France, and this was twenty-five years ago at Crépy-en-Valois. But in meats salted for two or three months the trichinæ is dead; at any rate, cooking at 75° will kill it. American salted meats are therefore without any danger, and there can be no motives to maintain the decree of prohibition.

Mr. LIONVILLE said that live trichinæ were found in salted and smoked meats.

Mr. TIRARD, minister of commerce, replied that numerous complaints had been made against the decree which the government had been compelled to issue. With a view of giving satisfaction to those who so complained, the government instituted a bureau of verification which has been in operation since February. In the beginning, when this service was not as yet well-organized, no trichinæ were detected at Havre, but it has happened that the same lots submitted to re-examination in Paris were found to contain trichinæ in great quantity. (Oh! Oh!) Since the Havre service has been reorganized, it has detected trichinæ in an important proportion of the meat examined. It is asked if bad results have followed. But the first duty of the government is to prevent accidents. This is what it has done with all due consideration to freedom of commerce. I can assure you, gentlemen, that the government is continuing the examination of this matter, not in a scientific point of view, for in this respect my opinion is made. I have read all the discussions which have taken place on this subject in France and abroad, and if Mr. Peulevey had seen all the documents published, not only in Europe, but also in America, where the decree of prohibition has created much excitement, he would have found that the Americans themselves admitted that they had not taken the necessary precautions against dangers which might attend their salted meats.

The minister then quoted as supporting his views the report of British commissioners to the United States, and said that the administration is determined not to allow the free circulation of these dangerous products, that it was trying to establish an effective system of inspection, but that so long as it shall not be possible to organize this system on a large scale, it will not take the responsibility of revoking the decree of prohibition.

Mr. PEULEVEY. The minister has said that his opinion was made; this is unquestion-

able. But upon what facts and documents has he made that opinion? Evidently he must have come to it upon the reports of his inspectors. Now do you know what they have reported? At Bordeaux, of 1,500,000 kilograms of meats, they found only 21 pieces infected, which represents a proportion 0.016 per cent. Why does not the minister adopt the suggestion of creating a commission composed of competent men, to which will be intrusted the duty of determining whether or not the small proportion of trichinæ found in the American porks is dangerous, after remaining three months in salt. Under those conditions trichinæ are absolutely inoffensive, if slightly cooked. In your answer you have not pointed out one single case of trichinosis; you have only opposed an obstinate resistance to the desire of commerce, and I can add that you have refused to enlighten us by means of a scientific commission.

Mr. TIRARD replied that this scientific commission exists, in the committee of hygiene, whose members have been appointed by the President, that he can rely also upon the discussions which have taken place at the academy of medicine. Of course there are controversies upon the subject, but the government cannot wait until all the physicians agree in this respect. Mr. Tirard then said that this very morning he had received from Bordeaux the information that the day before a notable quantity of trichinæ had been detected in American meats. He concluded as follows: As for the revoking of the decree, I repeat that when it shall be found practicable to establish, not only at Havre, but at other ports, and on the frontier, a very complete service of inspection, giving all the necessary guarantees, I will be able to propose to the President to revoke that decree, which has been issued, I must say again, against my desire, and only to secure public health.

No. 235.

Mr. Blaine to Mr. Noyes.

No. 379.] DEPARTMENT OF STATE,
Washington, June 8, 1881.

SIR: Your late dispatches have amply shown your earnestness in carrying out my instructions in the sense of endeavoring to dispel the strange misapprehensions which seem to have possessed the mind of the French Government respecting the sanitary character of American exportations of cured and packed pork. On the other hand I have lost no fitting opportunity of fortifying your position by such instructions, by mail and telegraph, as seemed called for by the singular course of French legislation in practically prohibiting imports of this class into France, and by the unfounded and ascertainedly erroneous statements made in high places even, touching the alleged noxious character of American hog-products.

From the outset, all the facts accessible to its closest scrutiny, convinced this government that the action of that of France in this respect was both mistaken and wrongful. But, not satisfied with this patent knowledge, it lost no time in instituting a most searching investigation for the ascertainment of the truth or falsity of the state of things alleged to exist in this country, and upon which the decrees of the French Government restrictive of importations of pork purported to rest. The result of its investigation is now set before you in the accompanying report of the officer detailed by this Department for the purpose.

It is superfluous to add argument to the cogent statement of facts now made. Their presentation in this manner and supported by strong documentary evidence, satisfies this Department of the entire justice of the ground it has heretofore taken in denying and causing to be denied, the truth of the malicious rumors to which authoritative currency has been given in foreign countries.

The Government of the United States will yield to none in its earnest

desire to accomplish all which legislation or executive action can do to protect the public health. Had the result of its preliminary or later and more searching investigations given even the slightest color to the wild statements that American pork was a means of disseminating disease and death at home and abroad, no admission would have been too frank, and no restrictive measures within the power of this government too urgent to expose and check the evil. Its duty to foreign countries in matters of sanitary precaution is no less a subject of jealous concern than its corresponding duty to its own citizens. And, on the other hand, it is equally its duty and grave responsibility to watch over the interests of its producers and exporters when their industries are paralyzed by false reports and popular alarm, touching the supposed injuriousness of their products to the public health.

This responsibility becomes still more grave when a friendly foreign state unwittingly or mistakenly lends its powerful aid to the spreading of a spirit of distrust so directly and well nigh irremediably disastrous in its effects upon legitimate and long-established trade, as has been the action of the Government of France.

You will at once communicate copies of the inclosed report to Mr. Barthélemy St. Hilaire, with such observations of your own as may tend in your judgment to emphasize and confirm its full refutation of the injurious statements concerning the existence of communicable disease and parasitic germs in American pork, under conditions noxious to public health. You will say that this government expects from that of France, no less careful and earnest disposition to accept the truth of the matter in an impartial spirit than has been shown here; that the evidence so diligently sought and now formally presented, is regarded as convincing proof that exaggeration and misstatement, often from interested sources, have been only too successfully combined with popular ignorance and apprehension to the injury of one of the greatest and most wholesome branches of the export trade of this country; and that we deem ourselves rightfully entitled to a prompt and effectual modification of the attitude which the French Government has assumed with respect to this class of exports from the United States. You will advert to the unfortunate effect which the course of the French Government has had in influencing the action of other European Governments; and will intimate our just expectation that the example of France in correcting the error will be no less signal. And you will especially acquaint the minister of foreign affairs of France with the deep regret which the Government of the United States would feel if its honest and frank remonstrances, backed as they now are by irrefragable facts, should fail to induce the French Government to rescind its prohibitory action and so constrain a resort to the painful expedient of retaliatory measures on staple exports from France.

You may read this instruction in your discretion to Mr. Barthélemy St. Hilaire, and should he so desire, you may give him a copy of it.

I am, &c.,

JAMES G. BLAINE.

No. 236.

Mr. Blaine to Mr. Noyes.

No. 384.] DEPARTMENT OF STATE,
Washington, June 17, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 475, of

the 27th ultimo, in reply to the telegram of the Department of the 24th ultimo, in reference to certain published statements alleged to have been made by the minister of commerce on the subject of trichinae in America.

In reply, I have to say that the Department learns with satisfaction that Mr. Tirard, the minister of commerce, did not make the statements attributed to him, and that it seems probable that the decree prohibiting the importation of American pork into France may soon be revoked.

I am, &c.,

JAMES G. BLAINE.

No. 237.

Mr. Noyes to Mr. Blaine.

No. 483.] LEGATION OF THE UNITED STATES,
Paris, June 23, 1881. (Received July 6.)

SIR: I have the honor to inform you that your dispatch No. 379, of date June 8, 1881, reached this legation yesterday, the 22d instant, and that I immediately prepared a note to the minister of foreign affairs, of which a copy is herewith inclosed. This note, together with two copies of the report on American pork, sent by you, I forwarded to Mr. B. St. Hilaire, by Mr. Vignaud, secretary of legation, who was instructed to request for me an interview with the minister. Accordingly I called by appointment at the foreign office at one o'clock to-day, and had a full and frank conversation with Mr. St. Hilaire.

I represented to him that my government was getting impartient at the long delay in revoking the prohibitory decree; that the interests involved were so great, and the injury inflicted by the action of the French Government upon the commerce of the United States was so disastrous and widespread, that the public sentiment of my country demanded such action on the part of the government at Washington as would effectually protect the interests of the American people. I more than intimated that unless this pork decree was revoked, my government, however reluctanly, might be compelled to resort to retaliatory measures. I said that I only reflected the sentiment of my government when I assured him I should deeply regret such necessity. I impressed upon Mr. St. Hilaire the desirability of an early response to the demand contained in your dispatch, which was read to him in French, and copies of which, in both French and English, I left with him at his request. Much more was said which it is not necessary here to repeat.

The minister seemed to be profoundly impressed with the gravity of the subject, and said that he fully appreciated the importance and significance of your dispatch. He assured me that copies of the papers and documents presented to him would be sent to the minister of agriculture and commerce this afternoon, and that he would confer with him in person not later than to-morrow, with a view of finding some satisfactory solution of this troublesome question, which he earnestly hoped to reach; that serious consideration would be given to the demand of my government, and that I should be informed of the decision reached at the earliest moment possible.

Mr. St. Hilaire asked me if I would like to confer personally with Mr. Tirard, minister of agriculture and commerce, as to the attitude of my government. I answered that I did not care to do so; that the ques-

tion had now reached that stage where I preferred to communicate with the minister of foreign affairs only.

The report forwarded by you is being translated, and unless the necessity for such a step shall be removed, I propose to have the report, or the more material points of it, printed in French, and distributed where it may seem most desirable to correct an erroneous public sentiment.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 483.]

Mr. Noyes to Mr. St. Hilaire.

LEGATION OF THE UNITED STATES,
Paris, June 22, 1881.

SIR: I have the honor to inform your excellency that I have this day received an important dispatch from the Hon. James G. Blaine, Secretary of State, at Washington, regarding the matter of the decree of your excellency's government prohibiting the importation into France of American pork.

I am instructed to say that immediately after the publication of the decree in question the Government of the United States took earnest and efficient steps to ascertain faithfully and impartially the truth regarding the condition and character of American pork as an article of food, with a view to adopting such measures as might be deemed necessary to insure life and health, in case the facts were found to be as set forth in the report upon which the prohibitory decree of your excellency's government professed to be based. It was apparent from the outset that your excellency's government had been misinformed, and that in consequence its action had been mistaken and wrongful to the government and people of the United States. Recently, however, a more searching and careful investigation has been made by a most competent officer detailed for this purpose by the State Department, the result of which is set forth in the pamphlet, two copies of which I have the honor to inclose herewith to your excellency.

From what appears in this document, and otherwise, my government is satisfied of the entire justice of the ground it has heretofore taken, in denying the truth of the malicious rumors to which authoritative currency has been given in foreign countries. It considers it absolutely certain that there is no disease or infection pertaining to American pork, rendering it dangerous or injurious to life or public health. On the contrary, my government feels perfectly assured that the pork product of the United States is an innocent and healthful article of diet, in almost universal use, and nowhere with disastrous effects.

The honorable Secretary of State directs me to express the hope and belief of my government that your excellency's government will consider the subject with the same desire to know the truth, and to act upon the same when ascertained, that has animated the Government of the United States.

The prohibitory action of the French Government has been adopted in other countries, and it is probable that the limit of disastrous effects has not been reached. The action of your excellency's government is calculated to and does discredit one of the most important of American industries. The revocation of the decree of the French Government would undoubtedly be followed elsewhere as its unfavorable action has been. A serious blow has been inflicted upon American trade and commerce, and, as my government believes, without good and sufficient cause, and it is earnestly hoped that, considering the two great republics of the world, France and America, have so long entertained cordial and intimate relations, your excellency's government will consider the subject in question in a spirit of friendliness and accommodation.

It is the plain duty of all governments to guard and protect the interests of their people, while recognizing their obligations to neighboring and friendly nations. My government is not unmindful of this duty, and in the interest of the American people it protests against a decree which it cannot but regard as arbitrary and unjust, although adopted upon information believed at the time to be reliable, but which subsequent information has failed to accredit.

Four months have now passed since this decree was promulgated. The loss already occasioned to American trade is irreparable, but the future is important. I therefore beg your excellency to inform me at the earliest practicable day as to what is the

final determination of your excellency's government in order that the government and people of the United States may be left no longer in doubt.

The report herewith inclosed will be translated into French at the earliest moment possible, and copies will then be forwarded to your excellency.

I avail myself of this occasion, &c.,

EDWARD F. NOYES.

No. 238.

Mr. Blaine to Mr. Noyes.

No. 387.] DEPARTMENT OF STATE,
Washington, June 24, 1881.

SIR: I am informed by the Secretary of the Navy, under date of 21st instant, that orders have been sent to Rear-Admiral John C. Howell, commanding the United States naval force on the European station, directing him to give passage in the United States flag-ship "Trenton" to certain persons who visit the United States in pursuance of the invitation of this government to attend the celebration at Yorktown, Va., on the 19th of October next, in commemoration of the surrender of the British army under Lord Cornwallis to the American and French forces in 1781.

It is desired that you will communicate to Rear-Admiral Howell at as early a date as practicable the names of the persons who are to be received as guests on the Trenton. You will accordingly inquire of Mr. Barthélemy St. Hilaire whether any of the representatives of the French Government will accept the hospitality thus tendered, and you will make like inquiry of the members of the family of Lafayette.

In this connection I beg you will take an early occasion to send to the Marquis de Rochambeau the inclosed personal letter, in which I convey to him the assurance of the pleasure it would afford the President, as well as myself, to have him visit the United States on this interesting occasion. If the marquis should so desire, the hospitalities of Admiral Howell may be extended to him likewise.

The "Trenton" will leave Nice on or about the 18th of September next. You will take care to notify Admiral Howell in ample season of the day on which his guests may be expected to repair on board the "Trenton" at Nice.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 387.]

Mr. Blaine to the Marquis de Rochambeau.

DEPARTMENT OF STATE,
Washington, June 23, 1881.

MONSIEUR: As the time for celebrating by the mutual co-operation of the two governments the glorious deeds of a century ago at Yorktown is drawing near I cannot refrain from addressing you personally, and expressing the great pleasure it would afford the President and myself were you to make it convenient to be among us on that eventful occasion, and to realize for yourself, as the representative of your illustrious lineage, the love which the American people feel for the memory of your gallant ancestor, whose skill and valor so signally aided in bringing about the decisive success we are now about to commemorate.

Accept, monsieur le marquis, the expression of my sentiments of high regard,

JAMES G. BLAINE,

No. 239.

Mr. Pomeroy to Mr. Blaine.

No. 486.] LEGATION OF THE UNITED STATES,
Paris, July 7, 1881. (Received July 22.)

SIR: I have the honor to transmit herewith a communication accompanied by a translation received to-day at this legation from Mr. Senator Edmond de La Fayette, grandson of general the Marquis de La Fayette.

I have, &c.,

G. P. POMEROY.

[Inclosure in No. 486.]

Mr. de La Fayette to Mr. Pomeroy.

[Translation.]

PARIS, *July* 6, 1881.

MR. MINISTER: It is with the deepest sense of acknowledgment that we have received the letter inviting us in the name of the Government and Congress of the United States to be present at the celebration of the centenary of the surrender of Yorktown.

My eldest brother, Oscar de La Fayette, was seriously ill when this letter reached him. He was profoundly moved by it, and the last act of his life was to testify his sincere gratitude to the minister of the United States, the honorable General Noyes.

We are deeply touched by the honor extended to us, and by this new proof of the sympathies ever living in the heart of the American people for the memory of our grandfather.

The glorious anniversary which you are going to celebrate recall at the same time the most beautiful pages of your history and the most beautiful moments of the youth of La Fayette, when on the battle-fields of Virginia he successfully executed the orders of his general-in-chief and paternal friend, your immortal Washington.

Faithful to the memories bred in the worship of your national traditions, the descendants of La Fayette can only heartily thank you for having thought of associating them with the solemnity of the centenary.

It is difficult for us at present to designate those of our family who will go to America. It is even to be feared that some will be detained by imperious political and family duties, but I am confident, Mr. Minister, that we shall find in the young generation youthful and worthy representatives of the sentiments of our grandfather.

Permit us, Mr. Minister, to beg you to be the interpreter to your government, Congress, and to the American people, of our wishes for the prosperity and the granedur of the United States, and at the same time to hope that your country and ours united by the same form of government, in the future as in the present, will perpetuate the memories of friendship that date from Yorktown.

EDMOND DE LAFAYETTE,
Senator from Upper Loraine.

And in the name of his cousin, Marquis Jules de Lasteyrie, senator, son of Virginia, sister of my father and *née* de La Fayette, and his entire family.

No. 240.

Mr. Pomeroy to Mr. Blaine.

No. 491.] LEGATION OF THE UNITED STATES,
Paris, July 14, 1881. (Received July 28.)

SIR: I have the honor to acknowledge the receipt of your dispatch*

* For instruction referred to see instruction No. 187, dated June 24, 1881, to minister to Great Britain.

No. 386, dated June 24, and No. 388, dated June 25, addressed to General Noyes, and both relating to the interoceanic canal which is now projected across the Isthmus of Panama.

The first one states it has fallen under the observation of the President that the great powers of Europe may possibly be considering the idea of jointly guaranteeing the neutrality of this canal, and it makes known to General Noyes the views of the President on the subject, in order that they be frankly communicated to the Government of the French Republic, in case such a plan receive the attention of the powers.

Dispatch No. 338 informs General Noyes it had reached your knowledge through a trustworthy source, that the Colombian Government has decided to make immediate overtures to the European powers for the preparation of a treaty which is to guarantee the neutrality of the isthmus. It instructs the minister here to seek an early opportunity for conferring with Mr. B. St. Hilaire in the matter, and to say after making this explanation, that it was necessary to acquaint the powers with the views of the President in the conclusions which he has formed, and also to read to Mr. B. St. Hilaire your instructions contained in dispatch No. 386, a copy of which was to be left if desired. I have to inform you that in compliance with these instructions I called upon and saw Mr. B. St. Hilaire, yesterday at the ministry of foreign affairs. I stated to him the circumstances of the case, gave him as directed the source and nature of your information regarding the anticipated action of the Colombian Government, and said in order that he may well and fully understand the necessary relations existing between the United States and Colombia, I was instructed to read to him a dispatch, which expressed very fully the President's views on this subject.

Mr. B. St. Hilaire replied that he had heard it mentioned the Colombian Government contemplated taking such a step as the one anticipated, but that he had no official intimation whatever of this being a fact. He added he was glad, however, to know the views of our government in this matter, and suggested that a copy of your dispatch be left with him. I naturally complied with his request. Mr. B. St. Hilaire assured me he would read your communication with due care and consideration, and in case it required an answer that he would seize the first opportunity to transmit it.

I have, &c.,

G. P. POMEROY.

No. 241.

Mr. Pomeroy to Mr. Blaine.

No. 495.] LEGATION OF THE UNITED STATES,
Paris, July 23, 1881. (Received August 6.)

SIR: Referring to the dispatch No. 483, dated June 23, 1881, addressed by General Noyes to the Department of State, and relating to revoking by the French Government the prohibitory pork decree, I have the honor to transmit herewith a copy of the answer of Mr. B. St. Hilaire, together with a translation.

I have, &c.,

G. P. POMEROY.

[Inclosure in No. 495.—Translation.]

Mr. B. St. Hilaire to Mr. Pomeroy.

PARIS, *July* 19, 1881.

SIR: I had hastened to call the attention of the minister of agriculture and of commerce to the new dispatch which General Noyes did me the honor to address me regarding the measures adopted in France, in order to prohibit the importation of salt pork of American origin.

Mr. Tirard has just intimated to me the observations which this communication has suggested to him.

In the first place, the Government of the United States appears to attribute the measures in question: 1st. Either to incorrect reports or to exaggerated valuations, coming from interested persons. 2d. Or to popular apprehensions. In this respect the minister of commerce recalls to mind that, on the contrary, it is only in consequence of the most serious investigations made by men, neither whose knowledge nor honorable character could be questioned, that the Government of the Republic believed it had to adopt the decree of last February.

It was necessary to take into consideration, at the same time, the requirements of the public health and the legitimate transactions of commerce. The French Government has striven to conciliate as much as possible these two interests by organizing at Havre a laboratory for inspection.

The salt meats which were in transit at the time of the signature of the aforesaid decree were received in France on condition they should be previously examined by micographers of the laboratory at Havre and acknowledged exempt from trichina. Now, microscopic researches made in this laboratory have confirmed the existence of numerous cases of trichina in the larger portion of salt meat of American origin which have been submitted to inspection. In the face of these facts, mentioned in official reports, it seems difficult to deny the existence, in a large number of American hogs, of a disease communicable to man, and to dispute, consequently, the fitness of the provisions which were made the subject of the decree of the 18th of February.

The Chamber of Deputies has, besides, given its approval to these provisions, and the government only has its wishes carried out by maintaining, until further disposition, the decree of prohibition. It does not the less pursue the study of the means to ameliorate the actual situation by the organization of a service of general inspection, to be applied not only to American salt meats, but to all meats of foreign origin. This service, Mr. Tirard remarks, would have a very appreciable advantage for importers. Indeed, when the local service of inspection which the municipalities have the right to organize in order to secure the healthfulness of the products of consumption would exercise its control it would no longer, but by accident and in very rare instances, have the opportunity to seize and destroy, as unhealthy, meat which had already paid the custom dues. If, as that appears probable, one succeeds in finding a satisfactory mode for inspecting meats of every origin, this general service would relieve commerce of certain difficulties.

Finally, it is, to its very deep regret, that the Government of the Republic has found itself under the necessity, in order to protect the public health, to adopt a measure of prohibition, which, for the moment, caused unavoidable trouble in American meat transactions between France and the United States. But it is confident that the provisions which it has hastened to adopt to modify the rigor of this measure, and those of which it is seeking the realization, must give every satisfaction, as it deeply desires, in the interests of this international commerce. Far from causing an obstacle there, these measures would rather tend to develop it by securing the verification of the good quality of merchandise, and by removing in this way the suspicions of which certain ones of these commodities were the object on the part of consumers.

I beg you, sir, to have the kindness to communicate these diverse considerations to the Government of the United States, which I am pleased to hope will appreciate their value and conciliating character.

Accept, sir, the assurance of the most distinguished consideration with which I have the honor to be,

Your very, &c.,

B. ST. HILAIRE.

No. 242.

Mr. Blaine to Mr. Pomeroy.

No. 404.] DEPARTMENT OF STATE,
Washington, July 26, 1881.

SIR: At the instance of his excellency Alfred H. Littlefield, governor of the State of Rhode Island, I inclose herewith for the representa-

tives of the Republic of France who are to visit the United States in October next, to attend the centennial celebration of the surrender of Lord Cornwallis at Yorktown, an invitation to visit the State of Rhode Island, and while there to remain as the guests thereof.

I will thank you to transmit the inclosed documents, relating to the invitation in question, to the Government of France through the foreign office.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 404.]

Governor Littlefield to Mr. Blaine.

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
Providence, July 16, 1881.

SIR: I have the honor herewith to inclose for the representatives of the Republic of France who visit the United States in October next, to attend the centennial celebration of the surrender of Lord Cornwallis at Yorktown, an invitation to visit this State, and while in the State to remain as the guests thereof.

I request that you will cause the same to be forwarded through the proper channels to those gentlemen.

I have the honor to remain, very respectfully, yours,

ALFRED H. LITTLEFIELD,
Governor.

[Appendix 1 to inclosure.]

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
Providence, July 16, 1881.

To the Representatives of the Republic of France appointed to visit the United States at the Yorktown Centennial:

GENTLEMEN: I have the honor, in behalf of the State of Rhode Island, and acting by authority of resolutions of the general assembly, passed at its session held in Newport on the 3d day of June last, to invite you during your sojourn in the United States to visit this State, and while within the State to remain as the guests thereof.

I herewith inclose a copy of the resolution under the seal of the State, and beg the honor of an early reply.

Very respectfully, your obedient servant,

ALFRED H. LITTLEFIELD,
Governor.

[Appendix 2 to inclosure.]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

(In General Assembly, May session, 1881.)

RESOLUTION authorizing the governor to invite the representatives of the Republic of France to visit Rhode Island.

Whereas during the Revolutionary War in the year A. D. 1778, while the British controlled the entrance to Narragansett Bay, and greatly distressed and oppressed the inhabitants of the adjoining territory; and

Whereas in the month of July of that year a French fleet arrived in the said bay, under the command of Admiral d'Estaing, and occasioned the destruction of many of the vessels of the British fleet to the great satisfaction and relief of the inhabitants of the State; and

Whereas in the summer of A. D. 1780, another French fleet, bringing a large land force, arrived in the waters of the said bay, and to the great relief of the inhabitants remained within this State for a considerable time, and afforded protection to the lives and property of the inhabitants of the State; and

Whereas the Government of the United States has invited the Government of the Republic of France to participate in the centennial celebration of the surrender of the British forces in America, to take place at Yorktown in October next, and the Republic of France has signified its intention to be represented at and to participate in the said celebration, therefore, as a token of gratitude, and as showing the appreciation of the people of Rhode Island of the services rendered this State by the fleets and armies of France, it is

Resolved, That his excellency the governor be, and hereby is, directed and authorized to invite the representatives of France who visit the United States to participate in the celebration in October next, to visit the State of Rhode Island at such time during their sojourn in the United States as may be convenient to them, and while the said representatives are within the State to remain the guests thereof, and that his excellency is hereby requested and directed to appoint a committee of such citizens of this State as he may deem proper to assist him in entertaining the guests of the State while here, in such a manner as the committee may believe will be most acceptable to their guests, and that his excellency the governor be, and he hereby is, authorized to draw his orders upon the general treasurer for the expense incident to carrying this resolution into effect.

A true copy. Attest:

[SEAL.]

JOSHUA M. ADDEMAN,
Secretary of State.

No. 243.

Mr. Blaine to Mr. Morton.

No. 12.]

DEPARTMENT OF STATE,
Washington, August 9, 1881.

SIR: I have to acknowledge the receipt of Mr. Pomeroy's dispatch No. 495, of the 23d ultimo, transmitting a copy of a note received by him from the minister of foreign affairs of France as to the alleged results of the inspection of American pork by the French authorities and intimating that modifications will be made in the decree issued in February last, in relation to the importation of American pork into France.

I have read with surprise the statement in Mr. St. Hilaire's note to the effect that microscopic researches made in the laboratory at Havre "have confirmed the existence of numerous trichinæ in the larger portion of salt meat of American origin."

This statement is so much at variance with the results of the extended observations on this subject which have been made in this country, that it is believed by this Department that the conclusions arrived at by the French authorities at Havre must be owing to inaccurate inspections, or the result of accidental circumstances. I will therefore thank you to adopt judicious measures to inform yourself as to the accuracy of the inspections made by the French authorities, and at the same time to continue the efforts which your legation has heretofore been instructed to make, with a view to having all unnecessary restrictions upon the importation of American pork into France removed.

I am, &c.,

JAMES G. BLAINE.

No. 244.

Mr. Morton to Mr. Blaine.

No. 6.]

LEGATION OF THE UNITED STATES,
Paris, August 11, 1881. (Received August 24.)

SIR: The attitude and correspondent relations of France, England, and the United States, with the South American states, Chili and Peru, since

the late termination of hostilities, was the subject of a private interview which I had the honor to have yesterday afternoon at the palace of the Elysée, with President Grévy. The meeting was unofficial, and sought by his excellency for a mutual exchange of thoughts on a subject which appeared to have received his careful study. In the conversation which ensued, his excellency alluded to the two abortive attempts on the part of the Governments of France and England towards effecting some practical agreement between these two South American states. He referred in a general way to the desirability of establishing between our respective governments, the basis of a mutual understanding in regard to the policy which might be jointly adopted by us both towards securing an early return of order and stability in the affairs of Chili and Peru, as far as comports with our national traditions and usages in the management of public affairs with foreign states. He spoke of the many unsatisfied claims of French subjects on the Peruvian Government, and expressed his strong disapproval of the extravagant demands made by the Chilian Government, and conditions of peace, which, if literally enforced, he apprehended, would achieve the permanent enfeeblement, perhaps annihilation of the Peruvian state. In using this language, his excellency indeed acknowledged the right of Chili, as a conquering power, to certain indemnities and privileges to be embodied in the final treaty of peace, &c., but which he thought required particular modification, and he was of the opinion that another attempt at mediation on the part of foreign governments, and especially of the United States, was requisite for the purpose of reaching a satisfactory solution of the present state of chaos and disorder which now there obtains.

In my reply, I said I had received from my government, as yet, no instructions or intimation in regard to the course it might pursue towards these South American states. I felt, however, his own views, as expressed to me, would, if presented, receive the most favorable consideration. I continued to say, my government, I believed, had already striven, but without success, to interpose, as the equal friend, between Chili and Peru, with a view at to a reconciliation, and I had no doubt that, as suggested by President Grévy, a third attempt at mediation, on our part, would be ventured, and I concurred with his excellency in the hope the heavy demands of Chili might possibly be modified, as I also felt that if executed, they must limit, if not extinguish, in that state, the future development of private enterprise, as well as the employment of foreign capital, by which alone its natural resources could receive extension.

At the close of this interview, his excellency requested the informal transmission to you of the substance of his remarks, which I have the honor herewith to do, and I take pleasure to add that I regard this meeting with President Grévy as a renewed instance of the cordial relations now so happily existing between our two republican governments.

I have, &c.,

L. P. MORTON.

No. 245.

Mr. Blaine to Mr. Morton.

No. 19.] DEPARTMENT OF STATE,
Washington, August 18, 1881.

SIR: At the time of my entrance upon the duties of this Department

in March last, the question whether this government deemed it an opportune moment for a negotiation with a view to modifying the present treaty stipulations regulating commerce between the United States and France, as presented in Mr. Noyes' dispatch, No. 410, was under consideration by my predecessor and it at once engaged my earnest attention.

In the existing system of tariffs imposed upon importations by the United States and France, there are many features which might be modified with mutual advantage. A revision of the tariff of each with reciprocal adjustments of the duties imposed might do much to relieve trade from burdens which are not necessary, facilitate intercourse, and promote friendly feeling between the two nations.

The policy of this government has, however, been averse to complicating its revenue system by treaty engagements with various powers, establishing separate conventional tariffs applicable only to importations from particular countries.

The legislative power has preferred a uniform tariff, applicable alike to importations of similar articles from all nations. As Congress meets every year, the provisions in detail of our tariff laws can at any time be changed as circumstances prove that alteration is needed; whereas, a conventional or treaty tariff, establishing special rates of duty with a particular country and requiring great nicety of adjustment in reconciling different interests and avoiding unfairness in dealing with all the branches of trade, would not be within the immediate control of Congress nor flexible to the influence of public opinion, representing public interest. Imbedded in solemn treaty stipulations which are usually made with a view to long continuance, no change could be effected except by the slow process of diplomatic negotiation.

The advantages that might be secured by changes in the present commercial restrictions, which would place trade between the United States and France upon easier and more satisfactory conditions, are so obvious in certain points of view, that I thought it would be well to enter upon the discussion of the subject with a view to separating those commercial interests which are continuing and which, being of a permanent nature, are susceptible of comparatively permanent regulation, from those more liable to change, and endeavor to come to an accord in regard to the duties to be imposed by each country in a treaty which would go into effect when a law to carry it into operation should have been passed by Congress, to which body the Constitution of the United States confides "the power to lay and collect duties" and "to regulate commerce with foreign nations."

At that moment, however, arrived the intelligence, that the French Government had by decree prohibited the bringing of American pork into France, on the ground that it was affected by trichinæ to such an extent as to be dangerous to the public health. Information was at once collected by this government, which it is believed proved in the most conclusive manner that the statements circulated in Europe concerning the prevalence of trichinæ in American pork were without foundation, and this information was early brought to the notice of the French Government. Still that decree during many months has been maintained in force. It has tended to rapidly contract commerce with the United States, has deranged business, and has led to an impression throughout this country that is not conducive to the formation, and the successful operation by the aid of Congress, of a treaty to liberate and stimulate the trade of the two countries.

I have waited some time to see whether any indication might be

found of a different disposition and that would encourage a hope for substantial results from a discussion of this subject. But so much time has passed that I deem it due to the French Government that it should not longer be kept waiting for an answer to the question propounded through you. I have to request you, therefore, to state to Mr. Barthélemy St. Hilaire that the delay in responding to a question which I found pending was, first, that I might give it that careful consideration demanded by its great importance and the high regard entertained for the government propounding the question, and second, the causes I have set forth above, and that you inform him that while this government is earnestly desirous of doing everything in its power to promote commerce and friendly intercourse between the two nations, it is constrained to say that it deems the present moment inopportune for the negotiation for a treaty of commerce modifying the present tariffs of the United States and France with a view to substantial changes and permanent results which can only be secured by the co-operation of Congress.

I am, sir, &c.,

JAMES G. BLAINE.

No. 246.

Mr. Morton to Mr. Blaine.

No. 11.] LEGATION OF THE UNITED STATES,
Paris, August 19, 1881. (Received September 1.)

SIR: In compliance with instructions contained in your dispatch No. 387, of date June 24, 1881, this legation forwarded to the Marquis de Rochambeau the letter which conveyed to that gentleman an invitation to be present at the celebration of the centenary of the surrender of Yorktown. The Marquis de Rochambeau was informed at the same time the hospitality of the flag-ship Trenton would be also extended to him to transport him to the United States, should he so desire. With due appreciation of this act of courtesy the marquis has declined the hospitality of the flag-ship Trenton. Still, as he is one of the delegates selected by the French Government, he will be present at the Yorktown centenary.

I have the honor herewith to inclose to you his letter, addressed to you, in which he gives expression to his sense of obligation for the invitation of which he is the recipient.

As you enjoined, the Trenton has also been placed at the disposal of, first, the other members of the French delegation which will shortly repair to our country, through Mr. B. St. Hilaire; and, second, of the La Fayette family, through the senator, Mr. Edmond de La Fayette.

The latter gentleman has declined this offer for himself and relatives, on the ground that the electoral campaign, which is now open, interferes and prevents their departure from their country at so early a date as September 18, the day fixed upon for the Trenton to sail. The same reasons have influenced the action of the French Government, also, in this matter. Their delegates will secure passage on a French trans-Atlantic steamer, and leave for the United States on or about the 24th of September.

I have, &c.,

L. P. MORTON.

[Inclosure in No. 11.—Translation.]

Marquis de Rochambeau to the Secretary of State.

MR. SECRETARY OF STATE: I am highly honored by the invitation which the President of the United States and yourself have been pleased to address to me, to take part in the *fêtes* of the centenary of Yorktown. I already knew by experience that the American people preserve with religious care the memory of services rendered, as was abundantly proven to me by the marks of sympathy which I had received in the United States on the occasion of my visit in 1876.

This new evidence of courtesy on the part of that people is a striking confirmation of this fact, and it will be to me at the same time a duty and a pleasure to unite with you in celebrating the anniversary of that famous victory, which founded in so durable a manner the autonomy of the American people.

I have been deeply affected by the assault which endangered the life of President Garfield; but I hope to find him completely recovered from his wounds. Will you have the goodness, Mr. Secretary of State, to transmit to him the expression of my sentiments of grateful appreciation; and accept for yourself the assurance of my most distinguished consideration.

Marquis DE ROCHAMBEAU.

CHATEAU DE ROCHAMBEAU, *August* 9, 1881.

No. 247.

Mr. Morton to Mr. Blaine.

No. 24.] LEGATION OF THE UNITED STATES,
Paris, September 1, 1881. (Received September 15.)

SIR: The French elections are now concluded. For the Republican party responsibility has begun, compromise and half-way measures practically ceased. Excited action and political confusion will, from present indications, be held in check in the chambers and throughout the country. The departmental elections are also strongly Republican in character, and their result clearly indicates the general opinion that a republican form of government, at the present time, meets the wants and receives the sympathies and support of the masses of the French people. At this moment the republic in France may be said to be consolidated and placed beyond successful attack. Ninety years of perplexing experience has developed democratic ideas into a tower of strength. It must be most gratifying to the government and people of the United States that a country which, one hundred years ago, powerfully contributed to the establishment of our independence, has itself adopted the free institutions which have placed us in the foremost rank of nations.

The political struggle which has just drawn to a close is, furthermore, remarkable for the absence of all government pressure on the electors, and of any attempt to "mobilize" universal suffrage. This confirms the strength which the republic has gained since 1877, and shows that the progress of republican ideas has been steady and uninterrupted. Some explanation for the apathy and non-appearance of passion in the political arena to-day may, perhaps, be found in the fact that the parties hostile to liberal institutions have lost ground, and consequently courage, in every electoral campaign since 1871; and that the wisdom and moderation of the programme adopted by the republican leaders has, in a high degree, secured the confidence of the people. This programme would seem to be replete with measures and plans for the future. The canceling of the estimates for public worship, the rupture of the concordat, the secularization of education, the remission of cer-

tain unpopular taxes, and the revision of the constitution regarding the mode of election to the senate, when brought forward in the chamber, are positive and practical steps, which are likely to gain the heart and mind of the nation.

The most accurate returns of ballots, as now ascertained, give the Republicans 398 and the Reactionists 85, out of a total of 547, leaving fresh ballots to be taken in 64 districts on the 4th of September. The aggregate number of the opposition in the chamber, of all shades, will probably be about one hundred. The Monarchical party obtained a majority in only four departments, viz, Maine et Loire, La Loire Inférieure, le Morbihan, and la Vendée, which latter was celebrated in the wars of the revolution for adhesion to royalty and opposition to innovation.

It has been often affirmed, France is a country that requires a personal government. In whatever sense this may be interpreted, at the present time it seems to be the general opinion a new ministry will be called to replace the present one, and that Mr. Gambetta will, at last, take the reins and form a cabinet which will enjoy the confidence of the legislature and promote the various measures of reform.

I have, &c.,

L. P. MORTON.

No. 248.

Mr. Morton to Mr. Blaine.

No. 25.] LEGATION OF THE UNITED STATES,
Paris, September 2, 1881. (Received September 15.)

SIR: I have the honor to acknowledge the receipt of your telegram of August 26, in reference to the French delegation to the Yorktown centenary, a copy of which is herewith inclosed. On the 30th ultimo, in a telegram, a copy of which is also inclosed, I replied briefly to your queries. I will endeavor now to make this reply more full and explicit.

The French Government has secured for its delegates, and for all other delegates who will be pleased to join them, passage on board of a French steamer which is to sail from Havre to New York on September the 24th. The French official delegation is composed of six different groups, viz:

1. One special representative of the President, Commander of Cavalry Lichtenstein, of the military staff of Mr. Grévy.
2. The three members of the French legation at Washington.
3. Three persons selected by the French foreign office, viz: The Marquis de Rochambeau; M. de Corcelle, secretary of embassy (a relative of the Lafayette family); Mr. ———, not yet designated.
4. Five delegates from the war office, viz: General Boulanger, Colonel Bossan, Lieutenant-Colonel Blondel, Chief of Battalion Bureau de Pusey, and Captain Mason.
5. Seven delegates from the navy department: Admiral Halligon, two "captains of vessels of line," two "captains of frigate," and two lieutenants of vessels.
6. One delegate from the department of fine arts, viz, Mr. Regamey.

The chairman of the delegation will be M. Outrey. It is the inten-

tion of the party to proceed from New York to Newport in order to accept the invitation extended by the authorities of Rhode Island. From that State they repair to Baltimore, and thence to Washington and Yorktown.

Two men-of-war the Magicienne, bearing the flag of Admiral Halligon, and the Dumont d'Urville, are ordered to proceed to New York. The last named will anchor in advance at Sandy Hook to await the steamer having on board the delegation, and will escort her to New York. The Magicienne will be at New York the day of their arrival.

Besides the French official delegation, there will be ten or twelve persons invited by the Yorktown Association through the Marquis of Rochambeau, who has given me the following names:

1. Capt. Henry d'Aboville.
2. M. Christian d'Aboville, grandsons of the commander of the French artillery at Yorktown.
3. Lieutenant de Grasse, great-grandson of the commander of the French fleet at Yorktown.
4. M. de Menonville, captain of curiassiers, great-grandson of M. de Menonville, aid major-general in the army of Rochambeau.
5. M. de Chabannes La Palice.
6. M. Jean de Chatillon.
7. M. d'Olonnes.
8. M. Laur de Lestrade.
9. M. de Noailles.
10. M. de St. Simon.
11. M. de Haussonville.
12. M. Clermont Tonnerre de Vaudreuil.

The last named, eight in number, are connected by family ties with officers of the same name who occupied prominent positions in the French army or navy which operated at Yorktown.

I understand that the French Government will defray the expense of passage of its own official delegation; this will not include, however, that of the gentlemen invited by the Yorktown Association. Both delegations embark, however, on the same steamer, the 24th instant.

In regard to the Lafayette delegation, I have no other information to impart but what was conveyed to you in my dispatch No. 11 of August 19. M. Edmond de Lafayette has accepted our invitation in the name of his family, but he has not made known yet the names of those who will avail themselves of this invitation. This gentleman is in bad health and absent from Paris. He has not replied to a communication in relation to this matter from Mr. Vignaud, second secretary of legation.

I have, &c.,

L. P. MORTON.

No. 249.

Mr. Blaine to Mr. Morton.

No. 30.] DEPARTMENT OF STATE,
Washington, September 5, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 6, of date August 11, 1881, giving an account of your interview on the day previous with the President of the Republic in regard to the atti-

tude and correspondent relations of France, Great Britain, and the United States with the South American states, Chili and Peru.

The remarks made and the suggestions offered by President Grévy concerning the situation of affairs in Peru, have received that careful and respectful consideration due to the utterances of so eminent a statesman and the Chief Magistrate of France. I hasten to say that this government agrees with him in profoundly deploring the disorders and sufferings that have already fallen upon and the others that continue to impend over the people of Peru, and fully shares the humane and enlightened sentiments which have inspired in him a personal interest in that unfortunate struggle and have induced him to suggest a concerted effort by France, Great Britain, and the United States to bring the conflict to an end.

Such interventions are frequent in European diplomatic history, and have been sometimes followed by beneficial results in preserving the equilibrium of the powers. But the United States has not belonged to that system of states, of which France and Great Britain are such important members, and has never participated in the adjustment of their contentions. Neither interest nor inclination leads this country to wish to have a voice in the discussion of those questions, but our relations to the states of the American continent are widely different, and the situation is so nearly reversed that this government, while appreciating the high and disinterested motive that inspired the suggestion, is constrained to gravely doubt the expediency of uniting with European powers to intervene, either by material pressure or by moral or political influence, in the affairs of American states. Those republics are younger sisters of this government. Their proximity of situation, similarity in origin and frame of government, unity of political interest on all questions of foreign intercourse, and their geographical remoteness from Europe have naturally given to American States close and especial relations to each other, and, in the course of time, removed them farther from the European system. The interests, commercial and political, of the United States on this continent transcend in extent and importance those of any other power, and where these immense interests are deeply involved this government must preserve a position where its influence will be most independent and efficient.

In the contest between Peru and Chili, the United States has watched the progress of the struggle with painful interest, and endeavored, as opportunity offered, to arrange terms of peace, and you will say to the French Government that while the interest which President Grévy has manifested for the cause of peace, and his sympathy with the unhappy victims of this war find an earnest response here, both from the government and the people, the United States declines to enter into negotiations with European powers for a joint intervention in the affairs of Chili and Peru.

I have, &c.,

JAMES G. BLAINE.

No. 250.

Mr. Hunter to Mr. Morton.

No. 31.] DEPARTMENT OF STATE,
Washington, September 7, 1881.

SIR: In the absence of the Secretary, I inclose a letter of invitation of the 3d instant from the special committee commissioned by the gov-

ernor of New York to the delegation of the French Government, the family of Lafayette, and the descendants of the Count de Rochambeau, the Count de Grasse, and of such other general officers of the French army and fleet as served in the Yorktown campaign of 1781, extending to them the courtesies of the State. As the delegation will sail on the 24th instant, the Department will thank you to cause the inclosure to be delivered as soon as possible.

I am, &c.,

W. HUNTER.
Second Assistant Secretary.

[Inclosure in No. 31.]

Mr. King to Mr. Blaine.

OFFICE OF THE FRENCH RECEPTIONC OMMITTEE
OF THE STATE OF NEW YORK,
69 *Bible House, September* 3, 1881.

SIR: I have the honor herewith to inclose for the delegation of the French Government, the family of Lafayette, and the descendants of the Count de Rochambeau, the Count de Grasse, and of such other general officers of the French army and fleet who served in the Yorktown campaign in 1781, as may visit the United States to attend the centennial celebration, a proffer of the hospitalities and courtesies of the State of New York.

I request that you will cause this invitation to be forwarded to these gentlemen through the proper channel, and have the honor to be,

Very respectfully, your obedient servant,

JOHN A. KING,
Chairman.

No. 251.

Mr. Morton to Mr. Blaine.

No. 39.] LEGATION OF THE UNITED STATES,
Paris, September 23, 1881. (Received October 6.)

SIR: On the 2d instant I had the honor of transmitting to the Department a partial list of the gentlemen composing the different French delegations to the Yorktown Centenary. I have now to state that yesterday I received from the French foreign office a new and revised list of these delegations, a copy of which is herewith inclosed.

This list is now complete; it comprises the names of all those who will represent France at the Yorktown celebration, whether delegated by the French Government, delegated by the Lafayette family, or invited specially by the Yorktown Association. All the gentlemen named on this list, except the members of the French legation at Washington, and the officers of the two men-of-war, the Magicienne and the Dumont d'Urville, will sail to-morrow, the 24th instant, from Havre, on board the French transatlantic steamer Canada.

I have, &c.,

L. P. MORTON.

[Inclosure in No. 39.]

THE FRENCH DELEGATIONS TO YORKTOWN.

1 *Delegation of the President of the Republic.*—M. Lichtenstein, commander of cavalry, of the staff of the President.

2. *Delegation of the foreign office.*—M. Outrey, envoy extraordinary and minister plenipotentiary at Washington; M. de Corcelle, secretary of embassy at the foreign office at Paris; M. Gerard, secretary of embassy at Washington; M. Berard, secretary of embassy at Washington; M. de Pouqueville, secretary of embassy at Paris; M. de Caux, attaché d'ambassade at Washington.

3. *Delegation of the army.*—M. le General Boulanger; M. Bosson, colonel of dragoons; M. Blondel, lieutenant-colonel of artillery; M. Bureaux de Pusy, chief of battalion; M. Mason, colonel of infantry; M. de Sahune, lieutenant of dragoons.

4. *Delegation of the navy.*—Rear-Admiral Halligan; M. Musset de Pagnac, captain of vessel-of-war; M. Thomas, lieutenant of vessel; M. de la Barrière, captain of frigate; M. Cavalier de Cuverville, captain of vessel; M. Deschamps, captain of frigate; M. Shilling, lieutenant of vessel; M. de Grasse, lieutenant of infantry of marine.

5. *Delegation of the department of fine arts.*—Mr. Regamey, artist.

6. *Delegation of the Lafayette family.*—Count Paul de Beaumont, son of Gustave de Beaumont, who married a daughter of George Washington Lafayette; M. Gaston de Sahune, subprefect. His father married another daughter of George Washington Lafayette; M. Sigismond de Sahune, brother of the former; M. Bureaux de Pusy; M. de Corcelle. The two former delegated by the war department, the latter by the foreign office, are also members of the Lafayette family, who will therefore have five representatives in the delegation.

7. *Delegation of descendants of French officers who commanded at Yorktown.*—Marquis de Rochambeau, delegated by the French Government; M. de Grasse, delegated by the navy department; M. Henri d'Aboville, lieutentant of cavalry; M. Christian d'Aboville; Count d'Ollone, retired officer; Viscount d'Ollone, son of the former; M. de Lestrade; M. de Noailles, lieutenant of infantry. The six last named are invited by the Yorktown Association.

No. 252.

Mr. Morton to Mr. Blaine.

No. 46.] LEGATION OF THE UNITED STATES,
Paris, October 5, 1881. (Received October 21.)

SIR: With reference to my dispatch No. 39, of date September 23, which contained the names of the representatives of the French Government, and also of the members of the families of Rochambeau and Lafayette, who, on invitation of our government, attend the centennial celebration of the surrender of Yorktown, I have now the honor to inclose a communication from the Senator, Mr. Edmond de Lafayette, in which he expresses deep regret at not being able to be present himself at this great international reunion, but refers to the representation of his family in the persons of his nephews.

I have here to correct a mistake contained my dispatch No. 25, which referred to Colonel Mason, who is, in fact, a captain. This gentleman, a naturalized Frenchman, is the son of the former American minister to France, John Y. Mason, esq., of Virginia, who died at his post in 1859.

I have, &c.,

L. P. MORTON.

[Inclosure in No. 46.—Translation.]

M. de Lafayette to Mr. Morton.

MONSIEUR LE MINISTRE: I learn that the representatives of the French Republic sent to be present at the celebration of the centenary, have just embarked. I would

have greatly desired to join them, but, for some time, I am a sufferer, and the state of my health does not permit me to undertake this journey. I feel in consequence deep sorrow. My nephews, happier than myself, leave with the French mission; they are devoted adherents to their country, and the Lafayette family will have in them young and worthy representatives. I cannot express too deeply my regret that I am unable to accompany them. Would you kindly be the interpreter to your government, and to Congress, of all my regrets. It would have been very agreeable to me to see again your great and beautiful country, in which I received, twenty years ago, so flattering and cordial an hospitality in memory of the name of Lafayette, the friend and the companion in arms of Washington.

Please accept, Monsieur le Ministre, the assurance of my very distinguished consideration.

EDMOND DE LAFAYETTE.
Senator CHAVAIGNAC.

September 29, 1881.

No. 253.

Mr. Morton to Mr. Blaine.

[Extract.]

No. 48.] LEGATION OF THE UNITED STATES,
Paris, October 6, 1881. (Received October 21.)

SIR: I am advised unofficially that the minister of agriculture and commerce has at last determined to establish a certain number of laboratories for the purpose of inspecting pork with the microscope. These laboratories are to be located at certain ports of entry, through which all foreign pork intended for France will have to pass, whether coming from the United States or elsewhere. It is not believed, however, that any of these laboratories can be established before some time, owing to the difficulty of finding a sufficient number of men competent to make an efficient use of the microscope.

From what I understand, this step of Mr. Tirard will not give much satisfaction to the French importers of American pork, and I must say that I cannot see the object of the French minister of commerce in persisting in this unjustifiable war on American pork.

If there is a fact well established now, even in France, it is that trichina, which may be found in American pork, is absolutely inoffensive, the salt killing the animalculæ or reducing it to such a state that the slightest cooking achieves its destruction. French scientists of the highest grade and reputation, such as Messrs. Collin, of the great veterinary school of Alfort, Rebourgeon, a well known veterinary surgeon, formerly inspector of the slaughter houses of Paris, Pouchet, professor of biology at the museum of Paris, Peunetier, professor at the museum of Rouen, Zundel, of Strasburg, Dr. Davaine, of the Academy of Medicine, agree with the statement, which is not contradicted by any one having their scientific training and notoriety. * * *

I have, &c.,

L. P. MORTON.

No. 254.

Mr. Morton to Mr. Blaine.

No. 54.] LEGATION OF THE UNITED STATES,
Paris, October 13, 1881. (Received October 31.)

SIR: Referring to my dispatch No. 48, of date October 6, 1881, I have the honor to report that in an interview which I had yesterday with

Mr. B. St. Hilaire, minister of foreign affairs, I called his attention to certain articles which had recently appeared in the French papers with reference to the appointment of inspectors of American pork, and expressed a desire to learn what, if any, action had been taken or decided upon by Mr. Tirard, minister of agriculture and commerce.

I referred to the fact that the decree prohibiting the importation of American pork had now been in force for more than eight months, and stated that the American Government and people were of opinion that such decree had been issued by the French Government under a misapprehension of the facts in the case, as I claimed had been clearly established by the result of your investigations, reports of which had been submitted to him.

I also stated that the method of inspection which it had been reported that the minister of agriculture and commerce had decided to adopt, was not, in my judgment, a feasible one, for the reason that the delay which would necessarily be caused by such proposed examination would almost if not entirely preclude the importation of American pork.

Mr. B. St. Hilaire replied that he was not aware of the present intentions of his colleague, Mr. Tirard, but that he would make it his business to see him at once to discuss the matter, and he would communicate to me the result of his conversation.

I urged him to represent to his colleague that there was but one practical mode of putting an end to this troublesome matter, which was to abrogate the decree of prohibition.

The minister assured me that he had always been in favor of a solution of this difficulty which would give entire satisfaction to the United States Government, but that the question, though political in one respect, had a practical and technical side upon which he was not competent to pass judgment. He admitted, however, that he was favorably impressed by my arguments, and promised that he would ask and strongly recommend the repeal of the decree.

I have, &c.,

L. P. MORTON.

No. 255.

Mr. Morton to Mr. Blaine.

No. 58.] LEGATION OF THE UNITED STATES,
Paris, October 20, 1881. (Received November 3.)

SIR: A few days since I had the honor of a personal interview with President Grévy, to whom I communicated the subject of your dispatch No. 30, with reference to the affairs of Chili and Peru.

The President expressed himself as in entire accord with the position taken by the Government of the United States, as indicated in your dispatch and the letter addressed by General Hurlbut to the Chilian admiral, copies of the latter of which having been furnished to the President and myself by Mr. Rosas, the minister of Peru, appointed by the Calderon government.

He added that annexation by a victorious nation of the whole or a large part of the territory of the subdued nation, or even the exaction of an undue indemnity of war, was contrary to the now admitted rights of nations as well as to the interests of neutrals. That a victorious nation had the right to secure the fruits of its victories there was no

doubt, but it had not the right to impose upon its powerless enemy burdens amounting to annihilation.

In reply to my reference to the sentiment and traditions which had so long existed in the United States in regard to what might be termed joint action with European powers, he replied that he was fully aware of the existence of such feeling, and that he could well understand its force and legitimate foundation.

As to the negotiations between Peru and Chili he said that he had made known his views to me, but with no definite intentions of doing more than extending the good offices of France if they were needed.

The United States, he further remarked, was fully competent to deal with the matter, and he was glad to see that it had realized the situation and was ready to meet the circumstances of the case, and France gave a most cordial approval to the action which had been taken by the United States.

I remarked that the United States and many other countries had already recognized the Calderon government; to which he replied that France had not yet done so, because it seemed to her that the Calderon government had rather the support of the Chilian Government than of the people of Peru; but that as soon as it appeared evident that it was national in its character France would recognize it with pleasure.

Before leaving, the President remarked to me that although our conversation was unofficial in the sense that he could do nothing in the matter without consultation with the minister of foreign affairs, the views and opinions he had expressed were those of the French Government. This statement he emphatically authorized me to make to my government.

In another conversation which I have had since the interview with Mr. Grévy referred to on the same subject, he reiterated his expression of the foregoing sentiments. I summed up the position taken by France by declaring, very explicitly that it was willing to act with or in the same direction as the United States, if the latter so desired, or to leave the Government of the United States to proceed alone if it preferred the latter course.

I have, &c.,

L. P. MORTON.

No. 256.

Mr. Morton to Mr. Blaine.

No. 63.] LEGATION OF THE UNITED STATES,
Paris, October 28, 1881. (Received November 10.)

SIR: I have the honor to inform you that I accepted the invitation of the Franco-American committee to take part, on Monday the 24th instant, in a ceremony connected with the provisional erection of the Bartholdi statue of "Liberty Enlightening the World," which is, when completed, to be erected in the harbor of New York, on a site to be set apart by the United States Government.

The following is a report of the proceedings, as published in Galignani's Messenger, of the 25th instant, including the remarks made by Senator Laboulaye and myself.

M. BARTHOLDI'S STATUE OF LIBERTY.

Yesterday the Hon. L. P. Morton, United States minister in Paris, visited the establishment of MM. Gaget, Gauthier et Cie, Rue de Chazelles, to fix the first rivet destined to unite to its basement M. Bartholdi's statue of "Liberty Enlightening the World." The premises were decorated with the French and American flags. His excellency was received on his arrival by M. Laboulaye, senator, president of the committee of the Franco-American Union, MM. Henri Martin and Bozerian, senators, the mayor of the seventeenth arrondissement, and others. The platform was suitably adorned for the occasion.

M. Laboulaye addressed the American minister in the following terms:

"One hundred years ago our brothers fought together to secure the independence of America. At that time was formed a friendship which during a century has undergone no change. In the trials which you have passed through the wishes of France have always been for the maintenance of the Union and prosperity of the Great Republic. It is in order to give a visible type of this venerable friendship that M. Bartholdi and his friends have proposed to the Americans to erect, at public cost, in the bay of New York, this magnificent statue of 'Liberty Enlightening the World.' May the next centenary awaken the same echoes in the hearts of our last descendants; may the compatriots of Washington, the compatriots of Lafayette, celebrate, as we do to-day, this fraternal union, which time will only have strengthened, for the perpetual friendship of France and America." [Applause.]

Mr. Morton replied as follows:

"MR. PRESIDENT AND GENTLEMEN: I accepted with great pleasure the invitation with which your committee honored me, to take part in the ceremonies connected with the provisional inauguration of the colossal statue of Liberty, to commemorate the sympathy and friendship so long existing between France and the United States. When the Congress of the United States was informed by the President that citizens of France proposed to erect a colossal bronze statue of 'Liberty Enlightening the World,' upon one of the islands of New York Harbor, by a unanimous vote it authorized and directed the President to accept your gift, and to set apart a suitable site for its erection. He was directed also to cause it to be inaugurated, when completed, with such ceremonies as would serve to testify the gratitude of the people of the United States for a monument so felicitously expressive of the sympathy of her sister republic. [Applause.[The resolution of Congress also ordered suitable provision to be made for the future maintenance of the statue as a beacon, and for its permanent care and preservation as a monument of art and of the continued good-will of the great nation which aided us in our struggle for freedom.

"The names of Lafayette, Rochambeau, de Noailles, and others, associated with this new evidence of your friendship, have been household words in the Republic of the New World since their ancestors and their associates gave so freely of their blood and treasure to secure its independence. I should add to this roll of honor, if I might be allowed to do so in his presence, the name of your distinguished chairman, the gifted interpreter to the French people of our political institutions and national constitution. And now to this roll will be added the name of August Bartholdi, the distinguished sculptor and author of the grand statue which we inaugurate to-day.

"France and the United States have, during the last few days, joined in a celebration on the historic field of Yorktown, of the crowning victory secured by their allied armies one hundred years ago, and to-day we raise a monument to the liberty for which they fought. May this grand monument stand at the entrance of the great harbor of the New World as an illuminated emblem of friendship between the two leading republics of the world which shall last for all time to come." [Loud applause.]

Amongst others present, we also noticed Senator Gibson, General Reed, Mr. Sands, Mr. Henry Vignaud, Mr. Pomeroy, chief secretary to the legation; Mr. Walker, consul-general; Count Serurier, M. L. Simonin, and M. Dietz Monin.

I have, &c.,

L. P. MORTON.

No. 257.

Mr. Morton to Mr. Blaine.

No. 65.] LEGATION OF THE UNITED STATES,
Paris, October 31, 1881. (Received November 12.)

SIR: The Legislative Chambers were opened on the 28th instant, at 3 o'clock p. m., in the usual manner. In the Senate the president, Mr.

Leon Say, read the order of President Grévy convoking that body in extraordinary session for that day. He declared that the officers of the Senate were to remain in the discharge of their duties, and pronounced the House formally constituted.

The Chamber of Deputies was opened at the same hour, the oldest deputy, M. Guichard, taking the chair in conformity with a rule of the House. The present being an entirely new Chamber, new officers were selected. M. Guichard, on taking the chair, made a short address, in which he defined what he considered to be the political indications of the last election. These he declared to be the maintenance of the republic with progressive reforms, such as separation of church and state, the abolition of appropriations for the clergy, repeal of irremovability of the judiciary, and the revision, in a more democratic sense, of the mode of election of Senators. These sentiments were received in the chamber with great applause.

The next business in order was the election of temporary officers to serve until the validation of the election of the members of the House was accomplished.

M. Gambetta, who was not a candidate for the permanent presidency of the House, was willing, however, to be voted for as temporary president, in order to test the feeling of the new House towards him politically. His election was carried by a majority, which indicates increased strength with his party.

M. Gambetta, on taking his seat the next day, thanked the House briefly for the honor conferred, but abstained from all allusion to political questions. The House immediately proceeded to the election of the other temporary officers of the Chamber, and then commenced the validation of the deputies.

It is believed M. Gambetta will be invited by President Grévy to form a new Cabinet, when it is expected M. Brisson, the first vice-president, will be elected president of the chamber.

I have, &c.,

L. P. MORTON.

No. 258.

Mr. Blaine to Mr. Morton.

No. 48.] DEPARTMENT OF STATE,
Washington, November 2, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 54 of the 13th ultimo, in which you give an interesting report of your interview with Mr. St. Hilaire, minister of foreign affairs of France, with reference to the decree prohibiting the importation of American pork into the French Republic.

Your course with reference to this matter meets with my hearty approval, and I hope you will avail yourself of every favorable opportunity to press the subject upon the consideration of the French Government, especially as the very distinct promise of Mr. St. Hilaire to move his colleague Mr. Tirard to repeal the objectionable decree affords ground for the hope that a change for the better is taking place in the views of the French authorities in regard to the question.

I am, &c.,

JAMES G. BLAINE.

No. 259.

Mr. Morton to Mr. Blaine.

No. 69.] LEGATION OF THE UNITED STATES,
Paris, November 7, 1881. (Received November 23.)

SIR: Referring to my dispatch No. 54, of date October 13, 1881, stating that I had called on Mr. B. St. Hilaire to ascertain what action Mr. Tirard, minister of agriculture and commerce, had taken in relation to American pork, I have now the honor to transmit a copy and translation of a dispatch of the French minister of foreign affairs giving the information desired. Mr. Tirard says, through his colleague, that his department has prepared a bill to give the authority of law to certain measures which will render possible the revocation of the decree of prohibition.

I have been unable to procure a copy of the bill, but I am informed that it will not tend to facilitate the importation of salted meats from the United States. One of the largest French importers of American meats, who has had the privilege of glancing over the bill, says that the measures proposed are so vexatious that he would prefer the decree of prohibition to the proposed bill.

It will, I fear, be impossible to secure from the present minister of agriculture and commerce the abrogation or any satisfactory modification of the decree of February 18, 1881.

I have, &c.,

L. P. MORTON.

[Inclosure in No. 69.—Translation.]

Mr. B. St. Hilaire to Mr. Morton.

PARIS, *November* 3, 1881.

SIR: You have done me the honor, in a recent interview, to express the desire to know, as soon as possible, the result of the examination of the question of the importation of American salted meats into France by the proper administration.

I have hastened to recommend this matter to the particular attention of the minister of agriculture and commerce. In reply to this communication, Mr. Tirard declares that his department studied the measures destined, whilst protecting the interests of public health, to render possible the revocation of the prohibition pronounced by the decree of the 18th of last February; but it is necessary that these measures be sanctioned by a law, the draft of which consequently be submitted very shortly to the notification of parliament.

I am pleased, sir, in referring to the letter which I had occasion to address on the same subject to Mr. Pomeroy, the 19th of last July, to renew to you the expression of the ardent desire which the French Government experiences to give, in this circumstance, every satisfaction to the legitimate interests of international commerce. The economic views of the government of the republic can only, besides, contribute to favor between France and the United States the development of their trade; but he regrets to state that the custom-house legislation of the Union opposes to it very numerous difficulties. He would be happy, I hardly require to say, to meet in the Federal Government a disposition which would permit the amelioration under this head of the commercial relations between the two countries, and to place them more completely in harmony with the state of their political relations.

Accept, &c.,

B. ST. HILAIRE.

No. 260.

Mr. Morton to Mr. Blaine.

[Telegram.]

PARIS, *November* 15, 1881.

Have had no interview with the President since the two reported in my dispatch No. 58. Can recall nothing to add to that reported except that at my second visit the President corrected a statement of Mr. Rosas, who had understood him to say that in my first visit I had declared my government did not desire European assistance. This brought the explicit declaration reported in my dispatch. Indications here apparently less favorable for recognition.

MORTON.

No. 261.

Mr. Blaine to Mr. Morton.

No. 61.] DEPARTMENT OF STATE,
Washington, November 17, 1881.

SIR: Your dispatch No. 63, of the 28th ultimo, giving an account of the part taken by you in a ceremony in connection with the preparation of Bartholdi's statue of "Liberty Enlightening the World," has been received.

In reply, I beg to say that this Department highly appreciates the spirit of good will upon the part of the French people, shown by the incident which forms the subject of your dispatch.

I am, &c.,

JAMES G. BLAINE.

No. 262.

Mr. Blaine to Mr. Morton.

[Telegram.]

WASHINGTON, *November* 21, 1881.

See Mr. Gambetta, minister foreign affairs, and ask immediate earnest attention to the practically prohibitory effect of proposed microscopic inspection in detail of American pork, to its great continuing injury to both American and French interests, to the ample proof that it is unnecessary. Add discreetly that an assurance from French Government that prohibition will be rescinded is just now especially desirable and pressing as Congress is about to assemble, and continuance of prohibition will lead to at least defensive if not retaliatory legislation against importations from France.

BLAINE.

No. 263.

Mr. Morton to Mr. Blaine.

[Telegram.]

PARIS, *November* 23, 1881.

Have seen Mr. Gambetta and urged the abrogation of the pork decree. He says there exists serious public apprehension of danger from consumption American pork, which he personally does not share, but finds necessity of some reason for abrogation of decree which would satisfy public, and wished to know if our government could not inaugurate public inspection of *meats* for export; this would greatly facilitate satisfactory settlement. He understood other governments had made similar suggestion. He expressed himself as convinced of exaggerated character of supposed danger and as personally favorable to friendly action, but also as obliged to confront prejudice which could not be overlooked.

MORTON.

No. 264.

Mr. Morton to Mr. Blaine.

[Telegram.]

PARIS, *November* 25, 1881.

Informed chairman committee of Chamber; says bill for microscopic examination pork will be withdrawn. The training of microscopic inspectors has been suspended.

MORTON.

No. 265.

Mr. Blaine to Mr. Morton.

[Telegram.]

WASHINGTON, *December* 2, 1881.

Ascertain promptly, and advise by telegraph to-morrow, whether, and at what time we may expect revocation of edict prohibiting importation of American pork. Important.

BLAINE.

No. 266.

Mr. Morton to Mr. Blaine

[Telegram.]

LEGATION OF THE UNITED STATES,
Paris, December 4, 1881.

Just had long interview at my house with Mr. Gambetta. He says, although microscopic bill withdrawn, parliamentary commission still

exists, and majority of said commission favors retention of decree, but says if United States agree to cause governmental inspection of salted meats for export, with necessary sanitary regulations, and communicate same to him, he has reason to believe it will weaken the present opposition in the Chambers to withdrawal of decree and secure favorable report from parliamentary commission. I believe some such assurance necessary to secure revocation.

MORTON.

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

No. 267.

Mr. Outrey to Mr. Evarts.

[Translation.]

LEGATION OF FRANCE,
Washington, October 11, 1880. (Received October 14.)

MR. SECRETARY OF STATE: Now that diplomatic relations are about to be re-established between the French Republic and Mexico, my government instructs me to convey to that of the United States the expression of its gratitude for the good offices which its officers have constantly rendered to our citizens, during the absence of a French diplomatic representative at the city of Mexico.

In the communication which he has addressed to me on this subject, the minister of foreign affairs takes pleasure in stating that the service rendered by the United States has been such as was to be expected from a nation to which we are connected by the ties of a friendship which has existed without interruption for a century, and he does not doubt that the remembrance which France will retain of that service will result in drawing still closer the bonds of sympathy between the two countries and the two governments.

Be pleased to accept, &c.,

MAX OUTREY.

No. 268.

Mr. Hay to Mr. Outrey.

DEPARTMENT OF STATE,
Washington, October 23, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which, after stating that diplomatic relations are about to be re-established between the French Republic and Mexico, you express most cordially the gratitude of your government for the good offices which have been rendered by the officers of the United States to citizens of France during the absence of a French diplomatic representative at the city of Mexico.

In reply, I beg to say that such friendly assistance as this govern-

ment has been able to give to French citizens in Mexico during the suspension of diplomatic relations between France and Mexico has been very cheerfully rendered, and it is very gratifying to this government to be assured by yours that those acts have been the means of still further strengthening the friendly relations which have subsisted without interruption between the United States and France ever since the existence of the former as a nation.

Accept, &c.,

JOHN HAY,
Acting Secretary.

No. 269.

Mr. Outrey to Mr. Evarts.

[Translation.]

LEGATION OF FRANCE,
Washington, November 8, 1880. (Received November 8.)

MR. SECRETARY OF STATE: The minister of foreign affairs telegraphs to me that the Submarine Cable Company, whose line connects France with the United States, asks to be authorized to make with the English company arrangements which would constitute a kind of fusion. Before adopting a decision my government would be glad to know what are the intentions of the Government of the United States. I should, therefore, be greatly obliged to you, Mr. Secretary of State, if you would have the kindness to let me know what are your views on this subject, and to inform me how you will receive a similar request when it shall be presented to you.

Be pleased to accept, &c.,

MAX OUTREY.

No. 270.

Mr. Evarts to Mr. Outrey.

DEPARTMENT OF STATE,
Washington, November 29, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, informing me that you have recently received, by telegraph, from the minister of foreign affairs of your government, a dispatch stating that the Submarine Cable Company, whose line connects France with the United States, asks to be authorized to make with the English company arrangements which would constitute a kind of fusion, and that before adopting a decision your government would be glad to know what are the intentions of this government.

In the correspondence on the subject which preceded the granting of the concession by the Government of the United States to the French company, certain conditions were proposed by this government, and amongst them the following:

That the company shall not consolidate or amalgamate with any other line, or combine therewith, for the purpose of regulating rates.

These stipulations were entered into before permission to land the cable was given, and were required by this government after deliberate consideration, and in accordance with a policy which had been already applied in another case. This government felt the more confident assurance that the obligations thus distinctly assumed would be faithfully kept, because the action and policy of France had imposed a similar stipulation in the instrument of concession under which the cable was to be laid. The Government of the United States finds no reason to favor any waiver or modification of the obligation, and will expect a faithful adherence to it on the part of the cable company.

In thus explicitly stating to you the position of this government, which at the instance of your government you have opened to me, I have the honor to request to be informed as early as may be in your power what the disposition and purpose of your government are in the premises.

Accept, &c.,

WM. M. EVARTS.

No. 271.

Mr. Outrey to Mr. Evarts.

[Translation.]

LEGATION OF FRANCE,
Washington, December 29, 1880. (Received December 30.)

MR. SECRETARY OF STATE: I promptly transmitted to the minister of foreign affairs the letter which you did me the honor to write to me on the 29th of November last, for the purpose of expressing the views of the United States Government with regard to the proposed fusion of the submarine telegraph companies.

In reply to this communication, Mr. Barthélemy Saint Hilaire informs me that he proposes to countenance no application involving any modification of the obligations assumed by the French company, whose cable connects France with the United States.

Be pleased to accept, &c.,

MAX OUTREY.

No. 272.

Mr. Outrey to Mr. Evarts.

[Translation.]

LEGATION OF FRANCE,
Washington, March 7, 1881. (Received March 7.)

MR. SECRETARY OF STATE: I have just received the brief note which you have been pleased to send me, requesting me to give you in writing what I had the honor to tell you verbally with regard to the enterprise of Mr. Lesseps.

Not long since Mr. Barthélemy Saint Hilaire reiterated to me the as-

surances given by his predecessors, and authorized me, if the opportunity should offer, again to declare the unchanging determination of the French Government to preserve for the enterprise of our countrymen the absolutely private and international character which he has had the wisdom to give it.

I am very glad that you have given me an opportunity thus to repeat a declaration which can leave no doubt in any impartial mind.

Be pleased to accept, &c.,

MAX OUTREY.

No. 273.

Mr. Evarts to Mr. Outrey.

DEPARTMENT OF STATE,
Washington, March 7, 1881.

SIR: I have had the honor to receive your note of this day's date, in which you inform me that the minister of foreign affairs of France has renewed to you the declarations made by his predecessors, and has authorized you to affirm once more the unchangeable resolution of the French Government to maintain the absolutely private and international character of the enterprise of Monsieur de Lesseps.

Thanking you for these renewed assurances, I have the honor, &c.,

WM. M. EVARTS.

No. 274.

The President of France to the President of the United States.

[Translation.]

Jules Grévy, President of the French Republic, to the President of the United States of America:

GREAT AND GOOD FRIEND: I have just received the letter which was addressed to me by your honorable predecessor, His Excellency Rutherford B. Hayes, informing me that in pursuance of a resolution of Congress he invited the French Government and people to unite with the government and people of the United States of America, on the 19th day of October next, in celebrating the hundredth anniversary of the battle of Yorktown.

I have accepted this invitation in the name of the Government of the Republic and in that of the entire French people. This evidence of the remembrance preserved by your fellow-citizens of the part taken by the French soldiers in those glorious battles which secured independence and liberty to the United States, has produced deep emotion in France, and I have felt happy to be the interpreter thereof, in replying to General Noyes, your worthy representative "that, having shared the toil, we would also share the honor." The American nation, which has become so powerful and prosperous, consecrates forever, by fraternally inviting us to share in the celebration of this anniversary, that union to which free and noble aspirations, and a fortunate association in arms

gave birth, and which our institutions, now of a similar character in both countries, must draw closer and develop for the welfare of both nations.

Offering you the assurance of my high esteem for yourself personally, and my best wishes for the glory of the United States, I desire likewise to thank Mr. Hayes for the cordial sentiments expressed by him towards me, and for his wishes for the prosperity of the French Republic.

Written at Paris, March 25, 1881.

Your good friend,

JULES GRÉVY.

B. ST. HILAIRE.

No. 275.

Mr. Blaine to Mr. Outrey.

DEPARTMENT OF STATE,
Washington, November 25, 1881.

SIR: Referring to the conversation I had the honor to hold with you on Wednesday last in relation to the decree issued by the French Government on the 18th of February, 1881, prohibiting the importation of American pork into France because of the danger to the public health from the trichinæ with which it was infested, I have the honor to recall to your attention some of the salient facts bearing upon this question of maintaining, modifying, or repealing the decree.

The intelligence that such a decree had been suddenly promulgated was received with surprise and regret everywhere in the United States, as it was manifest that it would paralyze an important branch of commerce between the two countries. The surprise was heightened by learning that this hostility to American pork was based upon a declaration that it was so infested with trichinæ as to be dangerous to the public health.

In order to ascertain in the most precise, full, and authentic manner what were the facts, this government immediately directed the chief officer of the bureau of statistics of the State Department to proceed to those cities which were the principal centers of the pork trade, Chicago and Cincinnati, and investigate thoroughly this great industry through every step, to examine into the methods of raising and feeding, to visit the principal packing establishments, to confer with the officers of the public health, to exhaust every means of arriving at the exact truth with regard to the character of the pork product of the country.

That examination was faithfully made, and the facts, established by abundant proof, were simple and conclusive. American swine are of the best breeds, are fed upon corn—a more wholesome food than is given them in other countries; they are not more liable to disease here than elsewhere, and the percentage infected with trichinæ is probably less, on account of this superiority of food and breed, than in any other country; packers and curers exercise care and skill that are nowhere surpassed, and the pork selected for the foreign market is equal to the best sold in the home trade. The officers of the public health report trichinosis one of the rarest diseases known, and no case ever known where the meat was cooked. In Chicago but two cases were known in a record of 40,000 deaths, and in both cases the meat was uncooked; in

Cincinnati the health officer reported that he had never known a case in that city, where pork is abundant, cheap, and of universal consumption. As a scientific fact, in certain very rare examples, there is such a disease; as a practical fact, as a danger to the public health, it is unknown in this country—the country where more pork to the inhabitants is eaten than in any other in the world; where, in some form, it is upon the table of almost every family every day in the year.

Turning from this country to Great Britain, where the consumption of American pork is the largest among the nations of Europe, we have not found a single case of trichinosis from American pork. The British national habit of always cooking meat before eating it is an absolute safeguard against the possibility of danger, and that government has made no endeavor to prohibit the pork trade, domestic or foreign, as in any degree dangerous to the health of the people.

The Government of Switzerland, after a thorough investigation of the subject, which was ordered at the time of the uneasiness, created in the public mind in Switzerland by the prohibition in France, for the proclaimed reason that American pork was dangerous to the public health, determined that the danger was so remote as to be practically imaginary, and that complete security was afforded by simply cooking the meat.

The Government of Belgium, after like examination, came to the same conclusion as Switzerland. In Germany and Austria-Hungary, the existence of trichinosis is reported by the authorities to be of rare occurrence, though it is stated that there have been more condemnations of German and Servian swine on account of the presence of trichiniæ, than of American.

The habit of eating pork raw prevails among many Germans, and accounts for the cases of the disease sometimes found.

The prohibition of American pork by Austria-Hungary, which is a pork exporting country, and supplies largely to France, following quickly upon the French decree was in effect of minor importance, inasmuch as American pork is not sent there in large quantities. No case, however, of trichinosis, from American pork, can be ascertained to have occurred there—all those reported having arisen from eating the pork of that country, and in each case, uncooked.

If the search is fruitless in this country or elsewhere for any adequate cause for the announcement by the French Government of the dangers to the public health from American pork, and its consequent exclusion from your ports, inquiry naturally turns to France to discover how extensive had been the mortality there from this cause; but I have yet to learn of a single case in France of death from trichinosis arising from eating American pork.

The one case of which much was said in the newspapers about the time the decree was issued is reported, on good authority, to have been caused by eating French pork.

It was apparent, therefore, that the alarm which had inspired the decree of February 18th had no sufficient basis. The facts in regard to the character and quality of our pork, product, as amply shown, in the investigation instituted by this government and briefly referred to above, were duly laid before the minister of foreign affairs at Paris as early as last May, and it was confidently hoped that, upon recognizing them, that government would revoke the decree and put an end to the injury inflicted by it upon the common interests of two friendly nations. Still the decree has been maintained in force with undiminished rigor through nearly ten months, resulting in the destruction of this

immense trade between the two countries, lately so flourishing and amounting to over twenty millions of dollars per annum.

Although it may have inured somewhat to the profit of those engaged in pork raising in France and the adjoining countries, by excluding a competitor from the market, it has not only inflicted great individual losses upon French and upon American citizens by putting an end to this enormous trade, and raised the price of food to the people of France, especially the poorer classes, but it has also tended strongly to check the growing commercial intercourse, the general interchange of commodities, and the rapidly increasing trade between the citizens of the two republics—a growth which has so long been going on and which has been viewed with the liveliest satisfaction and fostered with assiduous care by this government. The disturbance of the complex and closely interwoven interests of commerce has extended far beyond the commodity now under discussion.

It is true that some of the indirect results of the accusation of unhealthfulness have been beneficial to the pork product. Packers have exercised more vigilance than ever. Farmers appreciate more than formerly the value of their choice breeds and superior food. No precaution is neglected in preparing for the foreign market, that the article may be ready for the severest test and most rigid inspection of expert judges and watchful rivals.

But these facts, which are widely discussed by the newspapers and the people, have only tended to make the continuance of the prohibition appear more unnecessary, and there has resulted a disposition in many minds towards defensive, if not retaliatory, legislation.

You will bear me witness that I have spared no effort since the announcement of the decree to avert the present situation of this question, which is in so many points of view to be regretted.

This government has diligently addressed itself to the enlightened judgment of French statesmen by offering all the information which could be obtained to show the needless character and injurious effect of the decree now so long in force, and which, contrary to what we are sure is the sentiment of the French Government and people, has the air of being unfriendly. Months have passed without a sign of change, save the possible institution of a system of microscopic examination in detail, which will necessarily be almost, if not quite, as prohibitory by its delays as is the decree itself. That system has been repeatedly tried elsewhere, and to some extent in this country, always to be abandoned. In Chicago, after a fruitless examination of ten thousand slaughtered animals in the search for trichinæ, it was deemed better to trust to the general protection to be derived from feeding clean, wholesome food, choosing the best breeds of swine, taking care in the selection of those slaughtered, and skill in the handling and curing, than to endure the destructive delays of a microscopic examination of each piece or each animal, which even then did not reach absolute certainty unless every part of each was subjected to the process.

The Congress of the United States is about to assemble, and this government must make some answer to the demand which the public mind is already formulating for defense of home interests. Before that time arrives, I seize this occasion to again appeal to the judgment of the French Government, with which we are so closely united by inherited friendship, by similarity of institutions, and by community of interest.

Accept, &c.,

JAMES G. BLAINE.

GERMANY.

No. 276.

Mr. White to Mr. Evarts.

No. 169.] LEGATION OF THE UNITED STATES,
Berlin, November 4, 1880. (Received December 6.)

SIR: I have the honor to state that I have this day forwarded a note to Count Limburg-Stirum, acting minister of foreign affairs, in reference to the case of Jacques Loeb, of which I inclose a copy.

Although there is little doubt that the German Government will bring Loeb's case under its recent decision in regard to the non-applicability of the treaties of 1868 to Alsace-Lorraine, I have not felt warranted in so far acquiescing in their interpretation as to desist from sending in applications of this kind.

It seems to me that in view of any future negotiations, it would be a mistake to be silent, and so to appear to consent to their doctrine on this subject.

I have, &c.,

AND. D. WHITE.

[Inclosure in No. 169.]

Mr. White to Count Limburg Stirum.

LEGATION OF THE UNITED STATES,
Berlin, November 4, 1880.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to call the attention of his excellency Count Limburg Stirum, acting minister of foreign affairs, to the case of Jacques Loeb, a citizen of the United States.

According to Mr. Loeb's statements he was born in Reichshofen, Alsace-Lorraine, on the 31st March, 1855, emigrated to the United States in August, 1872, and was naturalized there 30th June, 1879, as is shown by the accompanying certificate of naturalization, the ultimate return of which is respectfully requested.

It further appears that the said Loeb returned to his native place in the summer of the present year, was arrested by the authorities there, but was released on exhibition of his American citizen paper.

The payment of a fine of 600 marks for avoidance of military duty was then demanded by the authorities, who informed Loeb that he could apply for a pardon which would free him from this fine. This Loeb states that he did, but received an unfavorable reply to his petition since his return to America, where he now is.

The undersigned brings these statements to the notice of his excellency Count Limburg-Stirum, hoping that in the present case an annoying fine may, if the facts prove to be as stated, be removed from an American citizen who showed his *bona fides* by only remaining in Germany a few weeks on a visit to his native place, instead of claiming to remain two years under the treaty of 1868, as interpreted by the German Government in all cases previous to October, 1880.

The undersigned avails himself, &c.,

AND. D. WHITE.

No. 277.

Mr. Evarts to Mr. White.

No. 155.] DEPARTMENT OF STATE,
Washington, November 13, 1880.

SIR: The accompanying copy of a dispatch, with its inclosures, received from the United States legation at Honolulu, under date of July

5, 1880, will acquaint you with the efforts being made by Chief Lebon, and seconded by the Evangelical Mission Associations of the Pacific, to check the sale of intoxicating liquors, by foreigners, to the inhabitants of the Ralik group of islands in the Marshall Archipelago.

This extensive group is understood to be under no foreign flag or protectorate, and to feel no foreign influence other than that of the resident consular officer, a German, and of the distant consular representations at Samoa and Fiji, within the jurisdiction of which the Ralik Islands seem to fall.

The ordinance of the chief, Lebon, copied as an annex to Mr. Comly's dispatch, seems to be of a character which foreign governments have heretofore signally supported, and even assisted in enacting, in their intercourse with the simple natives of the Pacific. It prohibits the sale of intoxicating liquors by a foreigner to a native of the Ralik or other independent islands of that region, and punishes the offender by a fine of $100 for the first offense, and banishment from the group for the second. So far as the mere acquiescence of this government in the enforcement of the ordinance is concerned, nothing need be said in its favor, and the politics and humane legislation of the Ralik chief is cordially supported by us.

Something more than mere acquiescence is, however, required, and in the present want of consular representation of the United States in the Ralik group, through which to exert a visible influence in seconding the wise endeavors of Chief Lebon, this government deems it proper to call upon the good offices of the only power which is at present understood to maintain a consular post in those islands subordinate to the principal oceanian establishment at Samoa, and to express its hope that the German consular officer at Jaluit will be instructed to lend all proper aid to the native government of the Raliks for the enforcement of this proper and unfortunately necessary ordinance against all foreigners of whatever nationality who may unlawfully sell intoxicating liquors to natives.

Instructions have been sent to the United States consul at Apia, in the Samoan Islands, to obtain the co-operation of his German and British colleagues in this sense, pending the contemplated appointment of a representative of this government at Jaluit.

In communicating this request to the German Government you will see the advisability of making no official reference to the alleged complicity of the German consul, through the business house of which he is a member, in keeping up the abuse which Chief Lebon's ordinance aims to check. You may, however, allude to it as a fact known to this Department should you have occasion to converse with the minister for foreign affairs on the subject.

I am, &c.,

WM. M. EVARTS.

No. 278.

Mr. White to Mr. Evarts.

No. 170.] LEGATION OF THE UNITED STATES,
Berlin, November 13, 1880. (Received December 6.)

SIR: I have the honor to inclose a copy of Aaron Weill's letter notifying me of his release; also a copy of his letter asking me for fur-

ther advice to my answer to the same. It hardly seems worth while to send at present the voluminous correspondence since the opening of the affair, the above showing clearly the present condition of the case.

I have, &c.,

AND. D. WHITE.

[Inclosure 1 in No. 170.]

Mr. Weill to Mr. White.

REICHSHOFEN, ALSACE, *November* 5, 1880.

DEAR SIR: Through your energy and powerful help, I am happy to tell you that I gained my liberty Wednesday evening, half-past six, immediately telegraphing you to that effect.

I assure you that I am so glad that I cannot find words enough to express my sincere thanks for the noble work you have done for me.

The few American residents in this place are jubilant over your success.

In the mean time receive my high esteem and everlasting thanks.

I remain, &c.,

AARON WEILL.

[Inclosure 2 in No. 170.]

Mr. White to Mr. Weill.

LEGATION OF THE UNITED STATES,
Berlin, November 8, 1880.

DEAR SIR: Referring to your letter of the 7th instant, I cannot advise you regarding damages in your case; you will be the best judge of that. I can only state that should you file a statement in this legation it will be presented at such time and in such manner as the Department of State may direct.

I must also leave your conduct under the existing circumstances to your own judgment. Since the German Government now holds that its treaties of 1868 do not apply to Alsace-Lorraine the whole question is entirely unsettled, and will be discussed at some indefinite time in the future. Under these circumstances your remaining in Alsace-Lorraine would seem to be a matter of serious risk, and it becomes a question whether it would not be better for you, instead of continuing your residence there, to return to the country of your adoption and take up the duties of citizenship which have been conferred upon you, but which it would appear you have never begun to exercise, you having left America for your old home almost immediately after you were naturalized. This, as stated in my former letter, adds to the difficulty of your case, creating not unnaturally a prejudice against you among the German authorities.

The same uncertainty which exists in regard to other matters extends to your fine of 600 marks. But my belief is that if you, practically and *bona fide*, return to your duties as an American citizen you will hear no more of it.

Your papers have been asked for by the legation, and will doubtless be returned to you. But in the regular course of things it will require some considerable time for them to reach Berlin and from the foreign office to arrive at the legation, which has not yet even received official notification of your release.

I remain, &c.,

AND. D. WHITE.

No. 279.

Mr. Everett to Mr. Evarts.

No. 4.] LEGATION OF THE UNITED STATES,
Berlin, November 22, 1880. (Received December 10.)

SIR: I have the honor, referring to previous correspondence in the military case of Aaron Weill, to inform you that the acting minister of

foreign affairs, under date of the 19th instant, informs the legation that Aaron Weill's fine and costs have been remitted by a pardon in the usual way, which will definitely end this case.

Also, under date of the 20th November, the legation is informed by the foreign office that Alvis Gehres, whose case is referred to in dispatches 86, of 2d February, and 119, of 4th May, likewise a citizen originally from Alsace-Lorraine, has been pardoned for his alleged violation of military duty.

I venture to think, therefore, with these two cases as precedents that no further difficulty will be made by the German Government in the settlement of sound cases of returning Alsacians, and that the refusal to extend the benefit of the treaty of 1868 to Alsace-Lorraine originated in that province, and has not been indorsed by the ministry of state in Berlin.

I have, &c.,

H. SIDNEY EVERETT.

No. 280.

Mr. Evarts to Mr. White.

No. 161.] DEPARTMENT OF STATE,
Washington, December 1, 1880.

SIR: Referring to your recent dispatches in regard to the arrest of American naturalized citizens in Germany charged with owing military service there, I have to inform you that the frequency of the application for the intervention of this government in such cases has become a source of deep concern to this Department. Independently of the distress and annoyance which these frequent arrests occasion to the individuals so arrested, they are the cause of great anxiety to German naturalized citizens desiring to revisit their native country either for purposes of business or pleasure.

In view of the friendly disposition which the Imperial German Government has manifested in promptly and satisfactorily settling the cases which have lately arisen, particularly those of Weill and Gehres, the present is deemed a favorable opportunity to bring this subject to the attention of that government, by informing it that the early and favorable consideration given by it to the above-mentioned cases has afforded this Department reason to hope that the Imperial German Government may now be disposed to adopt some general rule for the disposition of these cases which might relieve both governments from the embarrassment which is now brought upon them by the frequent recurrence of the arrests of American citizens in Germany.

In view of the friendly spirit with which the Imperial German Government has always considered complaints upon this subject, and its prompt and favorable action in relation to them, it seems to this Department that it may be possible that these arrests may often occur in consequence of the overzealous action of subordinate authorities; and that, if such is the case, the German Imperial Government, in its wisdom, might prevent many vexatious and unnecessary arrests of American citizens by a general order on the subject. In the opinion of this Department it is highly inexpedient for the two powers to be continually engaged in the settlement of cases which involve no disputed

legal questions and no facts which could not, in most cases, be satisfactorily ascertained without the necessity of first making arrests.

I have, therefore, to instruct you to bring this subject to the attention of the imperial foreign office at an early day, with the view of securing the adoption by the German Government of such general rules upon the subject in question as may, so far as practicable, prevent the unnecessary arrest of American citizens in Germany.

I am, &c.,

WM. M. EVARTS.

No. 281.

Mr. Everett to Mr. Evarts.

No. 7.] LEGATION OF THE UNITED STATES,
Berlin, December 9, 1880. (Received December 27.)

SIR: Availing myself of the opportunity offered by the presentation of the President's letters to the Emperor inclosed in your instruction No. 156, of the 16th November, I had yesterday an interview with his excellency Count Limburg-Stirum, acting minister of foreign affairs.

His excellency then alluded to the Alsace-Lorraine question and his interview with Mr. White on that subject, which was reported to you in dispatch No. 151, of the 21st September.

In reference to the application of the treaty of 1868 to Alsace-Lorraine, his excellency repeated that the German Government could not, and would not, admit it, and should, on principle, give that answer to every communication regarding our military cases in Alsace from the legation; also, that the practical difficulty in these cases was that the officials of Alsace-Lorraine were acting in accordance with the laws of that province, and that it was only by the general government setting aside those laws that the cases of returning American emigrants could be favorably decided.

When I suggested that the question of the treaty need not be raised as long as the cases were decided favorably to us, as they always had been, his excellency said that we must not depend upon that, as there might come a case which would not be so decided. He, however, said that his government would be very glad to bring this state of things to an end, and would meet the American Government half way if the first proposal came from us for a supplementary convention or agreement to extend the treaty of 1868 to Alsace-Lorraine without going through the trouble of making a new general treaty, which they did not desire. I asked the count if such a matter would have to be laid before the Reichstag for confirmation, but on this point he was not quite sure, as he had not considered it.

His excellency said that instructions to this effect had been sent to Mr. Von Schlözer at Washington, in case our government should prefer to arrange the matter there, and that he himself had told Mr. White the same thing in his interview of the 20th September.

On referring to Mr. White's dispatch of the 21st September, I notice he uses the words "additional treaty" as what the German Government desires, but at my interview of yesterday I derived the impression that their desire was for something only formal enough to be binding which would raise no debates or discussions, and could be arranged by

the German minister at Washington or the American minister at Berlin without extra powers. Should my impression be correct, Mr. Von Schlözer would undoubtedly confirm it, and the present time, when there are no Alsace cases in dispute, would seem to be a very favorable one in which to avail ourselves of this conciliatory disposition, and of the approaching meeting of the Reichstag, in case the final approval of that body is required.

Such an arrangement implies on our part a tacit admission, at any rate, that the present treaty does not apply to Alsace-Lorraine, but, inasmuch as there has not been a unanimous agreement of our Secretaries of State or of our ministers here on that point, and as it might be convenient in some future emergency to have the opposite view in regard to other treaties to fall back upon—there being no rule of international law on the extension of existing treaties to newly-acquired territory—perhaps it is for our interest to concede this point, which would probably not be raised by the German Government after negotiations were once set on foot.

I have, &c.,

H. SIDNEY EVERETT.

No. 282.

Mr. Everett to Mr. Evarts.

No. 10.] LEGATION OF THE UNITED STATES,
Berlin, December 20, 1880. (Received January 7, 1881.)

SIR: I have the honor to acknowledge your instruction No. 161 of the 1st instant, in reference to the troublesome cases of fine or imprisonment which occur here.

In my dispatch No. 7, of the 9th instant, I informed you of my interview with Count Limburg-Stirum at which this subject was discussed, and in which, I believe, I brought forward all the points mentioned in your dispatch No. 161 in as conciliatory a manner as I could. The most satisfactory reply that I succeeded in obtaining was that the German Government was ready to receive proposals from the American Government for a convention to extend the existing treaty to Alsace-Lorraine, but that the cases heretofore decided favorably must not be considered as influencing future cases, though up to August of this year every Alsace-Lorraine case of any merit had been decided in our favor.

As a fact, there are now six cases of fine against emigrants from Alsace-Lorraine, which have been decided adversely under this new ruling, but as all the parties except one are safely in the United States, and the fines will eventually expire by limitation, the legation has not thought it worth while to speak to the foreign office again concerning them until the understanding about Alsace-Lorraine was on a little better footing.

In Prussia proper, and the other States included in the treaty, it is undoubtedly true, as suggested in your instruction, and as the legation has repeatedly told the foreign office, that arrests occur owing to the over-zealousness of local officials, and in disregard of the ministerial circulars appended to the treaty. As far as the legation is aware, there are no such ministerial circulars for Bavaria, Wurtemberg, Baden, or Hesse, and consequently the officials in those States not unfrequently state that they are not obliged to obey the decrees of the Prussian ministers.

In many cases, also, the trials and punishments are under the authority of the military courts on the charge of military delinquency, and such cases would not, at any rate, be reported to the ministers of justice or the Interior, who issued the above-mentioned decrees. The foreign office has been frequently urged by the legation to restrain officials from carrying out judgments before reporting them to headquarters, and it is probable from the diminution of cases in the North German Confederation that this has been done.

The recent decision of the foreign office was brought out by a note from Mr. White, asking categorically whether the ministerial decrees appended to the treaty applied to Alsace-Lorraine, and, if not, what instructions had been issued to the officials of that district. The reply came back that even the treaty did not extend to Alsace-Lorraine, and that ten years absence was necessary to release an emigrant from his duties to his original country.

While, on the one hand, this is an annoying decision for such emigrants as have not been prepared for it, it has the advantage that after a ten years' absence the returning emigrant is on the footing of any other American and has an unlimited right of sojourn, instead of only two years' visit, as provided for by the treaty.

Apparently, Count Limburg-Stirum's reason for not wishing to interfere in the Alsace-Lorraine case was that he had to override the local laws of Alsace-Lorraine in doing so, but inasmuch as those laws were made subsequently to the treaty, and probably with the full knowledge at the time that they would conflict with it, the simplest way to remove the present difficulties would seem to be to alter the laws of Alsace-Lorraine in so far as they apply to naturalized Americans and conflict with the treaty.

But from my conversation with Count Limburg-Stirum I judged that no such suggestion would be entertained until a formal convention for extending the treaty to Alsace-Lorraine had been signed. It is difficult to understand why, if the German Government are, as they say, willing to extend the treaty to Alsace-Lorraine, they do not so extend it without more ado and without any convention.

It seems to be the opinion of the friends of the United States here, who are familiar with the negotiations which passed at the time of the Bancroft treaty, that the United States would gain nothing now, and might lose all by touching the existing treaty, even with the idea of extending it to the whole of Germany; that such a measure would never pass the Bundesrath and Reichstag, and that it would be better to trust to negotiations in each case as it occurs. This opinion has been expressed to me in connection with recent reports in the newspapers that a bill had been introduced in our Congress for the abrogation of the Bancroft treaty.

I will avail myself of the earliest opportunity to urge the views contained in your instructions No. 161 on the foreign office.

I have, &c.,

H. SIDNEY EVERETT.

No. 283.

Mr. Hay to Mr. Everett.

No. 165.] DEPARTMENT OF STATE,
Washington, December 22, 1880.

SIR: Referring to Mr. White's dispatch No. 87, of the 2d of Febru-

ary last, in relation to the sale in Germany of spurious diplomas from America, and the subsequent correspondence with your legation on the same subject, I now inclose herewith a copy of a letter from the Secretary of the Interior, dated the 4th instant, together with copies of correspondence and authenticated copies of records.

I will thank you to communicate to the Imperial German Government the information contained in the accompanying papers as to the progress which has been made by the authorities of Pennsylvania in the prosecution of the individuals concerned in the sale of spurious diplomas. One of the inclosed documents is an affidavit made by John Buchanan, in which he sets forth that the diploma issued to Paul E. C. Volland, of Prussia, was issued to him in violation of the laws of Pennsylvania and the charter of the so-called "American University of Philadelphia," Volland never having attended lectures in said institution. This affidavit, together with the copy of the record of the proceedings in the court of common pleas of Philadelphia County, which resulted in abolishing the charter of the "American University of Philadelphia," you may transmit to the foreign office for the use of the German authorities in the prosecution which is still pending, as is understood here, against Volland.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 284.

Mr. Evarts to Mr. Everett.

No. 169.] DEPARTMENT OF STATE,
Washington, December 30, 1880.

SIR: I have to acknowledge the receipt of Mr. White's No. 169, of the 4th ultimo, informing the Department of his proceedings in reference to the case of Jacques Loeb, an American citizen, who, while on a visit of a few weeks to his native country, was arrested by the German authorities and fined 600 marks for the avoidance of military duty.

In reply, I have to inform you that this Department fully approves of Mr. White's action in reference to Mr. Loeb's case, and, moreover, heartily concurs in the view expressed by the minister that this government cannot assent to the doctrine of the non-applicability of the treaties of 1868 to Alsace-Lorraine. You will therefore continue to discreetly but firmly press Mr. Loeb's case upon the attention of the Imperial German Government until a favorable disposition of it is secured.

I am, &c.,

WM. M. EVARTS.

No. 285.

Mr. Everett to Mr. Evarts.

No. 21.] LEGATION OF THE UNITED STATES,
Berlin, January 17, 1881. (Received February 7.)

SIR: Referring to your instruction No. 161 of the 1st ultimo, request-

ing the minister to call the attention of the imperial foreign office to the question of the arrest of American citizens in Germany, I have the honor to inform you that I lost no time after the return of Count Limburg-Stirum from his Christmas vacation to call at the foreign office and present in person a copy of the substance of the above instruction, which his excellency allowed me to read to him.

In reply, his excellency pleaded the difficulty in distinguishing between the *bona fide* and dishonest returning emigrant, and repeated what his predecessors have said as to its being the duty of local officials to refer all cases to their chiefs in Berlin. This I assured his excellency had not been done in any of the cases coming to the legation, as far as we could ascertain, and that our experience was that, in the cases where the circular copy of the naturalization treaty and ministerial decrees had been forwarded to the persons in trouble by the legation, that this was the first knowledge which the officials had of these documents, and that though they sometimes expressed their indifference to them, yet we had reason to suppose that occasionally our circular was the cause of the freedom of Americans from further annoyance. I stated that this had been found to be the case even in Berlin, and not merely in remote provincial towns. His excellency said that all officials whom it concerned were supposed to be furnished with a copy of the treaty and decrees, and that he would cause the matter to be investigated, and a reply sent to the legation in the same courteous and friendly spirit in which your instruction was worded.

As regards such arrests and cases as occurred in Alsace-Lorraine, his excellency said that previous cases of leniency must not be used as test cases, as his government must still insist that the naturalization treaty does not apply to Alsace-Lorraine; that the German Government had already, both through its minister at Washington and our minister here, offered to receive proposals for a supplementary convention to extend the existing treaty to Alsace-Lorraine, and that until some reply from the American Government had been received to that offer matters must remain as they were, as it was not for the interest of the German Government to alter them.

In reply to my question whether it would not be possible by a general order of the Imperial Government, as suggested in your instruction, to modify the local laws of Alsace-Lorraine so far as they applied to returning Americans, his excellency said that he could not give any answer to that question until an answer was received to his proposal for a supplementary treaty, which the German Government considered the simplest way of meeting the numerous difficulties of the situation.

For your further information I will add that there are at present six cases in Alsace-Lorraine decided adversely to us, and three awaiting decision, besides two cases of fine not in Alsace-Lorraine still undecided.

I have, &c.,

H. SIDNEY EVERETT.

No. 286.

Mr. White to Mr. Evarts.

[Extract.]

No. 182.] LEGATION OF THE UNITED STATES,
Berlin, February 21, 1881. (Received March 9.)

SIR: The opening of the Imperial Parliament (Reichstag) took place

on the 15th instant. Very little interest was manifested in the ceremony itself, since neither the Emperor nor the Chancellor took part in it.

But upon the speech from the throne very general attention was concentrated. It was expected to contain a programme for a new system of dealing with taxation and labor throughout the empire, of which the public has heard much for some time past. Intimations as to the immediate future of Europe, whether peaceful or warlike, were also looked for.

As to the general concerns of Europe, the speech was neither full nor clear, yet, on the whole, indicated expectations of peace.

As to the internal affairs of the empire, public expectation was more than realized. Bills were announced of the greatest importance to the millions concerned, and of deep interest to all students of politics throughout the world. For the idea which underlies and permeates them all is socialistic; the idea that the advancement of the laboring classes is to be left not merely or mainly to individual foresight or energy, but to society as a whole, acting through its constituted authorities. These bills are presented with the express declaration that the Imperial Government thus begins to redeem the promise made at the introduction of the law for the repression of socialist excesses in October, 1878—a promise to prepare measures for the relief of the working classes. On this point the speech lays stress in more than one passage.

These measures, which seem generally considered as only a first installment, involve relieving the working classes of direct taxation, the creation of a system of guilds or trade corporations, a change in the laws regarding crimes committed during intoxication; but, above all, a system under which the state shall insure certain large classes of workmen throughout the empire, in view of disability or death, the premiums to be collected in stated proportions by government officials from employers, employed, and sundry local boards.

Of course, this cannot strictly be called the beginning of government upon the socialistic theory, since we have already seen here the absorption of the railways by the Prussian State, and various other measures clearly based on the theory that "that government is best which governs *most;*" but it is clearly the beginning of a new stage in the practical development of the theory, a development which I am assured, after talking with many of the most noted statesmen and thinkers of the empire, will go on logically to embrace all workmen under a State insurance scheme, which would seem to have no logical end short of that which the extreme socialists have advocated as the "organization of labor."

These projects will no doubt meet with much opposition and be considerably amended, but the expectation generally is that, in their main features, they will become law. It has been thought by many that Bavaria would declare against them, but the recent speech of the Bavarian minister, President Lütz, seems to indicate ultimate acquiescence in the national insurance scheme by the second of the leading German states. With Prussia and Bavaria acting together, there is little indeed to be feared from the lesser governments.

Whatever may be the value of the other parts of the plan, that which proposes to remove the taxation from working classes, will hardly gain universal applause, since the result is arrived at, not by retrenchment either of military or civil expenditure, but by substituting indirect for direct taxes.

* * * * * * *

Any one who has studied at all thoughtfully the chancellor's idea of

government can hardly fail of the conclusion that these measures are the legitimate result of a certain theory which he has long cherished. Its germs lie in his character, and they have been developed not only by his own reasoning, but by that of his most intimate advisers. This theory appears to be simply that the empire must thrust its roots down among the working classes; that it must draw support from their most cherished interests and hopes; and that all classes must be impressed more and more with the idea that provision both for their own present wants and for the future wants of their families depends first of all upon the stability of the central government.

I inclose a translation of the Imperial speech, and of the national insurance bill; also the original text of the same in full, with annotations.

I have, &c.,

AND. D. WHITE.

[Inclosure 1 in No. 182.—Translation.]

Speech from the throne.

HONORABLE GENTLEMEN: His Majesty the Emperor and King has been graciously pleased to commission me to open the sittings of the Reichstag.

The imperial budget to be laid before you without delay will enable you to review the results hitherto yielded by the tax reform inaugurated two years ago, and still further promised by it. In the economic and financial outcome thus far reached the allied governments view an appeal to proceed further in applying the fundamental idea of that reform, so as in this way not only to bring about the financial independence of the empire, but also to put within the reach of the Federal States further means of reconstituting their taxation system, of alleviating pressing burdens, and of bettering the lot of the working classes. How much the imperial treasury can already hand over to the separate States for these purposes will only be apparent on the surpluses from the new customs being definitely ascertained. Even now, however, the allied governments believe it their duty to aim at the increase of the revenue to be applied to such objects by a new stamp law and brewing-tax arrangement.

Already at the opening of the Imperial Parliament, in February, 1879, His Majesty the Emperor, referring to the (socialist) law of the 21st of October, 1878, expressed the hope that the Reichstag would not refuse its further co-operation in the path of legislation for the cure of social evils. The remedy, however, will not have to be exclusively applied in the shape of an effort to repress Socialist excesses, but will also have to be equally sought for in a positive attempt to promote the welfare of the laboring classes, and in this respect care for the indigent and the incapable must occupy a prominent place. In the interest of those His Majesty the Emperor has primarily caused to be laid before the federal council a workingman's accident assurance bill, aiming at meeting a want equally felt by laborer and labor-giver. His Majesty the Emperor hopes that this will be approved in principle by the allied governments and welcomed by the Imperial Parliament as complement to the legislation directed against the tendencies of social democracy. The provisions hitherto in force for protecting laboring men from the perilous consequences of incapacity to work, resulting from accidents or helpless age, have proved to be insufficient, and this inadequacy has contributed not a little to induce members of this class to seek means of relief in assisting the efforts of social democracy.

In the same stage, too, and in a closely related region, there is a bill calculated to regulate the constitution of the guilds by affording means for organizing the isolated powers of persons engaged in the same trade and forming them into corporate societies, thus raising their economic capacity as well as their social and moral efficiency.

On repeated occasions has the Reichstag expressed the wish that the survivors of imperial officials should be provided for by law, and in conformity therewith a bill will be laid before you in favor of the widows and orphans of those public servants.

A very considerable increase in the number of crimes and offenses committed in a state of drunkenness, and thus at present beyond the reach of criminal chastisement, has necessitated an extension of the existing penal code, and a bill to this effect will therefore be placed before you for approval.

Some changes in the constitution aiming at the establishment of biennial budget

periods had already been submitted to you in the previous session, and as the allied governments are now, as formerly, under the weight of difficulties inseparable from the annual and simultaneous sitting of Imperial and Provincial Parliaments, they will again lay before you the undisposed of bill.

With the Governments of Greece and Brazil negotiations are pending for the conclusion of consular conventions. I hope that this will be achieved in the course of the session, and that before its close your approval of these treaties will be obtained.

In all foreign states the German Empire is in the enjoyment of peaceful and benevolent relations, and in particular our political attitude to the great empires our neighbors corresponds to the friendship which personally knits His Majesty the Emperor to the rulers thereof. Among the European powers there prevails not only a full agreement of their will to preserve peace, but also no theoretical difference of opinion as to the essential aims of the negotiations now pending between them. I am therefore empowered to give expression to the trust of His Majesty the Emperor that the unity of the powers will succeed in preventing even partial breaches of the peace in Europe, or, at any rate, so limit them as that they neither affect Germany nor its neighbors.

[Inclosure 2 in No. 182.—Translation]

Project of a law in regard to the insurance of the workmen employed in mines, manufactories, and other industries, against the results of accidents happening to them in consequence of their employment.

We, William, by the grace of God Emperor of Germany and King of Prussia, decree, in the name of the Empire, with the approval of the Federal Council and Parliament, as follows:

§ 1. All the workmen and employés in mines, salines, reducing establishments, quarries, excavations, docks, the construction of buildings, building yards, manufactories, and smelting works, whose yearly wages or salary is not over 2,000 marks, are by the provisions of this law to be insured against the consequences of accidents occurring in their employment, by an insurance institution to be established by the government and managed on its account.

To the above-mentioned, belong by the terms of this law those employments also in which steam boilers or machinery moved by natural forces (such as water, steam, gas, hot-air, &c.) come into use, with the exception of ships and railways, as also that class of works in which a machine not belonging to the workshop is only temporarily used.

Under wages or salary, in the meaning of this law, are included percentage of profit and payment in kind. The value of the latter is to be estimated according to the local market price. The value of yearly work, so far as it is not regulated by the total of the fixed weekly sums, is three hundred times the daily wages.

§ 2. The imperial insurance office has its location and headquarters at Berlin. Complaints of insurance management can be brought against the office according to the choice of the insured, either before the competent court of the seat of the institution, or of the seat of the branch office which has negotiated the business.

§ 3. The organization and administration of the imperial insurance office will be, so far as this law does not provide any regulations therefor, governed by rules fixed by the Emperor in co-operation with the Federal Council (Bundesrath).

Those rules especially apply to the following points:

1. The composition and duties of the managing board.
2. The proper offices and their functions to be opened in connection with the circuits of the higher administrative authorities.
3. The formation of a reserve fund.
4. The administration and investment of the cash funds, and especially of the reserve fund.
5. The principles according to which the yearly accounts are to be made up, and the auditing of them.
6. The publication of the balance-sheets.
7. The form of the announcements to be made by the office and in what papers they are to be published.

§ 4. The tariffs and conditions of insurance will, in so far as this law does not provide for them, be determined by the Federal Council (Bundesrath).

The tariffs must undergo a revision every five years at least.

§ 5. The object of the insurance is a compensation for the injury which results from a bodily wound producing an incapacity for work of more than four weeks, or death.

§ 6. The compensation to the insured in case of injury shall consist of—

1. The cost of the medical treatment from the beginning of the fifth week after the occurrence of the accident.

2. A payment to be made to the injured person from the beginning of the fifth week after the occurrence of the accident for the duration of his incapacity for work.

This is to be reckoned according to the amount of the average wages which the injured person has received during the time of his labor on the works where the accident occurred.

If his services have lasted longer than a year, then the average wages of the last year are to serve as a basis.

The compensation is to consist—

a. In case of entire incapacity for work and for the duration of it of 66⅔ per cent. of the wages.

b. In case of partial incapacity for work and for the duration of it a fraction of the income under "*a*," which is to be measured by the amount of remaining capacity of not less than 25 per cent. and not more than 50 per cent. of the full wages.

§ 7. The compensation to the insured in case of death shall consist of—

1. Ten per cent of the yearly wages as compensation for costs of burial.

2. In case of death later than four weeks after the accident, the cost of the medical treatment after the expiration of that period, and aid to be granted during the further time of his illness to the amount of 66⅔ per cent. of the previous pay.

3. A payment to be made to the survivors of the deceased from the date of death, and to be estimated according to the terms of § 2, No. 2, clauses 2 and 3.

This amounts to—

a. For the widow of the deceased until her death or her remarriage, 20 per cent. of his wages; for each surviving child of the marriage with the deceased until the completion of its fifteenth year, 10 per cent. of the wages, which, however, must not exceed 50 per cent. of the wages.

b. For every motherless orphan, as also for every orphan whose mother marries again, during the period up to the completion of their fifteenth year, 10 per cent., but for all the children together not more than 50 per cent. of the wages.

c. For the ascendants of the deceased, if he was their only support, 20 per cent. of the wages until their death, or until the necessity for it ceases.

If there are several claimants under the above *c*, then compensation will accrue to parents before grandparents and to male claimants before female ones.

If the claimants under *c* conflict with those under *a* and *b*, then the claim of the former is only valid so far as the maximum amount of the compensation has not been claimed by the latter.

§ 8. Any claims which the insured have against registered aid societies or other societies insuring against illness, death, or incapacity suffer no prejudice through the terms of the compensation in the preceding § § 6 and 7.

Provincial regulations under which such societies are required to give assistance to injured workmen or their survivors become inoperative when the provisions of this law apply in the case.

§ 9. For every industry included in § 1 a collective insurance covering the persons employed in it must be taken out by the payment of a fixed premium, which is to be estimated every quarter by the amount of wages or salary paid during the past quarter to the persons employed.

§ 10. The rates of premium for the different kinds of work, according to the classes of danger, are to be based on a percentage of the wages or salary; so that the costs of the management of the insurance office, in addition to the payment of the compensation, will be covered by the premiums.

§ 11. The premiums are to be paid:

1. For those of the insured whose earnings (according to § 6, No. 2, clause 4) amount to 750 marks and under, *two-thirds* by those for whose account the work is done, *one-third* by the local poor board (§ 5 of the law concerning the location of charities of 6th June, 1870) in whose district the work is situated, so far as no other association has been legally substituted for it by one of the Federal States.

2. For those of the insured whose earnings amount to over 750 marks, *one-half* by those on whose account the work is done; *one-half* by the insured.

§ 12. The insurance is to be effected by the board of management of the local poor board or by the Federal State which has (according to § 11) to pay the premium.

For this purpose the responsible persons of every work existing in their district at the time of the taking effect of this law, as also of every work newly started after this date, must, within a delay of four weeks, make a declaration to the proper managing officer of the Imperial Insurance Company, giving the locality of the work and the amount of the salary or wages paid at the time.

Upon the sending of this declaration to the proper branch office the insurance is considered concluded.

The local poor boards or the respective Federal States are therenpon furnished with a certificate in duplicate, which includes the description of the work and the rate of premium fixed for it, one copy of which is given to the contractor of the work.

§ 13. An appeal to the decision of the higher authorities against the amount of pre-

mium which has been assessed can be made within fourteen days from the issue of the certificate by the parties responsible for the premium. This decision has no retarding effect.

The decision of the higher authorities is limited to the question whether the classification of the kinds of danger by the Federal Council has been rightfully applied in the disputed case.

Further measures against the assessment of the premium are impossible.

A refusal of insurance can be opposed under the corresponding application of the regulations contained in clauses 1 and 4.

§ 14. The amount of the premium reckoned according to the rate fixed, and the amount of the wages and salaries for every industry in the district which is insured, must be sent by the managers of the local poor board or the Federal State to the proper officer of the imperial insurance office within four weeks after the end of every quarter, inclosed with a statement concerning the persons employed during the past quarter on the said works, and the wages and salaries received by them, which are to be given according to the forms to be furnished for the purpose by the imperial insurance office.

A receipt is to be given for the payment thus made.

§ 15. The contractors of the works are required:

1. To make a declaration concerning every work in operation at the time of the going into effect of this law, as also of every one begun since then which would come under § 1 of this law, within fourteen days, giving the nature of the work, the number of persons employed on it for wages or salary at that time.

2. Within fourteen days after the end of each quarter they are to pay in the quota of the premium due from them and the persons employed by them, inclosing a calculation of the latter as given in the form mentioned under § 14.

3. To report within fourteen days any changes in the plan or object of the work which affect the classification of the kinds of danger.

The declarations and payments prescribed in Nos. 1, 2, 3 are to be sent in to the communal authorities of the place where the work is situated unless the provincial central authorities designate some other officers for the purpose, and are to be forwarded by the latter within the time specified by the provincial central authorities to the direction of the local poor board or the proper officers of the particular Federal State.

§ 16. The contractors of the work are entitled to charge the amount of the premium which the persons employed by them have to pay against the amount of wages or salary earned by them when their wages or salary is paid.

This calculation is based upon the wages or salary paid in the course of the quarter for which the premium is to be paid on the bases of an estimate to be furnished for the inspection of all the parties interested.

§ 17. Amounts of premium in arrears will be collected in the same way as communal taxes.

§ 18. If an insured work is discontinued, then the contractor, within eight days, must announce it to the authorities designated in § 15, and the latter must within a further space of eight days announce it to the proper administrative officer. Simultaneously with the notification the amount of the premium for the time since the end of the last quarter, calculated by weeks, must be paid in, accompanied with an account. Every week begun is considered as completed.

Whoever does not properly conform to the requirements in giving notice is held responsible by the imperial insurance office for such amount of premium as he would have had to pay if the work had lasted until the supplementary notice in the course of the last quarter.

§ 19. The imperial insurance office has the right, through authorized agents, to verify the contractor's calculation of the premium when based on correct grounds, and for this purpose to inspect on the premises their business books, in which the payments of wages and salary are kept. The contractors are obliged to lay before the agents of the imperial insurance office the said business books for their inspection.

The persons intrusted with this inspection must make oath to impart facts which come to their knowledge in the inspection to no one except the superior officers of the imperial insurance office.

§ 20. Written notification from the contractor or his lawful representative is to be given to the local police of every accident happening in the insured work, through which any person employed on the same is killed or suffers bodily injury which will probably result in incapacity for work of more than four weeks, or in death.

This notice must, if the work is situated in a city of more than 2,000 inhabitants, follow at the latest within two or at most three days after the moment when the responsible person has knowledge of the death or the injury.

This notice can be furnished for the contractor by the person who has charge at the time of the accident of the work or the part of the work where the accident happens.

The form and contents of the announcement will be decided by the imperial chancellor.

§ 21. The superintendents of the works which are under the direction of the imperial and state authorities must notify their superior officers.

§ 22. The local police authorities, and in the case of § 21 the proper superior authorities, must send in as soon as possible to the higher civil authorities the notice of the accident which has reached them, with an abstract of the details of the same in an accident register kept by them, and at the same time to inform the proper administrative authorities of the imperial insurance office of the accident.

§ 23. Each accident brought to their notice is as soon as possible to be subjected to an examination by the local police authorities, by which is to be ascertained—

1. The cause and nature of the accident.
2. The killed or injured persons.
3. The nature of the resulting injuries.
4. The place of abode of the injured person.
5. The survivors of the persons killed by the accident who can under § 7 of this law claim compensation for injuries.

The imperial insurance office and the persons responsible under § 11, No. 1, for the payment of the premium can, either by proxy or in person, be present at the investigation. For this purpose timely notice is to be given them of the time appointed for it. Also, as far as possible, other participants and experts are to be summoned on the order of the imperial insurance office and at its expense.

To all persons interested an inspection is allowed of the protocols taken at the investigation, as also of other proceedings, and on demand a copy of the same by paying for it.

It is obligatory on the officers superintending the works indicated in § 21 to conduct the investigation according to the foregoing regulations:

§ 24. If insured persons are killed in an accident, then the competent officers of the Imperial Insurance Company, immediately after the close of the investigation (§ 23), or in case death supervenes, as soon as they have the knowledge of it, shall occupy themselves with the fixing of the compensation.

If the accident only resulted in the wounding of insured persons, then after the lapse of four weeks from the accident the fixing of the compensation for such wounded persons who are then entirely or partially unable to earn their living is to be attended to.

For those injured persons who, after the lapse of four weeks, are still under medical treatment the fixing of the compensation to be given is to be limited to the time until the end of the cure, but is not to be settled until the end of the cure.

§ 25. Claimants of compensation for whom compensation has not been officially fixed must send their claims, to avoid exclusion, before the end of a year after the accident, to the competent officers of the imperial insurance office.

If the claim for compensation is allowed, then the amount of compensation is to be at once settled, otherwise the claim for compensation must be refused in writing.

Rejected claims for compensation are barred if there has been no attempt to establish them judicially within three months after the delivery of the refusal.

§ 26. The police authorities are required at the request of the imperial insurance office to seek out such facts as would affect the fixing the proper compensation and the amount of the same.

§ 27. The contractors by whom the killed or injured persons were employed at the time of the accident are obliged to furnish to the imperial insurance office on their demand a summary of the wages or salary earned by the same during the time of their employment, or, in case this has lasted more than one year, for the last year.

§ 28. The imperial insurance office must send to every person entitled to compensation a written notice showing the amount of compensation to be delivered by the proper police authorities, from which the amount of the compensation and the manner of its calculation can be seen. In the case of compensation for injured persons who have become incapable of work, it must be expressly stated in which category this incapacity for work exists.

§ 29. The decisions of the imperial insurance office as regards these questions can be contested by ordinary judicial proceedings. An appeal is barred after three months from the delivery of the notice of the decision.

§ 30. After the definite settlement of the compensation a certificate must be sent to the beneficiary stating the amount awarded by the imperial insurance office, with notice of the time and place of payment.

The terms of § 25, clause 1, are, however, only applicable in case of the subsequent death of the injured person. An increase of the compensation fixed in § 6 can only be demanded for the time after the notice of the higher claims.

§ 31. The imperial insurance office can either in whole or in part capitalize the compensation which is granted for incapacity for work on the demand of the person entitled to compensation and with the approval of the committee of the local poor-board in whose district he resides, or, in the absence of this, of the competent provincial poor-board.

With the payment of this capital all claim is extinguished to the compensation or any part of it.

§ 32. On the demand of the officials of the local poor-board in whose district the relatives of the person entitled to compensation reside, or failing this, the competent provincial poor-board, the imperial insurance office can turn over a part of the compensation of the person entitled to it to the poor-board for the benefit of those relatives as a guarantee against want, in case the person entitled to compensation fails to properly perform his legal requirements.

§ 33. Claims for compensation against the imperial insurance office, can neither be pledged, assigned, nor attached.

§ 34. All the proceedings and documents necessary for conducting the business between the imperial insurance office and the persons insured are duty and stamp free.

§ 35. If in any of the works coming under §1, for which an insurance against accidents has not been concluded by the Imperial Insurance Company, any person employed therein is killed or suffers any bodily injury which results in incapacity for work either complete or partial of more than four weeks, then the contractor is liable to the payment of the compensation fixed in §§ 6 and 7, if he cannot prove that he has properly carried out the directions contained in § 15, No. 1.

If this proof is forthcoming, then the same duty falls on the local poor-board or the Federal State, which, under § 12, was required to arrange the insurance.

As regards the fixing and paying the compensation the rules of §§ 22 to 34 are applicable.

§ 36. If an accident is caused by the gross negligence of the contractor, or in case he is not the reponsible person, of his authorized agent, or through his disobedience of the general directions given him, or other irregularities than under § 120, clause 3 of the "Gewerbe Ordnung," the contractor becomes liable for all expenses incurred by the Imperial Insurance Company under the terms of this law on account of the accident. In place of the compensation to be given in this case its capitalized value may be taken.

§ 37. For building purposes he is considered as a contractor under this law who undertakes the construction of the buildings on his own account. If the construction is transferred to him by another contractor, who has in the first place undertaken it, then is the latter responsible as contractor for the carrying out of the responsibilities falling upon the contractor under the terms of this law.

§ 38. Whoever presents an account under § 15, No. 2, or a statement under 27, made on wrong data, is, as far as there is no provision for it under § 263 of the criminal code, punishable with a fine up to 1,000 marks.

§ 39. Whoever refuses to produce his account books under § 19 will be punished with a fine up to 150 marks.

§ 40. Whoever does not fulfill the duties incumbent upon him under § 15, No. 3, and § 20, is punishable with a fine up to 100 marks.

§ 41. Whoever does not furnish the notice demanded by § 15, No. 1, or the estimate demanded in No. 2, within the prescribed space of time, is punishable with a fine up to 50 marks.

§ 42. The § 2, of the law of 7 June, 1871, concerning compensation for injuries to those who are killed or wounded in the workshops of railways, mines, manufactories, &c., has no longer force as regards injuries and deaths for which compensation can be given under this law.

Claims for compensation for injuries sustained through accidents in work which these persons or their survivors have on the ground of other legal ordinances, will be entertained to the extent that the persons entitled to them must regard what is owing them for the injury as their share of what would be due them under this law.

§ 43. Workmen for whom an insurance is granted for the consequences of accidents are authorized to conclude with the imperial insurance office an additional insurance on their own account.

The purpose of this insurance is the guarantee of an addition to the compensation provided for in §§ 6 and 7.

The amount of the addition is fixed by the person who takes out the insurance, but must not exceed the half of the amounts fixed in §§ 6 and 7.

The insurance premium is calculated according to the insurance tariffs prescribed by this law.

§ 44. The workmen employed in the service of others, for whom no insurance is prescribed under this law, can be insured by the imperial insurance office against the consequence of working accidents.

The object of the insurance is:

In the case of a complete or partial incapacity for work, a compensation to be paid to the injured person during the continuance of it.

In the case of death, a compensation to be paid to the survivors, designated in § 7, during the period there prescribed.

The person who takes out the insurance designates the amount of the policy, but

the amount in the case of entirely incapacitated workmen shall not exceed 600 marks, or, in the case of death, 450 marks.

§ 45. By the decision of the Federal Council, the business of the Imperial Insurance Company in life insurance, for the workmen employed in the service of others, may be extended to the amount of 6,000 marks.

The extension of the business to the cases of incapacity for work from sickness or old age remains reserved for further legislative enactment.

§ 46. The tariffs for the terms contained in the preceding § § 44 and 45, clause 1, as also those in § § 43, 44, 45, clause 1, will be decided by a resolution of the Federal Council.

The insured shall, in regard to the settling of the insurances and the payments of the premiums, receive the same facilities of business which are allowed for legally necessary insurances. For this purpose employers, as also provincial and communal authorities, must take it upon themselves to act between the imperial insurance office and the insured so far as is consistent with the provisions of the insurance.

§ 47. The time at which this law will go into effect will be decided by a decree of the Emperor in agreement with the Federal Council.

No. 287.

Mr. White to Mr. Blaine.

No. 188.] LEGATION OF THE UNITED STATES,
Berlin, March 7, 1881. (Received March 23.)

SIR: On the 17th of November last a royal decree was issued for the establishment in Prussia of an economic council (*volkswirthschaftsrath*). For some time previous it was known that Prince Bismarck, as chancellor of the empire and minister president of Prussia, desired to strengthen his position as a reformer of the financial, industrial, and commercial affairs of Germany by creating a council of experts on whose freedom from party ties he could rely, and whose opinions should carry more weight in the special matters concerned than those of any mere lay members of the Prussian legislature. The royal decree in question was undoubtedly the result of this view. It opens with the statement that it is desirable to submit bills affecting commerce, manufactures, and agriculture in the first place to a council composed of persons directly interested in these subjects and possessing special technical knowledge. Such a body, it proposes, shall consist of seventy-five members called together for a session of five years. Of these, forty-five are to be selected by the ministers of trade and commerce, public works, and agriculture from among ninety persons nominated by the various chambers of commerce, manufacturing industry, and agriculture throughout Prussia. Of these forty-five, fifteen are to represent commerce, fifteen manufactures, and fifteen agriculture and forestry. The remaining thirty are to be freely selected by the above-named ministers. It is also expressly provided that fifteen of these shall be taken from among workingmen. No one can be nominated for membership who is less than thirty years of age, and any circumstances disqualifying candidates from other public bodies generally, as, for example, bankruptcy, are also to operate against membership in this.

This council is divided into three sections, one for commerce, another for manufactures, the third for agriculture and forestry, and fifteen members selected by the council, together with ten selected by the three ministers, form a permanent committee. The council can be attended by every Prussian cabinet minister or his deputy.

The ministry alone is authorized to frame the regulations of the council, decide when its sittings shall be held, and what measures shall be

submitted to it in behalf of the government. Traveling expenses and fifteen marks per day are to be paid to members from the state exchequer.

It was not until January 27, or nearly twelve weeks after the promulgation of the decree, that the first meeting of the council was held in Berlin. Its members proved to be mainly wealthy and experienced merchants and manufacturers, land owners, the better class of farmers, and small but apparently prosperous master tradesmen, with some workmen. Prince Bismarck, as president of the council, delivered an address, in which he indicated the leading idea of the new institution, namely, that as the exigencies of trade prevented the interests of commerce, industry, and agriculture from being represented in Parliament in the same way and to the same extent as the interests of the learned professions, causing the former to appear there by a minority, although in reality affecting the greater part of the population, he had thought it desirable that the government, whose members are themselves surrounded by officials and men of the learned professions, should be able to obtain cool and matter-of-fact judgments, unbiased by party and political passions, directly from a central body of practical men. He also said that the community of interests throughout the whole empire suggested the desirableness of an extension of the council, and expressed the hope that the other state governments would soon join it.

At the second sitting the council began its consideration of the workingmen's insurance bill, of which I have already given you some account in my No. 182, of the 21st February. After a few unimportant changes were made in this bill it was returned to the government for ultimate transmission to the legislature.

Another bill on which the advice of the council was asked was one dealing with the reconstitution of trade-guilds. Upon this there was more difference of opinion, but it too was in the end sent back to the cabinet without having been materially changed. With the deliberations on this bill the first session of the Prussian Economic Council came to a close.

The hope expressed by Prince Bismarck that all the states of the empire might be induced to send representatives to the council, thus changing it from a Prussian into an imperial institution, seems to be approaching realization. In his capacity as chancellor of the empire he has inserted a paragraph in the budget recently submitted to the Imperial Parliament appropriating 82,000 marks for the establishment and maintenance of an imperial economic council, to be composed of one hundred and twenty-five members, and with which the Prussian council already formed is to be amalgamated. Moreover, the draft of a decree similar in principle to that issued for Prussia has just been placed before the Federal Council.

This decree declares that in the said imperial economic council Prussia shall be represented by seventy-five members, Bavaria by fifteen, Saxony by eight, Würtemberg by six, Baden by four, Hesse by three, the two Mecklenbergs by two, Oldenburg by one, the Thuringian states by three, Anhalt, Waldeck, Braunschweig, Schaunberg-Lippe, and Lippe by two, Lübeck, Bremen, and Hamburg by two, and Alsace-Lorraine by four. The appropriation for the council in the budget is calculated upon its sitting at least for twenty-one days in the year, the permanent committee holding at least forty-two sittings per year; but its terms and sittings are to be entirely under the control of the imperial government which will call the council together whenever its ad-

vice is needed. The chancellor is to be its president and the chairman of its various committees.

Hostile criticism upon the Prussian economic council comes almost entirely from the advanced liberal and progressionist parties. Their organs take the ground that it is like a packed jury, the ministers being likely to choose only men who would support their views—even government officials and other persons dependent upon the central power.

Hitherto there has been no opportunity for the expression of any opinion on the subject by the Prussian legislature, Prince Bismarck having used the royal prerogative for the creation of the council on the ground that it is not a legislative, but merely an advisory body.

But whatever may be the opinions of political parties as such, the general impression appears not unfavorable. While it seems generally thought that, as in the case of other important measures, the chancellor has by no means lost sight of the coming elections, it is believed that he is really anxious in this matter to grapple with the difficulties which beset the industry and commerce of the empire, and to avail himself of a new means to revive the prosperity of the nation by throwing more light into the problems of practical political economy, while disarming socialistic agitators by admitting to more direct influence in the state classes heretofore mainly excluded from it.

I have, &c.,

AND. D. WHITE.

No. 288.

Mr. White to Mr. Blaine.

No. 191.] LEGATION OF THE UNITED STATES,
Berlin, March 14, 1881. (Received April 1.)

SIR: On the 17th of December last, by an instruction (No. 161 of the 1st December) referring to my recent dispatches concerning the annoyances to which naturalized American citizens returning to Germany were subjected by the military authorities, I was requested to bring the subject to the attention of the foreign office with a view to its adopting some rules which would obviate unnecessary arrests of Americans.

In my absence, Mr. Everett, as chargé d'affaires *ad interim*, embodied your instruction *verbatim* in a note to the foreign office and delivered it in person to Count Limburg-Stirum, acting minister of foreign affairs, taking advantage of the opportunity to suggest to his excellency that the experience of the legation seemed to show that the action of the local authorities frequently arose from an ignorance on their part of the ministerial decrees regarding naturalized American citizens. (See Mr. Everett's No. 10, of 20th December, 1880.)

I have now received from the foreign office a note intended to be an answer to the instruction above mentioned in which advantage is evidently taken of the use of the word "arrest" by the Department, thereby limiting very much the number of cases in which exception could be taken to the action of German officials.

The foreign office is quite correct in its statement of the rarity of arrests during the fourteen months of 1880, and 1881, referred to, but makes no allusion to the compulsory fines which occurred during the same time and which were paid to avoid immediate arrest. It is a hopeful sign

that since the beginning of the present year the legation has not had to intervene once in behalf of returning American citizens. The number of such interventions in 1880 was twenty, compared with twenty-five in 1879, and twenty in 1878.

As regards the imposition of fines for neglect of military duty, the state of the case is as follows:

Every young man in Germany is liable to serve in the army on the completion of his twentieth year, and even if he emigrates before his liability to military service begins, is none the less required to report himself on the prescribed day. If he fails to do this he may be condemned in his absence to fine or imprisonment. If he has property it may be attached, the attachment, however, expiring by limitation after seven years. (See case of Ernst Eggers, foreign relations 1879, p. 369.)

In case of the return of the delinquent before such expiration the fine is at once claimed, with the alternative of imprisonment. In one case the jewelry on the man's person was seized in payment. The attachment of the real estate does not imply a sale, but only secures the payment of the fine in case the property is sold by the owner. The fears therefore of Germans in America that their property in Germany will be sold by the authorities here for military fines is unfounded. If the fine has been paid by the family of the absentee before he had become a naturalized American citizen it cannot be recovered, but otherwise in every case where *bona fide* American citizenship could be proved, except those in Alsace-Lorraine, the fine, whether paid or not, has been remitted by the order of the Emperor.

The legation has several times been informed by the foreign office, in justification of the summary action of the local authorities against returning Americans that the officials have no discretion as to relaxing the military laws in favor of Americans, but, at the same time, it is certain that in Prussia these officials are ordered by ministerial decrees to refer such cases to Berlin before proceeding to extremities, whenever the person can produce his American citizen paper. But some of the returning emigrants have lost this paper, some, probably, are afraid to produce it, and in some cases, it is asserted, the officials ignore it altogether, though the last possibility is denied by the foreign office. As a rule the person prosecuted has ample time, if he chooses, to appeal to the legation for protection, and in several cases where the time of grace had expired the foreign office, at the request of the legation, caused the proceedings to be stopped, by telegraph, pending investigation.

The vexed question of citizenship in Alsace-Lorraine remains in *statu quo* waiting for the American Government to propose a supplementary treaty regulating it. The opinion entertained by the German Government, to which I have alluded in previous dispatches, that the existing treaty is more advantageous to the United States than to Germany may be the reason why they hold that Germany should not be the first to make the proposal for its extension to Alsace-Lorraine.

I have, &c.,

AND. D. WHITE.

[Inclosure in No. 191.—Translation.]

FOREIGN OFFICE,
Berlin, March 4, 1881.

Through the esteemed note of the 10th of January last the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. And. D. White, sug-

gested, in view of the cases of arrest of persons who had emigrated from Germany to North America, become naturalized there, and then returned to Germany for shorter or longer sojourn, the issue of some general instructions for the prevention of such arrests.

Prompted by this note the undersigned has caused an investigation to be made as to whether in reality there has of late been an accumulation of such arrests, and especially of unjust arrests.

This investigation has shown that since the beginning of the year 1880 but very few cases of the arrest within the imperial territory of persons naturalized in North America have come to the knowledge of the foreign office. It is very improbable that any such case would not have come to its knowledge.

This investigation has especially shown that Aloys Gehres, of Zinsweiler, mentioned in the esteemed note of January 10 last, as is also stated in the esteemed note of June 11 last, has hitherto not even returned to Germany; that the assertion of Otto Eick, of Bochum, and of Wendelin Frueh, of Oberbausen, in the year 1880, that they had been arrested, was, as will appear from the notes of this office of May 31 and August 10 last, found to be incorrect; that Jacques Loeb, of Reichshofen (esteemed note of November 4 last), was, immediately upon the exhibition of his certificate of naturalization, discharged from arrest; and, finally, that only Jacob Engellandt, of Breiholz, and Aaron Weill, of Reichshofen, have within the last fourteen months been arrested within the territory of the empire.

As regards Jacob Engellandt's case he had, as is stated in the note of this office of December 19 last, been guilty of desertion from German military service before his emigration, and will therefore have to suffer the penalty imposed on him. Aaron Weill was, as he still owed allegiance in Alsace-Lorraine, liable to military duty there; he had withdrawn himself from the performance of this duty, and was, as appears from the note of this office of November 19 last, only discharged from arrest and pardoned in exceptional consideration of the circumstance that he had been induced to return to Germany by information furnished him by the legation of the United States in this city.

In the former cases the arrest was in harmony with the provisions of the North German-American treaty regulating nationality of February 22, 1868; in the latter with the laws of Alsace-Lorraine, which are limited by no treaty with the United States which regulates nationality. Both arrests were therefore just.

The Imperial Government therefore cannot find in the result of the investigation sufficient grounds for the issue of any general instructions on the subject.

The undersigned, who will gladly cause the suggestion which has been made to be reconsidered, in case the envoy of the United States of America should be in a position to communicate further cases in which an arrest has of late been made, avails himself of this occasion to renew to Mr. And. D. White the assurance of his most distinguished consideration.

LIMBURG-STIRUM.

No. 289.

Mr. White to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
Berlin, April 29, 1881. (Received May 18.)

SIR: As you have doubtless heard much of the "Anti-Jewish movement" in Germany and may be interested in the facts regarding it, I have drawn up an account of its general history, which I have now the honor to forward.

The form of active opposition to the Jews in Germany, known as the anti-Semitic agitation, had its origin in the "Christian Socialists," a party formed in 1878 to oppose Social Democracy, its founder being one of the Berlin court preachers, the Rev. Dr. Stöcker. Social Democracy was then at its height. The Emperor's life was in continual danger, and two daring attempts to assassinate him had been made in the public streets. Socialistic opinions were gaining victories at the polls, and the conservative and moderate part of the community was becoming greatly alarmed. This was the state of affairs when Prince Bismarck

passed the socialistic law of October, 1878, which declared Berlin in a state of siege, and when Dr. Stöcker set forth the social and religious means of regenerating the working classes of the country. As a main factor in the origin of the discontent which filled those classes, Stöcker pointed to the Jews, who had, he said, alienated the community from Christianity, continually reviled the Christian religion in their press, were, as in the case of Lassalle, the founders of impracticable socialistic schemes, and had been in 1873 and 1874 the originators of hundreds of bubble companies, to the break-up of which was due, in no small degree, the industrial depression and the prevalent want of "commercial morality." Dr. Stöcker therefore called upon the working class to become "Christian Socialists," especially were they to remain loyal to the Emperor; to resist the attack on the Christian religion made by Jewish skeptics, and to seek relief from social evils by legislation rather than by revolution and outrage. To this end he proposed laws regulating factory labor, compulsory insurance against accidents, the formation of trades guilds, and the extension of paternal government generally.

This programme was advocated at public meetings of the Christian Socialist party, which often ended in great uproar. All of it attracted much attention; but its most popular feature was undoubtedly that attacking the Jews. Not much eloquence was needed to inflame the anti-Semitic feeling of many patriotic Germans. Envy at the wealth of the Jews, especially those of Berlin, had probably more influence in arousing hostility than the religious, ethnological, and æsthetic reasons advanced by Dr. Stöcker.

The 600,000 Jews in Prussia are possessed of great wealth. They are exclusive socially; and do not encourage intermarriage. The finest places of worship and of business, and the most prosperous newspapers are theirs. Since 1848 their influence as lawyers, professors, and legislators has become extraordinary, so that at present the chief orators of the Prussian Diet and the Imperial Parliament, several of the foremost members of the Berlin faculty, and many of the most vigorous men of letters and writers for the press are Jews. The restrictions upon their liberty were removed by the exertions of the Liberal and Progressive parties, and to these accordingly they have always attached themselves, hoping, doubtless, to wring from the Conservative and Court parties yet greater concessions—concessions which shall, for example, place them on a footing of social equality with Christians in court and military circles.

Among the first supporters of the Stöcker agitation were, therefore, many of the naturally conservative—the landed proprietors, the *junkers* or petty nobility, the great nobility and the court. Jews, they said, had identified themselves with the Liberal and Progressive parties, with social Democratic agitations and all that is usually supposed to be inimical in Germany to political and social safety; and Jews had as a necessary consequence fallen into discredit among those who were interested in the existing order of things.

The meetings of the Christian Socialists grew more and more frequent during 1879, and more devoted to expressions of anti-Semitic feeling. Towards the close of that year Dr. Stöcker issued his views regarding the Jews in a pamphlet. His gravest charge against them was their attitude towards the Christian religion, which he declared they were undermining in their newspapers and books. He pointed to the education of German children by Semitic schoolmasters as a great evil, attacked the "overbearing" conduct of the Jews in Berlin, where they number 45,000; remarked upon the fact that 30 per cent. of the

scholars in German high schools were Jews; that out of 100 Jews 71.3 were employers, while out of 100 Protestants only 38.7 had reached that position; that 55 per cent. of the Jewish and only 12 per cent. of the Protestant population was engaged in trade; and was especially severe upon Jewish disinclination to physical labor, and upon their "anti-Germanic" character.*

Up to this point Dr. Stöcker had carried on his agitation in comparative obscurity; but now he and his party suddenly became notorious. His pamphlet ran through five or six editions, and soon there engaged in the controversy a man of far more ability and influence—Dr. Treitschke, professor of history at the Berlin University—a member of the Imperial Parliament, and one of the most admired of German historians. In a political journal, edited by him, he wrote several articles dealing with the question and republished them in pamphlet form†.

In these he took ground against the Jews on the ground that they are "non-German;" that they have produced no national German literature, no great works of art; that they conduct a press which discredits all purely German tendencies; that they are not assimilated with the German nation, remaining a nationality within a state whose people they regard as antagonists, and that they continue to swarm over the German borders from Poland as "trouser-selling youths" in order to become rich by preying on the easy-going Germans. On this coming in of the Jews from the eastern provinces he laid especial stress. He declared Prussian Poland a kind of vast hive, sending constantly new swarms of barbarians to pervert the ideas and eat out the substance of the German people. He asserted that in this lies the fundamental difference between the state of the question in Germany and in other countries; that in England, France, and Spain, the Jews are comparatively few, subjected from childhood to the influence of Christian civilization and that they are rapidly assimilated by society; whereas in Germany they come in hordes, greedy for prey, too many and too far gone in their ideas to be assimilated.

These articles aroused a storm. The spring and summer of 1880 produced a great crop of Jew literature; the booksellers' shop-windows were darkened by it; Professor Treitschke's position was vehemently attacked by writers of the Liberal and Progressive press, and as vehemently defended by the Conservative press. Several Jewish university professors replied to his argument, but when a Christian minister put in a word for peace the Crown Prince strongly and publicly recommended the pamphlet of the latter.

Among the replies the most effectual was one by Dr. Harry Breslau, a personal friend of Treitschke, and, like him, a professor of history in the University of Berlin‡.

Breslau pointed out the numerous sins of Germans against Jews at present, and especially in times past, showing particularly, too, how the Roman Catholic press of Germany had, in 1875, begun a crusade against them; that the restrictions imposed upon them until 1812 and 1848 had rendered their assimilation with Germans impossible; that many had become entirely German in sentiment, and that thousands had made sacrifices for the fatherland; that the German press was not so entirely under the influence of the Jewish editors and correspondents as was

* Das Moderne Judenthum in Deutschland, besonders in Berlin Von Adolf Stöcker. Berlin, 4 Auflage, 1880.

† Ein Wort über unser Judenthum von Heinrick von Treitschke. Berlin, 1880.

‡ Zur Judenfrage, Sendschreiben an Prof. De H. v. Treitschke, von Dr. Harry Breslau. Berlin, 1880.

supposed; and he called attention to the enormous debt modern civilization owes to the ancient literature of the Jews, and all this in an admirable spirit and temper.

Despite the efforts of the Crown Prince and the sober reasoning of Professor Breslau, the agitation grew in intensity. Dr Stöcker contined to hold his meetings and new pamphleteers appeared every day in various parts of the empire with new developments of the arguments of Stöcker, Treitschke, and their opponents. The Jew was no longer to be hated as a usurer; but he was to be combated for reasons of "race," for his "non-Germanism." An anti-Semitic league was formed, which drew up a petition to the chancellor, and which was circulated throughout Germany for signature. It implored Prince Bismarck (1) to limit, at least, if not wholly hinder, the immigration into Germany of foreign Jews; (2) to exclude Jews from all offices of authority, and to restrict their activity in the legal career, particularly on the bench; (3) to prevent their becoming teachers in the Christian schools, and to admit them only in very exceptional cases into others; and (4) to cause statistics to be collected as to the Hebrew population of the empire.

Throughout the summer of 1880, this petition formed the text for thousands of anti-Semitic addresses, and in the autumn the agitation reached its highest point. It had spread among the students at the universities of Berlin, Leipsic, and Göttingen, who formed anti-Jew societies; even schoolmasters and professors in gymnasiums were affected by it. In Berlin two of the last-named class provoked a Jewish trader into an assault upon them in a public conveyance, and in Leipsic a Jew was led to assault a "baiter," as the anti-Semitic agitators are called.

Public indignation was at length aroused. In Berlin it resulted in the offending gymnasium professor being expelled from his position, and in a public declaration against the anti-Jew agitators by Professors Deoysen, Virchow, Hoffmann, (now rector of the university), Mommsen, and others distinguished for scholarly and political activity. But large meetings, at which from 4,000 to 6,000 persons were present, continued to be held, and the disorderly proceedings at some of these gave rise to much comment in the foreign press. The strictly Germanic idea was studiously maintained. Public announcements calling the meetings asked none but men of German origin to be present, and if Jews were detected in the audience they were somewhat unceremoniously expelled to the accompaniment of groans and hisses. Yet it does not appear that any Jew received bodily injury at these meetings, and the reports published in foreign journals to the effect that Jews were the objects of general assault and insult throughout Germany were undoubtedly exaggerated.

The most serious phase of the agitation was that finding expression in the universities. In Berlin the anti-Semitic students refused to hear the lectures of certain Jewish professors, entitled though these are by ability, age, and past services to the greatest respect. All friends of the Jews among the professors, even the rector and Professor Mommsen, were made to feel the antagonism of the anti-Semitic league by the shouts which drowned their lectures.

On the 20th of November the petition was discussed in the Prussian Diet in connection with a question put by a member of the Progressionist party as to the attitude of the government towards such a petition. Count Stolberg-Wernigerode, vice-president of the ministry, replied that a petition of the kind referred to had not been presented to the government, and could not therefore be officially taken into consideration; but that at the same time the government would not hesi-

tate to say that the existing laws insured the equality of all religious creeds in political respects, and that the ministry had no intention of altering the state of the law. The standing orders of the Diet allow a debate to follow a question, but they exclude the possibility of the House passing a resolution upon the subject of an interrogation.

The result of the animated two days' debate which followed this answer of the minister could not, therefore, be revealed by a division and vote; but it was clear to those present that a majority of the members did not have much fault to find with the agitation. The chief speakers in the first day's debate were Professor Hänel, the leader of the Progressionists, who had asked the question, and who strongly opposed the whole agitation; a leading member of the Central or Roman Catholic party, who complained that "the Jews contribute the main contingent to the non-productive, speculative part of society," and who "did not think they had justified the hopes attending their emancipation;" a Conservative, who stated on behalf of his party "that a feeling of deep displeasure prevailed against the Jews among nearly all classes of the people, because the Jews, especially in their press, did not show that respect for the institutions of the state which the Christians had a right to demand;" Professor Virchow, the well-known scientist, who complained that the answer of the government, though quite correct, was very cool, and cited statistics to show that there was no cause for alarm as to the immigration or overgrowth of the Jews, and traced the present popular antipathy to them to the baser passions, especially envy at their possessions.

In the course of the second day's debate, which was longer and more tumultuous than the first, Mr. Richter, a leader of a section of the Liberals, said there were more Christian than Jewish usurers; that a Jew, Dr. Lasker, had been the first to expose the swindling joint stock companies, and that the founder of the largest popular savings bank was a Jew. He stated further that the movement was much more dangerous than that of the Social Democracy, and asked that its leaders be deprived of their offices and dignities.

The next speaker was the Rev. Dr. Stöcker, who had done so much to stimulate public feeling on the question. He described the movement as social and economical, resulting from the fact that "half a million Jews take a position in Germany out of harmony with their numbers." He then denounced the Jewish press, which is nearly synonymous with the Liberal press, for its attack on the Christian religion, and pointed to the Israelite Alliance as a powerful political combination, which must be wrestled with.

Several other speakers took part in the debate, which ended in great uproar, the question being really left where the House had found it. The public journals eagerly discussed the debate, those of Progressive views claiming that it had forever silenced the Stöcker party, and those of Conservative and semi-official character declaring that the question should never have been asked, and that the debate had injured the Jewish position.

But it was soon shown that the current of popular feeling had not diminished. Crowded and stormy meetings continued to be held, at which the attacks on the Jews were revived; and a new series of pamphlets on the question was issued. The most noticeable of these was one by Professor Mommsen, whose object was to prove that, in the formation of the modern German Empire, the Jews had co-operated in proportion not less materially than the other races. He also made an

attack on Professor Treitschke for his part in the agitation, which ended in personal recriminations between the two historians.

The example thus set by the professors was followed by the university students, great numbers of whom refused to hear their Jewish instructors, and attended anti-Semitic meetings, which in some instances had to be dispersed by the police.

At this latter series of discussions the political character of the movement became more apparent, resolutions being passed to the effect that "the citizens of Berlin are convinced that the Liberal party should not identify itself with Judaism if not wishing to drive the electors into the Conservative camp."

Notwithstanding the answer of the vice minister president in the Prussian Diet and the tone of the semi-official press, the attitude of the government, or at the least, the personal inclinations of its leading members and of the court, became more and more a matter of public interest, and it was doubtless with a desire to satisfy this curiosity that a writer in the Grenz Boten, which has often been privileged to reveal the policy of the chancellor, energetically protested against the belief that Prince Bismarck favors the anti-Semitic movement, and commented very severely upon Court Chaplin Stöcker's connection with it. The chancellor's semi-official organ also, the "Norddeutsche Allgemeine Zeitung," especially denied that the government secretly favored the agitation, but the meetings were allowed to continue, and the place of Dr. Stöcker, who had gone on a lecturing tour in the provinces, was supplied by Dr. Henrici, a quondam schoolmaster and a successful mob orator. His efforts kept up the agitation throughout January, breeding much hatred; and aided in the establishment of an additional anti-Semitic newspaper, for which, it was reported, the sum of 50,000 marks had been subscribed. The petition was briskly advertised, and on April 13, when the number of signatures had reached 255,000, was presented to the chancellor. Of these one-fifth came from Silesia; the province of Brandenburg supplied about 38,000, including 12,000 from Berlin; Westphalia, 27,000; the Rhine province, 20,000; Bavaria, 9,000; and Baden and Hohenzollern, 7,000.

Of the views of the Emperor very little, if any, indication has been given. He has acknowledged certain loyal resolutions, transmitted to him by an anti-Semitic meeting, but has spoken with much severity of some riotous proceedings of over-zealous Jew-haters. As to the crown prince, when the agitation had been rekindled by the parliamentary debate, he publicly attended the worship at the Jewish synagogue, doubtless to express his sympathy with the attacked; and in January, he again took occasion openly to express his entire disapproval of the agitation.

At present the movement shows signs of becoming more and more political in character, losing its distinctive social features by an alliance with the Conservative parties. As offshoots from the Christian Socialists, there have come into existence the *Anti-Semitic League* and the *Volks Verein* (People's Union). The first has the avowed object of simply attacking the Jews, and the latter aims at expressing national conservative opinions in opposition to Jewish, Liberal, and Progressionist views. These societies continue to hold meetings, which are now, however, extremely orderly, in consequence of a new city police regulation forbidding all direct attacks, or incentives to attacks upon any section of the community. That the anti-Semitic feeling is still the mainstay of these societies is beyond question; it manifests itself as

bitterly as ever in their public journals, and becomes embodied in new conservative associations.

That this is shrewd policy is hardly to be doubted, and its result will doubtless be seen at the next elections. There are, especially in Berlin, strong prejudices against Jews even among "Liberals" and "Progressionists." Around those who claim to have personal grievances against the Jews, the tradesmen who have been driven from better business quarters into worse by "rings" of Hebrew dealers; the people whose rents have been raised when the houses they occupied came into the possession of Jews; the smaller speculators whose occupation has been taken from them by Jewish millionaires; the borrowers sold out by Jewish usurers; and the bankrupts who attribute their failure to unscrupulous Jewish trading and to combined and systematic competition on the part of Jews until the Christian trader is driven out of the field; around these men there are gathered those who oppose Judaism from less material motives; those who regard with alarm the ascendency of Jewish power in politics, literature, and art, where, it is declared, purely Germanic ideas are scarcely permitted to come to light, and where the idealizm of the German character, which has again and again been the well-spring of German vigor, is being gradually weakened by the materialistic and skeptical tendencies of Jewish thought.

But larger and more hopeful ideas are also at work. Thinking men can hardly fail eventually to see that the services of Jews to Germany have been very great; that harsh dealings are attributable to Christians as well as Jews; that the characteristics complained of are mainly due to ages of wrong; that time will steadily work an amalgamation of races; and that the result of such a union will be to increase German vigor. The present anti-Semitic movement is to be regretted as a temporary hinderance to the process, but that it will result in any new constitutional or legislative barriers, I see no reason to believe.

I have, &c.,

AND. D. WHITE.

No. 290.

Mr. White to Mr. Blaine.

No. 209.] LEGATION OF THE UNITED STATES,
Berlin, June 1, 1881. (Received June 23.)

SIR: I have the honor to call your attention to a recent decision of the Imperial Government in the case of a naturalized American citizen of Alsace-Lorraine origin, who was fined by the authorities of that province for neglect of military duty.

Jacques Loeb was born in Alsace-Lorraine March 31, 1855, emigrated to the United States in August, 1872, and was naturalized there June 30, 1879. He returned to his native place in the summer of 1880, and was arrested by the local authorities, but was soon released on showing his American citizen-paper. Subsequently a fine of 600 marks was demanded of him, which he was told would be remitted if he applied for a pardon. This he says he did ineffectually.

The legation, on the 4th November last, wrote to the foreign office, claiming the remission of Loeb's fine, under the treaty of 1868, "*as interpreted by the German Government in all cases previous to the year* 1880."

After a delay of six months the foreign office has replied that the fine

is remitted, on the ground that "Loeb is no longer a citizen of Alsace-Lorraine."

In connection with this it should be noticed that similar decisions were given in the cases of Aloys Gehres, in November, 1880, and Solomon Bloch last March, though neither of these persons had been absent from Germany ten years, a circumstance which was, for the first time, given as the reason for the unfavorable decision in the case of John Schehr (see dispatch 146, September 1, 1880), and subsequently in the case of Michael Pacquet, September 26, 1880 (see Foreign Relations for 1880, p. 453); the brothers Hess, September 29, 1880 (Foreign Relations for 1880, p. 453); Joseph Lauber, October 10, 1880 (Foreign Relations for 1880, p. 456); John Fisher, October 7, 1880 (dispatch 162, October 18, 1880); and N. V. Gabriel, October 12, 1880 (same dispatch).

With these last five cases would also have been classed that of Aaron Weill (dispatch 176, January 22, 1880), had it not, in consequence of very strong pressure on the part of the legation, been decided in our favor, on the ground that Weill's return to Germany was owing to advice from the legation, which was not strictly correct, as the legation had no correspondence with Weill previous to his return to Germany, but had only told him, after his return, that he was protected by the treaty of 1868.

This decision in Loeb's case, added to those in the cases of Gehres and Bloch, seems to indicate a final acquiescence on the part of the German Government in the doctrine which we have constantly maintained, that cases arising in Alsace-Lorraine are to be treated as coming under the provisions of the Bancroft treaties, and as indicating also a relinquishment of the position taken by the imperial government in the cases of Schehr, Pacquet, the brothers Hess, Lauber, Fisher, and Gabriel, that Alsace-Lorraine not having been acquired when the Bancroft treaties were made, a residence of ten years abroad is required before a person leaving those provinces can be considered to have thrown off his German allegiance.

I have, &c.,

AND. D. WHITE.

No. 291.

Mr. White to Mr. Blaine.

No. 215.] LEGATION OF THE UNITED STATES,
Berlin, June 30, 1881. (Received July 22.)

SIR: I have the honor to forward you herewith a return of the so-called military cases of naturalized Americans which were settled between this legation and the imperial foreign office during the year 1880, amounting to twenty in all, against twenty-six in the previous year. Of these seventeen have been decided favorably to the claimants; two from Alsace-Lorraine adversely, and one (No. 68) was found to be a case of desertion before emigration.

I have much pleasure in adding that up to the 9th May of the current year no new cases requiring the intervention of the legation occurred, and that the four which have arisen since then will probably not cause any complications.

I have, &c.,

AND. D. WHITE.

[Inclosure in No. 215.]

REPORT OF MILITARY CASES SETTLED DURING THE YEAR 1880 AND THE FIRST HALF OF 1881.

51. *Peter Jons.*—Was born 17th December, 1849, at Elfelde, Schleswig-Holstein; emigrated to the United States May 8, 1869; was naturalized there 18th January, 1878, and returned in December, 1879, to his native town. Soon after his arrival there he was compelled to pay a fine of 150 marks for unauthorized emigration. The legation was informed of the case on the 17th January, by the acting consul at Hamburg, and on the 20th January addressed a note to the foreign office, and received in reply a promise of prompt investigation.

On the 24th February a letter was received from Jons, to say that he was about to leave for the United States, and that his fine, if refunded, might be paid over to the Hamburg consulate for him.

On the 12th May the foreign office informed the legation that the repayment of the fine had been ordered, and, finally, on the 21st of June, that it would be paid to Consul Müller. This, it is presumed, was done, as nothing more has been heard of the case.

52. *Alphonse Lester.*—Was born in Schweighausen, Alsace-Lorraine, on the 29th January, 1854, and left Germany in May, 1871, spent some years in France, and then emigrated to the United States, where he was naturalized 29th July, 1879, and where he still resides. Lester was informed by a written order from the authorities of Sennheim that a fine for absence from military duty had been levied upon him, which would be forcibly collected.

On the 9th February the legation sent a note to the foreign office, remonstrating against the proceedings, to which a reply was promptly received that the case would be investigated. Nothing further was heard of the case until 10th October, when the legation was informed by the foreign office that Lester's fine had been remitted because he had served in the French army, which was at once communicated to him.

53. *Alois Fischer.*—Was born at Aschbach, Alsace-Lorraine, on the 23d July, 1854; emigrated to the United States in August, 1872; was naturalized 16th September, 1878, and still resides there. After his departure a fine of 600 marks for alleged neglect of military duty was imposed upon him, and his inheritance was attached as security for the same. Mr. Fischer's brother, who resides in Germany, brought the case to the notice of the legation on the 9th September, 1879, but for want of substantiating documents the intervention of the legation was impossible, until the 12th February, 1880. An investigation was at once promised, but it was not until the 7th October that the foreign office finally informed the legation that Fischer was still considered a German subject, and that his fine could not be remitted, which was duly communicated to him. The case was also reported to the Department of State on the 18th October, in dispatch No. 162, as being another case of refusal of the German Government to extend the treaty of 1868 to Alsace-Lorraine. (See cases 34, 48, and 49.)

54. *William Essmüller.*—Was born at Detlinghausen, Hanover, 9th December, 1849; emigrated to the United States 27th January, 1871; was naturalized 1st December, 1877, and returned to Germany in November, 1879. Soon after his emigration the provincial court of Verden, in Hanover, sentenced him to a fine for neglect of military duty, and attached his father's property as security. Essmüller had returned to Germany to get his share of his father's estate, and therefore begged the legation to endeavor to have the attachment removed. On the 10th March, 1880, the legation called the attention of the foreign office to the case, and on the 21st June was informed in reply that the fine had been remitted by imperial pardon. This was at once communicated and his papers returned to Essmüller through the consul at Bremen, as Essmüller had already left for America.

55. *Jean Pierre Quirin Schang.*—Was born at Sternbiedersdorf, Alsace-Lorraine, 20th March, 1853; emigrated to the United States at the age of fifteen, from Havre, 1st June, 1868; was naturalized 26th January, 1880, and had not at the time of his appeal to the legation returned to Germany. After the annexation of Alsace-Lorraine the tribunal of Saargemund put an attachment on Schang's share of his deceased father's property as security, for a fine levied on him for neglect of military duty. The case was brought to the notice of the legation in October, 1879, by Schang's uncle, a resident of Alsace, but much time was required to procure the necessary evidence of citizenship from America, so that the matter could not be brought to the attention of the foreign office till the 20th March, 1880. A prompt investigation was promised, but it was not until the 10th October following that the legation was informed by the foreign office that the fine was remitted on the ground that Schang emigrated before the annexation of Alsace-Lorraine, which was communicated and his papers returned to Schang on the following day.

56. *Lazard Rosenwald.*—Was born at Schalbach, Alsace-Lorraine, 23d January, 1854; emigrated to the United States 20th August, 1872; was naturalized 14th November,

1878, and returned to Germany on a visit 1st July, 1879. In May, 1880, he was notified by the authorities of Saarburg that he must leave Germany before the end of the month, though he had only been in the country about eleven months and had a certificate from the mayor of Lixheim that his conduct was good. The legation called the attention of the foreign office to the case on 20th May, requesting that proceedings might be suspended by telegraph, which, the legation heard the next day from the foreign office, was done. About a month later the foreign office informed the legation that Rosenwald had never been told to leave, and might stay a year longer. Rosenwald, in reply, held to his original statement that he had been ordered to leave. There was no claim made by the foreign office that Rosenwald was still a German citizen, though he emigrated subsequent to the annexation of Alsace-Lorraine and had not been absent ten years, and indeed by allowing him the balance of his two years it was apparently admitted that the fourth clause of the treaty applied to Alsace-Lorraine.

57. *Frederick R. Schmidt.*—Was born at Spitzendorf, Schwarzburg-Rudolstadt, 7th September, 1853; emigrated to the United States 20th March, 1869; was naturalized 1st February, 1878, and at the time he became known to the legation had not returned to his native country. The legation was informed on the 19th May, 1880, that the local court at Königsee had imposed a fine on Schmidt for alleged neglect of military duty and that an attachment as security for the same had been placed upon his property. On the 22d May the legation intervened with the German Government, and on the 1st July, 1880, was informed that the fine was remitted. This result was at once communicated to Schmidt, and his papers returned to him through the consul at Sonneberg, who had reported the case.

58. *Wendolm Frueh.*—Was born at Oberhausen, Grand Duchy Baden, 21st October, 1852; was put back by the military authorities for feeble health; emigrated to the United States 15th July, 1872; was naturalized 23d October, 1878, and returned to Germany 9th May, 1880, for the purpose of taking his mother back with him to America. On the 21st May he was arrested by the authorities of Oberhausen, made to pay a fine of 319 marks, and informed that he must perform military service, his papers, which showed him to be an American citizen, being, according to his statement, disregarded. The legation applied to the foreign office in his behalf on the 4th June, 1880, and on the 10th August was informed, in reply, that the fine, which apparently had not been actually paid, would be remitted and that the attachment for the same on his property would be taken off, but that there was no truth in the statement that he had exhibited his papers to the authorities or that he had been imprisoned.

59. *Aloys Gehres.*—Was born at Zinsweiler, Alsace-Lorraine, 24th June, 1856; emigrated to the United States, 30th June, 1872; was naturalized there 4th September, 1877, and had not returned to Germany when his case was brought to the notice of the legation by his mother in January, 1880, in consequence of a fine of 600 marks being imposed upon him. The legation at first supposed that this was a case of fraudulent naturalization, as the date of his emigration to America was misstated by his mother, and consequently had to write to America to ascertain when he first arrived there, and a second delay occurred on account of his citizen paper not being forwarded with this information, so that it was not till June 11 that intervention was possible, and not till 30th November that the foreign office informed the legation without further comment that Gehres was pardoned. The interesting point in the case is that this fine was remitted by the German Government, although Gehres was a native of Alsace, notwithstanding their recent decisions that citizens of that province did not come under the treaty of 1868.

60. *Abraham Zadick.*—Was born at Adelnau Posen, 7th March, 1846; emigrated in May, 1863, to the United States, where he was naturalized 17th September, 1868. On the 4th June, 1880, he returned to his native place and was at once forced by the local authorities to pay a fine of 150 marks for alleged neglect of military duty. He appealed to the legation for protection on the 26th June, and on the 28th the attention of the foreign office was called to his case. On the 20th August the legation was informed, in reply, that his fine would be repaid him, which it is presumed was done, as the legation has heard no more from him since sending him back his papers with the information on the 26th August.

61. *Aaron Weill.*—Was born at Reichshofen, Alsace-Lorraine, 2d June, 1855; emigrated 22d August, 1872, to the United States, where he was naturalized in December, 1879, and returned in January, 1881, on a visit to his native place. Soon after his return he was notified by the authorities that a fine of 600 marks had been imposed on him for neglect of military duty. This he refused to pay, and was then informed by the civil authorities that unless he left the country within four weeks he would be forcibly mustered into military service. By the advice of the legation, Weill protested against this, and appealed to his rights as an American citizen, which, however, the authorities entirely disregarded. The legation called the attention of the foreign office to the case on the 28th June, 1880, and advised Weill to remain quiet and await the result of the investigation.

On the 14th October the legation received a reply from the foreign office, accom-

panied with a long report in the case from the court of Alsace, to the effect that Weill's fine could not be remitted, as he had not yet lost his Alsace-Lorraine citizenship. The accompanying report set forth that inasmuch as the portion of the North German constitution, which included the treaty of 1868, was never extended to the German Empire or to the province of Alsace-Lorraine, therefore the naturalization treaty of 1868 did not apply to Alsace-Lorraine. This case was thus classed with the previous decisions in Alsace-Lorraine cases (Nos. 34, 48, 49, 53).

On the following day, after the receipt of this note, the legation was informed by Weill that he had been imprisoned. The case was then reported to the Department (dispatch 160, 16th October, 1880), and a note of remonstrance was addressed by the minister to the foreign office (19th October, 1880), in reply to which the legation was informed on the 30th October that the case had been referred to the governor of Alsace-Lorraine for fresh investigation. On the 28th October, the minister again addressed the foreign office, asking for a remission of Weill's punishment. The progress of the case was then again reported to the Department. (Dispatch No. 165, 1st November, 1880.) On the 3d November the legation received a telegram from Weill that he was released from prison, which was at once telegraped to the Department. On the 20th November the legation received a note from the foreign office, stating that Weill was pardoned and his fine remitted, but without further comments. Subsequently, however, in a note to the legation (4th March, 1881), reviewing the general question of the arrest of American citizens, the foreign office remarked on the Weill case that:

"Weill was liable to military duty, as he still owed allegiance to Alsace-Lorraine; that he had withdrawn himself from the performance of his duty, and was discharged from arrest and pardoned on exceptional consideration of the circumstance that he had been induced to return to Germany by information furnished him by the legation of the United States in Berlin."

This was not strictly correct, as Weill had had no correspondence with the legation previous to his return to Germany, but he had, when first molested for neglect of military service, been informed by the legation that he was entitled to the benefit of the treaty of 1868, as had been the case with every other citizen coming from Alsace-Lorraine up to that time. The decision of the foreign office was thus, as they themselves admit, an entirely new departure from the preceding decisions of their own government. The case ended by the whole correspondence being forwarded to the Department of State. (Dispatch No. 176, 22d January, 1881.)

62. *Nicholas Victor Gabriel.*—Was born in Petit-Tanquin, Alsace-Lorraine, 14th April, 1853; emigrated from Havre to the United States 10th September, 1872, and was naturalized 8th June, 1880, and remained in the United States. After his departure the authorities imposed a fine of 933.17 marks on him for neglect of military duty and attached some property belonging to him in his native town as security, although he left Alsace before the date at which he would have been liable to military duty under the treaty between France and Germany. The case was brought to the notice of the legation in September, 1879, but owing to the delay incident to writing to America and procuring Gabriel's citizen paper, which he had not up to that time taken out, the legation could not intervene for him till July, 1880. No answer was received from the foreign office until 10th October, 1880, when the legation was informed that Gabriel was still considered a German citizen, and consequently his fine could not be taken off. This reply was transmitted to Gabriel through his lawyer, and was also communicated to the State Department on the 18th October, in dispatch No. 162.

63. *Franz Reinsch.*—Was born in the province of Silesia, Prussia, 11th July, 1849; emigrated to Austria in January, 1869, where he remained three years. In 1872 he went to the United States, and after a residence there of over six years was naturalized as an American citizen on the 27th November, 1878. In December, 1879, he came back to Germany to get his sisters, and returned with them to America in February, 1880. During this stay in his native town the authorities of Mittelwald obliged him to pay a fine of 150 marks for unauthorized emigration, although he furnished evidence of his American citizenship. On the 3d July the legation addressed the foreign office in his behalf, and on the 20th August received a reply that the fine was remitted. On the 9th September the amount of the fine was sent to the legation by the foreign office, and was at once converted into a bill of exchange and sent to Reinsch. Nothing more has since been heard from him.

64. *Solomon Bloch.*—Was born at Scherweiler, Alsace-Lorraine, 8th August, 1853; emigrated in July, 1872, to the United States, where he was naturalized 21st April, 1879. On the 4th December, 1876, a fine for neglect of military duty was imposed upon him by the imperial landgericht at Colmar. On the 11th August, 1880, the legation appealed to the foreign office to have the fine removed, and after a delay of seven months was finally informed on the 24th March, 1881, that the fine had been remitted, because Bloch was no longer in possession of German citizenship. The explanation of this decision is not apparent, as there were no circumstances in Bloch's case different from other Alsace-Lorraine cases which had lately been decided unfavorably, and Bloch had

not been away from his native land ten years, which the foreign office had decided was necessary for losing German citizenship.

65. *Carl Eggers.*—Was born at Edemissen, Göttingen, from whence he emigrated in his seventeenth year to Austria, where he resided until 1873, and then emigrated to the United States, where he was naturalized on the 16th June, 1880, and continued to reside. In consequence of his leaving Germany, an attachment was put upon the property left him by his parents, which he was then unable to dispose of. The legation addressed a request to the foreign office on the 17th of August, 1880, to have the attachment removed, and was informed in reply on the 1st December that the attachment had expired by limitation, and that Eggers was at liberty to sell his property, which information was duly communicated to him through his lawyer.

66. *C. R. Muller.*—A naturalized American citizen; returned to Germany in 1876, at the age of twenty-eight years, and remained there until August, 1880, in business. His visit having thus exceeded by two years the time allowed by the treaty of 1868, he was ordered by the local authorities of Bockenheim, Prussia, to leave the country within eight days. As he could not find a purchaser ready to take his business off his hands at such short notice, he applied to the legation to have his time of grace extended, which could only be asked as a favor from the German Government. At the request of the minister, the foreign office promptly and courteously allowed him the additional three months requested.

67. *Jacques Loeb.*—Was born in Reichshofen, Alsace-Lorraine, 31st March, 1855; emigrated in August, 1872, to the United States, where he was naturalized 30th June, 1879. In the summer of 1880, Loeb returned to Germany on a visit to his native town, and was arrested by the local authorities, but released on exhibiting his citizen paper. Subsequently he was fined 600 marks for neglect of military duty, and advised to apply for a pardon. This Loeb said that he did ineffectually. On the 4th November, 1880, the legation addressed a note to the foreign office claiming the remission of Loeb's fine under the treaty of 1868. After a delay of six months the foreign office on the 24th May, 1881, replied that the fine was remitted on the ground that Loeb is no longer a citizen of Alsace-Lorraine, though there was apparently no essential difference between his case and those of John Schehr, Michael Pacquet, the brothers Hess, Joseph Lauber and N. V. Gabriel. The case was fully reported to the Department in dispatch 169, 4th November, 1880, and in dispatch 209, 1st June, 1881.

68. *Jacob Engelandt.*—Was born at Bruholtz, Schleswig-Holstein, 6th August, 1851; emigrated to the United States, 9th August, 1871, where he was naturalized in 1879, and returned to Germany in October, 1880. On the 31st October he was summoned to pay a fine for neglect of military duty and was imprisoned at Rendsburg. After obtaining the necessary documentary proofs in the case, the legation intervened in his behalf on the 13th November, 1880, and asked that he might be released pending the investigation of his case, which was promptly granted. As it appeared from Engelandt's statement that he had emigrated after the completion of his twentieth year, there was a probability that he was a deserter, and the legation while awaiting the reply of the foreign office, wrote to the consul at Hamburg to find out what he could in the case, and received a reply from him inclosing a letter from the general of the district, stating that Engelandt, at the time of his emigration, had already been enrolled in the German army, and was consequently a deserter at the time of his return. On the 19th December a similar reply was received from the foreign office, which, as it could not be disproved, had to be accepted as a final decision of the case.

69. *Auguste Guerold.*—Was born at Lening, Alsace-Lorraine, 20th February, 1858; left Alsace 4th January, 1871, before the signing of the treaty of Frankfort; sailed from Havre 28th August, 1875, for the United States; was naturalized there 18th September, 1880, and had not returned to Germany. On the 10th November, 1879, the authorities of Altersdorf imposed a fine of 15 marks on him for neglecting to appear at muster in July, 1879, although it would seem that he had never been a German citizen. The legation intervened in his behalf on the 7th January, 1881, and after a delay of six months, on the 4th June, 1881, received a reply from the foreign office that Guerold, being no longer a citizen of Alsace-Lorraine, his fine was remitted, of which he was promptly informed through his father, who continues a resident of that province.

70. *John C. Hagedorn.*—Was born in Wendel, Schleswig-Holstein, 30th May, 1852; emigrated in June, 1868, to the United States, where he was naturalized 18th May, 1880; returned on a visit to Germany 10th July, 1880, and was at once forced to pay a fine of 150 marks by the local authorities of Blankenese for neglect of military duty. The legation intervened in his behalf on the 30th December, 1880, and on the 9th April, 1881, was notified that he was pardoned, of which he was at once informed through the consul of the district.

No. 292.

Mr. Blaine to Mr. White.

No. 237.] DEPARTMENT OF STATE,
Washington, July 25, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 215, of the 30th ultimo, inclosing an abstract of the facts in the several military cases discussed between your legation and the German Government during the year 1880 and the first half of the year 1881.

While thanking you for the full and valuable report embraced in your dispatch, I will also avail myself of this opportunity to commend the zeal, discretion, and intelligence with which you have conducted the correspondence of your legation with the German Government in relation to the cases growing out of the arrest of naturalized American citizens by the military authorities of Germany.

I am, sir, &c.,

JAMES G. BLAINE.

No. 293.

Mr. Blaine to Mr. White.

No. 240.] DEPARTMENT OF STATE,
Washington, July 30, 1881.

SIR: During the darkest period of the Revolutionary War a German soldier of character and distinction tendered his sword in aid of American independence. Frederick William Augustus, Baron Steuben, joined Washington at Valley Forge, in the memorable and disastrous winter of 1778. He attested the sincerity of his attachment to the patriot cause by espousing it when its fortunes were adverse, its prospects gloomy, and its hopes, but for the intense zeal of the people, well nigh crushed.

The Baron Steuben was received by Washington with the most cordial welcome, and immediately placed on duty as inspector-general of the army. A detailed history of his military career in America would form an epitome of the revolutionary struggle. He had served in the Seven Years' War on the staff of the great Frederick, and had acquired in the campaigns of that master of military science the skill and the experience so much needed by the untrained soldiers of the Continental army. The drill and discipline and effective organization which, under the commanding patronage of Washington, were at once imparted to the American army by the zeal and diligence of Steuben transformed the volunteers and raw levies into veterans, who successfully met the British regulars in all the campaigns of that prolonged struggle.

The final surrender of the British army under Lord Cornwallis occurred at Yorktown, Va., on the 19th day of October, 1781. Baron Steuben bore a most conspicuous part in the arduous campaign which ended so auspiciously for the Continental army, and it fell to his lot to receive the first official notification of the proposed capitulation, and to bear it to the illustrious commander-in-chief.

The centennial of that great event in American history is to be celebrated with appropriate observances and ceremonies on the approaching anniversary. I am directed by the President to tender, through

you, an invitation to the representatives of Baron Steuben's family in Germany to attend the celebration as guests of the Government of the United States. You will communicate the invitation through the imperial minister of foreign affairs, and will express to him the very earnest desire of this government that it shall be accepted.

Those who come as the representatives of Baron Steuben's family will be assured in our day of peace and prosperity of as warm a welcome as was given to their illustrious kinsman in the dark days of adversity and war. They will be the honored guests of fifty millions of Americans, a vast number of whom have German blood in their veins and constitute one of the most worthy and valuable elements that make up the strength of the Republic. Intensely devoted, with patriotic fidelity to America, they yet retain and cherish and transmit the most affectionate memory of fatherland. To these the visit of Baron Steuben's relatives will have something of the revival of family ties, while to all Americans, of whatever origin, the presence of German guests will afford fitting opportunity of testifying their respect for that great country within whose imperial limits are included so much of human grandeur and human progress.

I am, sir, &c.,

JAMES G. BLAINE.

No. 294.

Mr. White to Mr. Blaine.

No. 239.] LEGATION OF THE UNITED STATES,
Berlin, August 15, 1881. (Received September 8.)

SIR: At my request the second secretary of the legation, Mr. Chapman Coleman, has prepared a report upon the administration of the city of Berlin, which I have the honor to inclose.

This metropolis is noted for the excellence and economy of its government, and it has seemed to me that such a report placed upon the files of the State Department would be of permanent value; indeed, that it might usefully be published, since the problems of municipal government are becoming more and more pressing in our country.

I may add that Mr. Coleman has been favored with the hearty cooperation of the city authorities and that his work is based not only upon conversations with men in the administration, but also upon a careful study of a great mass of documents, a task for which his familiarity with the German language, as well as his legal turn of mind, especially fits him.

I have, &c.,

AND. D. WHITE.

[Inclosure in No. 239.]

Report of Mr. Coleman on the municipal administration of Berlin.

LEGATION OF THE UNITED STATES,
Berlin, August 15, 1881.

SIR: I have the honor to submit herewith, pursuant to your request, a brief report upon the constitution of the municipal government of this city and the administration of its affairs.

Some preliminary statistics and other data, embodying information of a general character with regard to the great capital whose administration is the subject of this report, may be of interest, and afford facilities for comparisons of results attained here with those accomplished elsewhere in great communities.

Berlin is in population the fourth city of the world, having 1,122,360 inhabitants, a number about double its population of twenty years ago—a ratio of increase in this respect among cities of such magnitude equaled only in New York, which city it also resembles in its capacious and numerous public squares, and in the broad, straight streets which prevail in the modern part of the city, and constitute no inconsiderable portion of its entire area.

With its increasing population, its growing area, now about 15,266¼ acres, has kept pace. In few cities is so large a proportion of territory occupied by public gardens and parks, which so well fulfill the purposes of healthful recreation and pleasure for which they were intended. About 1,052 acres of the entire area of the city is thus occupied, the great park, the "Thiergarten," covering an area of about 630 acres, being situated but a few minutes' walk from the center of interest in the city. In addition there are a number of large private parks, constituting a peculiar feature of this city, and limited to the use of persons occupying adjacent houses.

A widely extended network of horse-railways, with some 400 cars, about 5,000 cabs, and some 500 other public vehicles for the conveyance of passengers seem to offer almost every needed facility for transit, in the absence of transit by steam or electricity. The elevated railway constructed on solid masonry, and winding its way from southeast to west through the entire city, is rapidly approaching completion, and will go far to solve the problem of rapid transit by steam. An electric railway, the only one in existence, is in successful operation in the vicinity of Berlin, and the construction of electric railways in its streets is contemplated.

Police ordinances for the government of common carriers and regulation of traffic in the public streets, and for the prevention of extortion, by fixed tariffs for fares, which are low, have been attended with eminent success.

The beneficial results of the more enlarged self-government, extended to this community from time to time by the state and the sovereign, have been most marked. Under local administration the condition of the public thoroughfares has been greatly improved. Within a period of ten years past deep gutters, constituting open, air-poisoning sewers extended along the sidewalks throughout the entire city. The paving and lighting of the city streets, at a comparatively recent period very inadequate, are greatly improved. The offensive open sewerage system is being rapidly replaced by a subsurface system with utilization of the sewage for agricultural experiments and uses, which, where already in complete operation, appears to be quite satisfactory. Equal satisfaction is afforded by the granite block and asphalt pavements with which the rough cobble-stones, not long since prevalent, have been largely replaced in the principal streets. The asphalt pavement especially excites the admiration of traveled strangers, who pronounce it the best they have seen. It is laid by companies, under a contract system, which requires such guarantees for the good performance of the work that it would be madness to think of laying it otherwise than in the best and most enduring manner, and presents a most striking contrast to municipal success in this direction in some other great cities. Some little paving with wood has been done in an experimental way; American pitch pine has been used in part for the purpose, and is pronounced the best material.

This community is allowed to keep its own streets clean, and does so most effectually, cleaning them, too, at a time when the work can be most conveniently performed, and with little or no annoyance to the public or hinderance to traffic, between midnight and early morning; and so impartially is the system applied that obscure and remote alleys are as well cared for as the great highways of the city. In summer the dust is laid by frequent and regular watering. The lighting of the city by gas manufactured in its own works and on its own account is excellent, and a very considerable source of municipal revenue.

In another domain great progress has been made, the octroi, a tax imposed on certain provisions entering the city at its gates and railway stations, formerly a most irksome restraint, and still existing, and a source of great annoyance in so many great cities of Europe, is abolished, and traffic is free.

The administration of the city government, with its many satisfactory results, is conducted with enviable economy. For the year ending on April 1 last, the total expenditure varied but little from the budget, amounting to about 39,000,000 marks (about nine and one-third million dollars), of which amount some 32,000,000 marks were raised by taxation, the remainder accruing chiefly from the income derived from certain city property, the profit from the gas-works alone being about one and one-third millions. Of the expenditures incurred for this period about seven and one-half millions were for schools, no inconsiderable portion of which amount was expended for gymnasial and other educational institutions of a superior character as a voluntary addition to those provided by the State (about 125,000 pupils attended schools of all characters in

this city during the past year). About 5,000,000 marks were for material city improvements, and about 7,000,000 for charitable institutions and the poor.

This very moderate expenditure in the administration of municipal affairs is in part made possible by the circumstance that a small army of citizens, some 8,000 in number, in response to the call of civic duty, performed unsalaried official functions in the various departments of city business, the duties thus imposed not being, however, sufficiently burdensome to preclude attention by this class of officials to their private affairs. This feature of the conduct of municipal affairs in Berlin would seem worthy of consideration, and perhaps of imitation elsewhere in great cities where such limited unsalaried participation in the administration of municipal business by the better class of citizens might not only lessen public expenditure, but also be fruitful of other beneficial results.

Some statements as to the nature of the municipal offices filled by these unsalaried officials may be of interest. About 400 of such officials, with their substitutes, perform the duties of executive heads of the various city districts or wards; about 1,475 unsalaried officials are employed in the "poor committees," administering municipal alms as chairmen, substitutes of such, or members of such committees, 738 of the number are occupied with the care of city orphans, as are also 358 ladies; 1,276 persons fulfill similar duties in the various school committees, and 240, of whom 64 are ladies, constitute the supervising school boards.

The rental value of dwellings is assessed for taxation by 202 gentlemen, 45 others acting as members of appellate boards of revision in the same domain; 3,799 officials act on the committees which assess the class and communal income tax (incomes under 3,000 marks, about $714), and the boards of revision for such assessment, while 60 others assess the classified income tax (incomes over 3,000 marks, or $714); 60 gentlemen, who are technical experts, are associated in the various permanent administrative committees, with the members of the magistracy and city council constituting them.

The addition of these various categories yields the number of 9,300 unsalaried offices, or "offices of honor," as they are called, filled in this city by gentlemen and ladies without pay, and which frequently entail, in no slight degree, painstaking, self-sacrificing labor. Although these offices do not represent as many officials, for the reason that in a considerable number of cases, one and the same individual performs the duties of several offices, the number of voting citizens of Berlin who perform unsalaried functions in the administration of municipal affairs is nevertheless to be reckoned at about 8,000.

The length of service in such offices is also considerable, the same person not infrequently fill them for twenty, thirty, and forty years, uninterruptedly and well, and take pride in thus filling them. In one instance, a member of a poor committee, still in office, has performed its duties continuously for fifty-eight years. The saving achieved, directly and indirectly, in the employment of carefully selected, unsalaried, officials for the performance of the duties of the important offices above mentioned, cannot but be enormous, and it is understood that no great difficulty is encountered in filling them in a satisfactory manner, although dispensation from such service is granted to persons greatly burdened with their private business affairs.

To the number of persons performing civic functions without pay is to be added the entire body of city councilmen, and one-half of the members of the magistracy. The paid officials in all departments of the local administration, numbering about 3,500, are pensioned, receiving, according to length of service, from one to three fourths of their salaries upon retirement.

This estimate of salaried officials is inclusive of 2,800 school-teachers, but exclusive of bureau assistants, temporarily employed, of subofficials, servants, tax-collectors, and petty officers in municipal industrial establishments and charitable institutions, who are not reckoned as communal officials. The salaries of these paid officials are small compared with those of officials performing like functions in great American cities. But their appointment is for life, and advancement awaits the zealous and proficient. It is believed that, as a rule, a living interest is taken alike by chiefs and subordinates of the various departments in the work to be performed, each official becoming an adept in his special sphere, and all working harmoniously in an honest effort to achieve the best results with the lowest expenditure; and the results actually attained certainly speak eloquently in many instances of efficient and economical performance.

The chief department of the city government, not subject to local administration, is the police department, a former subdivision of which, the building police department, has, however, been ceded to the municipal authorities within a few years. The department of police is so admirably managed that no good ground for its transfer to the magistracy could well be advanced, unless, indeed, it be the natural desire of the community to rule in its own house. Owing to the peculiar character of the population of Berlin, the duties of this department are of a most difficult and onerous nature, and these duties are performed with an approximation to perfection that excites the unstinted admiration of strangers, unaccustomed though they may be, and as Americans in particular certainly are, to the many irksome minor police regulations, such, for

instance, as those which require notices of arrivals in and departures from the city, of changes of domicile, and the like.

In no city of anything like the population of Berlin, New York perhaps excepted, has the ratio of increase of population been so great. Nowhere in such cities has the population been so shifting in its nature. In the year 1879 the population was increased by 113,666 new residents, while 84,027 former residents left the city. During the preceding year about 500,000 persons changed their domicile. Largely more than one-half of the population of Berlin were born elsewhere. For years there has been a great influx of the classes who have nothing to lose, of the poverty-stricken adventurous, and desperate (thousands of them, no doubt) persons seeking the facilities for wrong-doing, and the concealment afforded by a vast city. It is from these classes that the criminal population, the restraint of which necessitates the vigorous, well organized efforts exerted by the police department, is largely recruited. Some 68,000 persons, or about 186 a day, were arrested for all offenses, including begging and vagabondage generally, during the year 1879. The maintenance of order by the police authorities in the streets, at all times, and especially on occasions when great crowds are gathered together, challenges admiration; and the demeanor of the individual officer towards the public is a combination of civility and firmness, when essential, which deserves all praise.

I shall endeavor, under the various heads which follow, to present in a brief form the conditions of citizenship, and the exercise of the elective franchise, the organizations and functions of the two branches of the city government, and the relations of that government to the state and the sovereign; and also fuller statistics, and, in some instances, a brief account of the system and working of some of the chief departments. Full statistics of the past year have not in all instances been available; where those of a remoter period are given the fact will be stated.

I.—RELATIONS OF THE CITY GOVERNMENT TO THAT OF THE STATE.

The present communal constitution of the city of Berlin is derived from a state law, the "cities law" of May 30, 1850, which declares the community to be a corporation subject to the supreme supervision of the state, but concedes to it self-administration in the measure defined by the law, and permits it to make supplementary statutory regulations concerning all matters with regard to which the "cities law" is silent or permits variations; such regulations require, however, the confirmation of the state authority. The supervision of the state in the affairs of the community is vested, except in particular instances defined by the law, in the president-in-chief *(ober-präsident)* of Berlin, who is appointed by the sovereign, and, upon appeal, in the minister of the interior. All complaints against decisions in municipal affairs to this authority must be made within a prescribed period.

When a resolution is passed by the city council or the magistracy which exceeds the limits of its authority, or is unlawful or injurious to the welfare of the state, it becomes the duty of the state supervising authority to cause the chief burgomaster to prevent, for the time being, the carrying out of the measure objected to, and to report at once on the subject of the resolution to that authority, which then renders its decision with a statement of the grounds upon which it is based. When the city council fails or refuses to enter upon the budget the burdens legally resting upon the community, or to make other extraordinary provisions for the same, it devolves upon the state authority to cause such entry to be made, or to itself fix the amount of the extraordinary expenditure. The city council may be dissolved by a decree of the sovereign, in which event a new election must take place within six months, the functions of this body being in the meanwhile performed by commissioners appointed by the minister of the interior.

In case an agreement is not reached between the city council and the magistracy, in matters which the law directs shall be carried into effect by the latter body, the decision rests with the state authority. The consent of this authority is also necessary for the alienation of real estate owned by the city, for the sale or material alteration of objects which possess a particular scientific, historical, or art value, and especially of archives; for loans which impose a debt burden on the community, or increase an already existing one. Its consent is further necessary in order to raise money for municipal needs by the addition of a percentage to certain state taxes; in fixing the compensation of salaried members of the magistracy, and for any changes made in their pensions. The election of all salaried members of the magistracy requires the confirmation of the state authority, that of the chief burgomaster is by the sovereign.

It will be seen that the state has reserved to itself a most extended right of surveillance over and intervention in the local government.

No occasion for its intervention arises, however, in practice, the two municipal bodies working together with a harmony due, no doubt, in a great measure to the pecu-

liar constitution of the permanent executive committees, in which both bodies are represented, and to which committees the greater part of the municipal business is intrusted.

II.—CITIZENSHIP, AND THE CLASSIFICATION OF VOTERS FOR MUNICIPAL PURPOSES.

Citizenship consists in the right to vote, to serve the community in a representative capacity, and in the possession of the qualification requisite for the assumption of an unsalaried office in the communal administration; and this right and capacity is vested in every Prussian, not in active military service, who has attained his 24th year, has resided in the city one year, has received no public alms, and has paid his communal taxes, provided one of the following conditions is fulfilled: he must own a dwelling house in the city, or must pursue a regular avocation as a principal means of support, in which he employs at least two assistants, or must be assessed for the classified income tax, or pay an annual class tax of at least 6 marks.

Citizenship may also be acquired by naturalization, and is lost whenever one of the requisites prescribed ceases to exist—for instance, in case of bankruptcy, or the deprivation of civic honor by judicial sentence, &c.

Honorary citizenship conferred as yet, only upon six indiuiduals, Prince Bismarck, Count Moltke, and Dr. Schliemann being of the number and entailing the performance of no civic duties, may be bestowed by the magistracy with the consent of the city council upon men who have deserved well of the city, irrespective of the particular requisites above stated.

Upon every voting citizen, with the exception of certain categories, devolves the duty of accepting an unsalaried office in the communal administration and representation, and of retaining it for the period of three years. A refusal entails temporary loss of citizenship and an increased burden of taxation.

For the purpose of electing the city council, the voters are divided into three classes according to the amount of taxes they pay (communal, circuit, district, provincial, and state taxes).

The first class is composed of those highest tax-payers, who pay an aggregate of one-third of the entire amount of taxes paid by the entire body of voters. The second class of those highest tax-payers paying the aggregate second third, and the third class of all the other voters.

Statistics of the registration and voting at the biennial elections for the renewal in part of the membership of the city council may be of interest, and will be found in the aggregate, and for the particular classes, in the following table for the past three years:

	Number registered.	Number voting.	Percentage voting.
YEAR 1876.			
First class	1,402	733	52.3
Second class	3,787	1,396	36.9
Third class	43,738	3,946	8.1
Total	48,927	6,075	11.5
YEAR 1878.			
First class	910	562	61.76
Second class	6,411	2,466	38.47
Third class	43,762	7,490	17.12
Total	51,083	10,518	20.59
YEAR 1880.			
First class	2,100	1,164	55.43
Second class	9,169	3,171	34.58
Third class	96,610	11,707	12.12
Total	107,879	16,042	14.87

While the voting percentage of the total registration is small, the average for the three biennial elections being only 15.65, it will be seen from the foregoing table that under the classified system obtaining in this city, interest in municipal elections is

manifested in a greatly increased degree, as the amount of taxes paid by the individual increases, the average voting percentage of the three classes of voters for the period in question, being for the first class of voters, 56.50; for the second, 36.65, and for the third, 12.45.

In this connection it may be of interest to note that while in our great cities—with a very different municipal suffrage system—the untaxed, or nearly so, exhibit the greatest activity at the polls, the indifference of the *taxed* is often deplored.

A list of voters, showing their possession of the necessary requisites to be kept by the magistracy, must be corrected annually in the month of July, and remain open to the inspection of the public from the 15th to the 30th of that month, during which period objections to its correctness may be entered by any member of the community. The list must be settled by the city council by the 15th of August, the magistracy assenting; if its assent is refused, the decision rests with the state supervising authority. The name of an inhabitant cannot be stricken from the list without eight days' notice to him, accompanied by a statement of the grounds on which the action is taken. The election takes place in November, and is preceded by a public notification of two weeks by the magistracy.

III.—THE CITY COUNCIL, ITS ELECTION, ORGANIZATION, AND JURISDICTION.

The qualifications of electors and their classification for the purpose of electing this body have been stated in the foregoing article.

One-half of its members, the entire number depending on the population of the city, for the time being, and now 126, must consist of house-owners (in fee simple, or persons enjoying the rental, or such as have an hereditary right of possession).

The following categories of persons are inelegible:

1. Those officials and authorities who exercise the supervising functions of the state over the city.
2. The members of the magistracy and all communal officials.
3. The clergy, church officers, and teachers in elementary schools.
4. Judicial officers, to which number members of the commercial, industrial, and other courts of a like character are, however, not to be reckoned.
5. The officials of the state attorney's office.
6. Police officials.

Father and son, as well as brothers, are not eligible at the same time. If such are elected, the elder relative only is admitted.

Members of the city council are elected for the term of six years, and receive no salaries for their services.

At intervals of two years one-third of the members are replaced by a new election.

The chief burgomaster, or a deputy appointed by him, together with two associates elected by the city council, constitute the judges of election in each of the thirty-six election districts. Every voter must declare verbally and distinctly for whom he votes and votes for as many persons as are to be elected. Those persons are elected who, at the first casting of votes, receive the greatest number, and at the same time an absolute majority of all the votes cast. If at the first vote an absolute majority is not received by as many persons as are to be elected, a further election becomes necessary.

The judges of election take from among those persons who have, next to the elected, received the most votes, a number double that of the members still to be elected. The list thus made is then to be regarded as the list of the eligible. At the supplementary election an absolute majority is no longer requisite. Any one elected by more than one of the three classes of voters, or in more than one district, must declare which election he accepts. The newly elected members enter upon the discharge of their duties with the beginning of the new year, until which time those whom they replace continue to act.

The city council has jurisdiction over all communal affairs which do not devolve exclusively upon the magistracy. Their resolutions as to measures, which are to be carried into execution by the magistracy, require its assent, and if no agreement is reached the decision rests with the state authority.

Controlling the expenditure of money, the city council is entitled to see that its resolutions are carried into effect, and to satisfy itself as to the use made of all communal revenues.

The magistracy must be invited to all meetings, and may be represented by a deputy. The city council may demand that the magistracy, whose representative is entitled at all times to be heard, be present. A majority of the members constitute a quorum.

When, in proceedings concerning communal rights and obligations, the interests of any member are in conflict with those of the community, he is debarred from taking part in the same.

In case it becomes necessary for the community to institute an action against the

magistracy or any of its members, on account of their official conduct, the state authority must, upon the motion of the city council, appoint legal counsel to conduct the action.

The resolution of the city council and the names of the members present must be entered in a journal kept for the purpose, and must be subscribed by the president and at least three of the members.

If the income from communal property prove insufficient for the needs of the community, the city councils may pass resolutions levying communal taxes. These may consist in an addition to state taxes and also in certain direct or indirect communal taxes, which, however, require the assent of the state authority if newly introduced, increased, or altered in principle.

IV.—THE MAGISTRACY, ITS ELECTION, ORGANIZATION, AND JURISDICTION.

The magistracy or magisterial senate constitutes the municipal executive authority, and consists of the following thirty-four members, one-half of which number are salaried: The chief burgomaster, the burgomaster, two syndici (magisterial law counsel), a treasurer, two school councilors, two building councilors, and twenty-five city councilors, seventeen of the latter being the unsalaried members.

The paid members receive the following salaries: the chief burgomaster 30,000, the burgomaster 15,000, the others from 5,700 to 12,000 marks each.

Persons belonging to the following categories are ineligible:

1. Officials who exercise the supervision of the state over the city.
2. City councilmen, also communal subofficials and tax-collectors.
3. The clergy, church officers, and teachers in public schools.
4. Judicial officers, to which number, however, technical members of commercial, industrial, and similar tribunals are not to be reckoned.
5. Officials of the state attorney's office.
6. Police officials.

Father and son, father-in-law and son-in-law, brothers and brothers-in-law are incapable of being members at the same time. In case the disqualifying relationship arises during the period of service the member who causes it must leave the body. Such relations are also incapable of being members of this body and the city council at the same time. The election of the entire magistracy is by the city council; that of the chief burgomaster and of fifteen other salaried members is for the period of twelve years; that of the burgomaster and the seventeen unsalaried members for the period of six years.

At intervals of three years one-half of the number of unsalaried city councilors is replaced by a new election. Those to be replaced the first time are determined by lot, and are re-eligible. Extraordinary elections to replace excluded members may be held whenever the magistracy, the city council, or the chief president of Berlin consider it necessary, the substitutes to be elected acting only until the end of the six years' period for which the excluded persons had been elected.

The magistracy is elected as follows: Each member is voted for separately and by ballot. If an absolute majority is not reached at the first ballot, the further election is from among the four persons having the greatest number of votes, and a plurality decides. In case of a tie, the decision is by lot.

The election of the chief burgomaster requires the confirmation of the King; that of all other members of the magistracy, the confirmation of the state supervising authority. If it be refused, and a further refusal follow upon a second election, the state authority is entitled to administer the office *ad interim* by a commission, at the expense of the city, as also when the city council refuse to elect, or again elect the person not confirmed after the first election. This administration by commission continues until an election, which can be made at any time, is finally approved by the sovereign.

The president-in-chief of Berlin, or a commissioner appointed by him, administers the oath of office to the chief burgomaster, and he the same oath to the other members of the magistracy at a public session of the city council.

The title of "city elder" may, with the assent of the city council, be bestowed by the magistracy upon such of its members as have honorably discharged the duties of their office for at least nine years. This dignity has been conferred in eight instances.

The chief burgomaster or his deputy presides at the magisterial sessions, and each member of the magistracy has but one vote, the presiding officer deciding in case of a tie. A quorum consists of at least one-third of the members, and resolutions are carried by a majority, the presiding officer referring certain classes of resolutions of an objectionable character, (referred to in the article entitled "Relation of the city government to that of the state") to the president-in-chief of Berlin for his decision.

The chief burgomaster is the official head of the city, its representative in all its external relations, and conducts and supervises the entire business of the municipal administration.

Upon the entire magisterial body as municipal executive authority devolves, among other duties, the duty of carrying into effect the laws and ordinances, the instructions of superior authorities, the resolutions, if assenting to them, of the city council, the duty of administering the city property and revenues, and the affairs of its institutions.

Upon this body devolves also the duty of appointing, after consultation with the city council, the communal officials, their appointment being for life, except when made for temporary purposes only; and also to apportion and collect communal dues.

Annually, at the latest in October, the magistracy is required to make out a budget of all municipal expenses and revenues that are susceptible of being calculated in advance, which after it has lain open to public scrutiny at prescribed places for a certain period, must then be definitely settled by the city council, a copy of the same being supplied to the supervising authority of the state.

The "cities law" permits the formation of permanent committees (called deputations) for the administration and supervision of individual branches of municipal business, providing that such committees may consist entirely of members of the magistracy, or of members of both municipal bodies and of citizens qualified to vote, but that the assent of both bodies shall be necessary for the formation of mixed committees, the latter remaining, however, entirely subordinate to the magistracy. The chief burgomaster appoints the chairmen of committees.

V.—PERMANENT ADMINISTRATIVE COMMITTEES AND THEIR WORK.

In Berlin the permanent committees by which the affairs of the city are for the most part administered, but few branches of business being reserved for the magistracy alone, and but few occasions arising on which it is necessary that this body should act collectively, are mixed, being constituted one-third of members of the magistracy and two-thirds of members of the city council. These committees are assisted in the discharge of their duties by sixty citizens, experts, who are qualified voters appointed by the magistracy with the advice of the city council.

The following are the various branches of business administered by the committees and subcommittees constituted in the manner above indicated:

1. City real property.
2. City lighting.
3. City taxation.
4. City indebtedness.
5. City schools.
6. Library of magistracy and archives.
7. Provincial museums.
8. Churches.
9. The poor.
10. Care of orphans.
11. Workhouse, insane asylum, &c.
12. Frederick William Hospital.
13. Sanitary condition.
14. Parks and gardens.
15. Buildings.
16. Water works.
17. Sewerage.
18. Fire insurance company.
19. Provision for fuel.
20. Provision for stationery.
21. Local police.
22. Street cleaning.
23. Industries.
24. Statistics.
25. Execution for unpaid taxes, &c.
26. Invalids and veterans.
27. Military enrollment.
28. Quartering of soldiers.
29. Registration of births, deaths, and marriages.
30. Funds for the reward and assistance of servants.
31. Independent beneficial institutions under city surveillance.
32. Finance.

Under the heads which follow an effort will be made to give an insight into the working of some of those departments of municipal administration which, in their nature, are of general interest.

VI.—STREET CLEANING AND WATERING.

The cleaning and watering of the streets and squares of Berlin constitute a separate department of municipal administration with an annual budget of 2,000,000 marks, (about $476,190.) At the head of this department stands a permanent administrative committee consisting of twelve persons, four of them being members of the magistracy and eight of the city council. Upon this committee devolves the transaction of the more important business of the department, the determination of the locality and the scope of its operations, the furnishing of the needed material, and the control of revenue and expenditure.

The special conduct of cleaning and watering is intrusted to a technical director, who takes part in the deliberations of the committee, and regulates the work in accordance with the principles there established. The entire corps of inspectors and la-

borers, and the entire stock of materials are subject to his direction and disposal. He plans the daily service, determines the number of laborers, implements, &c., concludes the contracts for supplies, and audits all bills against the administration.

Six inspectors-in-chief attend to the execution of the work in accordance with the regulations and plan submitted by the director for their guidance. To each of these officials a particular portion of the city is assigned. These more extended districts are subdivided into twenty smaller ones, each of which is placed under the charge of an overseer, to whom a certain number of permanently employed laborers is assigned.

Within their divisions the overseers carry into execution the work as planned for each day of the week; they apportion and supervise the work, control the distribution of implements, look to the proper and timely removal of the sweepings, and set in operation and employ, according to the contract, the sweeping machines and watering carts.

A depot for materials and implements, for the contents of which the overseer is responsible, is centrally located in each division; it is subject to his control, and is replenished, when need arises, from the central implement depot.

Under the present budget, 560 laborers, who are paid 3 marks (about 72 cents) each per day, are employed. These permanent laborers, who receive in addition to their wages, service clothing, must be able-bodied, intelligent, and reputable persons, and are required, in addition to their routine services, to perform such extraordinary work of short duration as may be requisite without being entitled to extra pay therefor.

When peculiar conditions of weather make such course necessary, the permanent corps is reinforced by laborers, who receive 2 marks (about 48 cents) per day.

The permanent laborers, although not serving under contract with the administration, are nevertheless generally uninterruptedly employed for many years. The wages paid, which are high, according to the local standard, make it easy to recruit the force from the labor market, and to select excellent persons.

This circumstance has, in the course of time, made it possible for the administration to enlist a force, which, held by strict discipline to punctuality, obedience, civil behavior, diligence, and order, may in every respect be called a model one.

The appointment of laborers is by the director, and those selected are taken almost exclusively from the married class.

These operations are conducted according to a working plan, an abstract of which is supplied to each overseer. This plan, subdivided into districts, contains all the streets, squares, underground canals, and public closets, which are to be cleaned regularly, according to need, and directs at what interval the routine service is to be performed, and when the extraordinary work is to be done. The working plan is extended to new streets, as the necessity for cleaning them is found after due consideration to exist. As a rule, only those streets which are entirely finished and built upon are regularly cleaned—that is to say, once, twice, and three times in the week, according to the amount of traffic in them, the principal streets being cleaned daily. On the other hand, streets that are unfinished or not entirely built upon receive only an occasional cleaning at undetermined intervals. The entire area of streets and squares, including sidewalks, now cleaned, amounts to about 1,545 acres, of which about 618 acres are cleaned daily. The cleaning of the sidewalks, roadways, and underground canals is regularly performed at night. The work is begun with about four-fifths of the entire force at midnight, and is concluded by 8 o'clock in the morning. During the same time the carting off of dirt and sweeping takes place. This allowance of time is based upon the condition of normal weather. The remaining one-fifth of the force performs, between 8 o'clock in the morning and 8 o'clock in the evening, the day service in the streets, keeping clean the public closets, sidewalks, crossings, &c., removing obstructions to traffic, and in summer filling from the hydrants and working the carts used for watering. For cleaning the market places and other extraordinary service, the night force is also brought into requisition. On the streets of the city paved with asphalt, an area of about 180,000 square yards, and cleaned as other streets are, a number of lads are in addition employed during the day to remove the manure and scatter sand when the streets become slippery.

Sweeping machines are considered an indispensable aid in cleaning the streets rapidly and thoroughly. Those in use are manufactured in this city according to the system of the English engineer, Smith, are drawn by one horse, served by one man, and on an average sweep 6,480 square yards per hour, a performance equivalent to the labor of from twelve to fifteen sturdy men. As a rule, two of these machines are assigned to each division, and, when working, throw the sweepings to the verge of the sidewalks, where they are shoveled up and carted off.

The removal of sweepings is done by contractors who are required to furnish carts sufficient in number to remove them, at the latest, within an hour after the cleaning is completed. On an average, about 786 cubic yards of sweepings are removed daily by about one hundred two-horse carts to points without the city. The contractors are required to provide, at their own expense, the carts, labor to load them, and suitable places at which to deposit them. The manure carted off is at the disposal of the con-

tractor, and is generally sold for a small consideration to the neighboring peasantry, or shipped to a distance to be used for agricultural purposes. In case of heavy falls of snow, the matter to be carted off is from four to five times as large as usual, and additional compensation is paid the contractors by the city.

In order to keep down the dust, the streets are watered several times during the day in summer. For this watering 120 carts are in use at present, and the work is performed by contractors, who are required to keep their carts in operation during at least ten hours daily. The last watering takes place in the evening, in order that the roadway may at the same time be moistened for the work of cleaning to be done at night. The watering of the sidewalks is done by watering-can immediately before the sweeping.

The following figures of the budget, and of the actual income and expenditure for the city street cleaning for the year ending December 31, 1879, show with what approximation to accuracy the estimates are made:

	Budget.	Actual.
RECEIPTS.	*Marks.*	*Marks.*
Rent for lots	873. 00	925. 50
Contribution for cleaning streets and horse-railway tracks	32, 424. 75	38, 838. 00
Sundry receipts	9, 312. 50	6, 166. 40
Total	42, 610. 25	45, 929. 90
EXPENSES.		
A. Ordinary:		
Wages	809, 824. 25	701, 402. 00
Clothing	9, 217. 50	5, 100. 95
Implements and materials	183, 308. 75	154, 848. 10
Removal (carting)	548, 175. 00	484, 638. 35
Watering	170, 000. 00	170, 171. 60
Lots and depots	10, 701. 50	9, 224. 45
Public closets and conduits	5, 750. 75	5, 106. 63
Sundry expenses	12, 015. 00	8, 496. 00
Total ordinary expenses	1, 748, 992. 75	1, 538, 988. 08
B. Extraordinary	8, 160. 00	4, 950. 00
Total expenditures	1, 757, 152. 75	1, 543, 938. 08
Total expenditures less total receipts	1, 714, 542. 50	1, 498, 008. 18

Marks, 4⅛ = $1.

VII.—THE MUNICIPAL GAS WORKS AND PUBLIC LIGHTING.

From the year 1826 until 1847 a monopoly for the manufacture and sale of gas for public and private lighting was enjoyed in this city by an English company, whose operations have, however, since then been restricted to private supply, subject to the competition of the city gas-works, within the area in which it then operated.

The lighting of the public streets and squares of Berlin is done by the municipality on its own account, and with gas manufactured in its own works, and is generally conceded to be excellent. The amount of light furnished seems everywhere sufficient, and varies according to the needs of the particular locality and the hour of the night, the preference being given to the more frequented parts of the city, the number of burners used being diminished as the night progresses and traffic on the streets decreases. For the purpose of determining the quality of the gas, it is subjected to daily scientific examination, and has been found to be of approximately uniform excellence. A statement of its illuminating power, as established by examination, and of some statistics connected with the lighting of the city, may be of interest. As the result of 307 such observations, with an Argand burner, and an hourly consumption of 5,298 cubic feet, the mean illuminating power was ascertained to be equivalent to that of 17½ English spermaceti candles, with a flame height of 1.772 inches—the maximum of 17.7 occurring four times, the minimum of 16½ candles only twice in the year.

The construction of its gasworks cost the city about $8,800,000. With a total production of about 81,051,010 cubic yards of gas, sold at the low price of about 5.1 cents per cubic yard, the city realized from this source a net profit of about $793,651, being an amount equal to about one-twelfth part of the entire municipal expenditure. This amount is an increase on the profit realized during the preceding year, due, as it is stated, largely to technical improvements in the heating retorts, and the better utilization of secondary products.

The number of burners of the city gas-works in use on the 1st of April last, was

623,374 for private and 11,991 for public lighting—in all, 635,374. Nine per cent. of the total production of gas was lost during the past year by leakage, condensation, &c., being an increase of loss over that of the preceding year, attributable mainly to the disturbance and jarring occasioned by the carrying into execution of the new subsurface sewerage system and other exceptional causes. A saving of 155.2 tons of coal, as compared with the preceding year, notwithstanding the increased production of gas was also effected; the entire amount consumed being 215,903 tons, the ton yielding about 375 cubic yards.

The average cost of coal used, all German, was $4.35 per ton, the aggregate cost of coal consumed being about $939,436.76, of which amount 73.33 per cent. was covered by the sale of secondary products, a more favorable result than ever before obtained. The amounts realized from the sale of these products were the following:

	Marks.	Pf.
From the sale of cokes, breeze, and ashes	2,817,932	54
From the sale of tar	447,366	68
From ammoniacal water	124,288	88
From sundry products	31,621	03
Total	3,418,209	13

The private lighting gas is by no means so generally used as in American cities, the poor largely using the cheaper petroleum, and the wealthy candles and the finer oils.

VIII.—BERLIN SEWERAGE AND SEWAGE FIELDS.

The present system for the removal of sewage, and its utilization for agricultural purposes on the neighboring territory purchased by the city, was introduced in the year 1873, and although as yet in complete operation in but a limited portion of the municipal area, has already been attended with most satisfactory results. It is known as the *flooding system*, and the construction of the requisite works, which are on a gigantic scale and far surpass in magnitude anything of the kind attempted elsewhere, is termed *canalization*. For the purposes of canalization the inner city, embracing an area containing about 700,000 inhabitants, is divided into five independent systems, diverging from a central point, and called *radial* systems, the construction of which is estimated to cost in the aggregate $7,818,129. These five central systems are to be supplemented by other exterior ones, as necessity therefor arises. The rain-water from the streets and the sewage from the houses is conducted by a net-work of underground sewers of various sizes, the smaller ones consisting of earthen pipes, the larger constructed of brick masonry, to one or sometimes two pumping stations established at low points in the particular radial system, regard being had to these points being as near the outer circumference as possible. At the pumping stations arrangements are provided for turning the product of heavy rainfalls into the river, and also for separating from the sewage, before pumping, the mass of useless and obstructive matter, rags, paper, and the like, that finds its way to the stations, in order to prevent all clogging in the apparatus, and to convey the sewage to the fields in as productive a state as possible. This sewage is forced from the stations by a gigantic pumping apparatus a distance of about 6 miles to the ground provided for its reception, which is some 60 feet higher than the stations.

Land with an aggregate area of 3,857 acres, and costing $557,143, has been purchased by the city to receive the sewage, and further purchases are contemplated. For the better distribution of the fertilizing matter, the fields are intersected with a net-work of ditches of greater or less extent, and furnished with regulating sluice-gates. The productiveness of these fields is enormous, and the vegetables, fruits, and crops of grass, the latter of a particularly good quality for grazing, yielding excellent milk, have already become a source of considerable revenue to the city.

Some data with regard to the working of radial system No. 3, the only one as yet in complete operation, may be of interest.

To prevent choking, in addition to the regular flooding to which the entire system is subjected, the smaller sewers are cleared from time to time in the following manner: Small lines, to which ropes are attached, are first flooded through. To these ropes coarse brushes of globular form are secured and drawn through the channels to remove the deposit of sand and other obstructive matter, the size of the brushes being increased until complete cleaning is accomplished. At certain intervals the sewers are provided with well-holes for the reception of sediment, which communicate with the street above, extend below the level of the sewers, and are readily cleaned. Upon the uninitiated the huge coils of rope, a quarter of a mile or more in length, pulled at night during the brushing process out of the sewers and brought to the surface through the well-holes, creates the impression that the holes are of corresponding depth, whereas

the length of rope only indicates the distance to the next well-hole used as the point of departure. Experience has shown that 250 yards of such sewer can be conveniently cleaned, with the removal of from 1½ to 2 cubic yards of sand and other matter by four laborers in the course of the night.

The larger sewers—some of them of sufficient size to admit of four laborers walking in them abreast—are readily cleaned from within. The air of these sewers is said to be good, and that ascending from the well-holes is certainly not offensive, owing probably to the whole system being regularly and frequently flooded from the city waterworks. During the past year 655 cubic yards of sand were removed from the sewers; that is to say, about 30 cubic inches per day for each of the 2,702 lots connected with system No. 3. These lots, owing to the system of dwelling in flats prevailing here, have a much larger front than in our cities. The aggregate amount of sewage (closet, kitchen, and rain-water) conveyed to the fields during the past year through the pumping stations of radial system No. 3 was about 6,866,398 cubic yards, a daily average of about 18,812 yards, at a cost of about $25,059.

IX.—CARE OF THE POOR OF THE CITY.

Happily the number of poor, who in our great cities are without any resource whatever, except public alms, is small compared with the army of the indigent who are here preserved from starvation by public charity, and no attempt will be made to describe the elaborate system for relief that exists in this city. Some statistics of municipal work under this head will, however, be added, as of possible value, for purposes of comparison. The total expenditure for the poor during the year ending March 1, 1880, was about $1,535,500, of which about $1,359,983 was from the city treasury, the remaining $175,517 accruing from a capital fund of about $1,484,038, resulting from various charitable bequests, and under municipal control. Assistance in the form of alms was bestowed upon 21,644 persons.

The amount of $266,895 was expended in the care of the sick, numbering 74,304 persons, of whom 27,753 were treated in hospitals, the remaining 46,551 being cared for elsewhere.

The insane poor provided for at the expense of the city in numerous institutions at the end of the year 1879 numbered 1,155; the orphan children, similarly cared for, 3,493 persons.

During the year 661,300 portions of soup were distributed to the poor.

In the city *asylums*—institutions affording temporary relief only, such as a night's lodging for the homeless—97,767 men, 4,313 women, and 108 children, in all 102,188 persons were cared for. A somewhat larger number were cared for in like manner in the houses of refuge provided by a charitable association, the "Asyl-Verein."

While submitting under the various heads of the foregoing report that which in my humble judgment seemed most excellent, and of more general interest in the administration of the municipal affairs of Berlin, I beg leave to state that it had been my intention to append thereto an article on the so admirably administered police department of this city. In the urgency of other and more pressing official duties, I have, however, not found time for the purpose, but shall be glad to supply a supplementary report, under that title, at a later period, if desired.

In conclusion, I desire to acknowledge the kindly assistance extended me in the execution of your instruction by the chief burgomaster, Mr. Von Forckenbeck, Director Schlossky, and Mr. Podratz, the courteous chief of the magisterial bureau.

I have, &c.,

CHAPMAN COLEMAN,
Second Secretary of Legation.

No. 295.

Mr. Everett to Mr. Blaine.

No. 247.] LEGATION OF THE UNITED STATES,
Berlin, August 29, 1881. (Received September 15.)

SIR: I have the honor to acknowledge your instruction No. 340, of the 30th ultimo, as also your telegraphic instruction of the 26th instant, as follows:

EVERETT, *Chargé, Berlin:*

Leave copy Steuben invitation, No. 240, with imperial minister foreign affairs.

BLAINE, *Secretary.*

And to inform you that immediately on receipt of the former I inclosed a copy of it, with a note, to the acting minister of foreign affairs, a copy of which I inclose. The answer will be transmitted to you by cable as soon as received, and I hope to receive from you, in the mean time, some instruction as to the way and time of the conveyance of the invited guests to the United States, in case they accept the invitation.

I have, &c.,

H. SIDNEY EVERETT.

[Inclosure in No. 247.]

Mr. Everett to Dr. Busch.

LEGATION OF THE UNITED STATES,
Berlin, August 25, 1881.

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the pleasure, under instructions from his government, to transmit to Dr. Busch, under secretary of state for foreign affairs, the inclosed invitation of the President and people of the United States to the representatives of Baron von Steuben to the approaching centennial celebration of the surrender of the British army at Yorktown, on the 19th October, 1781.

As near as the legation has been able to ascertain, the representatives of the Von Steuben family are as follows:

1. Colonel von Steuben, Seventy-sixth Regiment Hildesheim.
2. Captain von Steuben, Fourth Regiment of the Guards Spandau.
3. Captain von Steuben, Eighth Regiment Frankfort-on-the-Main.
4. Lieutenant von Steuben, Twenty-second Regiment Rastatt.
5. Lieutenant von Steuben, Thirty-ninth Regiment Dusseldorf.
6. Lieutenant von Steuben, Seventy-ninth Regiment Hildesheim.

Should there be others who are not known to the legation, it is understood that the invitation extends to them.

The undersigned, while performing this agreeable duty, and with the request that an early reply may be received by the legation for transmission to the government, avails himself of this occasion to renew to the under secretary of state the assurance of his most distinguished consideration.

H. SIDNEY EVERETT.

No. 296.

Mr. Everett to Mr. Blaine.

No. 254.] LEGATION OF THE UNITED STATES,
Berlin, September 27, 1881. (Received October 13.)

SIR: Referring to your instruction No. 240, of July 30 last, tendering, by direction of the President, an invitation to the representatives of Baron von Steuben's family in Germany to attend the celebration of the anniversary of the surrender of the British army at Yorktown on the 19th of October, 1781, as guests of the Government of the United States, and to the subsequent correspondence between the Department of State and this legation on this subject, I have the honor to inform you that the six German officers enumerated in a list heretofore transmitted, accompanied by a seventh descendant, Baron von Steuben, superintendent of Prussian crown lands, and an ex-officer of the Prussian army, whose acceptance of the invitation has been more recently received, will sail from Hamburg on the 28th instant, on the steamer "Herder," which will probably reach New York on or about the 11th of October.

In anticipation of formal notice of acceptance through the imperial foreign office, and since the receipt of the same, several of these gentlemen have called at this legation to express their sense of what they regard as the very high honor shown them, and their great gratification at being able to accept, the Emperor having directed that they should be dispensed from attendance at the autumn maneuvers, and that a leave of absence of eight weeks should be given them for the voyage.

Colonel von Steuben, of the Seventy-ninth Regiment, the head of the family, stated that the Emperor was delighted and touched by this evidence of the gratitude of the United States towards a German officer who had served them, and that His Majesty had expressed the wish that the invitation should be accepted. Another of the gentlemen said that it had given great satisfaction to Prince Bismarck also.

A hearty appreciation of the recognition extended to their countrymen, the descendants of the distinguished soldier of the Revolution, is shown by all classes of Germans.

In response to the inquiries of these guests of the nation as to what they were to do and to whom to report upon reaching the United States, the legation has, while stating that its government had not instructed it on these points, informed them that they will be officially received upon landing at New York, and duly cared for as became the occasion.

There being no funds available at the legation to meet the large expenditure necessary for seven first-class passages to the United States, I have, in view of the telegram from the Department stating that our government will defray expenses, taken the liberty to request the Hamburg American Steamship Company to present their bill to the Department of State, through their agents at New York. Copies and translations of the notes received from the foreign office on the subject are inclosed.

In conclusion I beg to assure you that nothing has been left undone by this legation which could contribute to make the invitation of our government gratifying to its guests.

I have, &c.,

H. SIDNEY EVERETT.

[Inclosure 1 in No. 254.—Translation.]

Dr. Busch to Mr. Everett.

FOREIGN OFFICE,
Berlin, September 21, 1881.

The undersigned has the honor to state, in reply to the esteemed note of the 25th ultimo, of the chargé d'affaires of the United States of America, Mr. H. Sidney Everett, that he did not fail at the proper time to transmit to the royal Prussian officers named therein the invitation in which the present representatives of the von Steuben family are invited in the name of the President and people of the United States to attend the centennial celebration of the capitulation of the English army at Yorktown as guests of the government.

The undersigned is gratified to be able to inform the chargé d'affaires to-day that the officers referred to gladly accept the invitation by which they have been honored.

The undersigned avails himself of this occasion, &c.

BUSCH.

[Inclosure 2 in No. 254.—Translation.]

Dr. Busch to Mr. Everett.

FOREIGN OFFICE,
Berlin, September 24, 1881.

The undersigned, referring to the note from the foreign office of the 21st instant, has the honor to inform Mr. H. Sidney Everett, chargé d'affaires *ad interim* of the United States of America, that another member of the von Steuben family of Falkenberg, will have the honor to accept the invitation of the President and people of the United States to take part in the centennial celebration of the capitulation of Yorktown, on the 19th October next.

The undersigned avails himself of this occasion, &c.,

BUSCH.

No. 297.

Mr. Hunter to Mr. Everett.

No. 268.] DEPARTMENT OF STATE,
Washington, October 20, 1881.

SIR: Acknowledging the receipt of your dispatch, No. 254, of the 27th ultimo, in relation to the invitation to the von Steuben family to attend the Yorktown centennial celebration, I have to inform you that your action in securing passage on the Herder, at the expense of this government, for the seven officers who accepted the invitation in question, is fully approved by this Department.

I am, sir, &c.,

W. HUNTER,
Acting Secretary.

GREAT BRITAIN.

No. 298.

Mr. Lowell to Mr. Evarts.

[Extract.]

No. 115.] LEGATION OF THE UNITED STATES,
London, January 7, 1881. (Received January 18.)

Sir: I have the honor to inclose a copy of the Queen's speech at the opening of Parliament yesterday. When the debates upon it are ended, I shall forward a full report of them. Seldom has a session of Parliament begun under more critical circumstances. The abnormal condition of Ireland and the question of what remedy should be sought for it have deeply divided and embittered public opinion. Not only has the law been rendered powerless and order disturbed (both of them things almost superstitiously sacred in England), but the sensitive nerve of property has been rudely touched. The opposition have clamored for coercion, but while they have persisted in this it is clear that a change has been gradually going on in their opinion as to how great

concessions would be needful. It seems now to be granted on all sides that the Irish people have wrongs to be redressed and just claims for rights to be granted. I think that the government have at least gained so much by the expectant and humane policy which they have persevered in under very great difficulties and in spite of a criticism the more harassing as it seemed to have some foundation in principles hitherto supposed to be self-evident.

* * * * * * *

There can be no doubt that Mr. Parnell was unpleasantly surprised by the land league, and has been compelled to identify himself with a movement having other and more comprehensive (perhaps more desperate) aims than that which he originated. So far as can be judged, a great deal of the agitation in Ireland is factitious, and large numbers of persons have been driven by timidity to profess a sympathy with it which they do not feel. This, of course, strengthens the probability of its being possible to allay it by generally acceptable measures of reform. I am sure that the reasonable leaders or representatives of Irish opinion see the folly of expecting that England would ever peaceably consent to the independence of Ireland; that they do not themselves desire it; and that they would be content with a thorough reform of the land laws and a certain amount of local self-government. Both of these measures, you will observe, are suggested in the speech from the throne. You will readily divine that one of the great difficulties with which the ministry has had to struggle has been the presentiment that a change in the conditions of land tenure in Ireland will be followed by something similar, certainly by an agitation for something similar, on this side the Irish Channel.

The cabinet, I am safe in saying, are earnestly desirous of doing justice to Ireland, and not only that, but of so shaping reform as to make the cure as lasting as such a cure can be. No government can consent to revolution (though this was deemed possible in some quarters as respects some governments twenty years ago), but the present ministry are willing to go all lengths that are feasible and wise in the way of reform and reparation. Their greatest obstacle will be the overweening expectations and inconsiderate temper of the Irish themselves, both of them the result of artificial rather than natural causes. For no reform will be effectual that does not gradually nullify the unhappy effects produced by the influence through many generations of the pitiable travesty of feudal relations between landlord and tenant, making that relation personal instead of mercantile, and thus insensibly debauching both.

The condition of Ireland is not so disturbed now as it has been at several periods during the last eighty years, and precisely the same system of organization was brought to bear against the collection of tithes fifty years ago that has now been revived to resist the payment of what are considered excessive rents. The landlords are represented as the minions of a foreign and hated domination, and the use of the epithet *foreign* has at least this justification, that there is certainly an imperfect sympathy between the English and Irish characters, which prevents each from comprehending either the better qualities of the other or, what is worse, the manner of their manifestation.

I cannot perceive that the public opinion of the country has withdrawn itself in any appreciable measure from sympathy with the cabinet, though there is considerable regret among thoughtful liberals that coercion should have been deemed necessary and that the proposed reforms should not have gone farther. If the Irish could only be brought

to have as much faith in Mr. Gladstone as he has desire for their welfare, there might be more hope than I can now see for a permanent solution of the Irish question.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 115.]

Her Majesty's Most Gracious Speech.

MY LORDS AND GENTLEMEN: I have called you, at a period earlier than usual, to the resumption of your labors, as some affairs of more than common urgency demand your attention.

My relations with foreign powers continue to be friendly and harmonious.

The main question relating to the frontier between Turkey and Montenegro has been settled.

The powers are now engaged in communications which have in view the determination of the frontier between Turkey and Greece.

Some important portions of the treaty of Berlin, which have so long remained without fulfillment, continue to form an object of my anxious attention.

A rising in the Transvaal has recently imposed upon me the duty of taking military measures with a view to the prompt vindication of my authority; and has of necessity set aside for the time any plan for securing to the European settlers that full control over their own local affairs, without prejudice to the interests of the natives, which I had been desirous to confer.

I regret that the war in Basutoland still continues, notwithstanding the efforts of the Cape Government. It would cause me much satisfaction if a suitable occasion should present itself for friendly action on my part with a view to the restoration of peace.

The war in Afghanistan has been brought to a close, and, with the exception of the Candahar force, my troops have been recalled within the Indian frontier. It is not my intention that the occupation of Candahar shall be permanently maintained; but the still unsettled condition of the country, and the consequent difficulty of establishing a native government, have delayed for a time the withdrawal of the army from that position.

Papers on the several subjects to which I have adverted, as well as further correspondence on the military estimates of India, will be presented to you.

GENTLEMEN OF THE HOUSE OF COMMONS: The estimates for the services of the coming year are in a forward state of preparation, and will be speedily laid before you.

MY LORDS AND GENTLEMEN: There has been a gradual, though not very rapid, improvement in the trade of the country; and I am now able to entertain a more favorable expectation of the revenue for the year than I could form at its commencement.

The anticipation, with which I last addressed you, of a great diminution of the distress in Ireland, owing to an abundant harvest, was realized; but I grieve to state that the social condition of the country has assumed an alarming character. Agrarian crimes in general have multiplied far beyond the experience of recent years. Attempts upon life have not grown in the same proportion as other offenses; but I must add that efforts have been made for personal protection, far beyond all former precedent, by the police, under the direction of the Executive. I have to notice other evils yet more widely spread; the administration of justice has been frustrated, with respect to these offenses, through the impossibility of procuring evidence; and an extended system of terror has thus been established in various parts of the country which has paralyzed almost alike the exercise of private rights and the performance of civil duties.

In a state of things new in some important respects, and hence with little of available guidance from former precedent, I have deemed it right steadily to put in use the ordinary powers of the law before making any new demand. But a demonstration of their insufficiency, amply supplied by the present circumstances of the country, leads me now to apprise you that proposals will be immediately submitted to you for intrusting me with additional powers, necessary in my judgment not only for the vindication of order and public law, but likewise to secure, on behalf of my subjects, protection for life and property, and personal liberty of action.

Subject to the primary and imperious obligations to which I have just referred, I continue to desire not less than heretofore to prosecute the removal of grievance and the work of legislative improvement in Ireland as well as in Great Britain.

The Irish land act of 1870 has been productive of great benefits, and has much contributed to the security and comparative well-being of the occupiers of the soil, without diminishing the value or disturbing the foundations of property. In some respects, however, and more particularly under the strain of recent and calamitous years, the protection which it supplied has not been found sufficint, either in Ulster or the other provinces. I recommend you to undertake the further development of its principles in a manner conformable to the special wants of Ireland, both as regards the relation of landlord and tenant, and with a view to effective efforts for giving to a larger portion of the people by purchase a permanent proprietary interest in the soil. This legislation will require the removal, for the purposes in view, of all obstacles arising out of limitations on the ownership of property, with a due provision for the security of the interests involved.

A measure will be submitted to you for the establishment of county government in Ireland, founded upon representative principles, and framed with the double aim of confirming popular control over expenditure and of supplying a yet more serious want by extending the formation of habits of local self-government.

Bills will be laid before you for the abolition of corporal punishment in the army and in the navy. You will be asked to consider measures for the further reform of the law of bankruptcy; for the conservancy of rivers and the prevention of floods; for revising the constitution of endowed schools and hospitals in Scotland; for the renewal of the act which established secret voting; and for repressing the corrupt practices of which, in a limited number of towns, there were lamentable examples at the last general election.

I trust that your labors, which will be even more than usually arduous, may be so guided by divine Providence as to promote the happiness of my people.

No. 299.

Mr. Evarts to Mr. Lowell.

No. 99.] DEPARTMENT OF STATE,
Washington, January 14, 1881.

SIR: I inclose herewith, for your information, a copy of dispatch No. 49,* of the 20th of November last, from Mr. Angell, the minister of this country at Peking, reporting the wreck of the American ship James Baily on the coast of Hainan, the plundering of the vessel by the natives, and the earnest and vigorous action taken by Mr. James Scott, acting British consul at Kiungchow and Hoihow, in bringing the matter to the attention of the Chinese authorities, and securing by his intervention the dispatch of a war vessel and soldiers to protect the wreck and arrest the guilty parties. It appears, furthermore, that Mr. Scott took the affidavits of the officers and crew of the James Baily as to their losses.

The timely and valuable services so generously rendered by Mr. Scott in the case of the James Baily, as above recited, are very highly appreciated by the President, and he therefore desires that the special thanks of this government may be conveyed to Mr. Scott, through Her Majesty's foreign office, for the same.

I am, &c.,

WM. M. EVARTS.

*For inclosure see correspondence under China, page 204.

No. 300.

Mr. Evarts to Mr. Lowell.

No. 102.] DEPARTMENT OF STATE,
Washington, January 20, 1881.

SIR: Your No. 115, of the 7th instant, on the present critical condition of Ireland, has been read with the attention due not only to the importance of the subject but also to your lucid treatment thereof. This government cannot but watch with attention and some degree of solicitude the successive phases of a question touching the welfare of a population with which our own people have so many and close ties of blood, and cherishes the confident hope that a wise and statesmanlike policy on the part of the enlightened rulers of the United Kingdom may soon restore perfect tranquillity to so important a part of Her Majesty's dominions.

I am, &c.,

WM. M. EVARTS.

No. 301.

Mr. Evarts to Mr. Lowell.

No. 109.] DEPARTMENT OF STATE,
Washington, February 4, 1881.

SIR: Inclosed herein you will receive the affidavits of the masters of two United States fishing vessels, detailing the acts of violence by which they have been prevented from exercising their rights of fishing in certain Newfoundland waters.

You will observe that in these occurrences no questions arise as to the character or force of local legislation. They exhibit simply and distinctly the determination of the inhabitants of Newfoundland that the fishermen of the United States shall not be permitted to exercise the right of fishing guaranteed them by the treaty of Washington, but shall be compelled to purchase from provincial fishermen the bait which they are clearly entitled to catch.

There is no question here of the size of the meshes of the seines, of the right of fishing at limited periods, of the use of the strand as auxiliary to legitimate fishing. It is simply the denial by force of the exercise of a right which is not disputed, but which is denied because it interferes with the profits of provincial fishermen. There is no pretense of the interference of lawful authority, general or local, but the undisguised use of mob violence to prevent the exercise of an undoubted right secured by treaty to our fishermen.

You will bring these complaints immediately to the attention of Her Britannic Majesty's Government, and in doing so you will say that the Government of the United States sees with a dissatisfaction to which it is unwilling to give full expression this repeated and continuous invasion of the rights of its citizens; that this rude and persistent opposition to the exercise of rights guaranteed by treaty, and liberally paid for, is practically an abrogation of the very provisions which the treaty was intended to secure, and that the Government of the United States

cannot permit the rights and interests of its citizens to be thus subjected to the ill-temper and unlawful violence of an excited mob.

It can make no difference that these particular proceedings did not culminate in acts of personal injury or in the destruction of property. This has only been avoided by the fact that the United States fishermen, in a spirit of forbearance which cannot be too much commended, but which cannot be always anticipated, have yielded to an exhibition of force which they had not the power to resist.

The Government of the United States cannot reject the conviction that the protracted delay of Her Majesty's Government in the matter of the disturbances at Fortune Bay has strengthened the impression of the provincial fishermen that the course of Her Majesty's Government had shown no severe condemnation for the violent methods which have been pursued to defeat a competition which was fairly purchased.

It is impossible that this condition of things should be looked upon with indifference by either government. The Government of the United States cannot believe that Her Majesty's Government would prefer that the Government of the United States should by the exhibition or exercise of force in the provincial waters maintain the obligations of the treaty of Washington, rather than that by the exercise of the power of the British Government our fishermen should be secured in the use of their treaty rights; and yet, unless some prompt remedy be found, the fishermen of the United States must abandon entirely their fishing rights upon the shores of Newfoundland, or they must enforce their rights by methods which will necessarily threaten, first the local peace, and then the amicable relations of the two countries.

You will say further that the Government of the United States earnestly presses these complaints upon the immediate attention of Her Majesty's Government for that fair and full compensation to which the United States fishermen are entitled for this violent interruption of their lawful industries, and in this connection you will impress upon Her Majesty's Government that the immediate and direct loss of cheap bait cannot be accepted as the measure of damages in these cases. These repeated infractions of treaty obligations have disorganized the whole fishing industry which the treaty was intended to protect. No vessel can calculate with certainty whether she will be allowed to catch her own bait or forced to purchase it, and so a whole cruise may be rendered profitless by this denial of the right to procure bait. But, independent of this pecuniary damage, Her Majesty's Government cannot surely deny that this systematic demonstration of violence against citizens of the United States pursuing a lawful industry is in itself cause of serious complaint and fair indemnity.

You will present these views in your own manner to Lord Granville, but if you find it necessary to impress upon Her Majesty's Government the earnestness of the Government of the United States, you are at liberty to read him this dispatch confidentially, as in the exercise of your own discretion, without express instructions from your government to that effect.

I am, &c.,

WM. M. EVARTS.

[Inclosure 1 in No. 109.]

Deposition of John Dago.

NOVEMBER 18, 1880. (Received February 2, 1881.)

I, John Dago, master of the American schooner Concord, of Gloucester, Mass., do, on oath, depose and say that I left Gloucester on the 1st of April, 1880, for a trip to the Grand Banks. Our first baiting was at Freshwater Bay, Newfoundland, buying capelin and ice to the amount of twenty-five dollars. On the 9th of August, 1880, we went into a cove in Conception Bay, called Northard Bay, for squid. I put out four dories and attempted to catch my bait with the squid jigs or hooks used for that purpose. My men went into the immediate vicinity of where the local shore boats were fishing for squid, but in a short time they returned and reported to me that they were not allowed to fish by the men on board the shore boats, and not wishing any trouble they returned on board. I then manned my lines on the vessel and commenced to catch squid; the men in the shore boats seeing us fishing came off to us to the number of sixteen boats, with some thirty men. These men demanded that I should stop fishing or leave, or else buy squid from them. They were very violent in their threats, and to avoid trouble I bought my squid, paying them one hundred and fifty dollars for the squid, which I could easily have taken if I had not been interfered with.

Wherever I have been in Newfoundland I find the same spirit exists, and that it is impossible for any American vessel to avail herself of the privileges conferred by the Treaty of Washington; that the fishing articles of that treaty are entirely useless and valueless, and in no sense does the American fisherman receive any benefit from the treaty.

JOHN DAGO, *Master.*

MASSACHUSETTS, *Essex, ss:*

GLOUCESTER, *November* 18, 1880.

Personally appeared the above John Dago and made oath to the truth of the above affidavit.

AARON PARSONS,
Notary Public.

[Inclosure 2 in No. 109.]

Depositions of Joseph Bowie, master, and Charles G. Ferguson, one of the crew.

NOVEMBER 18, 1880. (Received February 2, 1881.)

I, Joseph Bowie, master of the American schooner Victor, of Gloucester, Mass., do, on oath, depose and say that I sailed from Gloucester on or about the 7th of June, 1880, for a trip to the Grand Banks for codfish. I went into Musquito, Newfoundland, three times for bait, and bought capelin from the local fishermen, which they had taken in seines of their own. I paid for bait (and ice to preserve it) sixty-six dollars for the three baitings. The next time I went to a place called Devil's Cove on the chart, but it is called Job's Cove by the people; this was on the 4th of August, and the only bait to be obtained was squid. I anchored in the cove about ¼ of a mile from the shore, and commenced to catch squid with the common hooks or jigs used for that purpose. I had no nets or seines on my vessel. I had been fishing about fifteen minutes when some sixty boats that had been fishing in-shore from us, manned by at least one hundred and fifty men, rowed up alongside of us and forbade our taking any squid. I was not interfering in any way with their fishing, they being a long distance inside of us; in fact, we were outside of the cove, in open water. I had intended to buy my squid, but finding them plenty I found I could catch them and save the expense of buying. I was acting in perfect accordance with my treaty rights and knew what my rights were.

I tried to reason with these people, and told them that I had a right to take bait or other fish without being restricted to any distance from shore; and that I should not interfere with them, and they had no right to molest me. I told them the United States had paid a large sum for this privilege, but they declared they knew nothing about it and cared nothing about it. They told me I should not catch my bait, but should buy it of them. I kept on fishing, and they then attempted to board my vessel, they threatened to cut my cable, and threatened other violence. Finding myself powerless against so many, I told my crew to haul in their lines and stop fishing, which they did; this pacified the mob and they then left me.

The next morning I determined to fish and not submit to this violence. I manned my lines and commenced to fish. The boats came off in large numbers, and the men were very violent; they said, "We warned you not to fish, yesterday, and we will cut

your cable and drive you on shore if you don't stop." They came alongside, struck at my men with their oars, and some of the men leaped on the vessel and gathered around the windlass. I went forward and asked them if they were aware what they were doing; they told me they were and that I should not fish there; at the same time I saw a heavy oar lifted over my head and jumped oneside to avoid the blow which if it had struck me would have struck me down. In the meanwhile the mob had entirely destroyed our lines and jigs, leaving me no means of fishing. The boats being around my bow at the cable, and knowing if it was cut my vessel would be likely to go on shore, as the wind blowed directly on, I had to submit again to mob violence and agreed not to fish any more.

They then left my vessel and went for the American schooner Moro Castle, which had come in and was trying to catch bait. The wind blowed so hard that I was obliged to get under way and leave without my bait. As my trip depended on my getting bait speedly, I returned there and bought my bait the next day, paying one hundred and twenty dollars for squid. I was obliged to do this, as there was no squid at any other place. It is universal in the baiting places at Newfoundland to experience the same feeling and action, and it is impossible for American vessels to take their own bait, as the local fishermen will not allow it, but compel us to purchase it of them. We are thus compelled to pay at least $100,000 yearly, although the treaty of Washington gives us a perfect right to take these fish, and I am satisfied that the United States receives absolutely nothing for the immense sum paid for the privilege of fishing on the coast of British North America.

JOSEPH BOWIE,
Master of Schooner Victor.

I, Charles G. Ferguson, one of the crew of the schooner Victor of Gloucester, Mass., do on oath depose and say that I was on board the schooner and know that all the facts stated by Captain Bowie are true.

CHARLES G. FERGUSON,
One of the Crew.

MASSACHUSETTS, *Essex, ss:*

GLOUCESTER, *November*, 18, 1880.

Personally appeared the above-named Joseph Bowie, master, and Charles E. Ferguson, one of the crew, of schooner Victor, and made oath to the truth of the above affidavit.

Before me.

AARON PARSONS,
Notary Public.

No. 302.

Mr. Evarts to Mr. Lowell.

No. 110.] DEPARTMENT OF STATE,
Washington, February 4, 1881.

SIR: The communication from Her Britannic Majesty's secretary of state for foreign affairs, Lord Granville, of October 27, 1880, respecting the disturbance which occurred at Fortune Bay on the 6th of January, 1878, was duly received in your dispatch, No. 81, of October 28, 1880.

As the separation of the questions raised by that occurrence and the method of their solution were general suggestions on the part of Her Britannic Majesty's Government, I had naturally supposed that this dispatch would have been followed by such definite propositions as this government could either accept or decline, the more so as I had (on June 12, 1880), in reply to your telegraphic report of a conversation with Lord Granville, authorized you to say that—

The President will be quite ready to entertain any considerations which may be presented to the Secretary of State to relieve the question of the fisheries from its present difficulties.

If, however, as circumstances would seem to indicate, I am to consider this communication as a preliminary inquiry from Lord Granville for the purpose of learning whether such suggestion would be so favorably received by this government as to justify the opening of direct negotiation, it becomes my duty to put you in possession of the impressions which this inquiry has made upon the Government of the United States.

As I understand the purport of Lord Granville's communication, Her Britannic Majesty's Government desires to arrange the compensation due the United States fishermen for the disturbances at Fortune Bay, without the formal consideration or decision of any questions of treaty construction which the facts of that disturbance might seem to raise, resting the right of compensation solely upon the unlawful violence exercised by British subjects in Newfoundland.

The facts in this case are not complicated, and the calculations are simple. The United States Government does not see in its present condition or character sufficient grounds to require any very elaborate method of decision, such as a commission, or the necessity for any protracted inquiry. If Her Britannic Majesty's Government will propose the submission of the computation of damages to the summary award of the Secretary of State of the United States and Her Britannic Majesty's representative at Washington (this function to be exercised either directly or by such delegation as may seem to them judicious), the Government of the United States will accept the proposition and close this controversy on the basis of that award.

But in signifying to Her Britannic Majesty's Government the willingness of the United States to accede to such a proposition, you will carefully guard against any admission of the correctness of those views of our treaty rights which are expressed, either explicitly or by implication, in Lord Granville's communication of October 29, 1880.

The views of this government upon the proper construction of the rights of fishery guaranteed by the treaty of Washington have been fully expressed in my former dispatches, and no reasons have been furnished to induce a change of opinion. The delay in the settlement of the Fortune Bay case has been already too long protracted. It has provoked a not unnatural feeling of irritation among the fishermen of the United States at what they conceive to be a persistent denial of their treaty rights, while it is to be feared that it has encouraged among the provincial fishermen the idea that their forcible resistance to the exercise of these rights is not without justification in their local law and the construction which Her Britannic Majesty's Government is supposed to have placed upon the provisions of the treaty.

It is now three years since twenty-two vessels belonging to the United States, and engaged in what by them and their government was considered a lawful industry, were forcibly driven from Fortune Bay under circumstances of great provocation and at very serious pecuniary loss. And this occurred at the very time when, under the award of the Halifax commission, the Government of the United States was about paying to Her Britannic Majesty's Government a very large amount for the privilege of the exercise of this industry by these fishermen.

In March of the same year, 1878, this very grave occurrence of January was brought to the attention of the British Government in the confident hope that compensation would be promptly made for the losses caused by what the United States Government was willing to believe was a local misconstruction of the treaty or a temporary and, from ignorance perhaps, an excusable popular excitement.

It is unnecessary to do more than recall to your attention the long and unsatisfactory discussion which followed the presentation of this claim, and especially the fact that in its progress the Government of the United States was compelled to express with emphatic distinctness the impossibility of accepting the subordination of the treaty rights to the provisions of local legislation, which was apparently put forward by Her Majesty's Government as a sufficient ground for the rejection of the claim. And it was not until April, 1880 (a delay of two years, during which the importance of an early settlement was urged upon Her Majesty's Government), that, after what this government understood and accepted at least as a satisfactory modification of the assumption, we were informed by Lord Salisbury that—

> Her Majesty's Government are of opinion that, under the circumstances of the case as at present within their knowledge, the claim advanced by the United States fishermen for compensation on account of the losses stated to have been sustained by them on the occasion in question is one which should not be entertained.

This decision of Her Majesty's Government terminated any further discussion, and the Government of the United States found itself compelled to protect the interests of its citizens by such methods as might commend themselves to its judgment. In addition to the Halifax award which we had paid for the privileges and rights the exercise of which is now denied our citizens, we were also continuously paying, in the shape of a remission of duties, some $300,000 per annum for this abortive right. Thus forced into position of antagonism which it profoundly regretted, the Government of the United States was about to take such action as would at least suspend this annual payment until the two governments were in accord upon the construction of the treaty, when Her Majesty's Government, through the United States minister in London, suggested, June 9, 1880, that the consideration of the subject be resumed between the two governments, and that in such consideration, the two questions of the interpretation of the treaty and the attack upon the American fishermen be separated. To that suggestion I replied June 12, 1880, communicating my great gratification at the friendly disposition of the British cabinet, and saying that the President would be quite ready to entertain any considerations which may be presented to the Secretary of State to relieve the question of the fisheries from its present difficulties.

On October 27, 1880, Lord Granville addressed you the communication which is the subject of this dispatch. I regret to find in this communication a disposition to restrict a liberal compensation for an acknowleged wrong by limitations of the fishing rights accorded by the treaty, to which this government cannot consent. The use of the strand, not as the basis of an independent fishing, but as auxiliary to the use of the seine in these waters, where seine-fishing is the only possible mode of taking herring, has been maintained by this government in my former dispatches, and would seem to be justified by the explicit declaration of Her Majesty's Government in the "case" submitted by them to the Halifax commission, in which referring to the use of the shores, it is affirmed "without such permission the practical use of the inshore fisheries was impossible." But as Lord Granville distinctly refers the propriety and justice of these limitations to further negotiations, I will not now discuss them, reserving what I deem it right to say for a future dispatch in reference to the second of his lordship's suggestions.

I have recalled to your attention the history of the Fortune Bay outrage in order that you may express to Her Britannic Majesty's Government the great disappointment which this long delay in its settle-

ment has occasioned. The circumstances under which it occurred were such as to induce this government to anticipate prompt satisfaction, and it is impossible not to feel that the course which the British Government has thought fit to pursue has seriously affected public opinion as to the worth of the treaty which it was hoped by both countries had promoted an amicable solution of long-standing difficulties.

The United States government cannot feel that justice has been done its citizens in the protracted discussion which this occurrence has provoked, and while perfectly willing to endeavor, in concert with Her Britannic Majesty's Government, to find some practical and friendly solution of the differences of construction as to the treaty provisions which their application seems to have developed, this government cannot consent that pending such discussion, its citizens shall be exposed to the indignity and loss which have been imposed upon them by these and like occurrences.

You will intimate courteously, but firmly, to Lord Granville that in accepting what we understand to be the proposition of Her Majesty's Government, it is understood as carrying the idea that the settlement suggested will be put in course of immediate execution, and that the determination of the amount of compensation will not be formally confined by any limitation arising from any construction of the treaty which may be matter of difference between the two governments.

So useful to the great interests involved do I regard the prompt settlement of this incident in our fishery relations, that I should be glad to hear by telegraph that Lord Granville concurs in the simple form of award which I have proposed.

In imparting to the British Government these views you may, in your discretion, read this dispatch to Lord Granville, and if he desires it leave him a copy.

I am, &c.,

WM. M. EVARTS.

No. 303.

Mr. Lowell to Mr. Evarts.

[Extract.]

No. 130.] LEGATION OF THE UNITED STATES,
London, February 22, 1881. (Received March 5.)

SIR: Immediately on receiving your dispatches numbered respectively 109 and 110, which reached me during the forenoon of the 15th, I addressed a note to Lord Granville, asking for an interview. In reply, he appointed 3 o'clock next day (the 16th) and at that hour I accordingly saw him at the foreign office. I carried with me copies of both dispatches, but said nothing about No. 109, because the reading to him of that was left to my discretion, and I thought it wiser to be guided by the tone and results of our conversation. I merely communicated the fact of new outrages and the natural feeling produced by them. After the reading of the dispatch (No. 110), Lord Granville said that he "regretted the tone of it as more exacting than he had hoped it would be, and hardly in unison with the conciliatory course of Her Majesty's Government." The ground of this hope, he gave me to understand, had been the friendly terms of your telegram of 12th June last. I answered that I had no reason to believe that the tone of the dispatch indicated any

diminution on the part of the United States of amicable feeling, but was the expression only of a natural impatience at excessive delay. I added that, though I had no information as to how much weight my government would attach to the allegations of Professor Hinde, yet that they had been brought before Congress by Mr. Springer, would be generally believed by the fishermen, and would tend to exasperate public opinion, already impatient.

Lord Granville said * * * that at first sight there seemed to be propositions in the dispatch with which Her Majesty's Government would be inclined to agree. The proposal to refer the question of damages to you and Sir E. Thornton, or to two persons delegated by you and him, seemed to him to be a good one. But on the whole matter he must consult his colleagues before replying definitely. He added that he had no objection to the reservation by each government of their opinions as to their respective rights under the treaty. It might be hoped that such questions would be set at rest both by the agreement which might be come to as to damages to be paid to American fishermen, and by the regulations to be established for the future.

I replied that I had certainly no intention to precipitate discussion, but wished to impress on him the great importance of the right of strand fishing, referring in illustration to the concession of a part of the shore to France.

* * * * * * *

Your first telegram reached me late on Friday night. On Saturday morning I called on Lord Granville at his house, and informed him that I had another dispatch to communicate, which I had withheld on Saturday, in the exercise of my discretion, the tenor of which it was desirable that he should know before consulting with his colleagues in the ministry. I then stated to him the substance of it, informing him at the same time that you considered it as a necessary introduction to your No. 110, and that I had misinterpreted the meaning of my instructions in regard to it. He said that he should prefer not receiving it at that time, and having accomplished the main point of letting him know its contents, especially the intimation that the necessity might be forced on the President of a display of force to protect our fishermen, I consented to postpone its official communication till Monday. At our interview on that day, I read to him confidentially the important passages which I had before put in my own words. He said that he should be sorry to consider them as conveying a menace. I replied that their evident meaning was to express only the grave anxiety of the President at the consequences of prolonged delay.

The result of the interview I have already transmitted by telegraph. Lord Granville assented to the reference as proposed by you, only adding that, in case you and Sir E. Thornton should delegate your powers, he should prefer that you would name an umpire, to decide disputed points. I inferred that his own choice would be any member of the diplomatic body at Washington who could speak English. He also wished me to ask whether the offer of a lump sum in damages would be considered by you.

I regret very much that a misapprehension on my part should have led me to act on a misinterpretation of my instructions. I acted according to my best judgment, and in the desire not in any way to embarrass a ministry of whose friendly intentions I was assured.

* * * * * * *

I have, &c.,

J. R. LOWELL.

No. 304.

Mr Lowell to Mr Evarts.

No. 132.] LEGATION OF THE UNITED STATES,
London, February 26, 1881. (Received March 10.)

SIR: Referring to my No. 115, of the 7th ultimo, I have the honor to report that the coercion bill, so called, passed its third reading in the House of Commons yesterday by a majority of 281 to 36. On the first introduction, and during the early stages of the bill, a minority of the Irish members attempted their usual policy of obstruction by dilatory motions and speeches, but were at last rendered powerless by what has been not unfitly called a *coup d'état* of the Speaker. I think that there was much to be said for their view of the question, but that they chose neither the wisest words nor the fittest time for saying it. The result has been that they have weakened themselves both here and in Ireland; here, by angering all parties, with rare individual exceptions, and there by letting it be seen that they do not possess the power at least to postpone indefinitely measures which they cannot directly defeat.

Mr. Parnell's imprudent coquetting with some of the communist leaders in Paris has irretrievably injured the cause he has at heart in the minds of the higher clergy and moderate persons generally in Ireland, and the report to-day that he is to have an interview with the Archbishop of Paris, with President Grévy, and with Marshal MacMahon, shows that he is already aware of his blunder.

The wild and whirling words of some Irishmen and others from America have done harm to something more than the cause of Irish peasantry, by becoming associated in the public mind with the country whose citizenship they put off or put on as may be most convenient. In connection with this, I beg leave to call your attention to an extraordinary passage in the letter of Mr. Parnell to the Irish National Land League, dated Paris, February 13, 1881, in which he makes a distinction between "the American people" and the "Irish nation in America." This double nationality is likely to be of great practical inconvenience whenever the coercion bill becomes law. The same actor takes alternately the characters of a pair of twins who are never on the stage simultaneously. I see no reason to change the opinions expressed in a former dispatch on this subject. I still think it would have been wise, had it been possible, to let remedial precede coercive measures, but it should be borne in mind when estimating the security and representative value of the clamor raised by a fraction of the Irish members, that many of those members do not reside, or intend ever to reside, in Ireland, and that some of them have scarcely ever set foot on its soil.

I have, &c.,

J. R. LOWELL.

No. 305.

Mr. Evarts to Mr. Lowell.

[Telegram.]

WASHINGTON, *March* 2, 1881.

Secretary's offer as communicated to me by your telegram of 24th February was £15,000 for Fortune Bay and those mentioned in No. 109.

This I accepted by my telegram of February 25. This completed the subject, and the amount as definitely ascertained, and showed no indistinctness or discrepancy of views. All the previous communications either way related to Fortune Bay alone. My calculation of $80,000 was on computation of two-thirds aggregate of Fortune Bay claims. Claims of No. 109 were introduced specifically by secretary as additional to Forune Bay, and I accepted the sum offered for both.

I cannot consent to any modification of the completed settlement of specific claims. I have at no time treated except of definite pecuniary interests of claimants in my charge. The agreed sum measures these claims and goes to these claimants. I have been willing to give every assurance to cover all claims brought to the knowledge of either government, and authorized you to inform secretary that as matter of fact no others were entertained by this government. All this was not part of the offer made and accepted, and came in as new matter afterwards.

You will explain to secretary the impossibility of my changing the subject of negotiation after an agreed valuation of that subject.

Should the offer be retracted after its acceptance or new conditions be imposed afterwards which would not have been entertained as an original subject, I must regret that the effort to remove a serious obstacle to friendly disposition of the fishery controversy should have increased the difficulties which embarrass it.

If the money is paid under the assurance authorized by my last, telegraph me. If it is not, you may say to the secretary that this government will await his early attention to Nos. 109 and 110, which must stand unaffected by anything which has passed since.

EVARTS.

No. 306.

Mr. Evarts to Mr. Lowell.

[Telegram.]

WASHINGTON, *March* 5, 1881.

Read my dispatch 110, fourth and fifth paragraphs, relating to arbitration, and ask secretary whether he was and is ready to submit the matter there stated to summary award of Secretary of State and British minister. If so, say to him that as he has expressed a preference for a lump sum rather than this summary award, and I agree in this preference, that I will receive a proposition from him of a lump sum for the Fortune Bay claims, and if it comes up to two-thirds of these claims, or $80,000, you have authority to accept it. If not, you may communicate any offer he wishes to make for the Fortune Bay claims. I renew the subject in this way as a last effort to remove the obstacle these claims as heretofore treated by British Government interpose to a liberal disposition of the more permanent interests involved, and to supersede, if possible, the record made by the recent communications between the governments that an explicit offer of a lump sum for the Fortune Bay claims and those named in No. 109 was retracted after its explicit acceptance by this government. You may say to the secretary that I will also receive a proposition of a lump sum for the claims in 109, and if it comes up to £15,000 you may accept it. If not, communicate it.

Carefully distinguish in this dispatch what you are to say to secretary and what you are instructed to do upon what may follow.

You will use your own discretion as to the terms in which you will impress upon secretary my earnest desire to relieve the important discussions on the fisheries which must soon engage the two governments from the disturbing influence of the unsatisfied Fortune Bay claims.

You will of course understand that if secretary is ready to close the offer of £15,000 for Fortune Bay and No. 109 already made upon the assurance and information you are authorized to give, you can close the matter at once and telegraph me.

In reference to last part of your last telegram, I have no difficulty in saying and feeling that no other claims are at all likely to arise, but I cannot receive money measured by particular claims under any indefinite obligations to reserve or distribute it otherwise.

EVARTS.

No. 307.

Mr. Lowell to Mr. Blaine.

[Extract.]

No. 138.] LEGATION OF THE UNITED STATES,
London, March 5, 1881. (Received March 17.)

SIR: Referring to my dispatch No. 130, of the 22d ultimo, I have the honor to report that immediatelv on receiving your second cipher-telegram I had an interview with Lord Granville and informed him that my government was willing to entertain his proposal of a lump sum in satisfaction of the Fortune Bay claims. In the conversation at which Lord Granville first made the suggestion, I had asked him what he would consider a fair offer. He told me that two or three thousand pounds, at most, seemed to him quite high enough. I told him that no such offer would be entertained for a moment by my government, and that I thought he should consider less the intrinsic value he might be inclined to set upon the claims than the larger questions at issue between the two countries, and the interests which would be furthered by a liberal settlement tending to allay natural ill-feeling.

He asked me in turn what in my own opinion would be an offer that would have any chance of acceptance. I replied that I had no intimation of your views on the point, and no authority to make even a guess, but that if I were called upon to decide the question myself, I would not accept less than five times the highest amount he had suggested. I afterwards explained to him that in my estimate I had omitted to include the interest on the original claims. He seemed to look upon my estimate as extravagant, and said that in any event it would be necessary for him to consult his colleagues before coming to any conclusion.

On receiving your third cable telegram I wrote at once to Lord Granville, asking an interview. He replied, making an appointment for such interview at four in the afternoon. He then told me that he was ready to offer £15.000 in compensation for the Fortune Bay claims and the two inclosed in your No. 109. I replied that I had reason to believe that you would accept £16,000, provided that the money could be at your immediate disposal, but that I had no authority to accept less. He said that he thought the offer he had made an almost

absurd one, considering the nature of the claims, adding, "You will not suspect Mr. Bright of any unfriendly feeling towards the United States, and he thinks we are already making far too large an offer." I answered that the mere question of damages to be paid for specific acts of violence to our fishermen was not the only nor the most important consideration. He alluded to what I had said at our last interview, and said that it was precisely such general considerations that had been influential with the cabinet in obtaining their consent to so large an offer.

On receiving your fourth telegram, on the morning of 26th February, I sought an interview with Lord Granville at his house, when I communicated it to him, and agreed upon an interview at the foreign office in the afternoon. At this interview he gave me the answer in writing which I cabled to you on the 26th. As this took entirely new ground, I of course told him that I could not give the assurance he asked for without consulting my government, which I would do without delay. As I had no authority, I did not think it prudent to argue a question which by so doing I might only embarrass.

Immediately after the reception of your fifth telegram I again called on Lord Granville at his house, asking him to allow the importance of my business to be my apology for my unseasonableness. I said I was prepared to give him the assurance you authorized me to give, that the sum would be accepted in full of claims hitherto presented to either government, and that you knew of no others nor had the Government of the United States entertained any such. He informed me that he must adhere to the terms stated in his note to me, dated 26th February, adding that he held the money at your disposition on your accepting those terms. That there might be no chance of misapprehension, on my return to the legation I at once sent him a note couched in the exact terms of your telegram.

On receiving your last telegram I called on Lord Granville at his house, and acquainted him with its purport, reading to him the more important passages. He asked me if I would allow him a copy, and accordingly later in the day I sent him one, with a note explaining that part of the translation was conjectural, the telegraph having blundered in some few words, though not enough to affect the general meaning. The important part of what he said to me I have already communicated by telegram.

* * * * * * *

I may add that Lord Granville at our last interview assured me that he had no knowledge of any new interferences with our fishermen, except in the case of the Moro Castle and the Minnesota, both of them of very trifling importance.

I inclose copies of such correspondence as has passed between Lord Granville and me in the course of this affair.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 138.]

Mr. Lowell to Lord Granville.

LEGATION, &c., *London, February* 22, 1881.

MY LORD: I have the honor to inclose herewith copies of the affidavits * of the mas-

* For affidavits referred to see page 498.

ters of two United States fishing vessels detailing the acts of violence by which they have been prevented fram exercising their rights of fishing in certain Newfoundland waters, and which are mentioned in the instruction from Mr. Evarts which I had the honor of communicating to your lordship yesterday.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 138.]

Mr. Lowell to Lord Granville.

LEGATION, &C., *London, February* 22, 1881.

DEAR LORD GRANVILLE: Would it not be well if the two new claims which I mentioned to you (the affidavits concerning which I send with this) were lumped with the others and submitted to Mr. Evarts and Sir. E. Thornton?

I understood your assent of course as applying only to the Fortune Bay matters, but if you agree with me I will telegraph to that effect.

* * * * * * * *

Faithfully, yours,

J. R. LOWELL.

[Inclosure 3 in No. 138]

Mr. Lowell to Lord Granville.

LEGATION &C., *February* 24, 1881.

DEAR LORD GRANVILLE: May I ask to see you a moment at the foreign office this afternoon at three? I have an important telegram the substance of which I should be glad to communicate. It may settle the whole matter.

Very sincerely, yours,

J. R. LOWELL.

[Inclosure 4 in No. 138.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *February* 25, 1881.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d instant inclosing copies of the affidavits of the masters of two United States fishing vessels detailing the acts of violence by which they have been prevented from exercising their rights of fishing in certain Newfoundland waters, and I have to state to you in reply that I have forwarded copies to Her Majesty's secretary of state for the colonies.

I have, &c.,

GRANVILLE.

[Inclosure 5 in No. 138.]

Mr. Lowell to Lord Granville.

LEGATION &C., *London, February* 26, 1881.

MY LORD: I have the honor and pleasure to acquaint your lordship that I received early this morning a cable message from Mr. Evarts in which he states that although the offer made by Her Majesty's Government for the settlement of the fishery claims is not quite up to his expectations he nevertheless accepts it, assuming that the amount can presently be at his disposal for immediate distribution.

I have, &c.,

J. R. LOWELL.

[Inclosure 5 in No. 138.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *February* 26, 1881.

SIR: I have the honor to acknowledge the receipt of your letter of this day informing me that you have received a telegraphic message from Mr. Evarts in which he states that although the offer made by Her Majesty's Government for the settlement of the fishery claims is not quite up to his expectations he nevertheless accepts it, assuming that the amount can presently be at his disposal for immediate distribution; and I have to state to you, in reply, that Her Majesty's Government are ready to hold the sum of £15,000 at the disposal of the Government of the United States on receiving your assurance that it is accepted in full of all claims arising out of any interruption of American fishermen on the coast of Newfoundland and its dependencies up to the present time, and without prejudice to any question of the rights of either government under the treaty of Washington.

I have, &c.,

GRANVILLE.

[Inclosure 7 in No. 138.]

Mr. Lowell to Lord Granville

LEGATION, &C., *London, March* 2, 1881.

MY LORD: I have the honor to acquaint your lordship that having inquired of Mr. Evarts by telegraph, of the nature of the assurance that I might give your lordship upon the receipt of the proposed indemnity in the Newfoundland fishery transactions, I received from him an answer by cable late last evening to the following effect:

The assurance I may give is this: That the sum paid is accepted in full of all claims arising out of any interruptions of American fishermen on the coasts of Newfoundland and its dependencies, up to this time presented to either government, and without prejudice to any question of the rights of either government under the treaty of Washington.

I am also permitted to say to your lordship, in giving this assurance, that as a matter of fact, no other claims than those inclosed in the Fortune Bay list, and those named in Mr. Evarts' dispatch No. 109, which I have shown to your lordship, are within the knowledge of my government for presentation or for its own consideration.

I have already communicated to your lordship, orally, the substance of this cable message at the interview which I had the honor of having with you this morning. I understood your lordship to say, in answer to this communication, that Her Majesty's Government adhered to the terms they had finally offered; that is to say, that the sum of £15,000 should be considered as received in full of all demands arising out of the interruptions of American fishermen on the coasts of Newfoundland up to date; otherwise that you would prefer to fall back upon the plan of a reference already suggested.

I sent a telegram to Mr. Evarts this morning informing him of your views.

I have, &c.,

J. R. LOWELL.

[Inclosure 8 in No. 138.]

Mr. Lowell to Lord Granville.

LEGATION, &C., *London, March* 3, 1881.

MY LORD: Referring to our conversation of this afternoon, I have the honor to inclose herewith, a copy of the telegram from Mr. Evarts, the substance of which I had the honor of communicating to your lordship on that occasion. You will observe that in one or two places the translation from the cipher is conjectural.

I have, &c.,

J. R. LOWELL.

[Inclosure.]

Translation of a cable telegram in cipher from Mr. Evarts to Mr. Lowell, received at 25 Westburne Place, March 3, 1881, 6.30 a. m.

[Inclosure 9 in No. 138.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *March* 3.

MY DEAR MR. LOWELL: I told you just now that I knew of no claims other than those mentioned by you. On coming to the office, I find that I was quite right in saying that there were no claims, but I find information was received some months ago, of some interruption having taken place with regard to the Minnesota, and another vessel, of which I will send you the particulars, which will show you that they are not of any importance, even if the claims were preferred.

Yours sincerely,

GRANVILLE.

No. 308.

Mr. Blaine to Mr. Lowell.

[Telegram.]

WASHINGTON, *March* 8, 1881.

Evarts' remark about advertising for claims was made to show British minister the impracticability of sacrificing the rights of unknown parties who might afterwards appear with just claims. At present no such claims are believed to exist, but I could not consent in settling the known claims of one class of persons to bar the claims of another class without notice.

The simple question is whether Lord Granville is willing to adjust the claims comprehended in 109 and 110, either by payment of lump sum or by reference of the whole matter to British minister and myself. I am ready to consider either mode of adjustment.

BLAINE.

No. 309.

Mr. Lowell to Mr. Blaine.

[Telegram.]

LONDON, *March* 9, 1881.

Interview with the minister for foreign affairs this afternoon. He says cabinet equally desirous with Evarts to accelerate settlement. As Evarts did not see his way to accept terms last offered, secretary is willing to consent to reference either to you or late Secretary of State with British minister at Washington. Is willing to pay £15,000 for all claims up to end of last year. If cruisers be sent as intimated in 109, he would be glad to know your opinion of joint cruisers with joint instructions.

LOWELL.

No. 310.

Mr. Lowell to Mr. Blaine.

[Extract.]

No. 139.] LEGATION OF THE UNITED STATES,
London, March 9, 1881. (Received March 25.)

SIR: Something like a panic has lately been produced in the pork trade between the United States and this country, by means of reports

sedulously put in circulation, as I have little doubt, by speculators aiming at a great and sudden fall in prices. The importance of the trade may be judged by the fact that 350,000 tons of pork or products of the pig in various forms were imported into England from America last year, if I am correctly informed.

For some time the newspapers have been full of reports of the abundant presence of trichinosis in American swine, and of the consequent danger from eating their flesh in any of its forms. These were followed by stories of a great mortality by cholera of hogs in the Western States. Before long, deaths were reported at Nottingham and Dublin in consequence of eating American ham, and were attributed to trichinosis. Inquiry showed that there was not a particle of proof, either that those persons had eaten of such ham, or had died of the alleged disease. The alarm produced by so much persistent fabrication and assertion led to a question being asked in Parliament (on the 1st March), and very satisfactorily answered on behalf of the privy council by Mr. Mundella, who treated the reports as unfounded, and the cases of death as in no sense traceable to American pork.

Mr. Mundella is fully aware of the great importance of the trade in cheapening food to the poorer classes in England, and entirely disposed to prevent any unnecessary restrictions upon it.

* * * * * * *

I have kept Mr. Mundella supplied with whatever information I had on the subject, and this morning communicated officially to the Times a copy of your last telegram.

I have, &c.,

J. R. LOWELL.

No. 311.

Mr. Lowell to Mr. Blaine.

[Extract.]

No. 140.] LEGATION OF THE UNITED STATES,
London, March 12, 1881. (Received March 25.)

SIR: I have the honor to acquaint you that, on the 10th of February last, I received a letter from B. H. Barrows, esq., the consul of the United States at Dublin, inclosing an old passport issued to Michael P. Boyton (one of the traversers in the late state trials in Dublin) on the 20th November, 1866, by Mr. Seward, then Secretary of State. He stated that Mr. Boyton had applied to him to *visa* this passport, which he had refused, and that he had reported his action to the Department of State, which had approved of the same, and that at Mr. Boyton's request he now forwarded the old passport to me, asking whether, under the circumstances, I could issue to him a new one.

I replied to Mr. Barrows, on the 10th of February, that under ordinary circumstances Mr. Boyton, upon producing his old passport, proving that he is the person named therein, and taking the oath prescribed by statute, would be entitled to a new passport; that if the Department of State approved of Mr. Barrows's refusal to *visa* his old papers upon the ground that he was one of the traversers in the late state trials, this would be a reason why I should not give him a new passport; but if Mr. Barrows's action was approved because it would have been irregular to *visa* a passport more than two years after its date,

there would be no objection perhaps to issuing another one, it being understood that it would be necessary in such case for Mr. Boyton to present himself in person at this legation, and take the affidavit required by law. I requested Mr. Barrows to send me a copy of his correspondence with the Department on this subject.

I received a reply to this letter from Mr. Barrows on the 15th of February, a copy of which I herewith inclose. He also sent me copies of his letters to Mr. Hay, Assistant Secretary of State, dated on the 12th of November last, and of Mr. Hay's answer to the same, dated on the 2d of December last.

You will observe that Mr. Boyton stated to Mr. Barrows that he was not a native-born citizen, having been born in Ireland but taken to America when he was a child. He appears to have declared in his application to the State Department that he was born in the State of New York.

I answered Mr. Barrows's letter on the 16th of February to the effect that if Mr. Boyton was taken to America when a child and claimed citizenship on that ground, it would be necessary for him to prove that his father was naturalized there. I herewith inclose a copy of my letter.

No further correspondence upon this subject took place until the 8th of March instant, when I received late in the evening a telegram from Mr. Boyton, dated at Kildare, Ireland, in the following words:

I am an American citizen, and protest against an outrage to which I have been this day subjected by being arrested on a warrant which charges no offense. I claim the protection of my government.

I thereupon, the next day, addressed a letter to Mr. Barrows at Dublin, requesting him to ascertain, in the first place, whether Mr. Boyton is an American citizen, and, if this should be shown to his (Mr. Barrows's) satisfaction, then that he should examine into the grounds of Boyton's arrest, and if the facts should justify the belief that his complicity with treasonable or seditious objects had not been made out, that Mr. Barrows should then apply to the authorities for his discharge or to be informed why he is detained. I herewith inclose a copy of my letter, to which I have not yet received any answer. * * *

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 140.]

Consul Barrows to Mr. Lowell.

CONSULATE OF THE UNITED STATES,
Dublin, February 14, 1881.

SIR: I have the honor to acknowledge receipt of yours 10th inst, relative to the application of Michael P. Boyton for a new passport. I explained to Mr. Boyton that his personal attendance before you was necessary, but he first desired an expression of opinion, and thereupon I sent in his application. Copies of the dispatches relating to this matter are herewith submitted.

Mr. Boyton told me that he was not a native-born citizen, having been born in Ireland, but taken to America when he was a child. You will observe that the Assistant Secretary says the State Department records state he was born in the State of New York. I have to-day written Mr. Boyton informing him that in order to make application for the reissue of his passport he must appear before you in London.

I am, sir, your obedient servant,

B. H. BARROWS,
United States Consul.

Hon. JAMES RUSSELL LOWELL,
United States Minister, London.

[Inclosure 2 in No. 140.]

Mr. Lowell to Consul Barrows.

LEGATION OF THE UNITED STATES,
London, February 16, 1881.

SIR: I have to acknowledge the receipt of your letter of the 14th instant, in relation to the case of Michael P. Boyton.

The fact that he has already received a passport from the Department of State will not, in my opinion, entitle him to a new one, inasmuch as this original passport was granted upon the supposition that he was born in the United States. If, as he now declares, he was born in Ireland and taken to America when he was a child, it will be necessary for him to prove that his father was naturalized there; and this can only be done satisfactorily by producing his father's letters of naturalization. It is well that Mr. Boyton should understand this before taking the trouble to come to London.

I am, sir, your obedient servant,

J. R. LOWELL.

B. H. BARROWS, Esq.,
United States Consul, Dublin, Ireland.

[Inclosure 3 in No. 140.]

Mr. Lowell to Consul Barrows.

LEGATION OF THE UNITED STATES,
London, March 9, 1881.

SIR: I received last night a telegram from Mr. Michael P. Boyton, stating that he is an American citizen and protesting against an alleged outrage to which he has been subjected by being arrested on a warrant which he says charges no offense. He thereupon claims the protection of the United States Government. This telegram is dated at Kildare, but I see by to-day's Times that he has been taken to Kilmainham jail, in the neighborhood of Dublin. I prefer not to correspond directly with Mr. Boyton, and I must request you to see him and make such inquiries into his case as will enable me to take the proper action in regard to it.

It is necessary to acertain, in the first place, whether he is an Americon citizen or not. By a reference to the correspondence I have already had with you upon his application for a new passport, you will observe that while it appears by the records of the State Department at Washington that he claimed to have been born in New York, he has lately stated to you that he was born in Ireland, but taken to America when he was a child. I must consider, under the circumstances, this latter statement to be the true one. He must, therefore, prove that he has been naturalized in the United States, or that his parents have been naturalized, in order to be entitled to the privileges of citizenship. If the fact of his American citizenship should thus be ascertained to your satisfaction, I desire then that you should carefully examine into the grounds of his arrest, and if the precise facts justify the belief that no substantial charge of his complicity with treasonable or seditious objects can be made out, you will communicate this to the authorities in Ireland and request his discharge or to be informed why he is detained. You will please intimate, in respectful terms and without any warmth or suggestion of threats, that you are making these inquires under my instructions, and are acting precisely as British consuls in the United States acted soon after the civil war, under the directions of the British minister at Washington, in cases of summary arrests of British subjects. It is my duty to protect, so far as I can, all citizens of the United States, whether native or naturalized, who are shown to be innocent of designs to subvert civil order, and I should not perhaps require in such cases evidence of innocence so full and conclusive as that which might be required in a court of law. At the same time I shall by no means try to screen any persons who are evidently guilty of offending against the criminal laws of Great Britain.

I have to request that in Mr. Boyton's case, as well as all similar ones, you will be cautious and temperate and at the same time vigilant and firm, and that you will promptly report your action to me.

I am, sir, your obedient servant.

J. R. LOWELL.

BENJAMIN H. BARROWS, Esq.,
Consul of the United States, Dublin, Ireland.

No. 312.

Mr. Lowell to Mr. Blaine.

No. 141.] LEGATION OF THE UNITED STATES,
London, March 12, 1881. (Received March 25.)

SIR: Referring to my No. 138, I have the honor to report that on receipt of Mr. Evarts's telegram on the 7th of March, I had an interview with Lord Granville at the foreign office, the result of which I communicated to you by cable. I have very little to add except that I ascertained that Lord Granville's ideas of a lump sum for the Fortune Bay claims, and those in your 109, did not rise above £6,000. He considered the £15,000 already offered, so "excessive" that it would be impossible to go before Parliament with it except as a payment in full.

I represented to him as strongly as I could that it looked much smaller to us than to him, and that it would promote a cordial understanding if these old claims could be got out of the way. I suggested that he should offer a larger sum for a full receipt up to that time, a few thousand pounds being of little importance compared with the amicable relations of the two nations. The justice of this view I have also endeavored to impress upon other members of the cabinet, as I chanced to meet them. I found them all very friendly and anxious to arrive at a final settlement of a delicate question, but apparently all of one mind as to the adequacy of the sum offered to cover the claims.

On the morning after my interview with Lord Granville, I sent him at his request a copy of such parts of your telegram as could properly be communicated to him.

On the arrival of your telegram, received on the 9th of March, I had another interview with Lord Granville at the foreign office and explained to him the passage about "advertising for claims," which had puzzled him in Sir Edward Thornton's dispatch. The result of our conversation I have already forwarded by cable. I have nothing of importance to add except that I insisted that up to the 26th of February my distinct understanding was that the £15,000 were offered for Fortune Bay claims and the two in your No. 109.

I omitted to mention in my former dispatch that Lord Granville, at one of our earlier interviews, wished me to inquire whether my government, in case it should become necessary, as suggested in your No. 109, to take measures for the protection of our fishermen, would have any objection to the sending of joint cruisers with joint orders. I have already stated this in my last telegram.

I have, &c.

J. R. LOWELL.

No. 313.

Mr. Blaine to Mr. Lowell.

[Telegram.]

WASHINGTON, *March* 14, 1881.

Inform Lord Granville that his proposition to refer the matter to Sir Edward Thornton and myself is accepted. The subject of joint cruisers may be postponed, or, if desired, may also be referred to Sir Edward and myself to be taken up afterwards with power to agree upon a series of regulations under which treaty rights may be mutually secured.

BLAINE.

No. 314.

Mr. Blaine to Mr. Lowell.

[Telegram.]

WASHINGTON, *March* 16, 1881.

Have just sent full dispatch to Noyes respecting unfounded and injurious rumors touching our pork product. Noyes will send copy to you. Make most diligent effort to contradict rumors and counteract evil effect.

BLAINE.

No. 315.

Mr. Blaine to Mr. Lowell.

No. 130.] DEPARTMENT OF STATE,
Washington, March 17, 1881.

SIR: On the 7th instant, my predecessor sent you a telegram as follows:

LOWELL, *Minister, London:*
Published statements of mortality among swine are false.

EVARTS.

The occasion of this denial was the publication, in the London Times of the 19th ultimo, of an extract from a report made on the 21st of December last by Mr. Crump, then acting British consul at Philadelphia. In this report, after stating that "immense mortality" prevailed among swine by a disease known as "hog cholera," of which about 700,000 head have died this year (1880) in Illinois, Mr. Crump proceeded to refer to the alleged occurrence of several cases of trichinosis, as though the two disorders were correlated, and narrated certain horrible instances of the latter, ending by announcing the possibility of communicating trichinæ to the human body by adulterations of butter and cheese with fatty products supposed "to be taken from places where hogs die of diseases."

It is not surprising that such extraordinary statements, directed *en bloc* against these great classes of American exports, should have occasioned widespread alarm among consumers in Great Britain, and seriously deranged trade therein. So sudden and disastrous, in fact, was the check given to this great and steadily increasing commerce that, as a matter of national importance, this government was moved to a searching investigation of the grounds on which the publication was based; and correspondence has been accordingly had with the British legation in Washington and with the boards of trade of the pork-producing, packing, and shipping centers.

The most positive official assurances reach this Department from all quarters, comprising the extensive swine-growing regions of the West—Illinois, Ohio, and Indiana—that the mortality, even among very young pigs, has been less in 1879 and 1880 than for preceding years, and that the health of full-grown hogs (which are alone packed as pork) has never been better than during the past year. The British minister

frankly admits that the statements of Mr. Crump, the acting consul, are exaggerated. The wide publicity given here by the press to all these denials has tended to allay the domestic excitement.

It is, however, to be feared that Mr. Crump's report may have taken such hold on popular prejudice abroad as to make it difficult to neutralize its bad effects; merely general denial, or counterstatement of facts, rarely suffices to undo a false statement.

In view of all the facts accessible to it, this Department can but reach the conviction that the good faith of Mr. Crump has been imposed upon, and that he has been unwittingly made the tool of designing speculators, to the great injury of legitimate trade. This conviction is strengthened by an analysis of his statements, as well as by a published report of an interview had on the 7th instant by a committee of the New York Produce Exchange with the British consul and vice-consul at Philadelphia, a copy of which report is inclosed herewith for your information. The admissions made by Mr. Crump that he was aware, when he wrote his report, that the mortality among swine in 1880 was not greater than in 1879, and the singular phraseology of his statements by which the general reader would be led to infer that the so-called "hog cholera" is communicable to human beings as trichinosis by eating the products of diseased animals, are points worthy of notice. No scientist need be informed that "hog cholera" or "hog fever," as the disease is indifferently styled, is a contagious catarrhal pneumonia, analogous to pleuro-pneumonia among neat-cattle, and entirely distinct from trichinosis, which is due to the development in the muscular tissue of minute parasites, but to the popular mind the distinction is far from evident. Had it been Mr. Crump's specific purpose to cause a panic among the British consumers, by misrepresenting and associating isolated statements, he could hardly have framed his report more appropriately. And, when to all this is added the consideration that the report does not come from the pork-raising and packing centers, where it is the facile duty of the British consular officers to acquaint themselves with all facts bearing on this great branch of international commerce, but from a sea-port through which but a small part of the packed product passes, the *ex parte* and untrustworthy (if not designedly interested) character of Mr. Crump's representations, becomes the more apparent.

To illustrate a point, this government would hardly look to its consular officers at Southampton or Cardiff for data respecting commercial transactions at Sheffield or Birmingham, or to its consul at Havre for knowledge of wine adulterations in the wine districts of Bordeaux or Burgundy, and, if received, such reports would most probably be made the occasion of investigation in the competent quarters, rather than be given to the public without verification.

It does not appear that any attempt was made by Her Majesty's government to ascertain the trustworthiness of Mr. Crump's report before publishing it in the Blue Book, from which the extract in the Times is taken. Had the consular officers in the hog-raising districts of the west been appealed to, it is entirely improbable that they would have indorsed the prejudiced, incoherent, and sensational declarations of their seaboard associate.

The correspondence had with the British minister here, of which copies are inclosed,* shows how confidently this government has looked to him for denial of the injurious rumor, and his frank response justifies that confidence. In like manner we look confidently to Her Majesty's Government to aid in establishing the truth of the matter.

*For inclosures, see correspondence with British Legation.

This instruction is sent to you to furnish you with material for an intelligent discussion of the subject with Earl Granville, in case the persistence of popular clamor and general distrust in England by reason of Mr. Crump's ill judged report, notwithstanding Sir Edward Thornton's admission of its exaggeration, should make it necessary to look to Her Majesty's Government to give to the denial publicity and equal authority with the publication itself. The injury having been done, no step should be omitted to undo it. Nor is the harm which has been wrought confined to Great Britian. The report has doubtless spread to the continent, and added to the prejudice already created there probably by the same agencies which inspired Mr. Crump's announcement. The action of the British Government in condemnation of it will influence the feeling in Europe. To this end, contradiction cannot be too positive.

The extent to which you will make use of this instruction is necessarily left largely to your judgment, although it is not thought needful to communicate it in copy. I have not thought it desirable to acquaint you with the many statements in the American press, apparently trustworthy and well informed, which have lately appeared in contradiction of the report, such as the assertion that the Philadelphia consulate has for months past been deluged with anonymous communications injurious to pork-packing interests; and that the British consuls in the western cities have telegraphed to the legation here and to the Philadelphia consulate, correcting Mr. Crump's misstatements. The American journals are accessible to you, and you can draw your own inferences therefrom. The positive information I possess is sufficient for the purposes of this instruction, and due remonstrance and denial on your part. You are conceived to be in a position to aid in exposing the untrustworthiness and seeming malevolence of the report of which Mr. Crump has unhappily been the medium.

In view of the prohibitory action of the French Government toward importations of American produce, I have suitably instructed Mr. Noyes, to whom you may directly communicate any pertinent facts coming to your own knowledge.

I am, &c.,

JAMES G. BLAINE.

No. 316.

Mr. Lowell to Mr. Blaine.

[Extract.]

No. 144.] LEGATION OF THE UNITED STATES.
London, March 21, 1881. (Received April 3.)

SIR: Referring to my dispatch No. 140, of the 12th of March last, to your predecessor, I have the honor to report such proceedings as have taken place subsequent to that date in relation to the case of Michael P. Boyton.

I received on the 14th instant a letter from Mr. Barrows, the consul at Dublin, stating the result of an interview he had had with Mr. Boyton, in accordance with my request to that effect, and repeating certain statements made by the latter gentleman in relation to his citizenship.

He inclosed also a letter from Mr. Boyton to myself. I forward herewith copies of both these documents.

The discrepancies in Mr. Boyton's allegations in respect to his citizenship were so evident that I thought it proper to address him directly upon the subject. I herewith inclose a copy of my letter.

I have this morning received a further communication from Mr. Barrows, containing an amended statement as to Mr. Boyton's father's naturalization, upon which his own claims to citizenship are founded. The exact dates, however, are not given. I herewith inclose a copy of Mr. Boyton's last statement. * * *

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 144]

Consul Barrows to Mr. Lowell.

CONSULATE OF THE UNITED STATES,
Dublin, March 11, 1881.

SIR: I have the honor to acknowledge your dispatch of the 9th relating to the case of Michael P. Boyton, now in prison in this city, and who claims to be an American citizen. I proceeded this morning to Kilmainham jail, where Mr. Boyton is confined, and was permitted to visit him, although under the rules he had been allowed to see his quota of visitors for the day. In answer to my questions, Mr. Boyton stated that he was born in Rathangan, county Kildare, Ireland, in September, 1846; that his father, with his family of ten children, Michael being the eldest, emigrated to America in 1859, and setted in Pittsburgh; that the father took out naturalization papers in Pittsburgh in 1860; that he, Michael Boyton, entered the United States Navy in 1864, as ship's yeoman, on board the United States steamer "Hydrangea;" that he served on said vessel for about a year, was transferred to different vessels, and was finally discharged from the sloop-of-war "St. Louis," at Philadelphia, in May, 1865; that he left America in 1866 for England, and before leaving procured a passport at the Department of State, which is herewith transmitted; that he returned to America in 1868; that he again left America in 1874, and resided at London for five years, during which time he conducted an American agency; that he came to Ireland in 1879 for the purpose of adjusting the affairs of his aunt, his only living relative; that since that time he has resided in London and Ireland; that he is associated with the National Land League of Ireland; that the grounds for his arrest are based upon the charge of "inciting divers persons to murder divers other persons"; and that he is innocent of any such intent or thought. I inclose a letter from Mr. Boyton, addressed to yourself, and also a copy in duplicate of the warrant for his arrest. If it is desired, I can procure from the authorities a certified copy of the warrant.

Awaiting your further instructions, I have the honor to be, &c.,

B. H. BARROWS,
United States Consul.

His Excellency the Hon. JAMES RUSSELL LOWELL,
United States Minister, London.

[Inclosure 2 in No. 144.]

Mr. Boyton to Consul Barrows.

KILMAINHAM JAIL,
Dublin, Ireland, March 11, 1881.

SIR: I am a citizen of the United States. I was arrested at Kildare on the 8th instant and brought by an armed escort to this prison. I was shown a warrant from the lord lieutenant of Ireland under which I was arrested, and which authorizes the governor of this prison to detain me for the term of eighteen months, or as long as it may please the chief secretary. This warrant charges me with no offense against the laws of Great Britain. It states that I am "reasonably suspected of inciting divers persons to murder divers other persons," at the same time immuring me under circum-

stances that preclude all possibility of reply or defense on my part. Ostensibly I am incarcerated under an act of Parliament which suspends in this country the right of habeas corpus *i. e.*, the liberties of the Irish subjects of Her Majesty the Queen. I am, however, an American citizen, and as such I protested at the time of my arrest. I now formally protest, and not alone against this outrage upon my liberty, over which, as one guiltless of any breach of British law, I deny the jurisdiction of the British Government, but against the attempt to destroy my reputation and cast an infamous stigma upon my whole life by the imputation of a cowardly crime, second only if not equal to the crime of murder. Confident of my entire ability to prove the positive assertion that I have broken no law of these realms, in the name of justice, I ask of you, sir, to demand from the British Government either that it try me for the crime imputed on the foul and unfounded suspicion of I know not whom, or else release me at once from what I am competently advised is an imprisonmnet contrary to international law, and a gross outrage on the person and liberty of an American citizen.

My father was naturalized a citizen of the United States twenty-one years ago, and for convincing proof of my citizenship, well earned in defending the honor and integrity of the Union, I beg to refer you to the American consulate in this city.

Respectfully claiming at your hands the lawful aid and protection to which I am entitled,

I have the honor to be, sir, your obedient servant,

M. P. BOYTON.

To his Excellency the AMERICAN MINISTER,
United States Legation, London.

[Inclosure 3 in No. 144.]

Mr. Lowell to Mr. Boyton.

LEGATION OF THE UNITED STATES,
London, March 17, 1881

SIR: I have received your telegram of the 8th and your letter of the 11th instant, and have given to them attentive consideration.

Laying aside for the present the question whether you have or have not committed acts to justify your arrest under the coercion bill, I beg leave to point out certain discrepancies in your statements in relation to your citizenship which require explanation before I can examine the point whether I ought to intervene in your behalf.

Mr. Hay, the Assistant Secretary of State, wrote to Mr. Barrows, the consul at Dublin, on the 2d of December last, that you appear on the records of that Department to have been born in the State of New York. I take it for granted that this entry must have been made pursuant to your own statement in the application for the passport which was issued to you on the 20th of November, 1866. You are described in this passport as being at that time twenty-two years of age, which must have been so entered agreeably to your own statement.

You now state to Mr. Barrows that you were born in Rathangan, Kildare County, in Ireland, in September, 1846. It appears, therefore, that you were not born in New York but in Ireland, and that you were not twenty-two years old at the date of your passport, but only twenty years and two months.

It follows, therefore, that in order to make out your claim to American citizenship, you must prove one of two things: 1st. That you have taken out naturalization papers yourself, which, as I understand, you do not assert; or, 2d, that your father was regularly naturalized while you were yet a minor.

You say that he took out such papers at Pittsburgh in 1860. But this is impossible, because by your own showing he did not come to America until 1859, and he must have resided there five years afterwards to entitle himself to such letters, having also given two years' previous notice of intention to become a citizen. Letters of naturalization could not, therefore, have been legally issued to him earlier than 1864, even if he had declared his intentions immediately upon his arrival.

Such a declaration of intentions by itself would not have given him or his minor children the privileges of citizenship.

Upon receiving satisfactory evidence, therefore, that your father lawfully and regularly became a naturalized citizen of the United States while you were yet a minor, I shall take pleasure in immediately examining into the circumstances of your arrest.

I am, sir, your obedient servant,

J. R. LOWELL.

MR. MICHAEL P. BOYTON,
Kilmainham Jail, Dublin.

[Inclosure 4 in No. 144.]

Consul Barrows to Mr. Lowell.

CONSULATE OF THE UNITED STATES,
Dublin, March 18, 1881.

SIR: I have the honor to acknowledge receipt of your dispatch of 14th instant.

On yesterday I again visited Mr. Boyton and took down his statement. As the burden of proof rests with Mr. Boyton, I have simply reduced his answers to a condensed statement, and allowed him to tell his own story in his own way. I shall be pleased to know whether or not this meets with your approval. Statement transmitted herewith.

Pending your decision on the question of his citizenship, I have not placed myself officially in communication with the Crown authorities, nor made any demand in Mr. Boyton's behalf. Personally, Mr. Boyton informs me, he is treated with the utmost courtesy by the prison officials.

I have the honor to be, sir,

B. H. BARROWS,
United States Consul.

Hon. JAMES RUSSELL LOWELL,
United States Minister, London.

[Inclosure 5 in No. 144.]

Memorandum of statement made by Mr. Boyton to Consul Barrows.

STATEMENT.

I called on Michael P. Boyton, in Kilmainham, on Thursday, 17th March, and questioned him further concerning the evidences of his citizenship. Mr. Boyton reasserts his former statement, that he was born at Rathangan, County Kildare, Ireland, 5th September, 1846; that his father emigrated to America and settled in Pittsburgh, Pa., in 1859. He amends his previous statement by asserting that his father declared his intention of becoming a citizen of the United States at Pittsburgh in 1860, and that his final papers were taken out after the usual limitation. Michael Boyton saw his father's naturalization papers many times when living at Pittsburgh, and his father voted many times in that city at the local elections. The father died at Newport, R. I., October 5, 1870. Mr. Boyton enlisted in the United States Navy at the Brooklyn navy-yard before he was eighteen years of age. His mother attempted to procure his discharge from the service by affidavits proving he was under age at the time of his enlistment, but did not succeed. He was twenty years of age when the passport alluded to in previous dispatches was issued to him by the State Department. He denies that he stated his age to be twenty-two years on that occasion or that he gave his place of birth as New York. He was residing in New York at the time, and was accompanied to the State Department at Washington by General Charles G. Halpine and B. F. Mullins, who vouched for him.

Mr. Boyton states further that he voted, in New York City, for Horace Greeley at the Presidential election of 1868 (*sic*), and that he voted frequently at local elections in Pittsburgh, and that his right to vote has never been challenged.

Mr. Boyton states further that his mother is at present living at Staten Island, New York, but he cannot say whether the evidences of his father's citizenship still remain in her possession. If required, search will be made, as the fact of his father's naturalization must appear of record at Pittsburgh. Mr. Boyton desires me to represent to you how difficult it will be for him to produce these papers.

Mr. Boyton states further that he bases his claim of citizenship on the fact of his father's naturalization, he, M. P. Boyton, being at the time a minor.

He has not as yet been furnished with a copy of the charges against him; nothing more definite than that of "reasonable suspicion," the expression which occurs in the warrant upon which he was arrested.

Mr. Boyton never applied for or took out naturalization papers, deeming himself a citizen of the United States by virtue of his father's naturalization.

B. H. BARROWS,
United States Consul.

UNITED STATES CONSULATE,
Dublin, March 18, 1881.

[Inclosure 6 in No. 144.]

Warrant for the arrest of Mr. Boyton.

No. 11. 44 Victoria, chapter 4.

AN ACT for the better protection of person and property in Ireland.

Copy warrant to arrest.

Whereas, by our order dated the 4th day of March, 1881, and made by and with the advice of the Privy Council in Ireland, and by virtue of the act made and passed in the 44th year of the reign of Her Majesty Queen Victoria, entitled "An act for the better protection of person and property in Ireland," and of every power and authority in this behalf, we specified and declared that the hereinafter-mentioned part of Ireland (that is to say), the county of Kerry, should, from and after the fifth day of March, 1881, be and continue a prescribed district within the meaning and provision of the said act;

And whereas our said order is still in force:

Now we, the Lord Lieutenant-General and General Governor of Ireland, by virtue of the said act and of every power and authority in this behalf, do by this our warrant declare Michael P. Boyton, of Kildare, in the county of Kildare aforesaid, to be reasonably suspected of having, since the 30th day of September, 1880, been guilty as principal of a crime punishable by law—that is to say, inciting divers persons to murder certain other persons, committed in the aforesaid prescribed district, and being the inciting to an act of violence and tending to interfere with the maintenance of law and order.

And this is to command you to whom this warrant is addressed to arrest the said Michael P. Boyton in any part of Ireland and lodge him in Her Majesty's prison at Kilmainham, in the county of Dublin, there to be detained during the continuance of the said act, unless sooner discharged or tried by our direction.

Given at Dublin Castle the 7th day of March, 1881.

COWPER.

To the subinspector of the Royal Irish constabulary at Kildare, in the county of Kildare aforesaid, and his assistants, and to Captain St. George Gray, governor of Kilmainham prison aforesaid.

No. 317.

Mr. Lowell to Mr. Blaine.

[Extract.]

No. 147.] LEGATION OF THE UNITED STATES,
London, March 25, 1881. (Received April 8.)

SIR: I have the honor to inclose the copy of a letter which I received this morning from Mr. Boyton, and of my answer thereto. * * *

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 147.]

Mr. Boyton to Mr. Lowell.

KILMAINHAM PRISON, *Dublin, March* 22, 1881.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant. By the courtesy of the governor of this prison, I was permitted to have an interview with Mr. Barrows, the United States consul in this city. I gave him a plain statement of facts in connection with my case. The discrepancies to which your letter refers will prove upon investigation to be more apparent than real. In the first place, the record

in the State Department at Washington, that I was born in the State of New York and was 22 years of age at the time the passport was issued, is entirely erroneous. I am prepared to make oath that I never made any such statements when obtaining my passport. As well as I can remember, after the lapse of fourteen years, my exact age *at the time* (viz, November, 1866), twenty years two months, was accurately stated to the official from whom I had the passport. When asked where I was from, I answered New York—New York being then my place of residence. I never stated that I was born in New York. There is a most distinct recollection on my mind that the fact of my having been born in Ireland, and of my purpose in taking out the passport to visit the place of my nativity, *was stated to* and freely discussed not only in the presence of the gentleman who furnished me the passport, but of the gentlemen who were with me, and vouched for my citizenship—Generals Halpine and Mullins. I was aware, after some time, of the mistake on the face of the passport in regard to my age, but I never gave it attention, as I did not consider it an error of importance. That passport had been laid aside for twelve years, and it was only recently I caused it to be sent to me, intending to have it renewed, and to hold it as proof of my undoubted citizenship. It seems to me a very great hardship that any error made by the State Department should now invalidate it, supposing such to be the case.

As to the matter of my father's naturalization—in the sense in which you have been good enough to explain it to me, and which is undoubtedly the correct one—there is a discrepancy in my statement. When I wrote that my father "was naturalized a citizen of the United States twenty-one years ago," the statement was careless and inaccurate. I meant to convey the fact that he had declared his intention at that period. I would respectfully remind you that at the time I placed my letter to you in Mr. Barrows's hands, containing that statement, I was also giving him the facts as to the *dates* of my birth, of my father's emigration, and other details. My father took that initial step very soon after his arrival in Pittsburgh—afterwards, completed his term and obtained his full naturalization, for he exercised his right of voting up to the time of his death, eleven years ago. For me, now, to prove his naturalization—*i. e.*, I suppose, to produce his papers, if they are in existence—or *to prove their existence*, might be, at this distance of time and circumstanced as I am, a very difficult task. I take it that the *real point* at issue is the *bona fides* of my American citizenship, and that you wish to be thoroughly satisfied on that point. I believe that I am entitled to give you the best and nearest proof that lies to my hand, and I will endeavor to do so. You state that I must prove one of two things. I prefer to prove the first, viz, *my own naturalization;* not that I have taken out naturalization papers, but that the law of the United States has created me a citizen. Laying aside the passport and the fact of my father's naturalization while I was a minor, I will base my claim to citizenship on the *fact* that I have served in the United States Navy during the war for the Union, and that such service made me an American citizen.

I joined the United States Navy at Brooklyn, New York, in April, 1864. I served on the United States steamer Hydrangea. I was on board the frigate Brandywine at the time of her destruction. I was rated petty officer (*i. e.*, ship's yeoman of the Hydrangea). Her log books will be found in the Navy Department in my handwriting. I was discharged at the close of the war from the United States sloop-of-war Saint Louis, at Philadelphia navy-yard, about May or June, 1865. I am now writing to the Secretary of the Navy, at Washington, to furnish you with proof of this service, which, taken in connection with the bill passed by Congress, naturalizing soldiers and sailors of the war, makes my right of citizenship unquestionable. I am also writing to such friends in America as may enable me to substantiate my claim. My citizenship has never been disputed, and I always exercised its rights when in America. I voted in the 5th ward of New York City at the Presidental election in 1871 (*sic*).

While I fully appreciate the attentive considerations and careful examination you are giving the subject, I venture to trust, sir, that you will also take into consideration the fact that I am incarcerated here by the British Government, cut off from intercourse with those who might enable me to prove my rights and assert them, and obliged to subject this communication to the inspection of the authorities, in the same way that your letter was inspected before it reached my hands.

It is my most earnest wish in this matter to come as little before the public as possible. Considering these matters, I trust you will not enforce upon me any exceptional or difficult task in *proving* that I am lawfully entitled to whatever aid and protection against outrage and injustice that it may be your duty, as I hope it will be your pleasure, to afford me.

I have the honor to be, sir, your obedient servant,

MICHAEL P. BOYTON.

His Excellency J. R. LOWELL,
United States Minister, London.

[Inclosure 2 in No. 147.]

Mr. Lowell to Mr. Boyton.

LEGATION OF THE UNITED STATES,
London, March 25, 1881.

SIR: I received this morning your letter of the 22d instant, in which you now base your claim to be considered a citizen of the United States upon the fact that you served in the Navy during the war for the Union, and that such service made you an American citizen. You refer to a bill passed by Congress naturalizing the soldiers and sailors of that war.

I fail to find any such statute. The law to which I presume you refer is that passed July 17, 1862 (section 2066 of the Revised Statutes), but this does not bear the construction you give to it.

The text of this section is as follows:

"Any alien of the age of twenty-one years and upwards who has enlisted, or may enlist, in the Armies of the United States, either in the Regular or Volunteer forces, and has been or may be hereafter honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such, and shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States."

You will observe—

First. That this law applies only to the Armies of the United States. It has been decided in Bailey's case (2 Sawyer, 200) that the expression "armies" does not even include marines.

Second. That the service does not by itself constitute a man a citizen. It is still necessary for him to make a formal application to the court, and to prove one year's residence, good moral character, and that he has been honorably discharged.

So that, even if the benefit of the law were not expressly confined to *soldiers*, you cannot avail yourself of it, because, as I understand, you have not made the application required by law and taken out the papers.

J. R. LOWELL.

Mr. MICHAEL P. BOYTON,
Kilmainham Prison, Dublin, Ireland.

No. 318.

Mr. Blaine to Mr. Lowell.

No. 138.] DEPARTMENT OF STATE,
Washington, March 31, 1881.

SIR: I have received your dispatch No. 140, of the 12th instant, in relation to the arrest of Mr. Michael P. Boyton and his application for protection as an American citizen. Your action thereon, in connection with your previous action on Mr. Boyton's application for a new passport, receives the entire commendation of the Department as discreet and proper.

The facts so far elicited show the wisdom and importance of a careful examination of cases giving rise to international complaints; and while it is most desirable to omit no steps or take no positive action which might result in unduly embarrassing an American citizen in the assertion of his personal rights or hindering his immediate protection in case of urgent need, it is on the other hand equally desirable that you should be (as you appear to have been) watchful to guard against introducing any avoidable element of uncertainty or contradiction into the discussion of questions of such intrinsic gravity between the two governments. In the case of Mr. Boyton, as in any other which may

arise, I have every confidence in your discretion equally with your zeal in the protection of American rights.

I am, &c.,

JAMES G. BLAINE.

No. 319.

Mr. Lowell to Mr. Blaine.

No. 154.] LEGATION OF THE UNITED STATES,
London, April 7, 1881. (Received April 20.)

SIR: Referring to my dispatch No. 147, of the 25th ultimo, I have the honor to inclose herewith a copy of Mr. Boyton's letter in reply to one which I addressed to him on that day, a transcript of which I forwarded in that dispatch, and also of my answer to the same.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 154.]

Mr. Boyton to Mr. Lowell.

KILMAINHAM PRISON.
Dublin, March 31, 1881.

SIR: I am in receipt of your letter of the 25th instant, which came to my hands opened and inspected. I have already informed you that this was the case with your previous communications.

In reply, I beg to say that I am not in a position to verify your quotation of the law of the United States, nor do I admit your construction of it. To me it seems simply absurd that the United State Congress should have enacted a law in recognition of the foreign-born defenders of the Union, entitling them to well-earned rights of citizenship, and deliberately overlooking or ignoring the thousands of brave men whose accomplishments on sea and shore, both in the Navy and Naval brigades, were equal to any service rendered by the armies, regular or volunteer. Without abandoning any grounds upon which I have claimed, or now claim, the protection to which I am lawfully entitled as a free citizen of the United States, I now ask you, sir, to inform me definitely whether you decline to accept the passport issued to me by Mr. Wm. H. Seward, Secretary of State, in November, 1866, as evidence of my American citizenship.

Your obedient servant,

M. P. BOYTON.

His Excellency J. R. LOWELL,
U. S. Minister, Legation of the United States, London.

[Inclosure 2 in No. 154.]

Mr. Lowell to Mr. Boyton.

LEGATION OF THE UNITED STATES,
London, April 2, 1881.

SIR: For reasons which sufficiently appear in the correspondence which I have already had with you upon the subject, I beg to inform you that I decline to accept the passport issued by Mr. Seward in November, 1866, as evidence of your American citizenship.

I am, sir, your obedient servant,

J. R. LOWELL.

Mr. M. P. BOYTON,
Kilmainham Prison, Dublin.

Application of Michael P. Boyton for a passport.

UNITED STATES OF AMERICA.
District of Columbia, City and County of Washington, ss:

I, Michael P. Boyton, do swear that I was born in the State of New York, on or about the 5th day of September, 1844; that I am a native and loyal citizen of the United States, and about to travel abroad.

M. P. BOYTON.

Sworn to before me this 20th day of November, 1866.

A. TUNSTALL WELCH,
Notary Public.

I do swear that I am acquainted with the above-named M. P. Boyton, and with the facts above stated by him, and that the same are true to the best of my knowledge and belief.

B. F. MULLEN.

Sworn to before me this 20th day of November, 1866.

A. TUNSTALL WELCH,
Notary Public.

DESCRIPTION OF M. P. BOYTON: Age 22 years; stature, 5 feet 8 inches, English; forehead, high; eyes, gray; nose, ordinary; mouth, medium; chin, broad; hair, brown; complexion fair; face, broad.

UNITED STATES OF AMERICA,
District of Columbia, City and County of Washington, ss:

I, Michael P. Boyton, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution or law of any State, convention, or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

M. P. BOYTON.

Sworn to and subscribed before me this 20th day of November, 1866.

A. TUNSTALL WELCH,
Notary Public.

No. 320.

Mr. Lowell to Mr. Blaine.

No. 161.] LEGATION OF THE UNITED STATES,
London, April 9, 1880. (Received April 20.)

SIR: I have the honor to report that, immediately on receiving your dispatch No. 130, of the 17th ultimo, I addressed a note to Lord Granville, of which a copy is annexed, urging upon him the importance of an authoritative correction of the statements of Mr. Crump.

I am inclined to think, from my observation of what is going on here, that it would not be wise to recall public attention to those statements, since they have already produced their evil effect and the panic already excited by them (on which argument would be as much wasted as on a London fog) is already subsiding. The only statistics to which appeal could be made would at once be discredited by the criticism that they are guaranteed by interested persons only, and have not the same value as would attach to the reports of officials specially appointed by the government, and whose statements would have the sanction of a public and recognized authority.

The present ministry is altogether well disposed in the matter and satisfied that this trade is as important to England as to the United States; but there is always the danger that the question may become political rather than economic, and that the theory of protection (which still has advocates here) may be disguised as a legitimate carefulness of the public health and of the interests of British agriculture. I do not suppose that anything can be done before the next meeting of Congress, and I fully understand the difficulties that are inherent in our Federal system, but the matter is of such grave importance that I am sure our government will see the necessity of establishing some general system of oversight and inspection whose impartiality shall be above suspicion. From what I saw of Dr. Lyman, who was here last year as the agent of the Agricultural Department, I am sure that the fit men for such a function would not be wanting, and the reputation of the scientific work, executed under our national sanction, is so deservedly high that the mere fact of such officials being appointed would greatly strengthen the hands of the advocates of an unrestricted provision trade here, and the reports of such officials would have an authority, the want of which is now sensibly apparent. Unless something be done and promptly done, to render the exportation of diseased cattle from America impossible, there is an imminent probability that the importation of live-stock will be absolutely prohibited.

It will not have escaped your notice, also, that should the foot-and-mouth disease, which is so easily contagious, once fairly establish itself on our vast grazing tracts, there would be no hope of our exterminating it. Supervision of a thoroughly scientific character would seem to be an absolute necessity, both at the points where the cattle are herded, where they are gathered for carriage by rail, and at the ports whence they are shipped for Europe.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 161.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, April 1, 1881.

MY LORD: I have the honor to acquaint you that I have received this morning an urgent and important dispatch from Mr. Blaine at Washington, instructing me to use the most prompt and effective measures to contradict a report made last December by Mr. Crump, the acting British consul at Philadelphia, to the effect that seven hundred thousand head of swine died in the year 1880, in Illinois alone, from hog cholera. Mr. Crump added that several cases of *trichinosis* had also occurred in the United States, giving the idea that the two diseases are correlated, and he further announced the possibility of communicating trichina to the human body by adulteration of butter and cheese with fatty products supposed to be taken from places where hogs die of diseases. This report has occasioned widespread alarm among consumers in Great Britain, and has seriously deranged trade therein. So sudden and disastrous, in fact, was the check given to this great and steadily-increasing commerce, that, as a matter of national importance, the Government of the United States was moved to make a searching investigation of the grounds on which Mr. Crump's publication was based, and correspondence was accordingly had with Her Majesty's legation in Washington, and with the board of trade of the pork producing, packing, and shipping centers. In response to these inquiries the most positive official assertions have reached the Department of State from all quarters, comprising the extensive swine-growing regions of the west, Illinois, Ohio, and Indiana, that the mortality, even among very young pigs, has been less in 1879 and 1880 than for preceding years, and that the health of full-grown hogs (which are alone packed as pork) has never been better than during the past years. Her Majesty's minister at Washington frankly admits that the statements of Mr. Crump, the acting consul, are exaggerated.

The universal and positive denials of these statements have tended to allay the excitement on this subject in the United States, but the allegations in question have taken such hold on popular prejudice in Great Britain, and elsewhere in Europe, that it will be difficult to diminish their injurious effects, and I most earnestly ask your lordship's assistance in this undertaking. In view of all the facts accessible to the Department of State, it cannot avoid the conviction that the good faith of Mr. Crump has been imposed upon, and that he has unwittingly been made the tool of designing speculators to the great injury of legitimate trade. This conviction is strengthened by an analysis of his statements, as well as by a published report of an interview had on the 7th of March last, by a committee of the New York Produce Exchange, with Captain Clipperton (Her Majesty's consul) and Mr. Crump (the vice-consul) at Philadelphia. Mr. Crump admitted on this occasion that he was aware, when he wrote his reports, that the mortality among swine in 1880 was not greater than in 1879.

It is proper also to observe the singular phraseology of Mr. Crump's paper, by which the general reader would be led to infer that the so-called "hog cholera" is communicable to human beings as trichinosis, by eating the products of diseased animals. No scientist needs to be informed that "hog cholera" or "hog fever," as the disease is indifferently styled, is a contagious catarrhal pneumonia, analogous to pleuro-pneumonia among neat cattle, and entirely distinct from trichinosis, which is due to the development of minute parasites in the muscular tissues, but to the popular mind the distinction is far from evident. Hog cholera has always existed, mostly among young pigs, as cholera infection has always existed among young children.

It should be remembered also that the report in question does not come from the pork-raising and pork-packing centers, where it is the easy duty of the British consular officers to acquaint themselves with all the facts bearing on this great branch of international commerce, but from a seaport through which but a small part of the packed product passes. This consideration alone is sufficient to throw some doubt upon the accuracy if not the good faith of Mr. Crump's communication. As the publication of his report seems to have been made by the permission of Her Majesty's Government, it is not unreasonable to request that the denial of its statements should be made with equal authority and equal publicity. The injury having been done, no step should be omitted to undo it.

Nor is the harm which has been wrought confined to Great Britain. The report has spread to the continent, and added to the prejudice already created there, probably by the same agencies which inspired Mr. Crump's announcement. The action of the British Government in condemnation of it will undoubtedly influence the feeling on the continent. To this end contradiction cannot be too speedy or too positive. I have the honor, therefore, to bring this subject to the most serious consideration of your lordship, with the earnest request that Her Majesty's Government will take such prompt and strenuous measures as will effectually check the widespread alarm and commercial derangement occasioned by Mr. Crump's report.

I have the honor to be, &c.,

J. R. LOWELL.

No. 321.

Mr. Lowell to Mr. Blaine.

No. 163.] LEGATION OF THE UNITED STATES.
London, April 13, 1881. (Received April 26.)

SIR: Referring to your instruction No. 130, of the 17th ultimo, in relation to the report made by Mr. Crump, acting British consul in Philadelphia, concerning swine disease in the United States, and to my dispatch No. 161, of the 9th instant, I have now the honor to inclose herewith a copy of a note just received from Lord Granville, in reply to mine of the 1st instant. It will be seen from Lord Granville's note that the British Government, while expressing a readiness to receive any trustworthy evidence of the non-existence of hog disease in pork exported from the United States, consider the statements of Mr. Crump to have been justified. Lord Granville incloses a copy of a memorandum furnished to the British minister at Washington by Mr. Warrack, the British vice-consul at Chicago, showing the official sources from

which he derived the statistical information which he supplied to Mr. Crump. I inclose also a copy of this memorandum.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 163.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *April* 8, 1881.

SIR: I have the honor to acknowledge the receipt of your note dated the 1st instant, containing representations on the part of the United States Government in regard to the reports which have reached Her Majesty Government, through the British consul at Philadelphia, respecting the alleged prevalence of disease in swine, the meat of which is, in various forms, largely exported from America to Europe, and especially, as it is understood, to this country. It is needless for me, sir, to assure you that Her Majesty's Government will be happy to receive any trustworthy evidence of the non-existence of hog cholera or trichinosis in the pork exported from the United States, seeing that the stoppage of such an important article of consumption cannot fail to occasion much inconvenience in this country.

With respect, however, to the strictures which appear to be conveyed in your note regarding the trustworthy character of the information on this subject supplied to Her Majesty's Government, I would beg to draw attention to the inclosed copy of a memorandum which has been furnished to Her Majesty's minister at Washington by Mr. Warrack, the British vice-consul at Chicago, showing the official sources from which he derived the statistical information furnished by him to Mr. Acting Consul Crump, the accuracy of whose reports on swine disease is now called in question. I feel bound on behalf of Her Majesty's Government to observe that they are not as yet in possession of any intelligence calculated to throw a doubt on the prevalence of these diseases in the United States. They moreover cannot but think that a reference to the official statistics above alluded to will tend to disabuse the mind of the United States Government of the idea that Mr. Crump has been imposed upon by designing speculators, and will place them in a position to withdraw the very serious insinuation contained in your note against the good faith of that gentleman; a charge, the grounds for which Her Majesty's Government must confess they are at a loss to understand.

Her Majesty's Government, however, can only wish to arrive at the true facts of the case, and to find that the public confidence in the wholesomeness of American pork may be safely re-established; and I accordingly beg to inform you that they will take an early opportunity of laying before Parliament the correspondence on the subject, in which they will be happy to include any authentic information with which the United States Government may favor them.

I have the honor to be, &c.,

GRANVILLE.

[Inclosure 2 in No. 163.]

(MEMORANDUM.)

Illinois Agricultural Department's circular 70, dated August 20, 1880, and the latest available at the date of my letter of December 18, 1880, states the number of hogs and pigs which died of cholera as follows: 1877, 1,445,268; 1878, 1,391,422; 1879, 676,738.

These are the "figures" returned by "assessors." Years 1878 and 1879 are verified by showing in detail the loss in each county. *Vide* for 1878, page 383 of the seventeenth volume Transactions of Department of Agriculture, Illinois; and for 1879 see page 107 of circular 70. For the year 1878 thirteen counties do not appear to have reported, and there are three missing in 1879. The number of hogs assessed per reports of assessors (see page 50 of circular 70), are, in 1879, 2,799,051; 1880, 3,133,557.

At this date, August 20, 1880, the percentage of deaths of the assessed hogs in 1880 had not been ascertained, but in circular 72, of December 31, 1880, it is given 6 per cent. in 1879, 7 per cent. in 1880, and on page 80 of circular 72 the following figures appear:

Year.	Number of hogs assessed.	Per cent. died.	Number died.	Average weight.	Value.
				Pounds.	
1877	2,961,366	12	358,844	104	$1,853,415
1878	3,334,920	14	474,758	108	1,438,589
1879	2,799,051	6	182,577	98	588,487
1880	3,133,557	7	227,259	104	937,293

This shows an increase of 12 per cent. in the number of assessed hogs, and a further increase, viz, 1 per cent. in the rate per cent. of those which died.

That there were more swine in Illinois in 1880 then in 1879 is corroborated by the following statistics taken for the regular "Board of Trade" circular issued daily from the best and most trustworthy sources accessible to the publishers:

	1880.	1879.
Receipt of hogs at Chicago for ten months to November 1*	5,222,495	4,888,309
Shipments same period	1,285,993	1,509,840
Number packed, including city consumption, from January 1 to November 1, 1880	3,936,502	3,278,469
Number packed from November 1, 1880, to December 17, 1880, the date of my advice being December 18	1,505,050	1,300,000
Total	5,441,502	4,578,469

*These are not all Illinois swine, but come also from adjoining States.

Increase of hogs killed in Chicago from January 1 to December 17, 1880, 863,033, or 19 per cent.

The increase in number assessed, as reported by the State assessors, being the difference between 2,799,051 for 1879, and 3,133,557, is 334,506 or, 12 per cent.

It will be observed that the figures dealt with by the parties interested in attacking the accuracy of Mr. Crump's report are the deaths of the *assessed* hogs, and they do not appear in any of the numerous published communications to refer to the figures as given by the only authorized State assessors of Illinois, and published in the Illinois report of the deaths of the total so-called "hog crop" of the State.

Something has been said by the parties who ignore the *total* deaths to show that the light weights of the *assessed* hogs, say an average of 108 pounds in 1878, 98 pounds in 1879, and 104 pounds in 1880, prove these to have been among young "shoats" and pigs, but turning to the reports of the assessors as detailed on page 81 of circular No. 70, dated August 20, 1880, we find that the gross weights of the "hogs and pigs which died of cholera" and the number in the following years are as follows:

	1877.	1878.	1879.
Number of hogs and pigs died of cholera	1,445,268	1,391,422	676,738
"Total gross weight of swine died of cholera"....pounds..	106,949,832	139,853,508	49,326,591
These give average weights in these years of.....do....	74	100	73

As against 108 and 98 pounds, already quoted as the average weight of the swine, which in these years (1878 and 1879) out of the assessed numbers.

The figure—700,000—given by me was purposely put low, and was based mainly on the statistics as published, and also on the general information one gathers from dealers and farmers. Had the circular of December 31, 1880, been available at the time I reported, or, rather, had I reported after its issue instead of before, I would have made the loss at least 750,000, perhaps 800,000. For if a loss of 182,577 accrues in 1879 from a 6 per cent. rate on 2,799,051 assessed swine, and the total loss in the same year is 676,738, then it is clear that if the death-rate in 1880 is 7 per cent. and the deaths of assessed hogs 227,259 out of 3,133,557, the total deaths for 1880 of all the swine raised in the State will be about 842,000.

J. WARRACK.

CHICAGO, *March* 16, 1881.

No. 322.

Mr. Blaine to Mr. Lowell.

No. 166.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: Since my instruction of the 31st of March last, in reply to your No. 140 of the 12th of that month, touching the case of Mr. Michael P. Boyton, I have received your Nos. 144 of March 21, 147 of March 25, and 154 of April 7, all relating to the same subject. The prudence you have shown in dealing with Mr. Boyton's claim of citizenship is commendable, and the statements as to the law in his case, made in your letters to him, are in full accord with the interpretation of this Department.

In answer to a resolution of the Senate, calling for the facts and correspondence in the matter, I laid before the President a full report, which was communicated to the Senate on the 20th instant. In that report I showed that the evidence presented by Mr. Boyton himself, and by his friends here in his behalf, was not such as to prove his claim to citizenship under our laws.

Had his citizenship been established, I should not have hesitated to do for him all which I could properly do for an American citizen, accused of offending against British law in British jurisdiction. How far such protection would avail to relieve an American citizen from the operation of a British law, is a point I am not prepared to express an opinion upon, in view especially of the fact that a copy of the so-called "coercion act," under which the Boyton proceedings were had, has not yet been sent to me. From its tenor, as described by the press, it contains provisions giving a latitude of action to the British authorities which this government would be loath to see insisted upon in the case of an American citizen. For example, upon reasonable suspicion of the commission, within a fixed time prior to the passage of the law, of an act therein defined as giving cause for arrest, the authorities are understood to be empowered to decree the detention of any person, and his imprisonment for a prolonged period without the obligation of speedy trial or the production of proof of criminality. While in some sense an *ex post facto* enactment, it is in others a conferment of arbitrary and irresponsible power, and, in either view, repugnant to the principles of civil liberty and personal rights which are the common glory of British and American jurisprudence.

That the fact of American citizenship could, of itself, operate to exempt any one from the penalties of a law which he had violated, is, of course, an untenable proposition. Conversely, however, the proposition that a retroactive law, suspending at will the simplest operations of justice, could be applied without question to an American citizen, is one to which this government would not give anticipatory assent.

In the specific case of Mr. Boyton, it is inferred from your statement of the facts that the act complained of, the incitement of divers persons to murder divers other persons, was committed subsequently to the passage of the protection act. Had Mr. Boyton's American citizenship been established, we could not, in view of this, have pleaded the retroactive application of the law. Neither could we have decently protested against the application of some process of law where so grave an offense was charged against a foreigner while a guest in the dominions of a friendly state. The allegation that such an act was done by an alien and a guest, while throwing upon the country to which the offender

owes allegiance no duty to defend him or disprove his crime, on the other hand does not absolve the justice of the country where the commission of the act is alleged from the burden of proving the guilt of the criminal by due course of law within a reasonable time, or, in default of prompt and lawful proof, from the obligation of releasing him. Immunity would not be asked, but prompt and certain justice, under the usual and unstrained operation of law, would be certainly expected.

I have set these views before you hypothetically, as suggested by Mr. Boyton's case, not as applicable thereto. It is not desired that you should communicate them to Her Majesty's Government in advance of any case warranting our intervention, but you will bear them in mind, if a contingency should unhappily arise calling for your interposition.

I am, &c.,

JAMES G. BLAINE.

No. 323.

Mr Blaine to Mr. Lowell.

No. 168.] DEPARTMENT OF STATE,
Washington, May 27, 1881.

SIR: I sent you a telegram yesterday in relation to the reported arrest in Ireland of Joseph D'Alton, alleged to be a native born American citizen.

A letter of Mr. Austin L. D'Alton brother of Joseph, is herewith sent you in copy. Its temperate and business like tone leads me to suppose that the assertion of citizenship is better founded than that made in Mr. Boyton's behalf. I have called upon Mr. Austin L. D'Alton to send me copies of the evidence said to have been already forwarded to Mr. Consul Barrows.

My hypothetical instruction of yesterday's date, based on the Boyton case, will show you how this Department expects you to treat the D'Alton matter if the citizenship of Mr. Joseph D'Alton shall be satisfactorily established, and if the circumstances of his alleged arrest are such as to call for action.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 168.]

Mr. D'Alton to Mr. Blaine.

May 23, 1881.

DEAR SIR: My brother Joseph D'Alton, who is now in a British prison, was born at Kenosha, Wis., December 12, 1850. I have sent him the proofs of the same, which will be laid before our consul at Dublin, Ireland.

All he wants is a trial, as he can prove his innocence.

Should you give this matter your attention, you will confer a favor on

Yours, respectfully,

AUSTIN L. D'ALTON.

46 JEFFERSON STREET, *Toledo, Ohio.*

No. 324.

Mr. Blaine to Mr. Lowell.

No. 172.] DEPARTMENT OF STATE,
Washington, June 2, 1881.

SIR: Referring to my general instruction of the 26th ultimo (No. 166), in relation to the case of Michael P. Boyton, I now inclose to you a copy of a letter of the 30th of the same month from the Hon. Samuel J. Randall, in behalf of Mr. Joseph B. Walsh, a citizen of the United States, who, it appears, was arrested on the 3d of March last, under the provisions of the late act of Parliament, known as the "protection act." Mr. Walsh is represented as being imprisoned in Dublin, and it is probable that Kilmainham jail is the place of confinement. His relatives in this country, knowing only of his arrest and imprisonment, are unable to afford the Department any information as to the specific charge, if any, upon which he is held; and it seems quite likely that the prisoner himself is also in ignorance in regard to the particular offense for which he is thus subjected to summary detention and confinement.

Mr. Walsh has been a citizen of the United States since 1875. His character as a law-abiding and good citizen is vouched for by well known and respectable citizens of Pennsylvania. I inclose a copy of his certificate of naturalization.

I have already indicated to you in my instruction of the 26th of May, the entire absence of any disposition on the part of this government to interfere with the administration of the local or general municipal laws of Great Britain. The laws of that country, and especially those that relate to the personal liberty and security of the citizen, have always been so much in harmony with the principles of jurisprudence cherished by Americans as a birthright, that they have never failed to command the respect of the government and people of the United States. But whatever the necessity may be in the estimation of Her Majesty's Government for the existence and enforcement in Ireland of the exceptional legislative measures recently enacted in respect to that country, this government cannot view with unconcern the application of the summary proceedings attendant upon the execution of these measures to naturalized citizens of the United States of Irish origin, whose business relations may render necessary their presence in Ireland or any other part of the United Kingdom, or whose filial instincts and love for kindred may have prompted them to revisit their native country.

If American citizens while within British jurisdiction offend against British laws, this government will not seek to shield them from the legal consequences of their acts, but it must insist upon the application to their cases of those common principles of criminal jurisprudence which in the United States secure to every man who offends against its laws, whether he be an American citizen or a foreign subject, those incidents to a criminal prosecution which afford the best safeguard to personal liberty and the strongest protection against oppression under the forms of law, which might otherwise be practiced through excessive zeal.

That an accused person shall immediately upon arrest be informed of the specific crime or offense upon which he is held, and that he shall be afforded an opportunity for a speedy trial before an impartial court and jury, are essentials to every criminal prosecution, necessary alike to the protection of innocence and the ascertainment of guilt. You will lose no time in making the necessary inquiries into the cause of Mr. Walsh's arrest and detention, in which it is probable Mr. Barrows, the

consul at Dublin, may be able to aid you. And if you shall find that the circumstances of the case, in the light of this and previous instructions, are such as to call for interference on the part of this government, you will make such temperate but earnest representations as in your judgment will conduce to his speedy trial, or in case there is no specific charge against him, his prompt release from imprisonment.

It is desired that you will report the result of your proceedings to the Department with as little delay as convenient.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 172.]

Mr. Randall to Mr. Blaine.

PHILADELPHIA, PA.,
May 30, 1881.

SIR: Some days ago I called to see you at the State Department in company with Mr. Thomas Horan, of Philadelphia, in reference to the imprisonment in Ireland of James B. Walsh, an American citizen. He was placed in prison in Dublin, on or about March 3, 1881, for alleged offense against the British law, known as the coercion act.

As to the particulars of the charge under which Walsh is confined, his friends in this country are uninformed, as his uncle, the afore-mentioned Mr. Horan states to me.

The proof of his American citizenship, I herewith inclose in form of a duplicate naturalization certificate properly authenticated The original was issued on the 16th day of October, 1875, from the superior court of the city of New York.

In the interview alluded to you expressed your entire willingness in case Walsh's American citizenship was established to intercede with the Government of Great Britain with all the influence of the high office you hold.

I urge your early communication with the British minister at Washington, that all the facts in the case may be known and an early release of Walsh secured.

Very respectfully, &c.,

SAM. J. RANDALL.

No. 325.

Mr. Lowell to Mr. Blaine.

No. 193.] LEGATION OF THE UNITED STATES,
London, June 4, 1881. (Received June 16.)

SIR: I have the honor to acquaint you that, immediately on receiving your telegram relating to the case of Mr. Walsh, I went over to the foreign office and had an interview with Lord Granville. I told him the purport of the dispatch, and said that he would of course understand the solicitude felt by the Government of the United States in view of the application to American citizens of unusual methods of procedure, and that the President would expect for such citizens arrested under the terms of the protection act either a speedy trial or a prompt discharge. I had informed Lord Granville that written instructions were on the way. He replied that as it was not easy for him to understand on what grounds of international law my government would base its claim that American citizens should be treated better than British subjects, when both had exposed themselves to the operation of an act of Parliament, he should prefer not to give me any more definite answer until I was more fully instructed from home. Lord Granville was to leave town at half past four, and as there was barely ten minutes left for him to reach the station, there was no time for longer discussion.

Mr. Walsh, as I learn from the letter of Mr. Barrows, our consul at Dublin, is a liquor dealer at Castlebar, County Mayo, was a poor-law guardian and town commissioner there, and seems to have acted in all respects as if he were a British subject until his arrest.

It is very doubtful if the authorities knew anything of his claim to American citizenship. I have reason to know that naturalized Americans, trusting in their supposed immunity as such, have used language in public of extreme violence. I do not know whether Mr. Walsh had done so. I was naturally guided in the language I used in my interview with Lord Granville by the terms of your previous telegram, relating to Dalton, received on the 26th of May. Without definite instructions, I did not think it prudent to enter a formal protest against Mr. Walsh's arrest. I may add that I have as yet received no proof of Dalton's citizenship.

I have &c.,

J. R. LOWELL.

No. 326.

Mr. Blaine to Mr. Lowell.

No. 180.] DEPARTMENT OF STATE,
Washington, June 10, 1881.

SIR: I have postponed a reply to your dispatch No. 163, of the 13th of April last, on the subject of the reported prevalence of swine disease in the United States, until the result of the searching investigation, which was instituted upon the publication of the statements made by Mr. Crump, acting British consul at Philadelphia, should place me in a position to either accept those statements as correct and well founded, or to supply that authentic information in controversion thereof, which Earl Granville's note of the 8th of April intimates a disposition to recieve.

I transmit herewith copies of the exhaustive report made by the officer of this Department who was ordered to visit the great swine producing and packing centers of the West for that purpose. It does not seem possible to add by mere argument any weight to this cogent exposition of the facts in relation to the pork exports of the United States. This report is confidently laid before Her Majesty's Government as affording convincing proof that the rumors, which have obtained such wide credence in Great Britian and on the Continent with regard to this great branch of the foreign trade of the United States, were exaggerated and misleading.

I regret to observe that Earl Granville, in his note to you of the 8th of April, treats the representations which my No. 130 of March 17th had directed you to make touching the published statements of Mr. Crump, as a "very serious insinuation against the good faith of that gentleman."

I beg that you will endeavor to dispel this unpleasant impression from his lordship's mind. Had this government seriously doubted the personal good faith of Mr. Crump in the premises, it would have lost no time in protecting itself, in accordance with the usages of international intercourse, by the suspension or revocation of its recognition of

Mr. Crump's official character as an authorized subordinate consular officer of Her Majesty's service.

It believed then and still believes that the insidious operations of designing men, through the widely spread channels of anonymous communications, marked newspaper extracts, and other means of facile application, which for a time deluged the executive departments of this government, had produced their natural effect on Mr. Crump's mind, and that his statement unconsciously reflected these misleading reports rather than the official data within his reach. My impression in this regard is fortified by the circumstance that neither in the memorandum of Mr. Warrack, the British vice-consul at Chicago, to which his lordship refers in justification of the accuracy of Mr. Crump's statement, nor in the numerous publications of an authoritative character made by the national and state officers and then accessible to him, is there the slightest warrant for the alarming association which Mr. Crump made between the alleged mortality from the so-called "hog cholera" and the dissemination of the dreaded *trichina spiralis*. It was this startling and unscientific connection of totally different premises which made Mr. Crump's report so productive of injury, as my instruction of March 17 to you endeavored to show. As it is, however, I am prepared to cheerfully admit that the very wildness and lack of scientific knowledge shown in this correlation of isolated data, is in itself presumptive proof of the honesty and good faith of Mr. Crump. On the other hand, it must be admitted that there is ample room to doubt the good faith of the sources of information on which he seems to have relied.

I have given to this branch of the subject more attention than it would otherwise have had, in view of the prominence which Earl Granville assigns to the question of Mr. Crump's good faith as bearing on the merits of the case, and I trust that the frankness of my statements will commend them to his lordship's judgment as counteracting the impression he seems to have formed. This government has no disposition to meet a great international question, involving vast material interests and affecting the natural course of trade between the two nations, by impugning the personal character for veracity of an officer who has enjoyed since 1864, and still so signally enjoys, the confidence of Her Majesty's Government.

The question lies much deeper. International good faith throws upon governments the gravest responsibility in all that affects public health. Had the result of this candid and searching investigation been such as to show that one of our great national industries was the means of disseminating disease and horrible death abroad, as well as at home, no admission could have been too prompt, and no repressive measures too imperative, to undo and check the evil. And to the same international good faith we now appeal in submitting to Her Majesty's Government the proofs set forth in the accompanying report, assured that the matter will be dealt with in that wise and just spirit so confidently to be expected from the British Government.

Your own good judgment will counsel you as to the proper manner of bringing to Earl Granville's knowledge the views herein expressed and of giving proper publicity to the inclosed report in Great Britain.

I am, &c.,

JAMES G. BLAINE.

No. 327.

Mr. Blaine to Mr. Lowell.

No. 183.] DEPARTMENT OF STATE,
Washington, June 17, 1881.

SIR: I inclose herewith for your information a copy of a communication to this department from the Commissioner of Agriculture in relation to the action of the British authorities in condemning many cargoes of American cattle recently landed at Liverpool to be slaughtered for the alleged existence among them of foot-and-mouth disease.

It appears according to the statements made by the Commissioner of Agriculture that the investigations made under his directions by competent veterinary surgeons have failed to find any traces of the existence of the disease in the United States, and that in view of this fact he has directed Mr. Charles P. Lyman to visit England for the purpose of making further investigations in regard to the subject there. It is added that Mr. Lyman carries with him proofs of the strongest character relative to the non-existence of foot-and-mouth disease among American cattle.

In view of the exceedingly injurious effects which the action of the British authorities at Liverpool, in condemning American cattle to be slaughtered upon being landed, is having upon an important and growing branch of our commerce, I will thank you to thoroughly investigate the subject with as little delay as possible, and after having done so, to make such representations to Her Majesty's Government in regard to the matter as may be justified by the facts.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 183.]

Mr. Le Duc to Mr. Blaine.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 7, 1881.

SIR: Many cargoes of American cattle, recently landed at Liverpool, have been condemned and slaughtered by order of the veterinary inspectors of the British Government, for the alleged existence among them of epizootic aphtha, or foot-and-mouth disease. I use the word *alleged*, for the reason that this disease does not prevail in this country. A thorough investigation, by competent veterinary surgeons, was recently made under the direction of this department, in all the great cattle marts of the West, and some of the cargoes of the cattle condemned were even traced back to the localities in which the animals were bred, raised, and fattened, without finding a trace of the malady. The disease is of such a well-known contagious character, is so easily spread by contact with contaminated objects, and withal is of such short incubation (a period or but three or four days), that it could not exist in any section of the country longer than a few weeks without extending to other localities and becoming known.

The condemnations in question for a disease that does not exist on this continent have affected and continue to affect our export cattle trade unfavorably and materially; and as they are not warranted by the facts, they demand governmental interference, to protect one of the most important of our agricultural interests.

Charles P. Lyman, F. R. C. V. S., has been directed by me to visit England for the purpose of making investigations of this subject. He carries with him proof of the strongest character relative to the non-existence of the foot-and-mouth disease among American cattle. This he will, of course, furnish to Mr. Lowell, our minister at London.

I have thus called your attention to this subject, in order that you may take such action in regard to it as the case may demand.

Very respectfully,

WM. G. LE DUC,
Commissioner of Agriculture.

No. 328.

Mr. Lowell to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
London, June 18, 1881. (Received June 30.)

SIR: Referring to your instruction No. 168, of the 27th ultimo, I have the honor to say that I have not yet received from Mr. Consul Barrows any information with regard to the citizenship of Mr. D'Alton.

On reception of your instruction No. 166, of the 26th ultimo, laying down the general course of action which I am to pursue with regard to American citizens arrested in Ireland under the coercion act, I thought it proper, without waiting for special directions from you with regard to the case of Mr. Walsh, to address a note to Lord Granville, requesting a copy of the warrant under which the arrest was made, asking to be informed of the particulars of the charge against him, and calling attention to the fact that Mr. Walsh had already suffered three months' imprisonment. I have not yet received an answer to that letter. I am glad to see that by this action I anticipated the instructions contained in your No. 172, of the 2d instant, regarding Mr. Walsh's case.

I have, &c.,

J. R. LOWELL.

No. 329.

Mr. Blaine to Mr. Lowell.

No. 187.] DEPARTMENT OF STATE,
Washington, June 24, 1881.

SIR: It has fallen under the observation of the President, through the current statements of the European press and other usual channels of communication, that the great powers of Europe may possibly be considering the subject of jointly guaranteeing the neutrality of the interoceanic canal now projected across the Isthmus of Panama.

The United States recognizes a proper guarantee of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this government that is deemed requisite in the premises. The necessity was foreseen and abundantly provided for, long in advance of any possible call for the actual exercise of power.

In 1846 a memorable and important treaty was negotiated and signed between the United States of America and the Republic of New Granada, now the United States of Colombia. By the thirty-fifth article of that treaty, in exchange for certain concessions made to the United States we guaranteed "positively and efficaciously" the perfect neutrality of the isthmus and of any interoceanic communications that might be constructed upon or over it for the maintenance of free transit from sea to sea; and we also guaranteed the rights of sovereignty and property of the United States of Colombia over the territory of the isthmus as included within the borders of the State of Panama.

In the judgment of the President this guarantee, given by the United States of America, does not require re-enforcement, or accession, or assent from any other power. In more than one instance this govern-

ment has been called upon to vindicate the neutrality thus guaranteed, and there is no contingency now foreseen or apprehended in which such vindication would not be within the power of this nation.

There has never been the slightest doubt on the part of the United States as to the purpose or extent of the obligation then assumed, by which it became surety alike for the free transit of the world's commerce over whatever land-way or water-way might be opened from sea to sea, and for the protection of the territorial rights of Colombia from aggression or interference of any kind. Nor has there ever been room to question the full extent of the advantages and benefits, naturally due to its geographical position and political relations on the Western continent, which the United States obtained from the owner of the isthmian territory in exchange for that far-reaching and responsible guarantee.

If the foreshadowed action of the European powers should assume tangible shape, it would be well for you to bring to the notice of Lord Granville the provisions of the treaty of 1846, and especially of its thirty-fifth article, and to intimate to him that any movement in the sense of supplementing the guarantee contained therein would necessarily be regarded by this government as an uncalled-for intrusion into a field where the local and general interests of the United States of America must be considered before those of any other power save those of the United States of Colombia alone, which has already derived and will continue to derive such eminent advantages from the guarantee of this government.

The President deems it due to frankness to be still more explicit on this subject, and to elucidate the views of the United States Government with somewhat of detail to the end that no uncertainty shall subsist as to the integrity of our motives or the distinctness of our aims.

It is not the wish or the purpose of the United States to interfere with any commercial enterprise in which the citizens or subjects of any foreign power may see fit to embark under a lawful privilege. The fact of the stock and franchises of the Panama Canal or the Panama Railway being owned in Europe, either in whole or principally, is no more a subject of complaint on the part of the United States than is the circumstance that the stock of many of its own great lines of railway is largely held abroad. Such ownership, with its attendant rights, is in the United States amply secured by the laws of the land, and on the Isthmus is doubly secured by the local laws of Colombia, under the superior guarantee of the United States.

Nor, in time of peace, does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

It is as regards the political control of such a canal, as distinguished from its merely administrative or commercial regulation, that the President feels called upon to speak with directness and with emphasis. During any war to which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the canal at Panama would be no more admissible than would the passage of the armed forces of a hostile nation over

the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. And the United States of America will insist upon her right to take all needful precautions against the possibility of the Isthmus transit being in any event used offensively against her interests upon the land or upon the sea.

The two republics between which the guarantee of neutrality and possession exists have analogous conditions with respect to their territorial extension. Both have a long line of coast on either ocean to protect as well as to improve. The possessions of the United States upon the Pacific coast are imperial in extent and of extraordinary growth. Even at their present stage of development they would supply the larger part of the traffic which would seek the advantages of the canal. The States of California and Oregon, and the Territory of Washington, larger in area than England and France, produce for export more than a ton of wheat for each inhabitant, and the entire freights demanding water transportation eastward, already enormous, are augmenting each year with an accelerating ratio. While the population and products of the Pacific slope are thus increasing upon a vast scale, the railway system connecting the Gulf of Mexico with the interior and with the Great Lakes is being rapidly extended, thus affording additional facilities for enlarging the commerce that must seek the coast line to the Pacific of which the projected canal at Panama will form a part, and be as truly a channel of communication between the Eastern and far Western States as our own transcontinental railways. It is the perception of this domestic function of the long-sought water-way between the two seas that border the republic, which has caused the project to be regarded as of vital importance by this government. The history of the enterprise is marked from the outset by the numerous expeditions which have, from time to time, been sent out by the United States at large expense to explore the various routes, and thus facilitate the work when the time should be ripe and the vast capital be forthcoming for the undertaking.

If the proposed canal were a channel of communication near to the countries of the Old World, and employed wholly, or almost wholly, by their commerce, it might very properly be urged that the influence of the European powers should be commensurate with their interests. With the exercise of such influence, the United States could find no fault, especially if assured of equal participation in the peaceable enjoyment of the commercial facilities so afforded. The case, however, is here reversed, and an agreement between the European states to jointly guarantee the neutrality and in effect control the political character of a highway of commerce, remote from them and near to us, forming substantially a part of our coast-line and promising to become the chief means of transportation between our Atlantic and Pacific States, would be viewed by this government with the gravest concern.

The policy of the United States is one of peace and friendly intercourse with every government and people. This disposition is frankly avowed, and is moreover abundantly shown in the fact that our armaments by land and sea are kept within such limits as to afford no ground for distrust or suspicion of menace to other nations. The guarantee entered into by this government in 1846 was manifestly in the interest of peace, and the necessity imposed by circumstances upon the United States of America to watch over a highway between its two coasts was so imperative that the resultant guarantee was the simplest justice to the chief interests concerned. Any attempt to supersede that guarantee by an agreement between European powers, which maintain vast

armies and patrol the sea with immense fleets, and whose interest in the canal and its operation can never be so vital and supreme as ours, would partake of the nature of an alliance against the United States and would be regarded by this government as an indication of unfriendly feeling. It would be but an inadequate response to the good-will we bear them and to our cheerful and constant recognition of their own rights of domestic policy, as well as those resulting from proximity or springing from neighborly interest.

The great European powers have repeatedly united in agreements such as guarantees of neutrality touching the political condition of states like Luxembourg, Belgium, Switzerland, and parts of the Orient, where the localities were adjacent or where the interests involved concerned them nearly and deeply. Recognizing these facts the United States has never offered to take part in such agreements or to make any agreements supplementary to them.

While thus observing the strictest neutrality with respect to complications abroad, it is the long-settled conviction of this government that any extension to our shores of the political system by which the great powers have controlled and determined events in Europe would be attended with danger to the peace and welfare of this nation.

While the Government of the United States has no intention of initiating any discussion upon this subject, it is proper that you should be prepared, in case of concerted action or conference or exchange of opinions thereon between the great powers of Europe, to communicate to the government to which you are accredited the views of the President as frankly and as fully as they are herein set forth. And at suitable times in your personal and friendly intercourse with your colleagues of the diplomatic body at London, you may find it proper to give discreet expression to the policy and motives of your government in the premises.

You will be careful, in any conversations you may have, not to represent the position of the United States as the development of a new policy or the inauguration of any advanced, aggressive steps to be taken by this government. It is nothing more than the pronounced adherence of the United States to principles long since enunciated by the highest authority of the government, and now, in the judgment of the President, firmly inwoven as an integral and important part of our national policy.

In his address upon taking the oath of office the President distinctly proclaimed the position which the Government of the United States would hold upon this question, and if the European cabinets have failed to observe or give due heed to the declarations then made, it may be well for you on some proper occasion to call the attention of the minister of foreign affairs to the language used by the President.

I am, &c.,

JAMES G. BLAINE.

Sent *mutatis mutandis* to United States ministers in Europe.

No. 330.

Mr. Lowell to Mr. Blaine.

No. 218.] LEGATION OF THE UNITED STATES,
London, July 15, 1881. (Received July 28.)

SIR: I have the honor to acknowledge the reception of your instruc-

tion No. 168, in relation to the case of Joseph D'Alton, who has been arrested under the so-called "coercion act." You also refer me to your No. 166 for directions how to treat his case, if his citizenship shall be satisfactorily established, and if the circumstances of his alleged arrest are such as to call for action. As I have received no proofs of his citizenship or statement of the circumstances of his arrest, I have not yet taken any proceedings in relation thereto.

I have the honor also to acknowledge the reception of your instruction No. 172, in respect to the case of Joseph B. Walsh, stated to be a citizen of the United States, who appears to have been arrested in March last under the provision of the act above referred to. You directed me to lose no time in making the necessary inquiries into the case of Mr. Walsh's arrest and detention, intimating the probability that Mr. Barrows, the consul at Dublin, might aid me in this investigation.

I accordingly addressed a letter to Lord Granville, on the 8th of June, on this subject, and on the 29th of that month received a reply from his lordship, inclosing a copy of the warrant on which Mr. Walsh was apprehended. On the 1st day of July instant I addressed another note to Lord Granville, requesting to be furnished with the details of the charges against Mr. Walsh. On the 9th instant I received a reply from his lordship, declining to give any further information on this subject beyond that contained in the warrant itself. I inclose a copy of this correspondence.

On the 1st of July instant I wrote to Mr. Barrows, the consul at Dublin, asking him to inquire into the facts of the case and ascertain what specific acts Mr. Walsh had committed since September 30, 1880, to justify the issuing of this warrant. On the 4th instant I received a reply from Mr. Shew, the vice-consul, stating that application had been made for the required details, but he has not as yet supplied me with any further information.

You state that if I shall find that the circumstances of this case, in the light of your instuctions in Nos. 166 and 172, are such as to call for interference on the part of the Government of the United States, I am to make such representations as shall conduce to Walsh's speedy trial, or, in the absence of specific charges, to his speedy release.

It will give me great pleasure to communicate to Lord Granville the views you have so clearly and eloquently expressed as to the injustice of some of the features of the so-called "Protection act," and especially its retroactive character. But I would respectfully suggest whether any step would be gained toward the speedy trial or release of Walsh by an argument against the law itself under which he was apprehended. So long as Lord Granville expressly declines to make any distinction between British subjects and American citizens in the application of this law, a position which I presume may be justified by precedents in our own diplomatic history, I submit to your better judgment whether the only arguments I can use in favor of Walsh must not be founded upon some exceptional injustice in the way in which he has been treated. If this shall appear by the report of the consul to have been practiced, I shall press for his trial or release with great earnestness. But if it shall be shown that he has experienced no more harshness than the majority of his fellow-prisoners have suffered, I do not feel by any means sure that your instructions would authorize me to make any special application on his behalf.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 218.]

Mr. Lowell to Earl Granville.

LEGATION OF THE UNITED STATES,
London, June 8, 1881.

MY LORD: Referring to the interview which your lordship was kind enough to grant me on the 3d instant in reference to the case of Joseph B. Walsh, arrested under the coercion act at Castlebar, county Mayo, on the 8th March last, I have now the honor to request that you would, at your convenience, furnish me, in order to my better understanding of the facts of the case, with a copy of the warrant under which he was arrested and with such particulars as to the offense with which he is charged as may be within your knowledge, Mr. Walsh having furnished me with evidence satisfying me that he is a naturalized citizen of the United States, though I have no reason to think that Her Majesty's Government were aware of the fact when the warrant was issued. As your lordship will observe by the dates, Mr. Walsh has already suffered a three months' imprisonment to the manifest detriment of his affairs, and the President, while anxious not to embarrass in any way the action of a friendly government in dealing with a very difficult and delicate question of domestic policy, cannot but also feel solicitous not to ignore any just claims of American citizens to his intervention in their behalf.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 218.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *June* 28, 1881.

SIR: In compliance with the request contained in your letter of the 8th instant, I have now the honor to forward a copy of the warrant under which Mr. Joseph B. Walsh, who is said to be a naturalized citizen of the United States, was arrested at Castlebar, county Mayo, Ireland, on the 8th of March last.

Her Majesty's Government have also had under their consideration the application made by you on the 10th instant, requesting to be furnished with particulars of the charge under which Mr. Daniel Sweeney, or McSweeney, an American citizen, had been arrested on the 2d of June and lodged in Dundalk jail.

In the first place I beg leave to assure you that Her Majesty's Government are very sensible of the friendly feeling towards this country, and of the appreciation shown by the President of the United States with regard to the difficulties presented by the abnormal condition of affairs at this moment in a portion of the United Kingdom.

It will not, I trust, be necessary to enter at great length upon the reasons which, in the opinion of Her Majesty's Government, prevent them from recognizing any distinction between the liability of foreigners and British subjects in respect of unlawful acts committed within the limits of British jurisdiction, or from admitting any claim to exemption on behalf of any person, whether alien or citizen, from the operation of the laws which equally affect all persons residing in the dominions and under the protection of the Crown.

It will, it is hoped, suffice to refer to the dispatch written on the 18th of December, 1848 (see British and Foreign State Papers, vol. 47, p. 1242), to Mr. Bancroft by Mr. Buchanan, where he admits that the application of the law suspending the writ of habeas corpus (11th and 12th Victoria, cap. 35) was one to which his government might have "submitted in silence" if it "had been carried into execution in the same impartial manner against the citizens and subjects of all foreign nations."

On the present occasion Her Majesty's Government have no reason to believe that there is ground to suppose that American citizens have met with exceptional treatment.

I have, &c.,

GRANVILLE.

[Inclosure to inclosure 2 in No. 218.]

(No. II, 44 Victoria, chapter 4.)—An act for the better protection of person and property in Ireland.

WARRANT TO ARREST.

Whereas by our order, dated the 4th day of March, 1881, and made by and with the advice of the privy council in Ireland, and by virtue of the act made and passed in the forty-fourth year of the reign of Her Majesty, Queen Victoria, entitled "An act for the better protection of person and property in Ireland," and of every power and authority in this behalf, we specified and declared that the hereinafter-mentioned part of Ireland (that is to say), the county of Mayo should from and after the 5th day of March, 1881, be and continue a prescribed district within the meaning and provisions of the said act.

And whereas our said order is still in force:

Now we, the lord lieutenant general and general governor of Ireland, by virtue of the said act, and of every power and authority in this behalf, do by this warrant declare Joseph B. Walsh, of Castlebar, in the county of Mayo aforesaid, to be reasonably suspected of having, since the 30th day of September, 1880, been guilty as principal of a crime punishable by law, that is to say, inciting others to intimidate certain of Her Majesty's subjects with a view to compel them to quit their lawful employments, committed in the aforesaid prescribed district, and being the inciting to an act of intimidation, and tending to interfere with the maintenance of law and order. And this is to command you to whom this warrant is addressed to arrest the said Joseph B. Walsh in any part of Ireland, and lodge him in Her Majesty's prison at Kilmainham, in the county of Dublin, there to be detained during the continuance of the said act, unless sooner discharged or tried by our direction.

Given at Dublin Castle the 7th day of March, 1881.

COWPER.

To the sub-inspector of the royal Irish constabulary at Castlebar, in the county of Mayo aforesaid, and his assistants, and to Capt. St. George Gray, governor of Kilmainham prison aforesaid.

[Inclosure 3 in No. 218.]

Mr. Lowell to Earl Granville.

LEGATION OF THE UNITED STATES,
London, July 1, 1881.

MY LORD: I have to thank your lordship for your letter of the 28th ultimo, inclosing a copy of the warrant under which Mr. Joseph B. Walsh was arrested at Castlebar, county Mayo, Ireland, in the month of March last. It appears by the copy of a certificate sent to me that Mr. Walsh was duly admitted by the superior court of the city of New York, on the 16th day of October, in the year 1875, to be a citizen of the United States of America.

I have been instructed by Mr. Blaine to make the necessary inquiries into the cause of Mr. Walsh's arrest and detention, and I should feel much obliged to your lordship if you could furnish me with a statement of the dates, places, and other details of the specific acts said to have been committed by Mr. Walsh upon which it was thought proper to issue the warrant in question.

I have, &c.,

J. R. LOWELL.

[Inclosure 4 in No. 218.]

Earl Granville to Mr. Lowell.

FOREIGN OFFICE, *July* 8, 1881.

SIR: I have lost no time in referring to the proper department of Her Majesty's Government the desire, expressed in your letter of the 1st instant, to be furnished with a statement of the dates, places, and other details of the specific acts said to have been committed by Mr. Joseph B. Walsh, upon which the warrant was issued for his arrest on the 8th of March last, at Castlebar, county Mayo, Ireland.

In reply, I beg leave to remind you that in the letter which I had the honor to ad-

dress to you on the 28th ultimo it was pointed out that Her Majesty's Government consider that no distinction can be made in these circumstances between foreigners and British subjects, and that, in the case of the latter, the only information given is that contained in the warrant.

I regret, therefore, that I am not in a position to be able to supply you with further details respecting the arrest of Mr. Walsh.

I avail, &c.,

GRANVILLE.

No. 331.

Mr. Blaine to Mr. Lowell.

No. 206.] DEPARTMENT OF STATE,
Washington, July 30, 1881.

SIR: You have learned from former dispatches that the question in reference to the Fortune Bay claims was settled by Sir Edward Thornton and myself. The amount paid by Her Britannic Majesty's Government has been distributed among the individual claimants, and in connection with this subject there remains nothing for discussion between the two governments.

But in the examination of the claims in order to their proper distribution, the attention of this government has been forcibly drawn to the condition of affairs out of which these claims arose, and the time seems opportune to ask the serious consideration of this subject by Her Majesty's Government.

Among the more recent claims which had not been submitted to the British Government, but which are, of course, included in the settlement, were several going to show the existence on the part of the native fishermen of Newfoundland of a determined opposition to the exercise of the treaty privileges by fishermen of the United States. In one case, a large and angry mob of these fishermen actually took possession of an American fishing vessel, cut her anchor, and set her sails for the avowed purpose of causing her to drift on the rocks. And the universal testimony of our fishermen, including many who have made no formal complaint to the government, is that they are absolutely forbidden, by both the show and use of force, from taking bait on the coasts of Newfoundland and in other vicinities.

It might be supposed that the recognition of the British Government of its responsibility for such lawless interference and its reasonable compensation for losses consequent upon them, would put a stop to further violence. But the payment even of large damages by the Imperial Government does not make itself felt upon the provincial population. And from all the information submitted to this government it seems to be not an unfair or unreasonable conclusion that there is too much sympathy between the local authorities and the native fishermen, and that there exists at the fishing stations no adequate police force with authority, ability, and disposition to check these outrages.

The condition of these people under the treaty is, undoubtedly, hard. They are very poor and illiterate. They depend for what is, at best, a very scanty subsistence upon the sale of bait to the United States vessels employed in cod-fishing upon the banks. And the use of their privilege of catching their own bait on the Newfoundland shores, which the treaty secures to American fishermen, necessarily deprives the native fishermen of this means of support.

But it is to be assumed that these considerations were given their due weight by the British Government when negotiating the treaty of Washington, and it must not be forgotten that Newfoundland has received a large sum from the United States Treasury in payment for this privilege.

I refer to these facts merely as the indication of future troubles, for if at any time the fishing vessels of the United States should resolve to meet force with force the result of so untoward an occurrence would be to raise issues equally unpleasant to both governments.

The time is approaching when the present treaty will expire, and in the discussion of the common interests, which must be anticipated, this government is anxious that questions sufficiently grave in their own nature should not be complicated with local and temporary irritations.

It is desirable, therefore, that the imperial government should impress upon the provincial authorities their duty to maintain and enforce the rights which the treaty has conferred within their jurisdiction upon citizens of the United States, and especially that there should be placed at the baiting stations and on the frequented portions of the coast officials with sufficient authority to restrain these outbreaks of violence.

You are instructed to bring this subject to the attention of Her Britannic Majesty's Government in such manner as you may deem most judicious. In doing so, you will take care that Her Britannic Majesty's Government shall fully understand the friendly spirit in which your representation is made, and that the desire of this government in making it is to prevent in the future those disturbances which have done so much to render unsatisfactory the settlement which it was hoped had been reached in the fishery provisions of the treaty of Washington.

I am, &c.,

JAMES G. BLAINE.

No. 332.

Mr. Lowell to Mr. Blaine.

No. 235.] LEGATION OF THE UNITED STATES,
London, August 11, 1881. (Received August 25.)

SIR: I have the honor to inclose a copy of the correspondence between Mr. Brooks, the United States consul at Cork, and myself in relation to the case of Mr. McEnery, a "suspect" confined in Limerick jail under the so-called "coercion act." I hope that the views I have expressed in my letter in relation to the intervention of this legation in Mr. McEnery's case will meet with the approbation of the Department of State.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 235.]

Mr. Brooks to Mr. Lowell.

CONSULATE OF THE UNITED STATES OF AMERICA,
Cork, Ireland, July 30, 1881.

SIR: I have the honor to forward herewith the naturalization papers and a passport of a John McEnery, now a political prisoner in Her Majesty's jail at Limerick.

These papers were sent to me by Daniel McEnery of Abbeyfeale, County Limerick, for the said John McEnery, accompanied by a letter appealing for interference in his behalf by the proper authorities to secure his release or a speedy trial.

As I understand it, my duty under p. 110 Consular Regulations will be to satisfy myself that John McEnery has done nothing since his return to Ireland to forfeit his acquired rights as a citizen of the United States.

I cannot do this, however, without incurring some expense in visiting the petitioner in the jail, as I did in the case of Henry O. Mahoney, regarding whose claims I have as yet heard nothing from the legation.

I am, of course, ready and willing to go to Limerick at once, if I can thereby render any service to McEnery or to the United States Government; but I respectfully submit that until some expression of opinion by the legation or other proper authority is received by me regarding these cases, I may be excused from incurring further expense in attending to them. I add that there are several other cases to come of the same kind (the exact number I do not know), from among the prisoners at Limerick, and I do not wish to do anything to encourage such applications unless it is proper and necessary so to do. I have, in fact, discouraged them to some extent for the reason that I have hesitated about the propriety of involving the legation or the Department of State in any correspondence with Her Majesty's Government regarding these so-called "suspects."

I have, nevertheless, an earnest desire, personally as well as officially, to do anything and everything in my power to render proper service to them as American citizens; and I may possibly be permitted to express the opinion, in this connection, that some of these unfortunate men would, under a speedy trial, be acquitted of the charges against them and thereby be enabled to return to the United States.

I am, &c.,

ED. P. BROOKS.

[Inclosure 2 in No. 235.]

Mr. Lowell to Mr. Brooks.

LEGATION OF THE UNITED STATES,
London, August 3, 1881.

SIR: I have to acknowledge the receipt of your letter of the 30th ultimo, inclosing the naturalization papers and passport of John McEnery, a political prisoner in Her Majesty's jail at Limerick.

This is one of a number of cases in which parties desire my intervention upon the allegation that they are American citizens; that they have done nothing contrary to law, and that they desire a speedy trial.

The "coercion act," so called, is an exceptional and arbitrary measure. Its chief object is to enable the authorities to arrest persons whom they suspect of illegal conduct, without being obliged to produce any proof of their guilt. Its very substance and main purpose are to deprive suspected persons of the speedy trial they desire. This law is, of course, contrary to the spirit and foundation principles of both English and American jurisprudence; but it is the law of the land, and it controls all parties domiciled in the proclaimed districts of Ireland, whether they are British subjects or not, and it is manifestly entirely futile to claim that naturalized citizens of the United States should be excepted from its operation.

The only possible case in which it would be proper for me to intervene would be where an American citizen who is in Ireland attending exclusively to his private business, and taking no part whatever in public meetings or political discussions, should be arrested. In such a case it would be proper to appeal to the courtesy of the government upon the ground of mistake or misapprehension, and ask for the release of the prisoner. It does not appear, however, that these reasons exist in any of the cases that have so far been brought to my knowledge.

Unless I am instructed to the contrary by the Department of State, I must take this view of my duties, and it is proper that you should give this intimation to parties interested.

I am, &c.,

J. R. LOWELL.

No. 333.

Mr. Hunter to Mr. Hoppin.

No. 248.] DEPARTMENT OF STATE,
Washington, October 20, 1881.

SIR: I forward herewith, for your information, copies of the inclosed correspondence relative to the delivery of American ships' papers into the control of the customs authorities at Sierra Leone, and have to request that you will make the necessary inquiry at the foreign office, touching the subject, with a view, if possible, of having the objectionable practice, herein complained of, should it not be founded upon any local law, discontinued in respect to our ships. In case such delivery should be, however, in accordance with any local provision, it would be desirable to obtain an equitable modification thereof more in keeping with the general rule in such matters.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure 1 in No. 248.]

Messrs. Yates & Porterfield to Mr. Blaine.

NEW YORK, *October* 18, 1881.

DEAR SIR: The captains of our vessels in the African trade are frequently troubled by a demand from the several petty officers of customs at various trading ports along the west coast of Africa, from Sierra Leone to the river Gaboon, where there are no American consuls or commercial agents, for the delivery of their registers and crew-lists, not only for inspection but to be taken on shore from the ship. As these vessels lie in an open roadstead a long way from shore, and the demand often comes from parties who appear to be irresponsible, it is a source of annoyance, uneasiness, and delay in recovering them when the ship is ready to sail. What we desire to know is whether the captains will be justified in refusing to allow their registers and crew-lists to go out of their possession unless to a representative of the American Government.

We have a ship sailing on Saturday next, and shall be very glad to receive such information as you may be pleased to give us on the subject so that we may instruct our captain what course he ought to pursue.

In case the captain is obliged to give up his papers to a representative of a foreign government, is not he entitled to a receipt for same?

If this communication should have been addressed to the Secretary of the Treasury, will you please forward it?

We are, &c.,

YATES & PORTERFIELD.

[Inclosure 2 in No. 248.]

Mr. Hunter to Messrs. Yates & Porterfield.

DEPARTMENT OF STATE,
Washington, October 20, 1881.

GENTLEMEN: Your letter of the 18th instant has been received. It represents that masters of vessels on the west coast of Africa are required by customs officers at certain ports, from Sierra Leone to the river Gaboon, to deliver to them their register and crew lists, which are taken ashore to the serious inconvenience of such masters. You consequently ask whether captains in your service would be justified in refusing to comply with a demand for their ship's papers to go out of their possession.

In reply I have to state that if the requirement of the custom-house officers referred

to is authorized by the local law, it must be complied with until the law shall have been repealed. This Department is not informed as to the law on the subject at the ports to which you advert. It seems reasonable, however, that the officer who takes the papers of a vessel should give a receipt for them, but unless he should be required by law to take that course, it may be regarded as optional with him. As you speak of Sierra Leone as one of the ports where the objectionable practice of which you complain exists, the minister of the United States at London has been instructed to make inquiry upon the subject and to request that, if the step should not be sanctioned by law, orders may be given for it to be discontinued, at least in respect to American vessels.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 334.

Mr. Hunter to Mr. Hoppin.

No. 257.] DEPARTMENT OF STATE,
Washington, November 8, 1881.

SIR: Referring to instruction No. 248, of the 20th ultimo, to you, relative to the delivery of the papers of American ships into the custody of the customs authorities on the west coast of Africa, I now have to inclose herewith, for your information, a copy of a letter dated the 24th ultimo, from Messrs. Yates & Porterfield, explaining their letter of the 18th of the same month, on the subject in question.

I will thank you to make such further communication to Her Majesty's Government on the subject as the tenor of your former note may in your judgment, require.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure 1 in No. 257]

Messrs. Yates & Porterfield to Mr. Blaine.

NEW YORK, *October* 24, 1881.

SIR: The favor of your Department, dated the 20th instant, in response to our communication of the 18th, has been received, all of which is satisfactory excepting there seems to be a misunderstanding of our letter. The Department states in your communication of the 20th that "as you speak of Sierra Leone as one of the ports where the objectionable practice of which you complain exists, the minister of the United States at London has been instructed to make inquiry upon the subject and to request that, if the step should not be sanctioned by law, orders may be given for it to be discontinued, at least in respect to American vessels."

If you will please to refer to ours of the 18th you will see that we referred to places on the African coast from "Sierra Leone to the river Gaboon, where our government is not represented by an American consul or commercial agent."

Now, our government is represented at Sierra Leone and at Monrovia and Bassa, Liberia, and our vessels experience no trouble with the customs offiers at these ports. One difficulty our captains have to contend with at the ports where our government is not represented, is that the one claiming to be an officer of the customs, as he boards the vessels, has nothing to show that he is the proper party to receive the papers, and the captains fearing that they may not be justified in refusing to deliver up the papers demanded, do so in doubt as to whether they are doing right or are putting themselves in the hands of parties having no authority.

We are, &c.,

YATES & PORTERFIELD.

No. 335.

Mr. Hoppin to Mr. Blaine.

No. 218.] LEGATION OF THE UNITED STATES,
London, November 11, 1881. (Received November 26.)

SIR: Referring to your instructions No. 187 of the 24th of June last, and No. 188 of the 25th June last, to Mr. Lowell in relation to the proposed guarantee by European powers of the neutrality of the projected canal across the isthmus of Panama, I have the honor to acquaint you that Mr. Lowell, agreeably to the suggestion in No. 187, left a copy of that instruction at the foreign office on the 12th of July last. I have to-day received a letter from Lord Granville in reply to that instruction, and I beg to inclose a copy of the same herewith.

I have, &c.,

W. J. HOPPIN.

[Inclosure in No. 218.]

Earl Granville to Mr. Hoppin.

FOREIGN OFFICE *November* 10, 1881.

SIR: You are doubtless aware that Mr. Lowell left with this department on the 12th of July last a copy of a dispatch which had been addressed to him by Mr. Blaine on the 24th of June, in which the Secretary of State calls attention to the right and duty which are imposed on the United States Government under the treaty signed in 1846 between the United States of America and the Republic of New Granada, now known as the United States of Colombia, to guarantee the neutrality of the intero ceanic canal which is projected across the isthmus of Panama. Mr. Blaine further points out the special interest which the United States have in the preservation of this neutrality and in preventing the use of the canal in a manner detrimental to themselves during any war in which the United States or Colombia might be a party.

But the point on which especial stress is laid in this dispatch is the objection entertained by the Government of the United States to any concerted action of the European powers for the purpose of guaranteeing the neutrality of the canal or determining the conditions of its use.

I have now the honor to state to you that although some time has elapsed since the views of the United States Government on this question were communicated to Her Majesty's Government, they have not failed in the mean while to bestow upon it all the consideration to which the importance of the subject gives it every claim, and if it has not received an earlier recognition, the delay has been mainly caused by the suspense which so long existed as to the termination of the sad tragedy of the 2d of July.

Her Majesty's Government have noted with satisfaction the statement made by Mr. Blaine that there is no intention on the part of the Government of the United States to initiate any discussion upon this subject, and in the same spirit I do not now propose to enter into a detailed argument in reply to Mr. Blaine's observations.

I should wish, therefore, merely to point out to you that the position of Great Britain and the United States with reference to the canal, irrespective of the magnitude of the commercial relations of the former power with countries to and from which, if completed, it will form the highway, is determined by the engagements entered into by them respectively in the convention which was signed at Washington on the 19th of April 1850, commonly known as the Clayton-Bulwer Treaty, and Her Majesty's Government rely with confidence upon the observance of all the engagements of that treaty.

I have, &c.,

GRANVILLE.

No. 336.

Mr. Hoppin to Mr. Blaine.

No. 219.] LEGATION OF THE UNITED STATES,
London, November 12, 1881. (Received November 26.)

SIR: I have the honor to give you an account of the proceedings here on the 9th instant, the day on which the newly-elected Lord Mayor went in state from the Guildhall to Westminster to take the oath of office before the lord chief justice of England, and to claim certain privileges which belong by prescriptive right to the city corporation. This is the only public procession of importance in the year, and it is always witnessed by hundreds of thousands of people whose numbers were increased on Wednesday by the favorable weather.

The most novel and interesting feature of the display was the honor paid to the flag of the United States, which had the most conspicuous place in the line, being borne in front of the lord mayor's carriage and escorted by a chosen guard of staff sergeants of the city of London militia.

I did not see the procession on its route, but I am informed that the flag was everywhere received with great cheering and applause. I preferred to witness the scene in Palace Yard where it was brought, the only one of the many which were borne in the line, within the inclosure and stationed opposite to the entrance of Westminster Hall, while the bands of music which were massed for the purpose played the "Star-Spangled Banner." Nowhere could the flag of the daughter republic have been displayed, as an object of distinguished honor, in the midst of more significant and stately monuments of the mother country. In front was the great hall crowded with a host of noble and pathetic associations, and within which the clear stream of English justice had flowed for so many generations without a suspicion of impurity. On the other side of the open space was the palace of Westminster, the imposing pile of the houses of Parliament. Near at hand, and almost overshadowing the scene, was the venerable Abbey, full of the memorials of heroes and statesmen and poets, whose greatness we claim also as a part of our own inheritance. And it was interesting to remember that within a stone's throw of the spot where the stars and stripes, the symbol of the power of the great republic, was stationed to be honored by all men, was the site of that old St. Stephen's Hall where the stamp act and the Boston port bill and those other grave measures were adopted, which, contrary to the designs of their promoters, resulted in the independence of the colonies and all the important consequences which followed that event.

This striking contrast of circumstances was not, however, a cause for exultation. It was rather an occasion for humble gratitude to God that He had raised up two great nations and turned their hearts from strife and animosity to the recognition of the ties of kinship and the cultivation of mutual respect and affectionate regard.

It seemed to me proper to acknowledge the courtesy of the lord mayor in doing this honor to our flag, and I have written him a letter, a copy of which I inclose.

I also forward herewith an extract (in duplicate) from the Daily Telegraph, which gives the best description I have seen of these interestin proceedings. And I ask your particular attention to Lord Granville's

speech at the banquet in the evening, which contains a very kind allusion to our country.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 219.]

Mr. Hoppin to Lord Mayor of London.

LEGATION OF THE UNITED STATES,
London, November 10, 1881.

MY LORD: I take the earliest opportunity to thank your lordship for the distinguished honor which you paid to the flag of the United States yesterday, by causing it to be carried in a conspicuous place in your procession, escorted by a chosen guard, and saluted by the performance of one of our national airs.

I shall have pleasure in sending to the Department of State an account of this graceful compliment to my country, and I am sure it will be regarded by my fellow-citizens with the same gratification with which they received the President's order to salute the British flag at Yorktown.

I may be permitted to add that there seems to be a peculiar fitness in this interchange of kind feeling between the people of the United States and the city of London.

American merchants, before the war of Independence and for some time afterwards, had many and close relations with your city people, much more frequent and intimate than with those living in a more western quarter of the metropolis. I doubt not that many, like myself, have looked with interest upon the invoices and bills of lading, now yellow with age, which indicate the extent of the commerce a hundred years ago between the traders of London and their brethren in the New World. We had not then learned to make our own broadcloths, and axes, and plows, and the multitude of other articles which were needed to build up a great country. These were supplied to us by the manufacturers of England through the intervention of the honest and punctual merchants of London and Bristol. The intercourse, even in those early days, of Leadenhall street, and Cheapside, and Bishopsgate with New York, Boston, Philadelphia, and Charleston, was frequent and intimate, and many were the friendships which were formed between the traders of the city and their western correspondents.

We are now able to depend upon ourselves for our own clothing and our industrial implements, but not the less proper does it seem that we should commemorate the close and honorable intercourse of those early days, and welcome with peculiar pleasure such demonstrations as those at Yorktown last month and in this city yesterday, which show that there are still alive in our hearts, on both sides of the Atlantic, those sentiments of cordial regard and sincere respect which we have inherited from our forefathers.

I have, &c.,

W. J. HOPPIN.

[Inclosure 2 in No. 219.]

[Extract.]

[The Daily Telegraph, Thursday, November 10, 1881.]

LORD MAYOR'S DAY.

It would be saying too much to affirm that there never were such crowds in the streets on any ninth of November in the past history of the metropolis as thronged the City, the Strand, Whitehall, and the Embankment yesterday, to view the ancient municipal pageant of lord mayor's show.

* * * * * * *

Two features made yesterday's civic procession notable. One was the state of the weather, which was all that could be wished even by the most exacting, the sun shining out all the morning as if it were June rather than November.

* * * * * * *

The great unique and entirely unexampled characteristic of the occasion, however, was undoubtedly the honor which was paid to the stars and stripes, for the first time in London's annals. The idea of carrying the American banner in triumph along the streets, surrounded by a chosen guard of honor, composed of staff sergeants of the

city of London militia, was in itself an inspiration. Nothing could have been better devised to accentuate the feelings of cordiality and good-will now happily existing between the two countries than this gratuitous work of popular esteem for our "heir beyond seas." No doubt the immediate cause of this unique ceremonial was the fact that the United States Government had only a few weeks ago ordered the British national ensign to be saluted with high military and naval honors at Yorktown. In quick response to the honor done us, London yesterday took upon itself to speak its thanks on behalf of the whole nation to the great republic of the west, and to "return the compliment." Conspicuous, therefore, among all the banners that were carried, belonging to the various companies and civic dignitaries which took part in the procession, rose the banner of the United States of America, borne aloft by three stout bargemen of Doggett's foundation, who wore the quaint red garb which is one of the prizes of the successful Thames oarsman who gains the distinction of Doggett's "coat and badge." It was immediately preceded by the drums and fifes of the City of London Regiment, now known as the Fourth Battalion of the Royal Fusiliers, and escorted by the guard of honor previously described, belonging to the same martial corps. This was what the lord mayor and the promoters of the show generally did to honor the American standard. All the rest had to be done by the citizens of London, in public streets assembled, on balconies, on the roofs of houses, on doorsteps, railings, lamp-posts, and, in fact, in every conceivable place where the foot of man could find resting place. Indubitably it was the cheers of the populace which turned what was a civic, and municipal, and official honor paid to America into a national one. At every point of the route the appearance of the famous ensign of the States was the signal for bursts of cheering, which were especially noticeable in the city, by St. Martin's Church, and the new law courts, at Charing Cross, and opposite the houses of Parliament and Westminster bridge. Rumor had it that some sort of military ceremonial would take place in Palace Yard, and that the standard would be saluted; but no salute or "trooping of the colors," or anything of the sort, actually took place. It would have been difficult, without burning powder, to have done more honor than was done to the standard, and consequently the scene in Palace Yard, Westminster, was less impressive than it might possibly have been made, supposing that it were at all conformable to tradition to allow the firing of musketry or cannon in the heart of the metropolis. Obviously this was next door to impossible, so the chief ceremonial which took place at Westminster was the carrying of the stars and stripes—sent over, by-the-by, from America expressly for the occasion—into the sacred precincts of Palace Yard, where it was grounded opposite the entrance to Westminster Hall—the only flag which was yesterday allowed within the inclosure. English people are said, as a rule, to be undemonstrative, but, judging from the hearty and enthusiastic welcome which was extended to the chosen symbol of the American Republic, there is nothing but good-will on this side of the water felt for our go-ahead relatives. This is due to the admirable manner in which that nation has lately behaved towards us, extending towards this country an impressive international courtesy and a gratitude for our sympathy in their recent heavy trouble, which does equal honor to the givers and the recipients. It was right and fitting that the citizens of the metropolis of Great Britain should express, as they did unmistakably yesterday, their true sentiment towards the men who sorrowed over General Garfield's grave, and who saluted the British flag at Yorktown. At intervals along the route the bands struck up the well-known strain of "The Star-Spangled Banner," a compliment which was acknowledged by the waving of handkerchiefs and other tokens of appreciation by a fair bevy of American ladies gathered on the balconies of the American Exchange, opposite Charing Cross.

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No. 337.

Mr. Hoppin to Mr. Blaine.

No. 220.] LEGATION OF THE UNITED STATES,
London, November 14, 1881. (Received November 29.)

SIR: Referring to your telegram of the 2d of May, and to your instruction No. 172 of the 2d of June last, in relation to the case of Mr. Joseph B. Walsh, I have the honor to acquaint you that I have been informed by Lord Granville that he has been discharged from Kilmainham prison on account of the state of his health. Lord Granville has forwarded to me confidentially the order to this effect, a copy of which

I have the honor to inclose, as well as copies of Lord Granville's letter and that of Mr. Lowell's to which it was a reply.

I have, &c.,

W. T. HOPPIN.

[Inclosure 1 in No. 220.]

Mr. Burke to the governor of Kilmainham prison.

DUBLIN CASTLE, *October* 21, 1881.

SIR: I am directed by the lord lieutenant to convey to you his excellency's order for the discharge on the ground of ill health of Joseph B. Walsh, a prisoner in your custody, under a warrant issued pursuant to the act 44 Vic., c. 4, for the better protection of person and property in Ireland (1881).

His excellency desires that the prisoner shall be distinctly warned, and given clearly to understand, that any act of violence or intimidation or incitement thereto will render him liable to immediate rearrest; that his conduct will be carefully watched, and that he will be immediately rearrested if necessary.

The statute requires that he shall not be discharged at a greater distance than five miles from the place whereat he was first arrested unless he shall himself prefer to be discharged nearer the prison. If, therefore, he prefers to be discharged at the prison, you will forthwith release him from your custody, and you will please to pay him his railway fare, second class, to the station nearest to his residence, and, if the latter should be more than five miles distant from the station, an additional sum for car hire at the rate of eightpence a mile from the station.

If he should prefer to be escorted in the custody of the police to the statutory distance from the place of his arrest, you will please report at once in order that the necessary directions shall be given to the constabulary.

I am to request you to acknowledge the receipt of this letter and report the discharge.

I am, &c.,

J. H. BURKE.

[Inclosure 2 in No. 220.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, September 1, 1881.

MY LORD: I have the honor to acquaint you that I have to-day received a letter from Mr. B. H. Barrows, the consul of the United States at Dublin, inclosing a communication dated on the 30th ultimo, that had been made to him by Mr. Joseph B. Walsh, a prisoner arrested under the protection act and confined in Kilmainham jail.

Mr. Walsh is a naturalized citizen of the United States, and I was instructed some time since to inquire into the circumstances of his arrest. My action in his case and in other similar cases is still the subject of correspondence between myself and my government. Whatever may be the final decision in regard to this, Mr. Walsh's statements in his letter to Mr. Barrows are such that it is proper I should lose no time in communicating them to your lordship. He says that his health is very much impaired, and that further imprisonment would be dangerous to his life. He desired that a medical examination may be made into the truth of his statement.

I should be much obliged to your lordship if you would make such representations to the proper authorities as to cause this to be done, and to have this man liberated from prison if practicable.

It is proper to add that Mr. Blaine in his instructions to me upon this arrest says that Walsh's "character as a law-abiding and good citizen is vouched for by well-known and respectable citizens of Pennsylvania."

I have, &c.,

J. R. LOWELL.

[Inclosure 3 in No. 220.]

Lord Granville to Mr. Hoppin.

FOREIGN OFFICE, *November* 11, 1881.

SIR: With reference to my letter to Mr. Lowell of the 2d of September last, I have now the honor to state to you that an order was issued on the 21st ultimo, by direction of the lord lieutenant of Ireland, for the discharge of Mr. Joseph B. Walsh, who has been imprisoned at Kilmainham under the protection of person and property (Ireland) act, 1881.

A copy of this order is inclosed herewith confidentially for your information, from which you will perceive that it has been issued on the ground of the ill health of the prisoner.

I have, &c.,

GRANVILLE.

No. 338.

Mr. Blaine to Mr. Lowell.

No. 270.] DEPARTMENT OF STATE,
Washington, November 19, 1881.

SIR: In pursuance of the premises laid down in my circular note of June 24 of this year, touching the determination of this government with respect to the guarantee of neutrality for the Interoceanic canal at Panama, it becomes my duty to call your attention to the convention of April 19, 1850, between Great Britain and the United States, commonly known as the Clayton-Bulwer treaty.

According to the articles of that convention, the hig hcontracting parties, in referring to an Interoceanic canal, through Nicaragua, agreed—

That neither the one nor the other will ever obtain or maintain for itself any exclusive control over said ship canal, and that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thercof.

In a concluding paragraph the high contracting parties agreed—

To extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway across the isthmus * * *, which are now proposed to be established by way of Tehuantepec or Panama.

This convention was made more than thirty years ago, under exceptional and extraordinary conditions which have long since ceased to exist—conditions which at best were temporary in their nature and which can never be reproduced. The remarkable development of the United States on the Pacific coast since that time has created new duties for this government, and devolved new responsibilities upon it, the full and complete discharge of which requires, in the judgment of the President, some essential modifications in the Clayton-Bulwer treaty. The interests of Her Majesty's Government involved in this question, in so far as they may be properly judged by the observation of a friendly power, are so inconsiderable in comparison with those of the United States that the President hopes a readjustment of the terms of the treaty may be reached in a spirit of amity and concord.

The respect due to Her Majesty's Government demands that the objections to the perpetuity of the convention of 1850, as it now exists, should be stated with directness and with entire frankness; and among the most salient and palpable of these is the fact that the operation of the treaty practically concedes to Great Britain the control of whatever canal may be constructed. The insular position of the home gov-

ernment, with its extended colonial possessions, requires the British Empire to maintain a vast naval establishment, which in our continental solidity we do not need, and in time of peace shall never create. If the United States binds itself not to fortify on land, it concedes that Great Britain, in the possible case of a struggle for the control of the canal, shall at the outset have an advantage which would prove decisive, and which could not be reversed, except by the expenditure of treasure and force. The presumptive intention of the treaty was to place the two powers on a plane of perfect equality with respect to the canal, but in practice, as I have indicated, this would prove utterly delusive, and would instead surrender it, if not in form, yet in effect, to the control of Great Britain.

The treaty binds the United States not to use its military force in any precautionary measure, while it leaves the naval power of Great Britian perfectly free and unrestrained—ready at any moment of need to seize both ends of the canal and render its military occupation on land a matter entirely within the discretion of Her Majesty's Government. The military power of the United States, as shown by the recent civil war, is without limit, and in any conflict on the American continent altogether irresistible. The Clayton-Bulwer treaty commands this government not to use a single regiment of troops to protect its interests in connection with the Interoceanic canal, but to surrender the transit to the guardianship and control of the British navy. If no American soldier is to be quartered on the isthmus to protect the rights of his country in the Interoceanic canal, surely, by the fair logic of neutrality, no war vessel of Great Britian should be permitted to appear in the waters that control either entrance to the canal.

A more comprehensive objection to the treaty is urged by this government. Its provisions embody a misconception of the relative positions of Great Britian and the United States with respect to the interests of each government in questions pertaining to this continent. The Government of the United States has no occasion to disavow an aggressive disposition. Its entire policy establishes its pacific character, and among its chief aims is to cultivate the most friendly and intimate relations with its neighbors, both independent and colonial. At the same time, this government, with respect to European States, will not consent to perpetuate any treaty that impeaches our rightful and long-established claim to priority on the American continent.

The United States seeks only to use for the defense of its own interests the same forecast and prevision which Her Majesty's Government so energetically employs in defense of the interests of the British Empire. To guard her Eastern possessions, to secure the most rapid transit for troops and munitions of war, and to prevent any other nation from having equal facilities in the same direction, Great Britain holds and fortifies all the strategic points that control the route to India. At Gibraltar, at Malta, at Cyprus, her fortifications give her the mastery of the Mediterranean. She holds a controlling interest in the Suez canal, and by her fortifications at Aden and on the island of Perim she excludes all other powers from the waters of the Red Sea and renders it *mare clausum*. It would, in the judgment of the President, be no more unreasonable for the United States to demand a share in these fortifications, or to demand their absolute neutralization, than for England to make the same demand in perpetuity from the United States with respect to the transit across the American continent. The possessions which Great Britian thus carefully guards in the East are not of

more importance to her than is the Pacific slope, with its present development and assured growth, to the Government of the United States.

The States and Territories appurtenant to the Pacific Ocean and dependent upon it for commercial outlet, and hence directly interested in the canal, comprise an area of nearly eight hundred thousand square miles—larger in extent than the German Empire and the four Latin countries of Europe combined. This vast region is but fairly beginning its prosperous development. Six thousand miles of railway are already constructed within its limits, and it is a moderate calculation to say that within the current decade the number of miles will, at least, be doubled. In the near future the money value of its surplus for export will be as large as that of British India, and perhaps larger. Nor must it be forgotten that India is but a distant colony of Great Britain, while the region on the Pacific is an integral portion of our National Union, and is of the very form and body of our State. The inhabitants of India are alien from England in race, language, and religion. The citizens of California, Oregon, and Nevada, with the adjacent Territories, are of our own blood and kindred—bone of our bone and flesh of our flesh.

Great Britain appreciates the advantage and perhaps the necessity of maintaining at the cost of large military and naval establishments the interior and nearest route to India, while any nation with hostile intent is compelled to take the longer route and travel many thousand additional miles through dangerous seas. It is hardly conceivable that the same great power which considers herself justified in taking these precautions for the safety of a remote colony on another continent should object to the United States adopting similar but far less demonstrative measures for the protection of the distant shores of her own domain, for the drawing together of the extremes of the Union in still closer bonds of interest and sympathy, and for holding in the quiet determination of an honorable self-defense the absolute control of the great water-way which shall unite the two oceans, and which the United States will always insist upon treating as part of her coast-line.

If a hostile movement should at any time be made against the Pacific coast, threatening danger to its people and destruction to its property, the Government of the United States would feel that it had been unfaithful to its duty and neglectful toward its own citizens if it permitted itself to be bound by a treaty which gave the same right through the canal to a war-ship bent on an errand of destruction that is reserved to its own Navy sailing for the defense of our coast and the protection of the lives of our people. And as England insists by the might of her power that her enemies in war shall strike her Indian possessions only by doubling the Cape of Good Hope, so the Government of the United States will equally insist that the interior, more speedy, and safer route of the canal shall be reserved for ourselves, while our enemies, if we shall ever be so unfortunate as to have any, shall be remanded to the voyage around Cape Horn.

A consideration of controlling influence in this question is the well-settled conviction on the part of this government that only by the United States exercising supervision can the Isthmus canals be definitely and at all times secured against the interference and obstruction incident to war. A mere agreement of neutrality on paper between the great powers of Europe might prove ineffectual to preserve the canal in time of hostilities. The first sound of a cannon in a general European war would, in all probability, annul the treaty of neutrality, and the strategic position of the canal, commanding both oceans might

be held by the first naval power that could seize it. If this should be done, the United States would suffer such grave inconvenience and loss in her domestic commerce as would enforce the duty of a defensive and protective war on her part, for the mere purpose of gaining that control which, in advance, she insists is due to her position and demanded by her necessities.

I am not arguing or assuming that a general war, or any war at all, is imminent in Europe. But it must not be forgotten that within the past twenty-five years all the great powers of Europe have been engaged in war—most of them more than once. In only a single instance in the past hundred years has the United States exchanged a hostile shot with any European power. It is in the highest degree improbable that for a hundred years to come even that experience will be repeated.

It consequently becomes evident that the one conclusive mode of preserving any Isthmus canal from the possible distraction and destruction of war is to place it under the control of that government least likely to be engaged in war, and able in any and in every event to enforce the guardianship which she will assume. For self-protection to her own interest, therefore, the United States in the first instance asserts her right to control the Isthmus transit; and, secondly, she offers by such control that absolute neutralization of the canal as respects European powers which can in no other way be certainly attained and lastingly assured.

Another consideration forcibly suggests the necessity of modifying the convention under discussion. At the time it was concluded Great Britain and the United States were the only nations prominent in the commerce of Central and South America. Since that time other leading nations have greatly enlarged their commercial connections with that country, and are to-day contending for suppremacy in the trade of those shores; within the past four years, indeed, the number of French and German vessels landing on the two coasts of Central America far exceeds the number of British vessels.

While, therefore, Great Britain and the United States may agree to do nothing, and according to the present convention each remain bound to the other in common helplessness, a third power, or a fourth, or a combination of many, may step in and give direction to the project which the Clayton-Bulwer treaty assumed to be under the sole control of the two English-speaking nations. Indeed, so far as the canal scheme now projected at Panama finds a national sponsor or patron, it is in the Republic of France, and the non-intervention enjoined upon this country by the Clayton-Bulwer treaty, if applied to that canal, would paralize the arm of the United States in any attempt to assert the plain rights and privileges which this government acquired through a solemn treaty with the Republic of Colombia, anterior to the Clayton-Bulwer convention. The modification of the treaty of 1850, now sought, is not only to free the United States from unequal and inequitable obligations to Great Britain, but also to empower this government to treat with all other nations seeking a foothold on the Isthmus, on the same basis of impartial justice and independence.

One of the motives that originally induced this government to assent to the Clayton-Bulwer treaty, not distinctly expressed in the instrument, but inferable from every line of it, was the expected aid of British capital in the construction of the Nicaraguan Canal. That expectation has not been realized, and the changed condition of this country since 1850 has diminished, if it has not entirely removed from consideration, any advantage to be derived from that source.

Whenever, in the judgment of the United States Government, the

times shall be auspicious and the conditions favorable for the construction of the Nicaraguan Canal, no aid will be needed outside of the resources of our own government and people; and while foreign capital will always be welcomed and never repelled, it cannot henceforth enter as an essential factor in the determination of this problem.

It is earnestly hoped by the President that the considerations now presented will have due weight and influence with Her Majesty's Government, and that the modifications of the treaty desired by the United States will be conceded in the same friendly spirit in which they are asked. The following is a summary of the changes necessary to meet the views of this government:

First. Every part of the treaty which forbids the United States fortifying the canal and holding the political control of it in conjunction with the country in which it is located to be canceled.

Second. Every part of the treaty in which Great Britain and the United States agree to make no acquisition of territory in Central America to remain in full force. As an original proposition this government would not admit that Great Britain and the United States should be put on the same basis, even negatively, with respect to territorial acquisitions on the American Continent, and would be unwilling to establish such a precedent without full explanation. But the treaty contains that provision with respect to Central America, and if the United States should seek its annulment it might give rise to erroneous and mischievous apprehensions among a people with whom this government desires to be on the most friendly terms. The United States has taken special occasion to assure the Spanish American Republics to the south of us that we do not intend and do not desire to cross their borders or in any way disturb their territorial integrity, and we shall not willingly incur the risk of a misunderstanding by annulling the clauses in the Clayton-Bulwer treaty which forbid such a step with respect to Central America. The acquisition of military and naval stations necessary for the protection of the canal and voluntarily ceded to the United States by the Central American States is not to be regarded as a violation of the provision contained in the foregoing.

Third. The United States will not object to maintaining the clause looking to the establishment of a free port at each end of whatever canal may be constructed, if England desires it to be retained.

Fourth. The clause in which the two governments agreed to make treaty stipulations for a joint protectorate of whatever railway or canal might be constructed at Tehuantepec or Panama has never been perfected. No treaty stipulations for the proposed end have been suggested by either party, although citizens of the United States long since constructed a railway at Panama and are now engaged in the same work at Tehuantepec. It is a fair presumption, in the judgment of the President, that this provision should be regarded as obsolete by the nonaction and common consent of the two governments.

Fifth. The clause defining the distance from either end of the canal where, in time of war, captures might be made by either belligerent on the high seas was left incomplete and the distance was never determined. In the judgment of the President, speaking in the interest of peaceful commerce, this distance should be made as liberal as possible, and might, with advantage, as a question relating to the high seas and common to all nations, be a matter of stipulation between the great powers of the world.

In assuming as a necessity the political control of whatever canal or canals may be constructed across the Isthmus, the United States will

act in entire harmony with the governments within whose territory the canals should be located. Between the United States and the other American republics there can be no hostility, no jealousy, no rivalry, no distrust. This government entertains no design in connection with this project for its own advantage which is not also for the equal or greater advantage of the country to be directly and immediately affected, nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time in conjunction with the republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe. And equally, in time of peace, the harmless use of the canal shall be freely granted to the war vessels of other nations. In time of war, aside from the defensive use to be made of it by the country in which it is constructed and by the United States, the canal shall be impartially closed against the war vessels of all belligerents. It is the desire and the determination of the United States that the canal shall be used only for the development and increase of peaceful commerce among all the nations, and shall not be considered a strategic point in warfare which may tempt the aggressions of belligerents, or be seized under the compulsions of military necessity by any of the great powers that may have contests in which the United States has no stake, and will take no part.

If it be asked why the United States objects to the assent of European governments to the terms of neutrality for the operation of the canal, my answer is that the right to assent implies the right to dissent, and thus the whole question would be thrown open for contention as an international issue. It is the fixed purpose of the United States to confine it strictly and solely as an American question, to be dealt with and decided by the American governments.

In presenting the views contained herein to Lord Granville, you will take occasion to say that the Government of the United States seeks this particular time for the discussion as most opportune and auspicious. At no period since the peace of 1783 have the relations between the British and American Governments been so cordial and friendly as now. And I am sure Her Majesty's Government will find in the views now suggested, and the propositions now submitted, additional evidence of the desire of this government to remove all possible grounds of controversy between two nations, which have so many interests in common, and so many reasons for honorable and lasting peace.

You will at the earliest opportunity acquaint Lord Granville with the purpose of the United States touching the Clayton-Bulwer treaty and, in your own way, you will impress him fully with the views of your government. I refrain from directing that a copy of this instruction be left with his lordship, because, in reviewing the case, I have necessarily been compelled, in drawing illustrations from British policy, to indulge somewhat freely in the *argumentum ad hominem*. This course of reasoning, in an instruction to our own minister, is altogether legitimate and pertinent, and yet might seem discourteous if addressed directly to the British Government. You may deem it expedient to make this explanation to Lord Granville, and if afterwards he shall desire a copy of this instruction, you will, of course, furnish it.

I am, &c.,

JAMES G. BLAINE.

No. 339.

Mr. Hoppin to Mr. Blaine.

No. 223.] LEGATION OF THE UNITED STATES,
London, November 21, 1881. (Received December 7.)

SIR: I have the honor to transmit herewith a copy of the correspondence between this legation and the foreign office in relation to the interference, by inhabitants of Newfoundland, with fishermen of the United States, which was referred to in your dispatch to Mr. Lowell, No. 206, of the 30th of July last, and which you instructed him to bring to the attention of Her Majesty's Government.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 223.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, August 19, 1881.

MY LORD: I am instructed by Mr. Blaine to ask the attention of Her Majesty's Government to a subject of serious interest in connection with the exercise, by the fishermen of the United States, of their treaty privileges on the coast of Newfoundland.

In the examination of the Fortune Bay claims, in order to make a proper distribution of the amount lately paid by Her Majesty's Government, the attention of the Government of the United States has been forcibly drawn to the condition of affairs out of which those claims arose. Among the more recent claims which had not been submitted to Her Majesty's Government, but which are, of course, included in the settlement, were several going to show the existence, on the part of the native fishermen of Newfoundland, of a determined opposition to the exercise of the treaty privileges by fishermen of the United States. In one case a large and angry mob of these Newfoundland fishermen took possession of an American fishing vessel, cut her anchor and set her sails for the avowed purpose of causing her to drift on the rocks. And the universal testimony of our fishermen, including many who have made no formal complaint to the government, is that they are absolutely forbidden, both by the show and use of force, from taking bait on the coast of Newfoundland and in other vicinities. It might be supposed that the recognition by Her Majesty's Government of its responsibility for such lawless interference, and its having made reasonable compensation for losses consequent upon them, would put a stop to further violence.

But the payment of even large damages by the Imperial Government does not make itself felt upon the provincial population. And from all the information submitted to the Government of the United States, it seems to be not an unfair or unreasonable conclusion that there is too much sympathy between the local authorities and the native fishermen, and that there exists at the fishing stations no adequate police force with authority, ability, and disposition to check these outrages.

The condition of these people under the treaty is undoubtedly hard. They are very poor and illiterate. They depend, for what is at best a very scanty subsistence, upon the sale of bait to the United States vessels employed in cod-fishing upon the banks; and the use of their privilege of catching their own bait on the Newfoundland shores, which the treaty secures to American fishermen, necessarily deprives the native fishermen of this means of support.

But it is to be assumed that these considerations were given their due weight by the British Government when negotiating the treaty of Washington, and it must not be forgotten that Newfoundland has received a large sum from the United States Treasury in payment for this privilege.

Mr. Blaine, in his dispatch on this subject, states that he refers to these facts merely as they are indicative of future troubles, for if at any time the fishing vessels of the United States should resolve to meet force with force, the result of so untoward an occurrence would be to raise issues equally unpleasant to both governments.

The time is approaching when the present treaty provisions will expire, and in the

discussion of the common interests which must be anticipated my government is anxious that questions sufficiently grave in their own nature should not be complicated with local and temporary irritations.

It is believed by my government, therefore, that Her Majesty's ministers will agree in thinking it desirable that the Imperial Government should impress upon the provincial authorities their duty to maintain and enforce the rights which the treaty has conferred within their jurisdiction upon citizens of the United States, and especially that they should place at the baiting stations, and on the frequented portions of the coast, officials with sufficient authority to restrain these outbreaks of violence.

In bringing this subject to the attention of your lordship, I am particularly instructed to take care that Her Majesty's Government shall fully understand the friendly spirit in which my representation is made, and that the desire of my government, in making it, is to prevent in the future those disturbances which have done so much to render unsatisfactory the settlement which it was hoped had been reached in the treaty provisions of the treaty of Washington.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 223.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *August* 29, 1881.

SIR: I have the honor to acknowledge the reception of the communication which you were good enough to address to me on the 19th instant, in which, by Mr. Blaine's direction, you invite the attention of Her Majesty's Government to certain facts which tend to show, it is alleged, a determination on the part of the native fishermen of Newfoundland to oppose the exercise by the fishermen of the United States of the privileges secured to them by treaty on the coast of Newfoundland.

In reply I beg leave to state that the friendly language in which this representation from your government is couched is fully appreciated by Her Majesty's Government, and I need not assure you that it shall be considered by them with all the care demanded by the importance of the interests concerned.

I have, &c.,

GRANVILLE.

[Inclosure 3 in No. 223.]

Lord Granville to Mr. Hoppin.

FOREIGN OFFICE, *November* 17, 1881.

SIR: Referring to the letter which I had the honor to address to Mr. Lowell on the 29th of August last, I now beg leave to state to you that Her Majesty's principal secretary of state has been in communication with the government of Newfoundland in regard to the observations which Mr. Lowell had been instructed to address to Her Majesty's Government respecting the line of conduct which, it is alleged, is adopted by the fishermen of the colony towards the fishermen of the United States, showing, as Mr. Lowell represents, the existence of a determined opposition on their part to the exercise of their treaty privileges by the American fishermen.

I have now the honor of stating to you that the attention of the government of Newfoundland has been particularly directed by the Earl of Kimberly to that portion of Mr. Lowell's letter of the 19th of August, in which it is suggested that the authorities in the colony should maintain and enforce the rights conferred within their jurisdiction upon citizens of the United States, and especially that they should place at the baiting stations and on the frequented portions of the coast, officials with sufficient authority to restrain outbreaks of violence.

The government of Newfoundland, in reply, fully recognize the importance of the subject to which their attention has thus been directed, but they point out, with reference to the case of the American vessel which is cited by Mr. Lowell as having been taken possession of by a large and angry mob, her anchor cut, and her sails set, for the avowed purpose of drifting her upon the rocks, that it is somewhat remarkable that not only was no complaint made by the master of this vessel to a magistrate, but that neither he nor his crew should have mentioned the subject until he had returned to the

United States and the claims of other fishermen were being brought forward for adjudication.

The government of Newfoundland regret that the good faith of the local authorities should be called in question. It is not denied that differences have arisen, and may again occur, between British and United States fishermen when plying their calling in the same locality, such differences not being infrequent even when fishermen of the same nationality fish together. But they are not aware of any case of dispute between British and American fishermen in which, on complaint made, an investigation has not taken place and justice has not been administered.

The colonial authorities at Saint John's have expressed a wish that the attention of the Government of the United States should be called to the demoralizing effects upon the people of Newfoundland, resulting from smuggling, and the sale by the United States fishermen of various articles, including spirits to a considerable extent.

The police force of the country, they state, has been necessarily increased, and even now is inadequate, not indeed for the preservation of order amongst the native population, but for the prevention of wanton destruction of property and other lawless acts committed by a rough class of United States fishermen, who, after committing outrages, take refuge on board their vessels, leaving the unfortunate sufferers without remedy.

In forwarding these observations, Her Majesty's Government have no desire to raise a discussion with the Government of the United States, on matters which it would be unreasonable to expect should be entirely within their control. Her Majesty's Government cordially reciprocate the friendly spirit in which their attention has been invited by Mr. Blaine to the treaty privileges of the American fishermen, but they would point out that reports, from whomsoever received, of irregularities of which no complaint is made at the time, and on or from the spot, to the responsible authorities, must be accepted with some degree of caution. For their part, Her Majesty's Government fully appreciate the desire expressed in Mr. Lowell's letter, that every precaution should be taken to obviate the recurrence of disputes on the fishing grounds of Newfoundland between the British and American fishermen, and they trust that the measures which have been adopted, and which will be supplemented, if necessary, by further action, may fulfill the common wishes of the two governments.

I have, &c.,

GRANVILLE.

No. 340.

Mr. Hoppin to Mr. Blaine.

No. 224.] LEGATION OF THE UNITED STATES,
London, November 25, 1881. (Received December 9.)

SIR: Referring to your personal letter to Mr. Lowell of the 25th of October last, inclosing the order of the President, dated at Yorktown on the 19th of that month, that the British flag should be saluted by the forces of the Army and Navy of the United States at that time assembled at Yorktown, and intimating that Mr. Lowell was at liberty to communicate the contents of that letter to the British Government if he should desire to do so, I have the honor to acquaint you that I transmitted the copy of the President's order to Lord Granville on the 7th instant, and that I received yesterday his lordship's reply to my communication. I inclose herewith copies of this correspondence.

Lord Granville had already, on the 25th of October, stated in a private letter to Mr. Lowell the lively satisfaction with which Her Majesty's Government had received the news which Mr. Drummond had telegraphed of the compliment paid to the British flag, and Mr. Lowell had replied from the Continent to his lordship's note, cordially reciprocating the kind wishes it contained.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 224.]

Mr. Hoppin to Lord Granville.

LEGATION OF THE UNITED STATES,
London November 7, 1881.

MY LORD: I have the honor to acquaint you that I have received from Mr. Blaine an engrossed copy of the order adopted at Yorktown for saluting the British flag, which I have great pleasure in forwarding herewith to your lordship.

Mr Blaine, in his letter transmitting this document, states that the action was most enthusiastically applauded by the large crowd assembled at Yorktown, especially that part of the order referring to Her Majesty, whose popularity in the United States, he adds, is without bounds.

I have &c.

W. J. HOPPIN.

[Inclosure 2 in No. 224.]

Lord Granville to Mr. Hoppin.

FOREIGN OFFICE, *November* 21, 1881.

SIR: I have already had the honor to convey to Mr. Lowell informally, in a letter which I addressed to him on the 25th ultimo, the feelings of gratification with which Her Majesty's Government had received by telegraph from the British chargé d'affaires at Washington the intelligence of the compliment that had been paid to the British flag by order of the President of the United States at the termination of the ceremonies commemorating the surrender of Yorktown by Lord Cornwallis; and with your letter of the 7th instant you have been pleased to communicate to me a copy of the order issued on the occasion by President Arthur.

In reply, I have the honor to inform you that I have received the Queen's commands to request that you will have the goodness to state to the President of the United States that Her Majesty has been deeply touched by this proof of the kindly feeling which animates the people of the sister country with regard to her own person and the British nation at large.

I have, &c.,

GRANVILLE.

No. 341.

Mr. Blaine to Mr. Lowell.

No. 281.] DEPARTMENT OF STATE,
Washington, November 29, 1881.

SIR: One week after mailing my instruction to you on the 19th instant touching the presentatation to Her Majesty's Government of a proposal for the modification of the convention between the two countries, of April 19, 1850, better known as the Clayton-Bulwer treaty, I received Mr Hoppin's No. 218, of the 11th instant, communicating the response of Lord Granville to my circular note of the 24th of June last in relation to the neutrality of any canal across the Isthmus of Panama. I regret that Mr. Hoppin should not have advised me by telegraph of the purport of his lordship's reply, as it would have enabled me to present the arguments of my dispatch of the 19th instant in a more specific form as meeting a positive issue rather than as generally dealing with a subject which for thirty years, has been regarded in but one light by the public opinion of the United States. It seems proper now, however, in reply to his lordship's note of November 10th, to give a summary of the historical objections to the Clayton-Bulwer treaty, and the very decided differences of opinion between the two governments to which its interpretation has given rise.

I need hardly point out to you the well-known circumstance that even at the time of the conclusion of the Clayton-Bulwer treaty a very considerable opposition was shown thereto on the part of the far-sighted men in public life, who correctly estimated the complications which the uncertain terms of that compact might occasion. It was ably contended in Congress that its provisions did not, even then, suffice to meet the real points at issue with respect to the guarantee of the neutrality of the whole American Isthmus on bases comporting with the national interests of the United States, and the differences of interpretation became soon after so marked as to warrant the extreme proposal of Her Majesty's Government to refer them to the arbitration of a friendly power.

The justice of those doubts became still more evident six years later, when the pretensions put forth by Her Majesty's Government toward territorial protection, if not absolute control, of portions of Nicaragua and of the outlying bay islands brought up the precise question of how far the provisions of the Clayton-Bulwer compact operated to restrain the projected movement, and thereupon the interpretations respectively put upon that instrument by the United States and Great Britain were perceived to be in open conflict. The attempt made in the Clarendon-Dallas treaty, which was negotiated on the 17th of October, 1856, to reconcile these opposing contentions, and to place the absolute and independent sovereignty of Nicaragua over its territory on an unmistakable footing, so far as the United States and Great Britain were concerned, failed to be completed by reason of the rejection by Her Majesty's Government of an amendment introduced by the Senate into the Clarendon-Dallas project. From that time onward the inability of the two governments to agree upon a common interpretation of the letter and spirit of the Clayton-Bulwer treaty may be accepted as a historical fact.

In the discussions between the two governments which attended the failure of the Clarendon-Dallas treaty, the attitude of the United States with respect to the Clayton-Bulwer treaty was amply defined. As early as the 12th of March, 1857, I find that General Cass, then Secretary of State, in the course of a conference with Lord Napier, Her Majesty's representative—

passed some reflections on the Clayton-Bulwer treaty; he had voted for it, and in doing so he believed that it abrogated all intervention on the part of England in the Central American territory. The British Government had put a different construction upon the treaty, and he regretted the vote he had given in its favor. (Dispatch of Lord Napier to the Earl of Clarendon, March 12, 1857.)

On the 6th of May, 1857, President Buchanan, in an audience given to Lord Napier, and in response to his lordship's suggestion that if the attempted adjustment of the difference between the governments as to the Clarendon-Dallas treaty should fail, the Clayton-Bulwer treaty remained to fall back upon, characterized that instrument in much stronger terms than General Cass had done. To quote Lord Napier's words:

The President denounced the Clayton-Bulwer treaty as one which has been fraught with misunderstanding and mischief from the beginning; it was concluded under the most opposite constructions by the contracting parties. If the Senate had imagined that it could obtain the interpretation placed upon it by Great Britain, it would not have passed. If he had been in the Senate at the time, that treaty never would have been sanctioned. (Dispatch of Lord Napier to the Earl of Clarendon, May 6, 1857.)

These views are more explicitly and formally repeated in a note addressed by Secretary Cass to Lord Napier on the 29th of May, 1857. He says:

The Clayton-Bulwer treaty, concluded in the hope that it would put an end to the

differences which had arisen between the United States and Great Britain concerning Central American affairs, had been rendered inoperative in some of its most essential provisions by the different constructions which had been reciprocally given to it by the parties. And little is hazarded in saying that, had the interpretation since put upon the treaty by the British Government, and yet maintained, been anticipated, it would not have been negotiated under the instructions of any executive of the United States, nor ratified by the branch of the government intrusted with the power of ratification.

The publicity of these statements, and the strong feeling which then prevailed in all quarters that the Clayton-Bulwer convention was inadequate to reconcile the opposite views of Great Britian and the United States towards Central America, led to a very decided conviction that the treaty should be abrogated. Lord Napier reflected this growing impression when, on the 22d of June, 1857, he wrote to Lord Clarendon that—

It is probable that if the pending discussions regarding Central America be not closed during the present summer, an attempt will be made in the next session of Congress to set aside the Clayton-Bulwer treaty. * * * There can be no doubt of the views of the President and Cabinet in this matter.

Before this tendency could, however, find its expression in any official act, a movement on the part of Her Majesty's Government placed the whole matter in a new aspect. Sir William Gore Ouseley was sent out October 30, 1857, as a special minister, with the double purpose of concluding with the Central American States, and especially with Guatemala and Honduras, settlements of the questions relative to the Bay Islands, the Mosquito Territory, and the boundaries of British Honduras, and also of visiting Washington on the way, and conferring with the Secretary of State of the United States, for the purpose of ascertaining the views of his government, and establishing "a perfect understanding with the United States upon the points respecting which differences have hitherto existed between the two countries." Among these differences was now superadded to the territorial question of Mosquito and the Islands, the very question which to-day most concerns us, the question of interoceanic communication, which had for some time been the occasion of correspondence between General Cass and Lord Napier, and in relation to which General Cass wrote, on the 20th of October, 1857, as follows:

I have thus endeavored to meet the frank suggestions of your lordship by restating, with corresponding frankness, the general policy of the United States with respect to the governments and the interoceanic transits of Central America; but since your lordship has referred to the Clayton-Bulwer treaty of 1850, as contemplating a "harmonious course of action and counsel between the contracting parties in the settlement of Central American interests," you will pardon me for reminding your lordship that the differences which this treaty was intended to adjust between the United States and Great Britain still remain unsettled, while the treaty itself has become the subject of new and embarrassing complications.

Prior to the arrival of Sir William Ouseley in the United States, Lord Napier held an important interview with President Buchanan on the 19th of October, 1857, with the object of obtaining "further elucidation of the opinions of the President with reference to the adjustment of the Clayton-Bulwer treaty." On that occasion Lord Napier declared that he believed it the intention of Her Majesty's Government, in Sir William Ouseley's mission, "to carry the Clayton-Bulwer treaty into execution according to the general tenor of the interpretation put upon it by the United States; but to do so by separate negotiation with the Central American republics, in lieu of a direct engagement with the Federal Government," and asked that, pending the negotiation intrusted

to Sir William Ouseley, "no proposal to annul the (Clayton-Bulwer) treaty would be sanctioned or encouraged" by the President or the members of the United States Government. To this the President cheerfully consented, and promised to modify the statements in his annual message to Congress, accordingly, and under no circumstances to countenance any attempt against the Clayton-Bulwer treaty in Congress.

Matters being in this state, with Sir William Ouseley's mission announced, and the benevolently expectant attitude of the United States toward it assured, Lord Napier, on the 27th of October, 1857, in conference with General Cass, brought up contingently, as a discarded alternative of his government, a former proposal to refer the disputed questions to arbitration.

> The General remarked in reply [says Lord Napier, writing to the Earl of Clarendon] that he did not repudiate the principle of arbitration on all occasions; he had invoked it, and would do so again where it seemed justly applicable, but that in this matter it was declined by the American Government for the following reasons: The language of the treaty was so clear that in his opinion there ought not to be two opinions about it. * * * Then it was a mere question of the interpretation of the English language, and he held that a foreign government was not so competent to decide in such a question as the United States and England, who possessed that language in common.

The Earl of Clarendon in reply approved of Lord Napier's course in broaching anew the suggestion of arbitration, and authorized him to renew formally, in writing, the offer to refer the disputed questions arising out of the interpretation of the Clayton-Bulwer treaty to the decision of any European power (instruction of November 13, 1857), and this was accordingly done by Lord Napier in a note to General Cass, dated November 30, 1857.

In his annual message to Congress in December, 1857, President Buchanan, after narrating the negotiation and failure of the Clarendon-Dallas treaty, said:

> The fact is, that when two nations like Great Britain and the United States, mutually desirous, as they are, and I trust ever may be, of maintaining the most friendly relations with each other, have unfortunately concluded a treaty which they understand in senses directly opposite, the wisest course is to abrogate such a treaty by mutual consent and to commence anew. * * * Whilst entertaining these sentiments, I shall nevertheless not refuse to contribute to any reasonable adjustment of the Central American questions which is not practically inconsistent with the American interpretation of the treaty. Overtures for this purpose have been recently made by the British Government in a friendly spirit which I cordially reciprocate.

Meanwhile the Earl of Clarendon had instructed Sir William Ouseley, under date of November 19, 1857—

> Not to commit Her Majesty's Government to any course whatever in respect to the Bay Islands, till the intentions of the Congress of the United States in regard to the treaty of 1850 are clearly ascertained.

The situation, then, at the close of 1857, presented a triple deadlock. The United States had agreed not to move toward the abrogation of the treaty until it could be seen what interpretation of its provisions would result from Sir William Ouseley's mission. Sir William had received positive instructions not to move until the United States should decide whether to abrogate the treaty or not; and Lord Napier was forbidden to move until the United States should make formal answer to the proposal for arbitration. The instructions of Lord Claredon to Lord Napier, January 22, 1858, contained these words:

> We are decidedly of opinion that it would neither be consistent with our dignity nor our interest to make any proposal to the United States Government until we have received a formal answer to our formal offer of arbitration. In event of the offer being refused, it will be a great and hardly justifiable proof of the spirit of conciliation by which we are animated, if we then show ourselves disposed to abrogate the Clayton-Bulwer treaty; but we must not be in too great haste.

In order, apparently, to break this dead-lock, Lord Napier wrote to General Cass, February 17, 1858, that—

> Something in the nature of an alternative was thus offered to the American Cabinet. Should the expedient of arbitration be adopted, a great portion of Sir William Ouseley's duty would be transferred to other agencies. Should arbitration be declined it was hoped that the efforts of Her Majesty's envoy would result in a settlement agreeable to the United States, inasmuch as in essential points it would carry the treaty of 1850 into operation in a manner practically conformable to the American interpretation of that instrument.

On the 10th of March, 1858, the Earl of Malmesbury, who had succeeded Lord Clarendon in the foreign office, instructed Lord Napier that until an answer was returned to the proposal for arbitration—

> No further step can be taken by Her Majesty's Government with that of the United States in regard to that matter; [and further, that] when this point is cleared up, Her Majesty's Government, supposing that the Government of the United States decline arbitration, will have to determine whether they should originate a proposal for the abrogation of the Clayton-Bulwer treaty, or adopt any other course which the circumstances at the moment may seem to recommend.

It appears, however, that the proposal to abrogate the treaty, which Lord Malmesbury reserved the right to originate, had already been communicated to the Government of the United States by Lord Napier, under instructions from Lord Clarendon. In a despatch, dated March 22, 1858, Lord Napier wrote:

> The Earl of Clarendon authorized me to inform General Cass that Her Majesty's Government would not decline the consideration of a proposal for the abrogation of the treaty by mutual concert. * * * I have accordingly, on two occasions, informed General Cass that if the Government of the United States be still of the same mind, and continue to desire the abrogation of the treaty of 1850, it would be agreeable to Her Majesty's Government that they should insert a proposal to that effect in their reply to my note respecting arbitration.

Lord Napier further reports in detail the conversations had with General Cass as to the most proper method of effecting such abrogation, if agreed to.

In reply to this dispatch of Lord Napier, the Earl of Malmesbury instructed him, April 8, 1858, that his action was approved, and that he should confine himself to pressing for an answer to his proposal for arbitration, his lordship added these significant words:

> Her Majesty's Government, if the initiative is still left to them by the unwillingness of the United States themselves to propose abrogation, desire to retain full liberty as to the manner and form in which any such proposal shall be laid on their behalf before the Cabinet at Washington. * * * The Clayton-Bulwer treaty has been a source of increasing embarrassment to this country and Her Majesty's Government, if they should be so fortunate as to extricate themselves from the difficulties which have resulted from it, will not involve themselves, directly or indirectly, in any similar difficulties for the future.

The answer of General Cass, to Lord Napier's several proposals was briefly to the effect that pending the results expected from Sir William Ouseley's mission to the Central American states, the United States could not adopt the alternative of arbitration, "even if it had not been twice rejected before," and that if—

> The President does not hasten to consider now the alternative of repealing the treaty of 1850, it is because he does not wish prematurely to anticipate the failure of Sir William Ouseley's mission, and is disposed to give a new proof to Her Majesty's Government of his sincere desire to preserve the amicable relations which now happily subsist between the two countries. (General Cass to Lord Napier, April 6, 1858.)

In this posture of affairs the Earl of Malmesbury instructed Sir William Ouseley to open direct negotiations with the Central American states; and on the 18th of August instructed Lord Napier to inform

the Government of the United States of the intentions and object of Her Majesty's Government in the premises. His lordship added:

> Modification, arbitration, and abrogation of the Clayton-Bulwer treaty have been *flatly rejected.* Great Britain and Nicaragua are now about to treat as independent states.

I have emphasized the phrase "flatly rejected," in view of a subsequent instruction of the Earl of Malmesbury to Lord Napier, on the 8th of December, 1858, wherein he said:

> I think you would have done better if you had not too pointedly brought before the United States Government the notion that the British Government might view with favor a proposal to abrogate the Clayton-Bulwer treaty.

It is not difficult in following this narrative to discern that General Cass, though not desiring to express it, had an additional motive for declining at that particular time to propose the abrogation of the Clayton-Bulwer treaty. He did not desire by such proposed abrogation to indicate his willingness that Sir William Gore Ouseley should make treaties with the separate states of Central America unrestrained by the clauses of the Clayton-Bulwer treaty inhibiting the extension of British power in that region. General Cass, with his accustomed caution and wisdom, clearly perceived that for the United States to propose abrogation on the very eve of Sir William Ouseley's mission would lead to injurious inferences and would imply conclusions which the United States was not prepared to admit. Objectionable as General Cass thought the Clayton-Bulwer treaty, he thought it was better than giving the implied consent of this government that Great Britain should obtain such treaties as the force of her power might secure in Central America. The subsequent note of Lord Malmesbury, not strained by an uncharitable construction, throws additional light on the subject and confirms the wisdom of General Cass in declining to propose abrogation at that time. And besides, General Cass evidently desired to retain those very clauses of the Clayton-Bulwer treaty to which, in my dispatch of the 19th, I proposed on the part of this government to adhere.

I have dwelt with somewhat of detail on this particular historic episode, partly because it admirably illustrates the spirit with which both governments have regarded the Clayton-Bulwer treaty from the first, and partly because it had more direct bearing on the question of the guarantee of any isthmian transit than any other discussion of the time. In perusing the voluminous correspondence, unprinted as well as that printed and submitted at the time to Congress and to Parliament, I am more than ever struck by the elastic character of the Clayton-Bulwer treaty, and the admirable purpose it has served as an ultimate recourse on the part of either government to check apprehended designs in Central America on the part of the other, although all the while it was frankly admitted on both sides that the engagements of the treaty were misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious.

I am, as I must confess, strengthened in this impression by the circumstance that in his response to my dispatch of the 24th of June last, Earl Granville takes the ground that the position of Great Britain and the United States toward the projected Panama Canal is determined by the Clayton-Bulwer treaty. It does not seem likely to become a subject for discussion how far the engagements of that compact in reality extend to the Isthmus of Panama, under the provisions of Article VIII thereof, in the same precise sense in which they extend to the projected Nicaraguan transit. For it will be observed that this article does

not stretch the guarantees and restrictions of Article I over either the Tehuantepec route through Mexican territory, or the Panama route through Colombian territory. It is in terms an agreement to extend the protection of both countries, by treaty stipulations, to those or any other practicable water-ways or railways from ocean to ocean across the Isthmus, outside of Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. So far as this inchoate agreement to hereafter agree is applicable to the Panama transit, I have amply shown, in my No. 270 of the 19th instant, that the obligations embraced on the part of the United States in concluding the prior convention with the Republic of New Granada (now Colombia) in 1846, require that the United States should be freed from unequal and inequitable obligations to Great Britain under the vague and as yet unperfected compact of 1850.

My main object in writing this instruction has been to strengthen your hands in any discussion which may now ensue as to the benefits of the Clayton-Bulwer treaty, and the mutual interest of the two countries in conserving it as the basis of a settlement of all questions between them touching Central American and Isthmian questions. It will be seen that from the time of its conclusion in 1850 until the end of 1858, its provisions were thrice made the basis of a proposal to arbitrate as to their meaning, that modification and abrogation have been alike contingently considered, and that its vexatious and imperfect character has been repeatedly recognized on both sides. The present proposal of this government is to free it from those embarrassing features, and leave it, as its framers intended it should be, a full and perfect settlement, for all time, of all possible issues between the United States and Great Britain with regard to Central America.

If in your conferences with Earl Granville it should seem necessary, you will make free use of the precedents I have cited, and should you, within the discretionary limits confided at the end of my No. 270, have given a copy thereof to his lordship, you are equally at liberty to let him have a copy of this also, with the same explanation, that it is for your use, and not written as a formal note for communication to Her Majesty's Government.

I am, &c.,

JAMES G. BLAINE.

No. 342.

Mr. Blaine to Mr. Lowell.

No. 286.] DEPARTMENT OF STATE,
Washington, December 10, 1881.

SIR: For some time past I have had important correspondence with the United States minister resident at Honolulu touching the efforts of foreign countries to gain the same footing in Hawaii as is given by the reciprocity treaty to the United States, and concerning also the endeavors of the Hawaiian Government to meet the problem of a decreased and decreasing native population. These tendencies are all sufficiently marked to enlist the interest and even the anxiety of this government, which has considered the Hawaiian group as distinctly embraced in the American Pacific system, and which has in many ways shown its ap-

preciation of the intimacy and directness that should control the relation of the United States thereto.

Copies of the Department's correspondence* with Mr. Comly are herewith transmitted for your information, as indicating the apparent purposes of Great Britain to acquire a controlling influence in Hawaiian commerce, and to encourage Cooly emigration to the islands from British India. This last movement has seemed to me sufficiently grave to warrant an explicit declaration to the Hawaiian Government that the United States regards the Hawaiian group as essentially a part of the American system of states, and the key to the North Pacific trade, and that, while favorably inclined toward the continuance of native rule on a basis of political independence and commercial assimilation with the United States, we could not regard the intrusion of any non-American interest in Hawaii as consistent with our relations thereto.

You will not, unless further instructed, bring this subject formally to the attention of Lord Granville. Should his lordship, as the result of advices that may reach him from the British minister at Honolulu, introduce the subject officially, you will be prepared from the information herewith transmitted to discuss it freely and to acquaint him with the expectations and intentions of your government. It is to prepare you for such a contingency that the inclosures are sent you.

I am, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

No. 343.

Sir Edward Thornton to Mr. Evarts.

WASHINGTON, *November* 23, 1880. (Received November 24.)

SIR: I have the honor to transmit herewith copy of a letter from the lieutenant governor of the Northwest Territory of Canada and of its inclosures, addressed to the Canadian minister of the interior, relating to an attack made by a number of Gros Ventres and Mandin Indians from the United States upon a party of Stony Indians of Canada, during which about eight of the latter were killed and several more wounded.

The attack appears to have been on about the 6th of September last, about five miles north of the boundary line, and it is probable that the party who committed this outrage are now within United States territory.

The above mentioned documents have been forwarded to this legation by the governor general of Canada, and I have thought it my duty to submit their contents to you, in the hope that steps may be take to ascertain who were the persons who committed these deeds of violence, with a view to their punishment if they can be identified.

I have, &c.,

EDW'D THORNTON.

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* For correspondence referred to see under Hawaii.

[Inclosure.]

The Hon. David Laird to the honorable the minister of the interior.

FORT ELLICE, NORTHWEST TERRITORY,
October 18, 1880.

SIR: I have the honor to transmit herewith the report of an interview which I had this day with a Canadian Stony Indian chief, by the name of "Ocean Man," who with a part of his band were attacked and some eight of his people killed by a number of Gros Ventres and Mandin Indians from the United States. No doubt you have, ere this reaches you, received more full reports of the massacre from some officer of the Indian department, but I deem it my duty, according to my promise to the Indians, to lay the statement of the chief before you. I need not urge upon you how important it is that this matter should be thoroughly investigated. Unless some decided action is taken the dangerous impression will be apt to gain ground among our Indians that Her Majesty the Queen is powerless to protect her people from such wholesale slaughter.

You will observe by my reply to the chief that I have been guarded in making any definite promise in regard to the case; but I am fully convinced that every effort possible should be made to detect and if possible to procure the punishment of the guilty parties.

I have, &c.,

DAVID LAIRD,
Lieutenant-Governor Northwest Territory.

Statement of an interview between Lieutenant-Governor Laird and "Ocean Man," a Stony chief (whose reserve is at Moose Mountain, Northwest Territory), held at Fort Ellice, October 18, 1880, respecting massacre of part of said chief's band at the Coteau de Missouri, by Gros Ventres and Mandins, United States Indians, about the middle of September, 1880.

OCEAN MAN. When I see you, Father, I would like to tell you the news. At the time I took treaty payments this summer, the government agents told me to cut hay, and I did it. The agent did not give my people food to support them while doing this work. Father, listen to me. When my young men were working, I went out to the plains to try and get some food. We went out, but we had not much powder; and two parties of Indians came upon our camp. They killed my first soldier, who was my brother and altogether eight of our party. I did what you told me when the treaty was made. I kept my gun in my arm. They killed two of our horses. We had to leave all our carts and tents and came off almost naked. Twelve of our party were wounded, and we had to carry them on our backs. We had to leave everything, even some of our guns. I do not throw away my reserve; but I do not wish to go on it until the spring. The place of attack was at the ridge, or Coteau de Missouri, about 40 miles southwest of Moose Mountain, and about 12 miles from the United States boundary. The Indians who made the attack were Gros Ventres and Mandins. I cannot do anything for myself now, and want some help from the government. I wish I could only get through the winter. I desire you to write a letter to the Indian commissioner at Shoal Lake to give some assistance this winter, as I have lost everything. I also need a farm instructor in the spring like the other chiefs. Father, I put all bad things behind my back when the treaty was made, and I wish you to look after this affair. I will think over it until spring, but if I hear that government has done nothing in the case, I may then take a few steps across the line.

Lieutenant-Governor LAIRD. Do you know the names or could you point out any of the attacking party, if you saw him?

OCEAN MAN. I do not know the men. I only know the tribe. I could not point out any of the men. My brother went out towards them, and when they asked who we were, we said the Paddling Stony Indians, and they began to thrash at us with willows, and when my brother went farther they shot him down. I think there were about sixty men in their party.

Lieutenant-Governor LAIRD. Had any of your people a quarrel with any of those Indians about anything last winter or spring?

OCEAN MAN. We are aware of nothing. We have been at peace for a long time with those Indians. During the previous summer we gave a horse as a present to their chief. I cannot think what caused the attack. We have for a long time been eating and drinking as one nation. I will try and find out the reason that my friends did thus to me.

Lieutenant-Governor LAIRD. I am glad to hear you say that you are going to try and find out the reason of the attack. I also hope you will endeavor to find out who the leader and chief men of the attacking party were, and if you succeed report it to me or some other offier of the government. If our government only knew who the

men were, they might report it to the United States Government and get them punished. But the government would not wish to harm innocent Indians, and can scarcely do anything unless they know the guilty parties. These Indians have committed two great offenses; they have killed Indians of a neighboring tribe and have invaded the territory of another country from that under which they live to do their deed of blood. I would advise you not to pursue them across the boundary line. They are strong and you might get your people and the government of this country into trouble. It is most painful to the Queen to hear of her people, whether her red children or her white children, being killed without provocation, and she will see to protect them. I will report what you have stated to the Queen's councillors at Ottowa. I will also write to Mr. Dewdney, the Indian commissioner, and say that I consider your people who have lost their ponies, carts, and clothing, deserve special assistance this winter. My heart is sore for you. I feel for you, in hearing of your brother and people being shot down, as if they were my own children, and I will at once report the case to the Queen's Government.

Mr. McDonald to Mr. Dewdney.

WINNIPEG, MANITOBA, *October* 26, 1880.

SIR: I regret to be obliged to report an affair which has caused a good deal of affliction in the Ocean Man's band by a party of American Indians, "Mandin and Gros Ventres," whose reservation is due south from the Moose Mountains. They killed seven men, two women, and one child, also wounded twelve women and children of our Indians, all Assineboines with the exception of "Neshoot" a Sateau [sic in original] of Way-way-see-cappas' band. As soon as I was able to leave Qu Appelle I proceeded to Fort Ellice with the intention of going to the Moose Mountains to inquire into the matter, but meeting the only two Indians who got out of the fight untouched, I got the following information from them.

"Douche-a-ne-cess" states:

"The fight took place on the east side of the Grand Coteau, about five miles north of the boundary line. We were hunting small game; I was riding some distance from the camp, when I saw about sixty Indians, all men, on horseback; I returned to the camp followed by them. The few who dismounted commenced to switch us. Previous to this they asked who we were. One of our party answered Paddling Indians.

"While being switched 'See-ma-too-tay,' a brother of the chiefs, was about to talk when he was shot through the heart at a distance of five yards. On this we began to fire.

"The fight commenced at 2 p. m. and lasted until dark, when we left the place unperceived by the enemy.

"Shortly before we started, one of the American Indians called out 'Who are you, friends? Go home as you are.'

"They took all our horses and, I suppose, all that was left."

In answer to questions put to him, he says:

"No doubt the party who killed our relatives were American Indians, Mandins and Gros Ventres. They were on the war-path, but, contrary to Indian warfare, did not decline their names."

They do not know the cause of this fight.

From what I could make out, the fight must have taken place on September 6.

This affair will, I fear, disorganize the band for at least twelve months. They will not go on their reserve or in its vicinity.

The chief was not in the fight, nor did I meet him at Ellice, but I am happy to say, the message I sent to him has been received in a good spirit, as you will see by the inclosed speech, made at Fort Ellice in the presence of Mr. A. T. Russell, two days after his departure for Shore Lake.

Owing to the low spirits these poor Indians were in, with the wounded about them and their total want, I gave them relief, viz, flour, gunpowder, caps, and shot, also a small supply of fresh beef, which, I trust, you will approve of.

I have, &c.,

A. McDONALD,
Indian Agent.

No. 344.

Sir Edward Thornton to Mr. Evarts.

WASHINGTON, *November* 26, 1880. (Received November 27.)

SIR: With reference to previous correspondence, I have the honor to transmit herewith copy of a report of the privy council of Canada, con-

cerning the system of "wrecking on the great lakes," which has been forwarded to this legation by the governor-general of Canada.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Copy of a report of a committee of the honorable the privy council for Canada, approved by his excellency the governor-general, on the 19th day of November, 1880.

The committee of council have had under consideration a dispatch (with its inclosures) from Sir Edward Thornton, No. 7 of February 5, 1880, to his excellency the governor-general, respecting "the system of wrecking on the great lakes."

The minister of customs, to whom the same was referred, has submitted the following observations thereon:

"The communication of Mr. Evarts to Sir Edward Thornton, of February 3, refers to former correspondence on the same subject, and transmits, for Sir Edward's information, a copy of a letter from the Secretary of the United States Treasury, with reports from the customs officers of the United States stationed at Wilson and Olcott, in the district of Suspension Bridge, in the State of New York, relative to the cases of certain Canadian vessels which went ashore on the United States coast of Lake Ontario during the month of November, A. D. 1879, and to the assistance rendered on these occasions by Canadian tugboats, calling special attention to the case of the "Jane McLeod," which went ashore on the 2d November, 1879, at Six Mile Creek, in the State of New York, and was towed off by a Canadian tugboat without, Mr. Evarts observes, 'the tugboat being detained or heavily fined by the United States authorities, but permitted to accomplish her humane work, without her name or nationality being ascertained.'

"The minister submits that the aid in this case afforded to the vessel in distress, without the nationality of the tugboat which accomplished the 'humane work' being inquired into, was an act which, if performed by a United States tugboat towards a vessel in like distress on the Canadian coast, would be treated in the same manner and with the same consideration as was shown on the occasion referred to by the custom-house officers of the United States.

"The minister observes that the cases of the Canadian schooners "Gold Hunter" and "Wave Crest," sunk in the harbor of Olcott, seem from the statement of the deputy collector of Olcott to have been substantially as follows:

"These vessels having been sunk were respectively raised and floated without any assistance having been rendered by Canadian tugboats, but they were afterwards towed to ports in Canada by Canadian tugboats, towing of this character being by usage a recognized right of vessels of either nationality, and being quite consistent with the coasting regulations, both of the United States and of Canada.

"Of the cases of the two vessels named by the deputy collector of the port of Wilson, one appears to have been that of a schooner taking refuge in that harbor without assistance, and the other that of a schooner which having grounded was pulled off by a United States tugboat from Buffalo. There is nothing in either case, therefore, bearing upon the question under discussion.

"The minister adds that the Canadian customs department has always carried out the 'principle of reciprocity in facilitating aid to disabled vessels of whatever flag' in as full a degree as is claimed by the United States in any of the cases cited in these dispatches."

The committee concur in these observations and recommend that a copy of the foregoing minute when approved be forwarded to Sir Edward Thornton for the information of the United States Government.

Certified:

J. O. COTÉ,
Clerk, Privy Council, Canada.

No. 345.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, December 2, 1880.

SIR: I have the honor to inform you that I have received a letter from my colleague, the Secretary of the Interior, in which he says that

it has been represented to him that there is a trading establishment located at Woody Mountain in the Dominion of Canada, about 30 miles from the north line of the Blackfeet Reservation, Fort Beck Agency, Montana Territory, which is a rendezvous for robbers and murderers, and a point from which arms and ammunition are supplied to Indians who are hostile to this country.

In view of the grave character of the complaints in regard to this matter which have reached this government from sources deemed to be entirely trustworthy, I feel it to be my duty to lose no time in bringing this subject to your attention, in order that Her Majesty's Government may cause inquiries to be made into the facts of the case, so that, if the representations made to the Secretary of the Interior, above referred to, shall be ascertained to be well founded, prompt action for the remedy of the evil complained of may be taken by the Canadian authorities.

I have, &c.,

WM. M. EVARTS.

No. 346.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, December 17, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo, with its several inclosures, in relation to an attack alleged to have been made by a number of Gros Ventres and Mandin Indians from the United States upon a party of Stony Indians of Canada, during which about eight of the latter were killed and several more wounded.

In reply I beg to inform you that I have communicated a copy of your note to my colleague, the Secretary of the Interior, in order that the facts may be inquired into, with a view to such action by this government as may be found to be proper.

I have, &c.,

WM. M. EVARTS.

No. 347.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, January 4, 1881.

SIR: Referring to my reply of the 17th ultimo, to your note of the 23d of November last, in relation to an alleged attack by Indians from the United States upon a party of Stony Indians of Canada, I now have the honor to inform you that I have received a letter from my colleague, the Secretary of the Interior, dated the 28th ultimo, in which he says that an investigation has been ordered by the Indian Office, with a view to the discovery and punishment of those who may be found guilty of the outrage in question.

I have, &c.,

WM. M. EVARTS.

No. 348.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, January 10, 1881.

SIR: At the instance of my colleague, the Secretary of the Treasury, I have the honor to inclose herewith a copy of a letter dated the 27th ultimo, addressed by him to the collector of customs at Suspension Bridge, New York, which it is desired should be communicated to the customs authorities of the Dominion of Canada, for their information concerning the transportation of merchandise in bond from one port to another in that country, by the way of the Suspension Bridge and Ogdensburg, N. Y.

I have, &c.,

WM. M. EVARTS.

[Inclosure.]

Mr. Upton, Assistant Secretary of the Treasury, to the collector of customs, Suspension Bridge, New York.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C. December 27, 1880.

SIR: The department has received a communication from the general superintendent of the Rome, Watertown and Ogdensburg Railroad Company requesting authority to transport from Suspension Bridge to Ogdensburg, in sealed cars, under entry for immediate transportatation and exportation, bonded merchandise arriving at Suspension Bridge from one port in the Dominion of Canada and destined for another port in said Dominion.

It appears from the letter of the general superintendent that in the case of merchandise forwarded in the manner indicated, it is the practice, under existing regulations, to require entry for warehouse and transportation to be made at your port, and that upon arrival of the merchandise at Ogdensburg, entry for withdrawal and exportation is also required.

The Rome, Watertown and Ogdensburg Railroad Company request the department to issue such instructions as will enable parties to make shipment of goods in bond in the manner and between the points indicated under one entry in order to obviate the expense and delay attending the present method.

The department after full consideration of the subject, has decided that merchandise from a Canadian port and destined for another port in Canada may be entered at Suspension Bridge, N. Y., for immediate transportation and exportation in bond to Canada, via Ogdensburg, N. Y., and vice versa, under the form of entry and bond now required at New York and other ports, in the case of foreign merchandise passing in transit through the United States to or from the Dominion of Canada (see Articles 20 to 33 of the regulations under the treaty of Washington, § 2171).

Especial care should be given to the requirements of Article 24 of the regulations referred to relating to the sealing of cars employed in conveying the merchandise from your port.

Very respectfully,

J. K. UPTON,
Assistant Secretary.

No. 349.

Sir Edward Thornton to Mr. Evarts.

WASHINGTON, *January* 12, 1881. (Received January 12.)

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, inclosing copy of a letter addressed by the Treasury

Department to the collector of customs at Suspension Bridge, concerning the transportation of merchandise in bond, from one port to another in Canada, by way of Suspension Bridge and Ogdensburg, N. Y., and to inform you that I am this day forwarding a copy of it to the governor general of Canada, for communication to the customs department of the Dominion.

I have, &c.,

EDW'D THORNTON.

No. 350.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, January 31, 1881.

SIR: Referring to my reply of the 4th instant to your note of the 23rd of November last, in relation to an alleged attack by certain Indians from the United States upon a party of Stony Indians of Canada, I now have the honor to transmit herewith, for your information, copies of the reports made on the subject to my colleague, the Secretary of the Interior, from which it appears that the attack to which your note refers was made by about fifty Indians belonging to the Fort Berthold Agency, by way of retaliation for the death of "Walking Wolf," an Indian belonging to their tribe, who was, as they believe, killed by the party of Chippewas which they attacked.

I have, &c.,

WM. M. EVARTS.

[Inclosure.]

Mr. Schurz to Mr. Evarts.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1881.

SIR: I have the honor to transmit herewith, for your information and such action as may be deemed advisable, a copy of report, dated the 8th instant, from United States Indian Agent Kauffman of the Fort Berthold Agency, Dakota, in relation to the investigation made by him in the matter of difficulties between the Indians of his agency and a party of "Stony" or Chippewa Indians from Canada, which was the subject of department letter of the 28th ultimo.

A copy of the letter of the office of Indian Affairs submitting said report is also herewith inclosed.

I am, &c.,

C. SCHURZ.

Mr. Marble to Mr. Schurz.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 19, 1881.

SIR: Referring to office letter of the 23rd ultimo, relative to the action taken by this office upon a communication of Sir Edward Thornton, Her Britannic Majesty's minister at this capital, transmitted to the department in a letter of the honorable the Secretary of State, dated 17th ultimo, respecting an attack alleged to have been made by a number of Gros Ventres and Mandin Indians from the Fort Berthold Reservation, upon a party of Stonys or Chippewa Indians of Canada, I have now the

honor to inclose copy of a report of United States Agent Jacob Kauffman, in charge of the Fort Berthold Agency, who was directed to make a thorough investigation of the matter; and respectfully suggest that the same be transmitted to the State Department for its information and appropriate action.

Very respectfully, your obedient servant,

E. M. MARBLE,
Acting Commissioner.

Mr. Kauffman to Mr. Trowbridge.

UNITED STATES INDIAN SERVICE, FORT BERTHOLD AGENCY, DAKOTA,
January 8, 1881.

SIR: In reply to office letter of 23d ultimo, inclosing copies of communications from the honorable the Secretary of State, Sir Edward Thornton, Her Britannic Majesty's minister at Washington, and David Laird, lieutenant-governor of Northwest Territory, detailing a fight between Gros Ventres and Mandin Indians, of Fort Berthold Agency, and Stonys or Chippewas of Canada, I have the honor to state that I have used my best endeavors to ascertain the facts in relation to the very unfortunate affair referred to in these communications, which I will briefly state, as follows:

On the evening of the 28th day of August last, my agency Indians learned that "Walking Wolf," an Indian of this agency, while herding horses about 60 miles northwest from Fort Berthold, was shot and killed by Indians, supposed to be Chippewas. On receiving this information a party of about fifty Indians left camp during the night, without my knowledge, and, as I subsequently learned, to avenge the killing of "Walking Wolf," as stated above. They found the trail, as they state, of the perpetrators leading in a northwesterly direction, which they followed and overtook, as they claim, the guilty party, when a fight took place. The Berthold Indians further state, that the band of Indians which they overtook began the firing, killing two Berthold Indians before a shot was fired by them, when a general fight took place, in which five Berthold Indians were killed and six others wounded. I am unable to ascertain from agency Indians casualties on the other side, as Indians from this agency state they were repulsed and driven from the field.

I exceedingly regret this unfortunate affair, but under the circumstances was powerless to prevent it.

I am, sir, &c.,

JACOB KAUFFMAN,
United States Indian Agent.

No 351.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, February 5, 1881.

SIR: In correspondence heretofore exchanged between this Department and Her Majesty's legation in this city, for some two years past, the question of the erratic movements of hostile Indian bands from one to the other side of the boundary line between the northwestern region and Her Majesty's American possessions has been earnestly set forth, and the need of arriving at some distinct understanding whereby these predatory incursions alternating with a recourse to asylum north of the border might be ended, has been urged upon Her Majesty's Government. I refer especially to my note to you of the 27th of May, 1879, in which I sufficiently stated the gravity of the position as it then existed, in view of the anticipated refuge of Sitting Bull and his band in British territory, and suggested the international obligations which such a contingency would involve.

The course of the operations of our troops on this frontier during the past autumn and present winter has been so far successful that many of the hostiles have accepted the terms offered them, and have been placed in a position to deprive them of the power of doing harm.

In these efforts I am pleased to be able to recognize the cheerful co-operation, in the direction of using their good offices within the limited range of their duty, of certain of Her Majesty's officers on the northwestern border.

Notwithstanding this improvement in the posture of affairs, the frontier question is, as respects Sitting Bull himself and his immediate following, still pending, although apparently advancing to a solution. That chief, with a persistent remnant of his band, seems to be able to avoid surrender only by seeking asylum from time to time across the border, whence to renew, again and again, his evasive and futile parleys for submission.

Under these circumstances, it seems to this government that the time is come when the British Government, in the fulfillment of its obligations of neighborly comity and good will, should repel any new attempt on the part of Sitting Bull and his unsubmissive adherents to cross the border into British territory in evasion of pursuit, or should take such active and effective steps as will prevent his recrossing into the territory of the United States, and domicile him as a British Indian, under due restraint of surveillance and subjection. The importance and urgency of the adoption, at this time, of the measures now suggested to prevent the continuance of disorder and alarm on the frontier and restore security of life and property to the dwellers there cannot fail, I am confident, to be promptly recognized by Her Majesty's Government.

I have, &c.,

WM. M. EVARTS.

No. 352.

Sir Edward Thornton to Mr. Evarts.

WASHINGTON, *February* 12, 1881. (Received February 12.)

SIR: With reference to your note of the 10th ultimo, requesting me to communicate to the customs authorities of the Dominion of Canada copy of a letter addressed by the Secretary of the Treasury to the collector of customs at Suspension Bridge, N. Y., I have the honor to transmit herewith copy of a report of the privy council for Canada, which has been forwarded to me by the governor-general of the Dominion, and which acquiesces in the decision of your honorable colleague.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Copy of a report of a committee of the honorable the privy council for Canada, approved by his excellency the governor-general on the 7th day of February, 1881.

The committee of council have had before them a dispatch, dated January 12, 1881, from Her Majesty's minister at Washington, inclosing copy of a note from Mr. Evarts, transmitting copy of a letter addressed by the United States Treasury Department to the collector of customs at Suspension, Bridge, N. Y., conveying decision adopted relative to the transportation of merchandise from one Canadian port to another Canadian port through the United States, via Suspension Bridge and Ogdensburgh.

The honorable the minister of customs, to whom said dispatch with inclosure has been referred, reports that the United States regulation does not conflict with any regulation of the customs department of Canada, and that therefore no objection exists to said regulation.

The committee recommend that the said report be concurred in, and that a copy of this minute, when approved, be transmitted to Sir Edward Thornton for the information of the United States Government.

Certified.

J. O. COTÉ,
Clerk Privy Council, Canada.

No. 353.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, March 7, 1881.

SIR: I have the honor to call your attention to the report which reaches this Department, that the consul of Her Majesty at Philadelphia has recently cabled to his government that excessive mortality has prevailed among western swine during the past season, and that over 700,000 had died of hog cholera in Ohio alone.

The injurious effects which such a statement could not fail to cause to a large and profitable branch of American industry, if substantiated, has led this government to take the most active measures to investigate the truth of the rumor. The concurrent testimony of the authorities, both Federal and State, of the Western States, covering all the districts where swine are raised for a market, leads this Department to regard the rumor as not only without good basis, but as absolutely false. Neither infectious disease or unusual mortality from epidemic causes are known to have prevailed during the past two years; on the contrary, I receive the most positive assurances from all sources that the condition of the hogs in the West was never healthier than during that period.

In view of the natural alarm caused by the unverified statements of the consul at Philadelphia, and the irreparable damage which may ensue to wide-spread interests, without its immediate and positive contradiction, I hasten to bring the matter urgently to your attention, to the end that the denial of this hasty assertion may be so prompt and authoritative as to undo the harm already done.

I have, &c.,

WM. M. EVARTS.

No. 354.

Sir Edward Thornton to Mr. Evarts.

WASHINGTON, *March* 7, 1881. (Received March 7.)

SIR: With reference to your note of to-day's date I have the honor to inform you that the statement to which you refer, concerning the mortality among swine, must have arisen from a report which was made on the 21st of December last by Mr. Crump, then acting consul at Philadelphia, copy of an extract from which is inclosed, and which was published at London in the Times of the 19th ultimo.

You will perceive that it refers to Illinois and not to Ohio. I have already made inquiry upon the subject by telegraph of Her Majesty's consul at Philadelphia, who has informed me by the same means that the statement was made upon good authority; but I expect to receive a further report from him to-morrow.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Extract from Mr. Crump's report on swine disease, December 21, 1880.

From a sanitary point of view it may not be impertinent to call your lordship's attention to the immense mortality among swine by a disease known as "hog cholera," of which about 700,000 head have died this year in Illinois. Immense quantities of pork are annually shipped to the United Kingdom, and as the disease, *trichina spiralis*, seems to be on the increase, the subject is not unworthy of attention. Two persons recently died in Milwaukee and one in Chicago. In the latter city several persons are ill with it at the present time, and one entire family attacked about a month ago are not yet out of danger. A case just reported from Kansas describes the symptoms of the disease when it attacks the human family. In this case the victim is a farmer. He had been ill for some time and became much reduced in flesh. Upon consulting a physician, trichinæ were found; worms were in his flesh by the millions, being scraped and squeezed from the pores of the skin. They are felt creeping through his flesh, and are literally eating up his substance. The disease is thought to have been contracted by eating sausages.

Trichina spiralis may be conveyed to human beings, it is thought, by gross adulteration used in the manufacture of butter and cheese, of which there is some exporation to England. The former is adulterated with lard and grease, which, in many cases, are taken from the places where hogs die of disease and then rendered into grease, glue, &c., and the latter by a commodity called "antihuff."

No. 355.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, March 9, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, addressed to my predecessor, in response to his note of the same day to you on the subject of the alleged prevalence of hog-cholera in the Western States.

While most fully appreciating your promptness and courtesy in taking such energetic steps to investigate the authority for the strange announcement made by Mr. Crump, late acting consul of Her Majesty at Philadelphia, I regret that the further report on the subject looked for by you from the consul at Philadelphia should not have yet been communicated to this Department, in view of the urgency of the matter.

Confirming the statement in Mr. Evarts' note of the 7th that all means of information at the command of the Department concurred in showing the late published report as wholly without foundation, I hasten to transmit copies of resolutions of the Merchants' Exchange of Saint Louis, and of the Chamber of Commerce of Cincinnati.

I am also, to-day, in receipt of a communication from my colleague, the Secretary of the Treasury, conveying explicit denial of the report published in the Times, and asking that the character and source of the

information on which Mr. Crump's dispatch was based be ascertained. It may be that, as stated in the telegram you have received from the consulate at Philadelphia, credence has been given to what appeared to be "good authority"; but all that this government can learn, after searching inquiry, leads irresistibly to the conclusion that the good faith of Her Majesty's representative at Philadelphia has been imposed upon by designing speculators, in their own selfish interests, and to the incalculable injury of legitimate commerce.

Should this be so, I trust you will concur with me that no steps can be too urgent or imperative to overtake and contradict this false statement, and that this government cannot too confidently look to Her Majesty's legation for an authoritative denial thereof.

I have, &c.,

JAMES G. BLAINE.

[Inclosure 1.—Telegram.]

SAINT LOUIS, *March* 7, 1881.

Hon. JAMES G. BLAINE:

The board of directors of the Merchants' Exchange of Saint Louis to-day adopted the following:

"Whereas a report has been made public to the effect that a disease of malignant character is prevalent among the swine of this country, tending to intimidate foreign and local buyers of the product; and

"Whereas all experience and knowledge of this year's packing warrant the opinion that never before, in the annals of the pork-packing trade, was there comparatively less disease among swine or less cause for apprehension on the part of the consumer than at present: Therefore,

"*Resolved*, That in the opinion of the directors of the Merchants' Exchange of Saint Louis the alarm caused by said reports is entirely without foundation, and the assurance is given that the hog product of this season is more free from disease and more healthful generally than ever before."

MICHAEL McENNIS,
President.

[Inclosure 2.—Telegram.]

CINCINNATI, OHIO, *March* 5, 1881.

Whereas it is currently reported that the British consul at Philadelphia has sent a dispatch to England, completely false in character, to the effect that seven hundred thousand hogs have died from cholera: Therefore,

Resolved, That the Cincinnati Chamber of Commerce hereby gives, to the official representatives of Great Britain in this country, its most positive assurance that the hogs of the State of Ohio and of the whole West have been during the past year singularly free from disease of all kinds, and respectfully asks the members of the legation to take such action as would immediately correct the effects of the reports which are calculated to inflict great damage on the provision trade of both the United States and Great Britain, and which doubtless have had their sole origin in mercenary motives.

HENRY C. URNER,
President.
JOS. H. FOOTE,
Secretary.
SIDNEY D. MAXWELL,
Superintendent.

No. 356.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *March* 10, 1881. (Received March 10.)

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date upon the subject of the report made by the acting Brit-

ish consul at Philadelphia concerning hog cholera. As there still seems to be a misunderstanding, I am obliged to repeat that the report in question referred to Illinois and not to Ohio.

As soon as I heard of the alleged incorrectness of the statement made by Mr. Crump, I directed Her Majesty's consul at Philadelphia to inquire into the matter and to inform me upon what authority the assertion was made that 700,000 hogs had died in Illinois during the year 1880.

Captain Clipperton replied, first by telegraph and then by post, that the report was made on good authority from Chicago. I was not satisfied with this explanation, and called for further details. I have now the honor to inclose copy of a letter which I have just received from Captain Clipperton.

In the mean time I have had access to a pamphlet entitled "Illinois crops for 1880," published by the Illinois department of agriculture, from which it appears that the loss of hogs by disease in Illinois during 1880 was 227,259. It is evident, therefore, that Mr. Crump's report of the loss was greatly exaggerated, though, in view of the loss above mentioned, it can hardly be said that it is wholly without foundation.

I received on Saturday night the resolution of the Cincinnati Chamber of Commerce, of which a copy was inclosed in your note of yesterday. On Sunday morning I dispatched a telegram to Earl Granville, informing him that the Cincinnati Chamber of Commerce had denied Mr. Crump's report of December last, and declared that the hogs of the whole West have been, during last year, singularly free from disease of all kinds.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Mr. Clipperton to Sir Edward Thornton.

BRITISH CONSULATE,
Philadelphia, March 9, 1881.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 7, of the 8th instant, and with reference to your dispatch No. 6, of the 6th instant, relating to Mr. Crump's sanitary report to Her Majesty's principal secretary of state for foreign affairs for the month of December last, and in reply to inform you that the report of about 700,000 hogs having died in the State of Illinois in the year 1880 was sent to him by the vice-consul stationed at Chicago.

Upon further inquiry upon this subject, I learn that the reports furnished the public are more or less of an estimated character, and should be accepted in that light.

The report of the agricultural department of the State of Illinois for 1878, vol. 16, pp. 377 and 378, under the head of "hog cholera," the number of hogs in the State is assessed at 3,334,920, and the losses by diseases at 474,758 head, or 14 per cent. of the whole stock, and the pecuniary loss laid down at $1,438,589. Vol. 17, p. 383, of the same publication, quotes the number of hogs and pigs which died of cholera from May 1, 1878, to May 1, 1879, to have amounted to the enormous figure of 1,391,422. In one county alone (Warren) 59,544 head died. At pp. 544, 545, the mortality to the 1st of May, 1880, is placed at 182,577. There appear to be no later published reports, at least I have not been able to procure any.

When it is taken into consideration that hundreds of thousands of young pigs are littered after the taking of the census in April, amongst which there must necessarily be more or less mortality from swine disease, and that the figures are so very large (1,391,422 for the previous year), it is not improbable that the number quoted for 1880, viz, 700,000, is very little, if any, in excess of the actual mortality.

I beg to call your attention to the remarks of the Commissioner of Agriculture in his report for 1878, (p. 24), which are as follows:

"For less than half the territory of the United States, they show annual losses amounting to $10,091,483 in swine.

"These figures indicate that the loss of farm animals throughout the United States

annually aggregate, the sum of $30,000,000 or more. As at least two-thirds of this amount seem to be sustained in the loss of the swine from affections which appear to be but little understood by the farmer and stock-raiser, I regarded the subject of sufficient importance to call for an appropriation," &c. "In addition to the saving of so vast an amount of property, the health of our people demands the completion of this work, as it is a noteworthy but lamentable fact that many herds of hogs are shipped to the nearest market, or are slaughtered by the owners for marketable purposes as soon as the disease makes its appearance among them."

I have, &c.,

R. C. CLIPPERTON.

No. 357.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *March* 21, 1881. (Received March 21.)

SIR: With reference to my note of the 10th instant relating to the report made by the acting British consul at Philadelphia in December last, I have the honor to inform you that as the statement that 700,000 head of swine had died in Illinois of cholera during the year 1880, had been transmitted by the British vice-consul at Chicago, I instructed Her Majesty's consul at Philadelphia to request that vice-consul to furnish the data and authority upon which he had founded the statement in question.

I have now the honor to transmit herewith copy of a letter and an accompanying memorandum sent by Mr. Warrack to Captain Clipperton showing upon what authority the former made the statement which has given rise to so much bitter and even unjust comment.

You are doubtless aware that Her Majesty's consular officers are in possession of peremptory instructions from Her Majesty's Government to make periodical reports of the sanitary condition of the domestic animals in this country, so many of which are now contributing towards the supply of food to the inhabitants of Her Majesty's dominions. In performing this duty they naturally endeavor to obtain the most correct data, and I know not where they are so much justified in looking for them as in the statistics collected by the authorities, whether of individual States or of the United States. In this instance Mr. Warrack appeals to statistics collected and furnished to the agricultural department of Illinois by the assessors of that State, and he shows that the statement which has been the subject of so much complaint is borne out by the figures given by the assessors. It is admitted by the agricultural department of Illinois that the loss of hogs by disease in that State was greater in 1880 than in 1879. The assessors declare that the number of pigs and hogs which died of cholera in 1879 was 676,738. It is therefore probable that Mr. Warrack, in stating that 700,000 had died in 1880, was rather under than over the mark.

It may be that the returns made by the assessors were incorrect, and they are certainly not in accord with those published by the agricultural department of Illinois; but no blame can certainly attach to Mr. Warrack for giving credit to the statements of such officials as the assessors of Illinois.

I have at the same time the honor to invite your attention to the Report of the United States Commissioner of Agriculture for 1879, page 24, where, in speaking of hog cholera, it is stated that—

Careful returns from correspondents of the department show these losses to be at present from $15,000,000 to $20,000,000 annually.

It is added that it is not unusual to receive intelligence from some of the large hog-growing localities in the West that the losses in single counties will reach the large sum of $50,000 to $80,000, and in some instances as high as $150,000 in one season through the devastating operations of this disease.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Mr. Warrack to Mr. Clipperton.

BRITISH VICE-CONSULATE,
Chicago, March 16, 1881.

SIR: I beg to acknowledge the receipt of your dispatch of the 12th, inclosing copy of one from Sir Edward Thornton to you of the 10th instant, and inquiring as to the basis on which I formed my calculations, &c., when reporting to Mr. Vice-Consul Crump on the mortality among swine in the State of Illinois in the year 1880; and in reply I beg to say that the statement, as forwarded by me to Philadelphia on the 18th of December last, was founded on official documents in my possession, and other data, as more particularly set forth in the inclosed memorandum.

I have, &c.,

J. WARRACK,
British Vice-Consul.

MEMORANDUM.

Illinois agricultural department's circular No. 70, dated August 20, 1880, the latest available at date of my letter of 18th of December, 1880, states the number of hogs and pigs died of "cholera" as follows: 1877, 1,445,268; 1878, 1,391,422; 1879, 676,738.

These are the figures returned by assessors. Years 1878 and 1879 are verified by showing in detail the loss in each county; vide for 1878, page 383 of the seventeenth volume Transactions of Department of Agriculture, Illinois; and for 1879 see page 107 of circular 70. For the year 1878 thirteen counties do not appear to have reported, and there are three missing in 1879. The number of hogs assessed per reports of assessors (see page 50 of circular 70) are, in 1879, 2,799,051; 1880, 3,133,557.

At this date, 20th August, 1880, the percentage of deaths of the assessed hogs in 1880 had not been ascertained, but in circular 72, of 31st of December, 1880, it is given as 6 per cent. in 1879, and 7 per cent. in 1880, and on page 80 of circular 72 the following figures appear:

Year.	Number of hogs assessed.	Per cent. died.	Number died.	Average weight.	Value.
1877	2,961,366	12	358,844	104	$1,853,415
1878	3,334,920	14	474,758	108	1,438,589
1879	2,799,051	6	182,577	98	588,487
1880	3,133,557	7	227,259	104	937,293

This shows an increase of 12 per cent. in the number of assessed hogs, and a further increase, viz, 1 per cent. in the rate per cent. of those which died. That there were more swine in Illinois in 1880 than in 1879 is corroborated by the following statistics, taken for the regular "Board of Trade" circular, issued daily, from the best and most trustworthy sources accessible to the publishers:

	1880.	1879.
*Receipts of hogs at Chicago for ten months, to November 1	5,222,495	4,888,309
Shipments, same period	1,285,993	1,509,840
Number packed, including city consumption from January 1 to November 1, 1880	3,936,502	3,278,469
Number packed from the first of November, 1880, to December 17, 1880, the date of my advice being 18th of December	1,505,050	1,300,000
Total	5,441,502	4,578,469

*These are not all Illinois swine, but also come from adjoining States.

Increase of hogs killed in Chicago from 1st January to 17th December, 1880, 863,033, or 19 per cent. The increase in the number assessed as reported by the State assessors, being the difference between 2,799,051 for 1879 and 3,133,557, is 334,506, or 12 per cent.

It will be observed that the figures dealt with by the parties interested in attacking the accuracy of Mr. Crump's report are the deaths of the *assessed* hogs, and they do not appear in any of their numerous published communications to refer to the figures as given by the only authorized State assessors of Illinois, and published in the Illinois reports of the deaths of the total so-called "hog crop" of the State.

Something has been said by the parties who ignore the *total* deaths to show that the light weights of the *assessed* hogs, say an average of 108 pounds in 1878, 98 pounds in 1879, and 104 pounds in 1880, prove these to have been among young "shoats" and pigs; but turning to the reports of the assessors, as detailed on page 81 of circular No. 70, dated 20th August, 1880, we find that the gross weights of the "hogs and pigs which died of cholera" and the number in the following years are as below:

	1877.	1878.	1879.
Number of hogs and pigs died of cholera	1,445,268	1,391,422	676,738
Total gross weight of swine died of cholera ..... pounds..	106,949,832	139,853,508	49,326,591
These give average weights in these years of ..... do....	74	100	73

as against 108 and 98 pounds already quoted as the average weight of the swine which died in these years (1878 and 1879) out of the assessed numbers.

The figure 700,000 given by me was purposely put low, and was based mainly on the statistics as published, and also on the general information one gathers from dealers and farmers. Had the circular of 31st December, 1880, been available at the time I reported, or rather had I reported after its issue instead of before, I would have made the loss at least 750,000, perhaps 800,000; for, if a loss of 182,577 accrues in 1879 from a 6 per cent. rate on 2,799,051 assessed swine, and the total loss in the same year, 676,738, then it is clear that if the death-rate in 1880 is 7 per cent. and the deaths of assessed hogs 227,259 out of 3,133,557, then the total deaths for 1880 of all the swine raised in the State will be about 842,000.

J. WARRACK.

CHICAGO, *March* 16, 1881.

No. 358.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, April 22, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 7th ultimo, inviting the attention of this government to the injury which it is alleged English stock-owners have recently sustained from the introduction of foot and mouth disease through the agency of dis-

eased animals said to have been imported from the United States and from certain other countries, and suggesting the adoption of strict measures of sanitary police, and a more effective system of inspection at ports of embarkation, with a view of preventing the exportation of diseased animals.

I beg to inform you that the subject of your note shall receive the careful consideration of this government.

I have, &c.,

JAMES G. BLAINE.

No. 359.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 6, 1881.

SIR: I was advised by Mr. Lowell, by his dispatch of the 9th of March last, that Lord Granville would either pay £15,000 in the Fortune Bay matter for a receipt in full against all claims up to and including the close of the past year, or he would refer the matter to yourself and me for adjustment.

I chose the latter, because I had at that time no means of knowing with definiteness whether there might not be claimants whom I could not properly bar by a receipt given without an opportunity of a hearing assured to them.

As I told you in our first consultation, I did not seek the reference with any desire to urge you to a larger sum than was offered by Lord Granville, unless new facts could be found which would warrant the demand.

Both of us have discovered, I think, that we have no practical means of assessing the damages except by taking the facts as stated in the American case, unless, indeed, we should resort, at great expense and with endless trouble, to a new, independent, and exhaustive investigation by original testimony in each and every claim.

Under these circumstances it is proper that I should frankly state to you that I find no other claims than those already presented for wrongs inflicted in the waters of Newfoundland and its dependencies; and, as I originally advised you, I have no desire to urge you to increase the sum offered by Lord Granville on the old claims.

My investigations have included the period up to March 4, 1881; and in giving the receipt I would, if desired, be willing to cover that period. I make this offer in the hope that you will recognise in it a disposition on the part of the United States to be not merely just but liberal in dealing with Her Majesty's Government on this complicated and somewhat delicate question.

Your understanding, communicated verbally, that the injury at Aspee Bay was to be included, is correct, and the receipt which I shall give will cover that case.

In accepting Lord Granville's offer in this matter I desire to state that at your convenience I will discuss the subject of joint cruisers on the fishing grounds, and the code of instructions under which they should sail. I understand this subject to have been also referred by Lord Granville.

I have, &c.,

JAMES G. BLAINE.

No. 360.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 10, 1881.

SIR: I have the honor to inform you that it appears from a letter dated the 3d instant, addressed to this Department by my colleague, the Secretary of War, that on the 29th of March last, scouts attached to the command of Lieutenant Kingsbury, Second United States Cavalry, in Montana Territory, discovered the trail, two days old, of twenty Indians at the crossing of Woody Fork, going west; that on the 3d of the same month a trail was found of a mounted party of about thirteen Indians going west on the divide between Squaw Creek and Musselshell; that at and near Carroll, a large camp containing about 2,000 Blackfeet Indians, was found, and, furthermore, that intelligence was received by Lieutenant Kingsbury to the effect that the Blackfeet and other Canadian Indians engaged in this incursion into the territory of the United States intended re-crossing the boundary line at once to draw their annuities from the Canadian government. It is stated, moreover, that the Indians in question stole a number of ponies in the vicinity of the Yellowstone, at McDonald's Creek.

In view of the fact that these Indians seem to be regularly domiciled in British territory, and supported by annuities from the Canadian authorities, I beg to express the hope that stringent measures will be adopted by the Dominion government with as little delay as practicable to keep its Indians from making these predatory incursions across the border.

I have, &c.,

JAMES G. BLAINE.

No. 361.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 13, 1881.

SIR: It is quite desirable, for some reasons not necessary to explain, that this Department bring to a prompt and definite settlement the Fortune Bay affair.

I consider that in our last conversation we had, under authority of the reference made to us by both governments, reached a conclusion satisfactory to both parties, and my note of the 6th instant was the record on the part of United States Government of its acceptance of that conclusion. As the subject was committed to our decision, no further reference can now be necessary, and it would be agreeable to me if you would join me at your earliest convenience in closing the transaction.

It is a source of great satisfaction to me that the discussion has been conducted in so amicable a spirit and reached so satisfactory a result.

I have, &c.,

JAMES G. BLAINE.

No. 362.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 14, 1881.

SIR: Referring to my note to you of the 10th instant, in relation to the incursion of the Blackfeet and other Canadian Indians into the territory of the United States, I now have the honor to inform you that I have since received a letter on the same subject from my colleague, the Secretary of War, from which it appears that on the 13th ultimo a written complaint was made to the commanding officer at Fort Benton, by C. W. Price & Co., to the effect that the Bloods and Blackfeet Indians were camped near the ranch of the firm just named, and were killing their cattle. Upon receiving this complaint, the district commander directed a detachment of troops to be sent out from Fort Benton to ascertain the facts and to advise these Indians to move across the boundary line.

I hasten to communicate this intelligence to you, in view of the fact that it, in connection with previous reports, seems to indicate the existence of a state of affairs in the quarter in question which may result in serious complications, unless vigorous measures shall be speedily adopted by Her Majesty's Government to prevent these predatory incursions of Canadian Indians into the territory of the United States.

I have, &c.,

JAMES G. BLAINE.

No. 363.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: Referring to my recent note of the 10th instant, on the subject of the incursions of the British Indians into Montana Territory, I have now the honor to acquaint you with the later advices received by this Department, which show the increased gravity of the situation and the imminence of hostile operations against these predatory frontier tribes.

Three hundred lodges of British Cree Indians and a number of half-breeds are still encamped upon the American reservation near Beaver Creek, defying orders to move, and saying they will fight if their removal be attempted.

Not less than 1,000 head of cattle are reported to have been killed during the past winter by British Indians, and it is alleged that the returning bands, on their way toward the Montana frontier, are stealing all the horses they can lay their hands on.

In view of this intolerable state of things, a popular uprising of the settlers on that frontier against these marauding savages may be forced by the instinct of self-preservation, to the probable precipitation of a general Indian war, which calamity it is in every way the interest of both governments to avert.

It seems to be as clearly the duty of the Government of the United States to use every effort of moral persuasion to induce these Indians to return to their home in British territory as it is the duty of the government of the Dominion to co-operate to this end, and to control and restrain them when they shall have recrossed the frontier. And if, unfortunately, recourse to armed force be necessary to drive back

these marauders, this government can expect from the comity of that of the Dominion no less than a determined effort to meet and disarm these dangerous tribes and place them in a position where they can do no harm.

In view of the urgency of the situation, I beg that you will, if possible, communicate with the government of the Dominion by telegraph.

I have, &c.,

JAMES G. BLAINE.

No. 364.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *May* 27, 1881. (Received May 28.)

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, relating to the British Cree Indians who, it is stated, are still encamped upon the American reservation near Beaver Creek, defying orders to move, and saying that they will fight if their removal be attempted.

In compliance with the wish which you express in that note, I have telegraphed to the governor-general of Canada upon the subject, and am to-day forwarding to his excellency a copy of your note.

I am convinced that the government of the Dominion will use its influence to the utmost to prevent predatory incursions into United States territory by British Indians. At the same time the Government of the United States can fully appreciate the difficulty of preventing such incursions across so extended a frontier, for the forces of the United States were unable about four years ago to prevent Sitting Bull and his followers from crossing the frontier and taking refuge in British territory, although I am confident that this government earnestly desired that they should not be allowed to do so.

The only means which the Government of the Dominion has found to prevent the commission of depredations and disturbances by those American Indians, refugees in Canada, has been by furnishing them subsistence, which it has done to the utmost of its power and at great cost in money; besides that, they have consumed a great number of buffalo in those regions, thus greatly diminishing the amount of subsistence which more properly belongs to the British Indians, and creating great discontent among Her Majesty's subjects of that race.

I hope, however, that the authorities of the United States may still, without the use of force, be able to induce the British Indians above mentioned to recross the frontier and return to their homes without commiting further depredations.

I have, &c.,

EDW'D THORNTON.

No. 365.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *May* 28, 1881. (Received May 28.)

SIR: With reference to your note of the 6th instant, relating to the discussions which have recently taken place between Her Majesty's

Government and that of the United States with regard to the losses alleged to have been suffered by United States fishermen in Fortune Bay, Newfoundland, on the 6th of January 1878, in consequence of certain acts committed by natives of that colony, I have the honor to inform you that Her Majesty's Government is prepared to meet the views of the Government of the United States upon this matter by the payment of the sum of £15,000 sterling in full satisfaction of all claims for disturbance of American fishermen in their fishing operations on the coasts of Newfoundland and its dependencies up to the 4th of March last, including the occurrences at Aspee Bay, Cape Breton, Nova Scotia, in the Dominion of Canada, a statement of which is made at pages 138 to 141, inclusive, of Ex. Doc. No. 84 of the second session of the House of Representatives of the Forty-sixth Congress.

It will, however, be clearly understood that the above-mentioned payment will be made without prejudice to any question of the rights of either of the two governments under Articles XVIII to XXV, both inclusive, and Article XXXII of the treaty of May 8, 1871, between the United States and Great Britain.

I have, &c.,

EDW'D THORNTON.

No. 366.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 28, 1881.

SIR: I have the honor to acknowledge the receipt of your note of May 28, 1881, in which, referring to mine of the 6th, you convey the gratifying intelligence that Her Majesty's Government has accepted the terms of settlement agreed upon by us of the difficulties at Fortune Bay, occurring on the 6th of January, 1878.

The understanding of this government is, as you state, that the payment of £15,000 sterling is in full satisfaction of all claims for disturbances of American fishermen in their fishing operations on the coast of Newfoundland and its dependencies up to 4th of March last, including the occurrences at Aspee Bay, Cape Breton, Nova Scotia, in the Dominion of Canada, a statement of which is made at pages 138 to 141, inclusive, of Ex. Doc. No. 84 of the House of Representatives of the Forty-sixth Congress.

This government also clearly understands that the above-mentioned payment will be made without prejudice to any question of the rights of either of the two governments under Articles XVIII to XXV, both inclusive, and Article XXXII of the treaty of May 8, 1871, between the United States and Great Britain.

You can advise me of the time and method of payment, which I leave to be settled by your own convenience.

I have, &c.,

JAMES G. BLAINE.

No. 367.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *June* 2, 1881. (Received June 2.)

SIR: With reference to your note of the 28th ultimo, I have the honor to transmit herewith a bill of exchange in triplicate drawn by me on Her Majesty's paymaster-general, at thirty days after sight, for the sum of £15,000 in full payment of the claims mentioned in the note above referred to, and on the conditions therein expressed.

I have, &c.,

EDW'D THORNTON.

No. 368.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, June 4, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, transmitting a bill of exchange in triplicate drawn by you on Her Majesty's paymaster-general, at thirty days after sight, for the sum of £15,000, in full payment of the claims mentioned in my note of the 28th ultimo, and to inform you that the same is accepted by this government on the conditions heretofore agreed upon between us.

I have, &c.,

JAMES G. BLAINE.

No. 369.

Sir Edward Thornton to Mr. Blaine.

WASHINGTON, *June* 6, 1881. (Received June 7.)

SIR: With reference to your note of the 26th ultimo, and previous notes, relating to incursions made into territory of the United States by British Indians from Canada, I have now the honor to transmit herewith copy of a dispatch, and of its inclosure, which I have received from the governor-general of Canada, from which it will be seen that the Government of the Dominion is desirous of obtaining all the information which can be furnished by the officers of the United States calculated to lead to the identification and conviction of the Indians who have been guilty of the outrages set forth in your notes.

I shall therefore be glad if you will enable me to comply with the wishes of the Canadian Government, and I am at the same time requested to assure the Government of the United States of the desire of that of the Dominion to co-operate, on its side of the boundary, in every way in its power for the purpose of maintaining order and peace amongst the Indian tribes, and preventing predatory incursions on either side of the border.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Lord Lorne to Sir Edward Thornton.

QUEBEC, *June* 3, 1881.

SIR: I submitted for the consideration of my government copies of your dispatches relative to the alleged predatory incursion of British Indians into the territory of the United States, and I have now the honor of forwarding a copy of an approved report of a committee of the privy council, which contains their views on the subject, and requesting that the American authorities may be moved to furnish, as far as possible, the information referred to, with the view to joint action for the maintenance of peace and order amongst the Indian tribes on the frontier.

I have, &c.,

LORNE.

Copy of a report of a committee of the honorable the privy council approved, by his excellency the governor-general June 3, 1881.

The committee of the privy council have had under consideration the dispatches of Her Majesty's minister plenipotentiary at Washington to his excellency the governor-general, on the subject of the predatory incursions (as is alleged) of British Indians into the territory of the United States.

The Canadian Government is sensible of the great importance of preventing incursions (as far as is possible) across the international boundary line of Indians from either side. Canada has long suffered great inconvenience and has been forced into large expenditure from the unwelcome presence of Sioux and other American Indians who have intruded themselves into the Canadian Northwest, and therefore will willingly join the Government of the United States in some concerted plan of action to prevent the recurrence (as far as possible) of such migrations.

With regard to the present representations of the predatory incursions of certain Canadian Blackfeet, Cree, and other Indians across the border, and of their stealing and killing the cattle of the American settlers, the Canadian Government will take immediate steps to warn these Indians, and will enforce order on the Canadian side of the border; and, with a view of punishing Indians who have been guilty of the outrages mentioned in the dispatches under consideration, the Canadian Government will be glad to be put in possession of all information which can be furnished by the officers of the United States calculated to lead to the identification and conviction of those Indians.

The committee humbly advise your excellency that Her Majesty's minister at Washington be moved to request the Government of the United States to furnish, as far as may be in their power, the information referred to, and that he be requested to assure that government of the desire of the Canadian Government to co-operate, on their side of the boundary, in every way in their power, for the purpose of maintaining order and peace amongst the Indian tribes, and preventing predatory incursions on either side of the border.

All of which is humbly submitted for your excellency's approval.

A. CAMPBELL,
Senior Councillor.

OTTAWA, *June* 2, 1881.

No. 370.

Mr. Blaine to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, June 11, 1881.

SIR: Referring to previous correspondence in relation to incursions made into the territory of the United States by British Indians from Canada, I have the honor to acknowledge the receipt of your note of the 6th instant, communicating a copy of the dispatch of the 3d of this month from the governor-general of Canada, expressing a desire to ob-

tain all the information which can be furnished by the officers of the United States calculated to lead to the identification and conviction of the Indians who have been guilty of the outrages complained of.

In reply I beg to inform you that I have communicated the contents of your note to my colleagues, the Secretaries of the War and Interior Departments, respectively, with a view to obtaining additional information on the subject in question for the benefit of the Canadian authorities.

With the assurance that this government appreciates the earnest and friendly spirit in which its representations on this subject have been met,

I have, &c.,

JAMES G. BLAINE.

No. 371.

Mr. Drummond to Mr. Blaine.

NORTH HAMPTON, *July* 28, 1881. (Received July 30.)

SIR: Referring to your notes to Sir Edward Thornton of the 10th and 14th of May last, relative to incursions made into United States territory by Canadian Indians, copies of which he transmitted to Earl Granville for the information of Her Majesty's Government, I have now the honor, in accordance with Earl Granville's instructions, to acquaint you that a dispatch has been addressed by the Earl of Kimberly, secretary of state for the colonies, to his excellency the governor-general of the Dominion, in which is expressed the hope of Her Majesty's Government that the Government of Canada will endeavor to the utmost of their ability to prevent the Indians from making these predatory incursions over the frontier, and will take such steps as may be in their power with the view to the punishment of any who may have been guilty of acts of robbery and outrage.

I have, &c.,

VICTOR DRUMMOND.

No. 372.

Mr. Blaine to Mr. Drummond.

DEPARTMENT OF STATE,
Washington, August 25, 1881.

SIR: Referring to my notes of the 10th and 14th of May last to Sir Edward Thornton, in relation to incursions of Canadian Indians into the territory of this country, and your reply thereto dated the 28th ultimo, I now have the honor to inform you that I have just received a letter from my colleague, the Secretary of War, stating that on the 10th instant a large body of Canadian Indians passed Belknap, Montana Territory, on their way to drive the buffaloes away from the Agency Indians of the United States, and that the Agency Indians felt sore because these foreign Indians are permitted to ravage their country.

In view of the measure reported in your note of the 28th ultimo as having been adopted by Her Majesty's Government to prevent the incursions of Canadian Indians into the territory of the United States, which have been the subject of so many complaints, I have learned of this new incursion with surprise and regret. The failure of the Canadian authorities to adopt efficient measures to prevent the Indians under their jurisdiction from making these frequent raids subjects the civil and military authorities of the United States to serious embarrassment, and imposes upon our citizens and the Indians under our control such great losses and injuries as are liable at any time to provoke grave disturbance.

I therefore beg to call the earnest attention of Her Majesty's Government to the fact above set forth, and to express the hope that prompt and efficient action will be taken in reference thereto by the proper authorities.

I have, &c.,

JAMES G. BLAINE.

No. 373.

Mr. Drummond to Mr. Blaine.

NEW YORK, *August* 27, 1881. (Received August 30.)

SIR: I have the honor to acknowledge the receipt of your note to me of the 25th instant, respecting an incursion of Canadian Indians in the neighborhood of Belknap, Montana Territory, and their raiding the United States agency reservation, and in which you express your surprise and regret that such should have taken place after the measure which had been taken by Her Majesty's Government to prevent the recurrence of these incursions.

You also invite me to call the attention of Her Majesty's Government to the facts which you furnish me within your note.

I have the honor to state that I shall carry out your wishes by the first mail, and that I have this day transmitted a copy of your dispatch to the honorable the deputy governor of Canada.

I have, &c.,

VICTOR DRUMMOND.

No. 374.

Mr. Drummond to Mr. Blaine.

LENOX, MASS., *September* 26, 1881. (Received September 29.)

SIR: Referring to your note of the 25th ultimo, and to my note to you of the 27th ultimo, respecting an incursion of Canadian Indians into the United States territory in the vicinity of Belknap, Montana Territory, I have the honor to inclose herewith copy of a report of a committee of the honorable the privy council for Canada, which has been forwarded to me by the honorable Sir W. J. Ritchie, Kt., deputy governor of the Dominion, as an expression of the views of his government upon this matter.

You will learn from this report the willingness of the Canadian Government to do everything in its power to punish any of the Canadian Indians who commit depredations upon settlers or Indians in the United States. There is, however, the same difficulty in both countries, as in the present case, in the prevention of hunting game by either American or Canadian Indians across each other's border, as long as there is no concerted plan for restraining these between the two countries.

Sir Edward Thornton, in his note to you of the 6th of June last, pointed out the desire of the Canadian Government to co-operate with that of the United States to prevent predatory incursions on either side of the frontier, and I have the honor to again express to you the desire on the part of that government of its readiness to consider any plan in this respect which may be suggested to them by the United States Government. You will observe this wish strongly declared in paragraph 4 of the copy of the report which I forward, and in which it is stated that they consider, if such an arrangement could be made and enforced, it would conduce to the peaceful and economical government of the Indians.

I hardly need add that I shall be very glad at any time to forward to the Canadian Government any suggestion of the kind which may be thought proper by the United States Government to bring to the favorable consideration of that of the Dominion, which would tend to the fulfillment of the object desired by both countries.

I have, &c.,

VICTOR DRUMMOND.

[Inclosure.]

Report of a committee of the honorable the privy council for Canada approved by the honorable the deputy of his excellency the governor-general on the 16th day of September, 1881.

The committee of the privy council have had under consideration the dispatch of Her Majesty's chargé d'affaires at Washington to his honor the deputy governor, dated the 27th ultimo, on the subject of incursions alleged to have been made lately by Canadian Indians into the northwestern territories of the United States.

The honorable the acting minister of the interior, to whom said dispatch has been referred, has made a report thereon, dated 13th September, 1881, hereto annexed, which the committee recommend for approval, and they respectfully advise that a copy thereof, when approved, be forwarded to Her Majesty's chargé d'affaires for communication to the United States Government.

Certified.

J. O. COTÉ,
Clerk Privy Council, Canada.

OTTAWA, *September* 13, 1881.

Upon the reference to the minister of the interior of the dispatch of Her Majesty's chargé d'affaires at Washington to his honor the deputy governor, dated the 27th ultimo, on the subject of incursions alleged to have been made lately by Canadian Indians into the northwestern territories of the United States, the undersigned has the honor to report as follows:

1. The military authorities of the United States are no doubt correctly informed, although the fact is not otherwise known to the Government of Canada, that some of our Indians recently crossed the frontier in pursuit of the buffalo. This is a privilege which has been exercised by the Indian tribes of both countries as long back as their separate history extends. The traversing of an imaginary boundary line by nomadic Indians in search of their means of subsistence is not an offense against international law; and no crimes against municipal or natural law are alleged to have been committed by the Indians referred to in the dispatch or its inclosures.

On a previous occasion robbery was alleged to have been committed, but in this instance it is simply "the crossing of the border by Canadian Indians on their way to drive the buffaloes away from the Agency Indians of the United States" which is complained of. It must be borne in mind that American Indians have crossed the border into Canada in search of game for many decades, and their movements have never been checked by the Government of the United States. The difficulties of so doing would have been very great; and, as regards Canada, they have been increased by the presence in the least accessible sections of its northwest territory for over five years of several thousand Indians from the United States, entirely dependent upon the chase for subsistence, who almost exterminated the buffalo and other game in that section to which our tribes have been accustomed to look for food supply, and to which cause the incursion now complained of may principally be attributed.

2. Wherever depredations have been committed by Canadian Indians upon settlers or Indians in the United States, and the facts have been reported to the officers of this government in the territories, no efforts have been spared by the Government of Canada to arrest and punish the offenders; and it is believed that the officers of the American Army on the spot will bear willing testimony to the promptness and efficiency of the mounted police of Canada in their efforts to discharge this duty.

3. In accordance with the assurance given to the United States Government, referred to in the second paragraph of Mr. Blaine's letter to Mr. Drummond dated the 25th of August last, instructions were sent to the officers of the northwest mounted police to exercise special diligence in finding out and punishing Indians who might have been guilty of committing offenses against the law in the United States; but the proof of overt acts which the Canadian Government then requested that the officers of the United States Army on the spot might be asked to furnish has not, it is believed, been communicated to the officers of the Canadian mounted police.

4. To restrain the Indians of each country from crossing the border, even in pursuit of game, a course to which the Canadian Government will gladly assent, it will be necessary, as pointed out in the minute of council of the 3d of June last, that concerted action should be had between the Government of the United States and that of Her Majesty. No response to the suggestion made toward this end has been received from the United States Government, so far as is known here. The Canadian Government will most willingly consider any plan which may be suggested to them. It would in their judgment be to the advantage of Canada, and would highly conduce to the peaceful and economical government of our Indians if such an arrangement could be made and enforced. The whole respectfully submitted.

A. CAMPBELL,
Acting Minister of the Interior.

No. 375.

Mr. Drummond to Mr. Blaine.

WASHINGTON, *October* 20, 1881. (Received October 21.)

SIR: I have noticed in the reports given to the press, of the centennial proceedings at Yorktown, the delicate and graceful words made use of yesterday by the President of the United States in his speech on that historical ground, with reference to my sovereign and my countrymen, as also the great courtesy to be rendered, by the President's order, to the British flag, for the reasons which were so beautifully expressed therein—

> As a mark of profound respect entertained by the American people to the Queen, and in recognition of the friendly relations so long and happily existing between Great Britain and the United States.

Sir, I feel personally much impressed with these marked feelings of respect and so touching words uttered for the Queen and my country, and I cannot refrain from doing myself the honor to express through you to the President and to the United States Government, in my official character as representative of Great Britain, my warmest thanks for the delicate attentions shown by them on the occasion of celebrating an incident which separated our two countries one hundred years ago, but which, however, I am proud to say, has never separated them

in their mutual honorable respect and admiration for each other; and I will here assure you, as I have already done privately, that nothing but feelings of hearty good-will towards the United States is entertained by Great Britain.

I shall not fail to inform my government of these beautiful incidents which have taken place. My sovereign and her people will warmly appreciate the kindly spirit evinced and the honors paid to my country at Yorktown.

In offering my best wishes for the welfare and prosperity of the United States and my confident hope that the friendship of our two countries may remain enduring through all time,

I have, &c.,

VICTOR DRUMMOND.

No. 376.

Mr. Blaine to Mr. Drummond.

DEPARTMENT OF STATE,
Washington, November 14, 1881.

SIR: Before you quit the temporary charge of Her Majesty's legation at this capital, I desire to make the acknowledgment I should have sooner made of your note of the 20th ultimo, touching the order issued by the President at Yorktown for the salute given to the British flag on the occasion of the centennial anniversary of the close of the memorable struggle between the mother country and the colonies. I think I may very properly say that no act in his official sphere could give the President greater or more heartfelt satisfaction than thus publicly bearing witness to the community of interest and good-will which ever bind the two countries together, and which of late has been so strikingly evinced by the spectacle of two great nations of one blood sharing one another's burden and bowing in touching grief over the bier of one whose life-work was a home-lesson to all Anglo-Saxons. At this time, especially, when one hundred years have passed since the tie which joined the two countries was severed through the arbitrament of war, it has seemed to our government and our people far more fitting to view the recurrence of the day as the anniversary of the beginning of an era of peace between Great Britain and America, and of the entrance of the two nations upon the path of intimate commercial and material relationship, whereby their interests and prosperity are reciprocally and completely interlinked. And in paying fitting tribute to this deep and cordial feeling which inspires the two peoples, the gratification felt by the President was greatly increased by the chance afforded him to make manifestation of respect for the large-hearted Queen, whose name is cherished in every American breast by reason of the warm, womanly sympathy she has shown for the widow and the fatherless in their late deep affliction.

I beg you, sir, to accept my personal thanks for the kindly expressions contained in your note, and I have, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF GUATEMALA AT WASHINGTON.

No. 377.

Señor Ubico to Mr. Blaine.

LEGATION OF GUATEMALA,
Washington, D. C., June 15, 1881.

SIR: As soon as the Central American republics had shaken off the sway of Spain, Mexico, constituted then as an empire by Iturbide, began to show its tendency to an increase of territory towards the south by encroaching on the boundaries of the said republics. With that object the armies of the Mexican Empire passed through the whole of Guatemala, and were only stopped by the patriots of Salvador, who defeated them at a place which, in remembrance of such an event, bears to this day the name of Mejicanos. Guatemala lost, nevertheless, the two important provinces of Soconusco and Chiapas.

Many years later the Central American territory was once more invaded by 400 men of the regular Mexican federal army, who were luckily driven from it. However, the slow and partial annexation of territory has not ceased one single day, showing well that if the form of government in Mexieco has changed from the empire to the republic the tendency to enlarge the territory and to overstep the boundaries towards the south has remained the same.

The Government of Guatemala, desirous of settling this affair in a manner in accordance with the international law of nations, and with the established practice of civilized countries, has employed all possible means within its reach to obtain this favorable result, and unhappily without the least success up to the present day; far from it. Neither have the claims of our diplomatic agents been attended to, nor have the partial annexations of territory ceased, nor even the vexations from the Mexican authorities. An instance of this was the arbitrary imprisonment by said authorities, of the Guatemalan agents sent, in accordance with the Mexican Government, to make a preliminary study, which was to serve as a basis for the settlement of a definite boundary line between the two countries; also the imprisonment of agents of Guatemala who were making the census of the population of that country, and that of many local authorities of political and local jurisdiction, instead of which Mexican authorities have been substituted.

All peaceful means of conciliation appearing to be exhausted, my government sees no resource left but to appeal to that of the United States as the natural protector of the integrity of the Central American territory.

The Government of Guatemala, from which I have special instructions on the subject, and the people of Central America will see with profound gratitude any demonstration that the Government of the United States may find fit to make to that of the Mexican Republic, that may induce the latter to respect the integrity of Central American territory, and also lead to the cessation of an abnormal state of affairs which unfortunately has lasted too long already.

Accept, &c.,

A. UBICO.

No. 378.

Mr. Blaine to Señor Ubico.

DEPARTMENT OF STATE,
Washington, June 16, 1881.

SIR: I have had the pleasure to give attentive perusal to the note, of yesterday's date, which you were pleased to address me concerning the question of boundaries between Guatemala and Mexico, in respect whereof your government makes an appeal to that of the United States "as the natural protector of Central American integrity."

Few subjects can more cordially commend themselves to the good judgment and sympathy of the President than the preservation of peace and friendship between the republics of Spanish America, in their common interest no less than in our own.

The President does not understand that your presentation of the causes and course of the long pending disagreement with Mexico as to the respective rights or territorial limits of the two countries in the districts of Soconusco and Chiapas, calls upon him for any expression of opinion as to the extent of the just jurisdiction of either. It is not the policy or the desire of this government, to constitute itself the arbiter of the destinies, in whole or part, of its sister republics. It is its single aim to be the impartial friend of each and all, and to be always ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors, and in this it conceives that it responds to its simple and natural duty as the founder and principal upholder of the true principles of liberty and a republican form of government upon the American continent. The government of the United States is, above all, anxious to do any and everything which will tend to strengthen the indispensable and natural union of the republics of the continent in the face of the tendencies which operate from without to influence the internal affairs of Spanish America. It is especially anxious in the pursuance of this broad policy, to see the Central American republics more securely joined than they have been of late years in protection of their common interests. It feels that anything which may lessen the good will and harmony, so much to be desired between the republics of the American isthmus, must in the end disastrously affect their mutual well-being.

The responsibility for the maintenance of this common attitude of united strength, is, in the President's conception, shared by all, and rests no less upon the strong states than upon the weak.

Entertaining these views, and without, however, in any way prejudging the contention between Guatemala and Mexico, the President has deemed it his duty to instruct the diplomatic representative of the United States in Mexico to set before that government his conviction of the danger to republican principles which must ensue should international boundaries be disregarded, or force resorted to in support of rights not made clear by recourse to the peaceful procedures recognized by the modern code of intercourse.

In taking this course, the President is sure that Mexico, no less than Guatemala, will see therein the most signal proof of the impartial good will we bear toward both.

Accept, &c.,

JAMES G. BLAINE.

No. 379.

Señor Ubico to Mr. Blaine.

[Translation.]

LEGATION OF GUATEMALA,
Gramercy Park Hotel, New York, June 19, 1881. (Rec'd June 21.)

SIR: I have had the honor to receive your excellency's polite note of the 16th instant, in reply to that of this legation of the day previous, in relation to the dismemberment of the territory of Central America by the Mexican authorities.

Your excellency is pleased to inform me that my appeal to the United States Government for protection has not been disregarded, and that you have tendered your mediation and good offices in order to put an end to the untoward state of things on the Mexican frontier, for which purpose you have sent suitable instructions to your representative in the Republic of Mexico.

The Government of Guatemala, to which I have communicated the decision adopted by your excellency, and to which I have sent a statement of the frank and friendly policy of your excellency's government, as well as of your excellency's views and those of his excellency the President, which are in every way calculated to inure to the benefit of the Spanish-Americans in general, and to that of Central America in particular, will duly appreciate the noble and generous course adopted by the United States Government, to which the inhabitants of the Guatemalan frontiers will be indebted for their future peace and tranquillity.

By way of justifying its constant dismemberment of the territory of Central America, the Government of Mexico will, perhaps, allege unfounded rights, in which case that of Guatemala will submit the case on its part, to the United States Government for arbitration, because it considers that it is the mission of that government to settle the disputes that unfortunately arise on this continent.

With assurances of my particular consideration, I remain, &c.,

A. UBICO.

No. 380.

Señor Ubico to Mr. Blaine.

LEGATION OF GUATEMALA,
New York, June 22, 1881. (Received June 24.)

SIR: Although the territory known as Central America is at present divided into five independent republics, the idea of their being constituted under one government and of their appearing before the world as one single nationality is neither a new one, nor have the many advantageous changes that its accomplishment would bring about, been a secret to a good many of the inhabitants of those countries. That idea has been advocated by well-known and influential men throughout the country ever since its independence from Spain was effected. Attempts to realize it have been made on several occasions, and although they have not been crowned with success, the existence of a widely spread

and respectable party, which bears the name of "Nacionalista," and the only aim of which it is to unite the five republics under one government, furnishes ample proof that the efforts made in this direction have not been lost.

Central Americans cannot fail to recognize that a goodly share of the energies of their country is spent in the sustainment of small governments, which cannot give them the security at home and the respectability abroad that a stronger and more firmly established government formed with the elements of the five existing small ones would give them.

Security of life and property and lasting peace are the true aims of government; they are essential to the welfare of a nation; without them labor cannot be performed, and industry flies from the land troubled by political revolutions; in such a case the natural advantages of soil and climate are forgotten, for the plowman unwillingly plants the seed which some strange hand may harvest; and that peace and that security require the government to be strong enough to enable it to vanquish and destroy the plans of personal ambition and partisan interests. These facts, obvious everywhere, impress themselves more strongly, and make their logic more forcibly felt in Spanish-America, where the conditions of race, climate, &c., so much favor their development.

The union of Central America is a popular and accepted principle with all well-meaning and honest patriots in that country; and when the work towards its accomplishment is begun, cordial co-operation, coming voluntary from all the corners of the land will not be wanting.

Nevertheless there are numerous and strong obstacles to be overcome; personal interests, and the attachment to high-sounding titles and to honors which would vanish with small governments for a good many men, will struggle fiercely against any attempt to realize the union; besides, all the bad elements which exist in the country, and which are wanting nowhere, will combine in that effort. As matters stand to-day the work could be achieved without any foreign aid, for the party is strong enough and powerful enough for that, but it would require great sacrifice from the land and the loss of human life. The help and influence of a strong foreign government are therefore needed. They would act by their presence alone, and by their moral weight would quickly and favorably decide the question. That government can be no other than the United States. The United States are the most powerful and best constituted nation on the American Continent; they uphold the flag of the republican principles which they vindicate before the world by their prosperity; besides, their highest political authority proclaimed more than a half century ago the principle of the integrity of the American continent against any attempt at usurpation from foreign powers. They are therefore the natural protector of all the American sister republics, where principles identical to their own are sustained, if not with as great a success, until the present at least with an equal faith in their final beneficial results.

Guatemala, from the fact of its having more than a half of the population of Central America, and of its having enjoyed peace, but with one short interruption, during the last thirty years, possessing further more elements of all kinds than any one or even all of her sister republics, and being governed by men who are respected all through the land, is the only one of the Central American republics able to carry this work into execution. The governments of Salvador and Honduras are her

warm friends, so that it may be said that Guatemala can speak also for the governments of the two last-mentioned republics.

Possessed of these facts, namely: the convenience of the union, the popularity of the idea, the necessity, for its accomplishment, of the help of the Government of the United States, and, finally, acknowledging that Guatemala is the only one of the Central American republics which can take the work in hand, my government gave me full powers and ample instructions on the subject of the Central American Union.

In the conferences which I had the honor to hold with your excellency during the course of last week, I had the pleasure to see that the people of Central America had not been mistaken in looking for assistance towards the United States, and that the views of the American Government were entirely favorable to the Central American Union.

The note passed to the American representative in Central America asking him to inform concerning the political and social state of those republics, as well as of their revenues, debts, internal and external, &c., and, above all, as to the popularity and acceptance of the idea of the union with the prominent men of the country, showed me well the tendency of the American policy; besides, the generous utterances of your excellency in behalf of this idea, as well as the words of the President himself, who expressed his hope to see that union accomplished before the end of his term, fully convinced me that such another opportunity will not present itself, and that more efficient, frank, and just help from the United States Government could not be desired.

The Government of Guatemala has anxiously waited for such an opportunity. The principle of the union is consigned in the constitution of Guatemala, the second article of which says as follows: "Guatemala will maintain and cultivate the most intimate and friendly relations with the remaining Central American republics. And whenever the Central American nationality be proposed in a firm, just, popular, and convenient manner, Guatemala will readily accept and enter it." It also accords the rights of citizenship to all persons born in Central America as long as they reside on her territory.

These facts show the tendency of our politics and intentions, and I, in the name of my government, feel it my duty to express our gratitude to the American Government for its readiness to co-operate with us in this matter.

After examining the question under its many aspects, I decided to hand to your excellency, as a base for further proceedings, a memorandum containing the conditions under which Central America would enter into a treaty with the United States, or rather, I should say, the Government of Guatemala.

I have communicated all these facts to my government. When known they will create great sensation in my country. Action, and speedy action, is needed. I therefore request your excellency's attention on this subject, and beg to ask your decision on the proposed basis, or, should they not be accepted, their substitution for those which your excellency would propose, so that the question may soon cease to be a mere diplomatic correspondence and pass to the world of facts.

Accept, &c.,

A. UBICO.

No. 381.

Señor Montúfar to Mr. Blaine.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS OF GUATEMALA,
Guatemala, July 20, 1881. (Received October 20.)

Mr. MINISTER: I have been informed of the benevolent sentiments which actuate the Government of the United States on the subject of Central American unity, and especially of your desire to prevent war between Guatemala and Mexico growing, out of the boundary question.

Such a war seems to be daily more imminent, and there have been times when it was believed to be actually breaking out.

The expressions to which your excellency has been pleased to give utterance in behalf of peace have been regarded by the Government of Guatemala as a fresh evidence of the sincere friendship of the United States Government, while the instructions transmitted to the American minister in Mexico have been considered as an additional proof of the warm interest felt by the United States in behalf of everything that tends to promote justice, good order, and progress in the New World.

The constitutional President of Guatemala instructs me to thank the enlightened Government of the United States, in his name, and to express the sentiments of gratitude which he entertains, together with his desire to co-operate in the realization in America of the views relative to the welfare of the whole continent which do so much honor to the American Union.

In obeying these instructions, which I am most happy to do, I have the honor to assure your excellency that I am, &c.,

LORENZO MONTÚFAR.

No. 382.

Señor Ubico to Mr. Blaine.

[Translation.]

LEGATION OF GUATEMALA,
Gramercy Park Hotel, New York, October 19, 1881. (Rec'd Oct. 20.)

SIR: During the month of September last I received instructions from my government to place in your excellency's hands the paper which I now have the honor to inclose.

The painful circumstances in which your excellency was placed by reason of the late great national calamity, have prevented me from transmitting this document to your excellency sooner.

I reiterate, &c.,

A. UBICO.

No. 383.

Mr. Blaine to Señor Ubico.

DEPARTMENT OF STATE,
Washington, October 31, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, accompanied by one addressed to me by His Excellency

Señor Don Lorenzo Montúfar, minister of foreign affairs of Guatemala, of July 20 last, in which he conveys the thanks of his government for the proffered mediation of the United States in the boundary dispute between his government and the Mexican Republic.

I beg to confidently assure you of the very grateful appreciation with which the sentiments of the Guatemalan Government have been received and of the desire of the President and Government of the United States that a full and impartial measure of justice should be accorded in each case, which in the interest of the peace, prosperity, and happiness of the family of nations of this continent is so much to be desired, and to the accomplishment of which the good offices of this government are ever ready when desired.

I avail myself, &c.,

JAMES G. BLAINE.

No. 384.

Mr. Blaine to Señor Montúfar.

DEPARTMENT OF STATE,
Washington, October 31, 1881.

SIR: I have had the honor to receive, through the courtesy of the minister of Guatemala at this capital, your note of the 20th of July last, wherein you tender the thanks of your government for the proposed mediation of the United States Government in the settlement of the impending dispute between the republics of Guatemala and Mexico, touching their boundary.

The very cordial manner in which the action of the United States has been received and acknowledged is most gratifying to the President and to this government, whose object was solely in the interest of an impartial and amicable adjustment of the disputed points.

Actuated by such desire and cherishing the brightest hopes for the peaceful settlement of all difficulties between the representatives of republican government upon this continent, and for their happiness and prosperity, the Government of the United States cheerfully lends its influence toward the attainment of so laudable an end whenever called upon.

I avail myself, &c.,

JAMES G. BLAINE.

No. 385.

Señor Montúfar to Mr. Blaine.

[Translation.]

WASHINGTON, *November* 2, 1881.

MR. SECRETARY OF STATE: I have had the honor to receive your excellency's highly-esteemed note of the 31st ultimo, relative to the manifestation of appreciation and gratitude on the part of the department of state of Guatemala to the Government of the United States for having deigned to interpose its powerful mediation in the boundary question between Guatemala and Mexico.

The government to which I belong feels deeply grateful and now lays before your excellency, through me, some points of the question which, although they are very well known at the Department of State of the United States, require, perhaps, some evidence for their better elucidation.

In Mexico it is asserted, and even taught in the schools, that the Territory of Guatemala, previous to the conquest, was under the control of the Mexican Indians. The historian Juarros, in his compendium of the history of Guatemala, proves the contrary. The historian Garcia Pelaez proves the same thing by adducing a series of facts.

This, however, is not the subject of the question of to-day. The events of a less remote period are to be considered.

Charles V, King of Spain, and Philip II, his successor, declared the captaincy general of Guatemala to be totally distinct from the viceregency of New Spain, as may be seen in law No. 6, Title 15, book 20 of the "Recopilacion de Indias." The same law clearly, decidedly, and precisely says that the territory of Chiapas and Soconusco belongs to the captaincy general of Guatemala, and that it forms a part thereof.

This law did not remain written. It was nothing but the expression of what had already existed before it was promulgated, and was faithfully and punctually executed until the era of independence.

Guatemala declared itself independent of Spain, together with all the provinces which composed the captaincy general on the 15th day of September, 1821.

Mexico established an ephemeral empire, and the aristocracy and the clergy of Guatemala, disregarding the wishes of the people, united with that empire through the use of violent means, according to the manifesto of January 5, 1822. The annexationists, in order to carry out their designs, required the assistance of Mexican forces, and General Filisola, at the head of those forces, saturated the soil of Central America with blood. In Mexico, however, fortune did not favor them. The pronunciamiento of Casa Mata destroyed the empire, and General Filisola was obliged to return to his own country. His journey from Guatemala to Mexico, however, was not unproductive of advantage to him.

There was a popular junta at Chiapas, which was installed April 8, 1823. That body resolved to convoke a general junta (council) to decide what was best to be done. That junta was convoked. It was put to vote whether Chiapas belonged to Mexico or to Guatemala, and, the question not having been settled, it was resolved that the province should be provisionally separated from both Mexico and Guatemala, and that it should have a government of its own until the adoption of other measures.

Such was the state of affairs when General Filisola returned to Mexico.

On passing through Chiapas, he dissolved the government of that province. This proceeding called forth remonstrances and protests which were productive of no favorable result to the aggrieved parties. Recourse was had to arms, however, and the dissolved junta was again installed.

A new revolution, promoted by the party which favored Mexico, aided directly by the latter country, obtained a triumph. The reiterated manifestation of the aggrieved people of Chiapas and the representations of the Government of Guatemala called forth a resolution which was adopted in Mexico May 26, 1824, to the effect that there should be a free expression of the popular will.

But although liberty was talked of on one hand, on the other all the violent means possible were used in order to secure a result favorable

to Mexico. Among the means of coercion was a Mexican division stationed on the frontier, which intimidated the people of the vicinity.

The voting was to take place in presence of two commissioners, one a Mexican, and the other a Guatemalan. They did not wait until the Guatemalan commissioner arrived, but as soon as Mr. José Xavier Bustamente, the Mexican commissioner, made his appearance business commenced, and Chiapas was declared to be united to Mexico on the 12th and 14th of September, 1824.

Such is the title by which Mexico possesses Chiapas.

The party in Soconusco which had voted against annexation to Mexico solemnly declared its allegiance to Guatemala, which was then an integral part of the Central American Republic. This declaration bears date of July 24, 1824.

The national constituent assembly of Central America, on the 18th day of August of the same year, declared Soconusco to be an integral part of Central America.

In the year 1825 there was an arrangement for peace made between the Central American Republic and that of Mexico. That arrangement is called the preliminaries of the year '25. According to it, both republics were to withdraw their forces from Soconusco, and that district was to remain under municipal government until its status should be defined by a treaty for the settlement of the boundary question.

That arrangement was faithfully observed by Guatemala, but was infringed by Mexico.

In the year 1842 General Santa Ana sent forces against Soconusco and annexed it *de facto* to the country which he governed. Santa Ana profited by the revolution which dissolved the Central American Federation in 1839, and made five independent states of that country, which states are now called republics. That outrage can form no legal basis.

Guatemala protested energetically, and she has ever conducted her relations with the neighboring republics on the basis of that protest, and in no other way. The other sections of Central America likewise energetically protested.

Arbitration has been proposed to Mexico since 1824, but this she has never been willing to accept.

At length she was told to appoint an arbitrator, and that Guatemala would abide by his decision.

This proposition, which was perhaps without an example in the history of the new world, was likewise rejected.

This is sufficient to enable the enlightened Government of the United States to judge of the justice of the cause of Guatemala.

What most strikes the attention in this matter, however, is that the district of Soconusco, which is Guatemala *de jure*, is not now, according to Mexico, what it was in the year 1842, when it was occupied by Santa Anna. It has grown, and is growing daily. Towns which were Guatemalan in 1843, and to which Mexico could then lay no claim, even admitting the annexation to be legal, are now Mexican, and to dispute this is called outraging the Mexican flag.

Soconusco is constantly increasing in extent, and it would not be surprising if it should one day extend to the palace of the old Spanish captains-general.

No treaties were concluded between Guatemala and Mexico from from 1825 until December, 1877. At the latter date, a convention was concluded in the city of Mexico which was signed by Mr. Uriarte, the

minister of Guatemala, and by Mr. Vallarta, the secretary of state of the Mexican Republic.

It is proposed in that convention to make an examination of the frontier, and to have surveys made preparatory to the conferences with regard to limits. The examination was to be made by a mixed commission of topographers and astronomers from the bar of Ocos to the hill of Izbul, within a definite time.

This treaty met with opposition in the cabinet of Guatemala, because a hidden design was detected in it. For a mere survey of boundaries, it is not necessary that a treaty should be signed by two governments, nor is there any need of the forms required by the law of nations for permanent laws; an exchange of notes is sufficient. The real design of the Mexican Government was very clear.

That government intended that the hill of Izbul and the bar of Ocos should be declared by a treaty to be the fixed limits between the two republics.

Such, however, were the assurances given by Mr. Diaz Covarrubias to the President of Guatemala that Mexico did not wish to prejudge the question, but simply to have it examined; that that high functionary at length, for the sake of peace, and relying upon the incessant protestations that the boundary question was not to be prejudged, ratified the treaty without the intervention of the legislative body, because the constitution had not at that time been promulgated; and a previous enactment had invested the President with full powers in such cases.

The Uriarte-Vallarta treaty having been ratified on the basis that no question in relation to boundaries was to be prejudged, the mixed commission began its work, which it was unable to finish within the time fixed for that purpose.

Mexico asked for an extension of the time on the same basis, viz, that no question in relation to boundaries was to be prejudged, and her request was granted.

The time fixed again expired before the mixed commission had finished its work even on the first section.

Mexico asked for another extension, which was not granted. Instead of the requests being granted, it was declared that the treaty had become null and void, because the second extension had expired before the termination of the work on even the first section.

The Government of Mexico asked for another extension, which was likewise refused. It demanded it peremptorily, and its demand was not acceded to. It almost threatened to declare war if the Uriarte-Vallarta treaty was not declared to be still in force, and we courteously replied that that treaty no longer existed, and that we would not give it new life.

The events which took place while the surveys were going on have left very deep traces, and clearly reveal the situation in which we are. The place called "Cuilco Viejo," which was recognized as being Guatemalan after the occupation of Soconusco by Guatemalan authorites, and where the persons who rose in 1870 against the administration of General Cerna entered as into Guatemalan territory, was declared to belong to Mexico, and to enter that place is now considered as an offense to Mexico and as a punishable aggression against Mexican territory.

A Mexican surveyor has, from time immemorial, surveyed the land in districts owned by Guatemala. A commission of the Guatemalan municipality of the town called Malacatan set out for the purpose of occupying a position on the frontier. A Mexican force which was con-

cealed in a wood fired on the party, killing the first alcalde and an individual of the municipality, and wounding four other persons.

A complaint was presented, and satisfaction demanded of Mexico, but no advantage to Guatemala resulted therefrom.

The Mexican authorities based their action on a report, according to which the place, in the territory of Guatemala, where the municipal commission was, belongs to Mexico.

In virtue of that report, not only is no satisfaction given us, but satisfaction is demanded of us; we are aggrieved, and we are asked to pledge ourselves not to commit any more offenses in future.

Pánfilo Roda, the alcalde of Tacaná, a Guatemalan town, undertook, in conjunction with four other men, to take a list of the inhabitants of that place. The Mexicans arrested the enrollers, and took them to Tapachula.

The Government of Guatemala energetically demanded satisfaction; its demand, however, was attended with no favorable result. Indeed, so far from being favorable, the result was an adverse one, for, as the territory occupied by Mexico constantly increases in extent, it was asserted that the town in which it had been attempted to enroll the inhabitants was a Mexican town.

Don Carlos Gris claimed as Mexican territory a portion of land which has belonged to Guatemala from time immemorial. Complaint was made to Mexico in due form; it was, however, followed by no result favorable to Guatemala, because Mexico had determined that that land should increase her territory. Not only was justice not done us in Mexico, but it was even declared that Guatemala was violating her pledges, and was acting the part of an aggressor.

Within the territory of Mexico revolutions are constantly going on against the frontier authorities; the revolutionists seek refuge in the territory of Guatemala; the Mexican minister in Guatemala requests that they be interned (*i. e.*, sent to the interior); his request is complied with by telegraph, the internment takes place, and the Mexican representative returns his thanks therefor.

The Mexican Government, however, instead of returning thanks, complains that the internment has not been ordered, and supposes that the failure to order it is due to the complicity of the Guatemalan authorities.

There are districts which, from time immemorial, have recognized no authority save that of Guatemala; the people of those districts are now required to pay their taxes to Mexico; the owners of the property protest, but are forcibly compelled to pay; complaint is made to Mexico, and the government declares that those districts belong to Mexico, or that their ownership is doubtful, and that, such being the case, they cannot be exempted from the payment of taxes.

The mixed commission was busy with the survey of the frontier; our engineers had the right to enter the so-called Mexican territory, as those of Mexico had the right to enter ours; but the frontier authorities outraged our engineers and threw them into prison.

The Government of Mexico very energetically demanded satisfaction of that of Guatemala, on the ground that the latter had invaded the territory of Mexico.

This is what the invasion amounted to: the place called Tonintana has, from time immemorial, belonged to Guatemala. The Government of Mexico recently declared, on its own authority, that Tonintana belonged to Mexico; consequently, to approach what is our own is invading Mexico.

Parties of men enter our territory, without having any right to do

so, and steal cattle; our authorities attempt to recover the stolen animals, and this is considered by the Mexican frontier authorities as an insult to Mexico; recourse is had to the Federal Government, and that does not do us justice.

Acts of this kind are of constant occurrence; the offenses are repeated and the encroachments on Mexican territory still go on.

All this, and much more that I have left unmentioned in order not to make this note too voluminous, is proved by authoritative documents which I leave in the hands of Mr. Ubico, the minister of Guatemala at Washington.

Something recently occurred that is considered alarming. In the message of the President of Mexico there were expressions which were offensive to Guatemala, and wholly inexact. It was said that Guatemala seeks to defer the settlement of the questions and to avoid having them defined, whereas the truth is quite the reverse; arbitration having been constantly proposed to Mexico, and that country having been recently told that there should not be two arbitrators, but one, and that that one should be selected by the Mexican Government, which proposition it did not see fit to accept.

There has appeared in the unofficial portion of the official newspaper an article which I accept only in that part which declares that Mexico is treating us unjustly, for the article contains considerations of an historical character, with regard to events on the frontier of the United States, which I am unable to accept.

That article was considered offensive by General Loaiza, minister of Mexico in Guatemala. He requested the government to state whether the article in question reflected the views of the government. He was informed, in reply, that it expressed the views of the editor of the paper and not those of the government, but that the latter indorsed that part of it which vindicated Guatemala from the charge of being unwilling to have the questions defined, and of seeking to postpone their settlement.

General Loaiza said that he would inform his government, and that he would ask instructions from it, which proceeding was thought to embody a fresh menace.

I have deemed it my duty to inform your excellency of all this, in reply to your esteemed note of October 31, and I take pleasure in repeating that I am your excellency's very obedient servant,

LORENZO MONTÚFAR.

No. 386.

Señor Montúfar to Mr. Blaine.

[Translation.]

THE ARLINGTON,

Washington, November 7, 1881. (Received November 11.)

SIR: On the 2d instant I had the honor to address to your excellency a note in relation to affairs in Guatemala and Mexico. I had not at that time received the report presented to the Mexican Congress by Mr. Mariscal, the minister for foreign affairs of that country.

That document contains statements which are offensive to Guatemala, and which are not in accordance with historic truth. It is asserted

that when the second extension expired, the mixed commission not having finished its work, the effects of the Uriarte-Vallarta convention legally ceased.

This is a juridical truth which I am glad to have admitted by Mexico.

I must, however, call your excellency's attention to what is said with regard to Guatemala's not having notified Mexico, as is customary in such cases.

In the report on foreign relations presented to the legislature of Guatemala in 1880, it was stated that the second extension was not sufficient for the completion of the surveys, and that, if an extension was not asked for, the Uriarte-Vallarta convention would be considered as not existing.

The report was approved by the legislature, and copies of it were sent to the minister of Mexico in Guatemala and to the department of foreign relations of the Mexican Republic. Notwithstanding this, no extension was asked for.

The extension having absolutely expired, and no fresh extension having been asked for, it was declared that the second extension had expired, in order that the convention might be considered as having ceased to exist.

This declaration, which was issued on the 10th day of December, 1880, was announced, during an interview held at the department of state of Guatemala, to Mr. Diaz Mimiaja, chargé d'affaires *ad interim* of the Mexican Republic.

On the 11th of December of the same year the aforesaid declaration was transmitted to Don Manuel Herrera, envoy extraordinary and minister plenipotentiary of Guatemala in Mexico, that he might be able to furnish such information as the case required.

The Uriarte-Vallarta treaty having become null and void, Mr. Mariscal says that Gen. Loaiza, the minister plenipotentiary of Mexico, proposed a new convention to the President of Guatemala, and that the President thought favorably of the proposal, but that the convention was not concluded.

I do not know the real facts of this matter, yet I must assure you that the President of Guatemala is now the constitutional head of the government; that the constitution requires that international treaties shall be approved by the legislative branch of the government, and that General Barrios never makes an offer fulfillment of which depends upon another power.

If what Mexico desires is that a survey of coasts and frontiers be made, she does not need the Uriarte-Vallarta treaty for such a purpose, and still less does she need a renewal of that instrument; a simple exchange of notes is all that is required.

The Government of the United States wished to have a survey of our sea-coasts made, but it did not make any treaty with Guatemala with that end in view; it simply wrote a note asking for authorization to have the survey made. A note was sent in reply, stating that the survey might be made, and it was made.

Mexico may take, whenever it sees fit, the same course that was taken by the United States.

Mr. Mariscal says that a party of ten men, under the command of Mr. Margarito Barrios, invaded the territory of Mexico via Tonintaná. This charge makes it appear as if the Guatemalan Government had committed a crime demanding expiation; such, however, is not the fact.

The district called Tonintaná has always been respected as Guate-

malan territory. Forces of our government do, indeed, enter Tonintaná, but that is not invading Mexican territory.

The offense was committed by the Mexicans. They entered Tonintaná and compelled the inhabitants to render service as Mexican citizens. The inhabitants feeling aggrieved, addressed a complaint to the Government of Guatemala. Satisfaction was demanded of Mexico, and the Federal Government declared that Tonintaná belonged to Mexico, and that to enter it was to invade Mexico.

The Government of Guatemala said that Mexico was not an authority competent to make a declaration contrary to the evidence, and that it is customary for nations, in such cases, to submit to arbitration, and not to seize at will upon territory that does not belong to them.

This remonstrance, like all those made by us, was treated with no attention.

Mr. Mariscal states that in December, 1879, and in September, 1880, bands of Mexican and Central American filibusters invaded Mexico, committing great outrages in the territory of that country.

There are many persons in Chiapas and Soconusco who cherish personal resentment and deep hatred against some of the public functionaries. These persons are continually on the move. No treaties exist between Guatemala and Mexico. The relations between the two countries rest on the general principles of the law of nations. Guatemala is, consequently, not obliged to intern Mexican delinquents taking refuge in her territory, and still less is she obliged to do duty as a jailer for the Mexicans.

Nevertheless, for the sake of peace, and in order to show friendship to the Government of Mexico, she issued orders for all the internments that were asked of her. The orders were given by telegraph. These orders were executed, and the parties interned asked leave of the Guatemalan Government to return to their own country, stating that they had no means of subsistence. The Government of Guatemala replied that they were subject to the orders of the representative of Mexico, and that they would not be allowed to return without his consent.

This was doing more, much more, than was required by the law of nations. The telegraphic orders for internment, which were sent in the presence of the representative of Mexico, and their execution called forth a very warm expression of gratitude on the part of that representative.

It is surprising that notwithstanding all this, Mr. Mariscal should prefer charges against Guatemala for what he says took place in December, 1879, and in September, 1880.

Investigations were held by order of the Government of Guatemala, and they rendered it evident that not a single Guatemalan had taken part in the events in question; that Mexicans were the sole actors in them, and that they were influenced by personal resentments which they cherished, either rightfully or wrongfully, against Mexican officials.

The depositions taken show that mere local feelings, and nothing connected with the politics of the two countries, influenced the Mexicans thus to act against the said officials.

If charges are to be made against Guatemala on account of every revolution in Chiapas and Soconusco, the charges will be incessant, for revolutions are of constant occurrence there and it is in evidence that the revolutionists are supplied with abundant resources from their own country.

I am sorry to remark that what is said in relation to the landmarks

of Pinabete is wholly incorrect. The districts known as Chichanar and Tonintaná have belonged to Guatemala from time immemorial, and General Santa Anna, the Dictator of Mexico, never thought that his jurisdiction extended to them when he saw fit to violate the treaty of 1825 and invade Soconusco. The Mexicans by no authority save their own, without any notification or convention, in the execution of their programme of encroaching upon our territory, placed a landmark in the district known as Pinabete.

If the placing of a landmark by Mexicans were sufficient to convert the territory of Guatemala into Mexican property, no boundary question would now exist, for the territory of Mexico would extend to Costa Rica.

Our authorities were under no obligations to suffer that mark to remain standing, since it was equivalent to a violent spoliation, without anything to justify it. The mark was consequently removed by the Guatemalan authorities of Tacaná.

This act, then, was not, as is asserted by Mr. Mariscal, an invasion of Mexico by Guatemala, but an unauthorized invasion of Guatemala by Mexico.

Mr. Mariscal says that the President of Mexico has protested energetically; but he does not say that the Government of Guatemala, in reply to his protest, furnished evidence of its right.

The secretary of state of the Mexican Republic says that Mexico can admit no question with regard to her ownership of Chiapas, including Soconusco, for those districts which now form a State have belonged to her for years.

This Mr. Secretary, is a kind of public law that cannot be accepted. Dominion is acquired by titles which convey it, and force is not such a title. A treaty concluded in 1825 was binding upon both Mexico and Guatemala. According to that treaty, Soconusco was to remain neutral until the conclusion of a treaty defining the boundaries.

In the year 1842, General Santa Anna infringed that treaty by invading Soconusco with an armed force and annexing it to Mexico. That act was a violation of right, and cannot be a legitimate title of ownership. What would become of the world if every nation could violate solemn treaties, invade the domain of weaker nations, seize their territory, and then allege that a proper sense of dignity did not permit them to submit what was already done to arbitration?

Since the year 1842, Guatemala has constantly protested against the usurpation of General Santa Anna; she has not admitted its legality for a single day, nor is there any instrument in existence that legitimizes it.

The outrage perpetrated by Santa Anna, moreover, cannot be forgotten, for it is daily producing the saddest results. It awakened in Mexico a desire for aggrandizement, and although that Republic possesses vast territories which are neither inhabited nor cultivated, it seeks to extend its limits southward, and to have its flag float over all Central America.

Thus it is that a question between Guatemala and Mexico is never settled, and groundless accusations are piled up against us, similar to those contained in Mr. Mariscal's report.

There is now a serious prospect of war between Guatemala and Mexico. We shall never make war, and shall never provoke it; the responsibility of shedding American blood shall not be on our hands; we shall, however, defend ourselves with energy and bravery; and so long as a hamlet or a cabin remains standing in Guatemala, the Mexican flag shall not float over it in peace.

The United States of America are the natural guardians of the soil of all America.

Were it not for the United States the Spanish American Republics would not now be independent. They are the natural protectors of the integrity of the continent, and history shows how nobly and worthily they have fulfilled their high mission.

The Government of Guatemala addressed your excellency in this sense in June last through Mr. Ubico. I now do so again.

The Government of Guatemala lays its question with Mexico in the hands of the United States Government. It declares that in whatever manner the United States Government may see fit to settle this matter, its decision shall be cheerfully, strictly, and faithfully executed.

I entertain the pleasing hope of receiving a favorable reply before the 20th instant, on which day a steamer sails from New York to Aspinwall.

I avail myself of this occasion to repeat that I am your excellency's very faithful and obedient servant,

LORENZO MONTÚFAR.

No. 387.

Señor Montúfar to Mr. Blaine.

[Translation.]

WASHINGTON, *November* 21, 1881. (Received November 21.)

MOST EXCELLENT MR. SECRETARY OF STATE: The undersigned, envoy extraordinary and minister plenipotentiary (on a special mission) of the Republic of Guatemala, has the honor to remind the honorable Secretary of State that the credential letter which he had the honor to present requests that full faith and credit be given to whatever he may say on behalf of the Government of Guatemala.

The undersigned, in view of that request, addressed to his excellency the Secretary of State a note bearing date of November 2, for the purpose of informing him in few words of what had occurred between Guatemala and Mexico during a period which commenced before the establishment of the independence of both countries.

On the same ground the undersigned addressed to his excellency the head of the Department of State his note of the 6th instant, the object of which was to point out the errors with regard to the relations between Guatemala and Mexico which were contained in the report presented by Mr. Minister Mariscal to the Mexican Congress, and likewise (and this very particularly) to place the boundary question in the hands of the United States Government.

This is not the first time that this impartial government has thus befriended a Spanish American republic. Venezuela placed her dispute with France in the hands of the United States Government. The American Government complied with the request of that little republic, and a war was averted which would have been most disastrous to Venezuela.

A war between Mexico and Guatemala is now imminent. Such a war will be a calamitous one, and its results cannot be foreseen. Guatemala has but a million and a half of inhabitants, yet she is not alone; the little republics of Salvador and Honduras are her allies.

The undersigned has credentials from Salvador and Honduras, which he has not yet presented.

Nicaragua is eminently Central American in feeling; and when there is danger of aggressions from without she will become the ally of the threatened party in order to maintain the integrity of what was once the country of all Central America.

The undersigned can say nothing just now with regard to Costa Rica, because, although he is well aware of the friendly disposition of the people of that republic, he is not acquainted with the views entertained by Dr. Tomas Guardia.

The war, then, will not be between Mexico and Guatemala alone, but between Mexico and the greater part of Central America. Guatemala alone can raise more than 20,000 fighting men. The first engagements will be disastrous to Mexico, and will perhaps cause a revolution in that republic, in which there is a party and a portion of the press which are opposed to war, which desire peace, and which tell the government that its relations with Guatemala should be very different from what they now are. If the Mexican parties unite, however, Guatemala will resist so long as there is a cabin standing within her border.

The Government of the United States now has it in its power to save Mexico and Central America as it saved Venezuela.

If a proposition for settlement is offered by the Government of the United States, Guatemala will accept it; considering it not as an attempt to assert power or to secure dominion, but as an act of kindness and sincere friendship.

The undersigned hopes that the United States will render this additional service to her neighboring republics, and that the New World will hereafter thus have one more reason to feel grateful to this powerful republic.

Entertaining this pleasing hope, the undersigned has the honor to assure his excellency the Secretary of State that he is his very obedient servant,

LORENZO MONTÚFAR.

HAWAII.

No. 388.

Mr. Comly to Mr. Evarts.

No. 117.] LEGATION OF THE UNITED STATES,
Honolulu, July 5, 1880. (Received July 22.)

SIR: I have the honor to transmit certain documents prepared by Rev. Hiram Bingham, on behalf of the board of the Hawaiian Evangelical Association, after verbal consultation with me. The papers present the whole case clearly.

The German consul named in the papers is reported to be guilty of another outrage against the simple people of the islands. He sold goods to the natives, and got them in debt to him. He then demanded payment of these debts by the community, one whole island. The islanders not being able to comply with his demands, he *fined them* 200,000 pounds of copra, an amount more than the total production of the island.

As it was impossible to pay this, he took possession of certain lands and harbors in the name of the German Government.

There are outrages going on constantly in the Southern Pacific which ought to receive attention, but it seems difficult to reach them with a remedy. It might be worth while for the United States to send a commissioner—some minister already in commission might go, with an allowance for expenses—to visit these islands with a man-of-war, and establish their status internationally, for their protection.

I have, &c.,

JAMES M. COMLY.

[Inclosure 1 in No. 117.]

Mr. Bingham to Mr. Comly.

HONOLULU, *July* 2, 1880.

SIR: Inclosed you will find copies of certain documents which were forwarded to us from Jaluit by a Mr. J. L. Young, and which were considered by the board of the Hawaiian Evangelical Association at a late meeting.

After such consideration I was instructed by that board to confer with you, the United States minister resident, and secure, if possible, assurances from you that the United States Government will not interfere to protect any United States citizen who may violate the ordinance of the ruling chief of the Ralik group for the suppression of the sale, or supplying in any way, of any intoxicating liquors of any kind to any native of the Ralik group, or to any native of any other island in the ocean who is not a subject or citizen of some civilized power.

A copy of this ordinance will be found among the inclosures.

Trusting that your interest in the welfare of the various tribes of the Pacific will lead you to give this subject the attention which it justly claims, and to so represent it to the government which you represent as to secure from it the desired assurances,

I have, &c.,

HIRAM BINGHAM,
Corresponding Secretary pro tem., of Board of Hawaiian Evangelical Association.

[Inclosure 2 in No. 117.—Translation.]

Chief of Ralik group to United States consul, Honolulu.

JALUIJ, *May* 3, 1880.

SIR: Herewith I beg to forward you a copy of an ordinance which I have been compelled to establish on these islands in order to save my people from their drinking of intoxicating liquors.

I do not desire to make any laws affecting foreigners, but only to prevent my own people obtaining liquor.

I would therefore request that you will afford me your assistance in my endeavors, by causing citizens of the United States in these islands to conform to this ordinance.

I wish to say that an American citizen, one Thomas Tilton (colored), has established a liquor store on this island, and is one of the principal causes of the increase in the drinking of liquor by my people.

Trusting that you will lend me your assistance in my efforts for the good of my people,

LEBON (KABUA,)
Ruling Chief Ralik Group, Marshall Islands.

I agree and witness:
LOEAK.

[Inclosure 3 in No. 117.]

Mr. Young to Rev. Mr. Bingham.

JALUIJ, *May* 3, 1880.

SIR: Knowing the interest you feel in these islands with their people, allow me to hand you herewith copies of the ordinance which the ruling chief here, Lebon, has just issued with the assistance and approval of the second chief, Loeak.

The drinking of liquor is increasing so fast here among the young people, and even women, that it is high time that an effort was made to put a stop to it; but I fear that the chiefs will not have energy or determination enough to carry out their present desires, which are to prevent natives obtaining liquor entirely. The chiefs have written, as you will see, to the United States consul in Honolulu, and will also write to the British consul in Samoa, and the German consul-general in the latter place, requesting their assistance. The acting German consul here will not assist, as he himself is a member of the firm that sells the liquor upon which the natives get drunk.

Yours, in haste,

JAMES L. YOUNG.

[Inclosure 4 in No. 117—Translation.]

Ordinance respecting sale of liquor.

Because of my knowledge that intoxicating liquor is destroying my people on these islands, and because I wish to take care of and keep back all my people from death and from evil, I, Lebon (Kabua), the supreme chief of the Ralik group, do hereby now make known this ordinance:

1. It shall be unlawful for any foreigner in the Ralik group to sell, or supply in any way, any intoxicating liquors of any kind to any native of the Ralik group, or to any native of any other island in the ocean who is not a subject of some civilized power.

2. If any foreigner shall break this ordinance, he shall suffer loss as follows: if he breaks the law once he shall pay $100 in cash to me, or if a second time he shall leave these islands forever.

3. This ordinance shall come in force from and after the 6th day of May, 1880.

I, Lebon (Kabua), have made this ordinance this 29th of April, 1880, at Jaluij, Ralik group.

I, LEBON (KABUA).

I agree with and witness:
I, LOEAK.

Secretary,
I, JEREMIA.

No. 389.

Mr. Comly to Mr. Evarts.

No. 147.] LEGATION OF THE UNITED STATES,
Honolulu, January 17, 1881. (Received February 7.)

SIR: I have the honor to transmit copy of a note from the Hawaiian minister of foreign affairs, containing information of a proposed tour of King Kalakaua around the world, accompanied by Attorney-General Armstrong, and his chamberlain, Colonel Judd.

I take the occasion to say that my relations with the King and his ministers have been of the most friendly and cordial nature since the receipt of the dispatch from the Secretary of State approving my course in the Moreno-Bush affair.

The King's ministers gave him a banquet last Friday night, where about one hundred guests were entertained. No full report of the speeches can be had in time for this mail. The King, suspending his usual rule, replied in person to the toast to his health, and his speech

contained significant statements as to his future policy, and an acknowledgment of errors in the past, which he hoped would prove a lesson for the future. I will forward copies of the full report, if any shall be made in time for the mail. If not, will forward by next mail.

I have, &c.,

JAMES M. COMLY.

[Inclosure in No. 147.]

Mr. Green to Mr. Comly.

No. 4.] DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, January 14, 1881.

SIR: I have the honor to inform you that His Majesty proposes to leave Honolulu for a trip around the world by the steamer which leaves for San Francisco Monday next, the 17th instant. His Majesty proposes to proceed from thence to Japan, China, Singapore, and Calcutta; thence overland to Bombay and across the Isthmus of Suez, expecting to arrive in Europe in May or June next. He will visit some of the principal cities of Europe, and from thence will return to this kingdom by way of the United States, expecting to arrive here about the month of October next.

His Majesty proposes to preserve a strict *incognito* during the trip, and will travel as Alii Kalakaua.

I take this opportunity to renew the assurances of the highest respect and consideration with which I have the honor to be, sir,

Your most obedient servant,

W. L. GREEN,
Minister of Foreign Affairs.

No. 390.

Mr. Comly to Mr. Evarts.

No. 148.] LEGATION OF THE UNITED STATES,
Honolulu, January 18, 1881. (Received February 7.)

SIR: By the courtesy of the Hawaiian Government in furnishing printed copies, and the steamer being already one day overdue, I am enabled to transmit copies of a note received from the Hawaiian minister of foreign affairs this morning, setting forth at great length the needs and difficulties of the Hawaiian Islands with regard to procuring immigrants, both for mere laborers and for increase of population, especially of females, the males being now largely in excess.

A commissioner of immigration (Attorney-General Armstrong) accompanies "Alii Kalakaua" on his tour around the world, under instructions to make inquiries in all lands in regard to possible immigrants for the Hawaiian Islands. As the commissioner will pass through the United States, and will probably make inquiries, more especially as to the possibility of procuring immigrants from the exodus of Southern colored laborers, I respectfully commend him to your good offices.

I have, &c.,

JAMES M. COMLY.

[Inclosure in No. 148.]

Mr. Green to Mr. Comly.

No. 6.] DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, January 17, 1881.

SIR: I have already informed you, under date of 15th instant, that His Majesty proposes to make a tour around the world, visiting first some of the principal countries of the East, *en route* for Europe.

I have now the honor to inform you that His Majesty will be accompanied on this journey by his excellency William Nevins Armstrong, who has been appointed royal commissioner of immigration.

One of the main objects of this appointment is to enable this government to obtain the best possible information, in the different countries through which the royal commissioner may pass, regarding the different races which inhabit them, in the hope that some one or more may be found that may prove, in all respects, a suitable people to introduce into this kingdom, to assist in replenishing the population, and I have to beg that you will kindly lend this government your valuable assistance in obtaining the information they desire.

In order to enable you to form some idea of the kind of information this government desires, it may be well if I state in as few words as possible some of our special needs, or, I may perhaps say, some of the special difficulties with which this subject is surrounded.

This group of islands contains a comparatively large area of productive land still unbroken by the plow, and it will perhaps give a better idea of its undeveloped capacities if I say, what I believe is within due limits, that if the group were peopled as thickly as, say, the volcanic island of Mauritius, estimating on the basis of arable land in each only, it could support a population of nearly a million souls, whilst the actual population of the group to-day is about 60,000 only, of which the pure native population is not over 44,000, and has been so far steadily decreasing.

The main and most profitable productions of the country are sugar and rice, and the demand for labor for cultivating these articles is large. This demand has been met to a large extent by the importation of the inhabitants of Madeira and the Azores, Polynesians from various islands in the South Pacific, and by Chinese. Unfortunately none of these quite meet all the requirements. The people from Madeira and the Azores are perhaps a little above the requirements in some respects—that is, as simple laborers—or at all events they seem more adapted for working small cattle-ranches or other enterprises on their own account than for working as laborers on plantations; still they are an excellent addition to our population and bring their families with them.

With regard to the Polynesians, we may be said to be in the stage of experiment. Some of those who have taken most interest in them and have had the most experience, doubt whether we can count upon this race to form a permanent and fruitful addition to our population. The circumstance which would seem to present itself as so desirable—viz, that they are the same race as our own people—may perhaps be the one which will prevent them from staying the heretofore excessive death-rate of this race in the Hawaiian Islands.

The Chinamen, of which we had 6,000 in 1878, and large numbers have arrived since, and indeed are now pouring in on their own account, are unexceptionable as laborers, whether on their own account or working for others, but unfortunately they do not bring their women with them, and it may be necessary soon to forbid the men pouring in upon us without their families, the disproportion of the sexes and deficiency of females being already too great in this group. It is also objected that the Chinese as a body never can become good citizens of any country but China, and that the franchise and right of citizenship, which by our laws are so easily acquired here, would not be a safe power to entrust them with, in view of the large numbers which now threaten to come amongst us.

A good many European immigrants are on the way to this kingdom, principally Norwegians and Germans, but it may perhaps be doubted whether this group of tropical islands will form an exception to the principal sugar-growing countries of the world, and be able to maintain a working peasantry of pure European blood. At any rate, some of the strong and industrious tropical races are likely to prove more economical as field hands.

In this dilemma the government have been referred to the Eastern Archipelago, where no doubt industrious and prolific tropical races exist, but whether it is a feasible project to transplant them at all, or whether if transplanted, they would, under the totally new circumstances and surroundings, continue to labor and to increase as they seem to do in their own islands, are problems which I do not profess to be able to solve, butI have some doubt about the success of such an attempt.

A considerable number of our planters and others have often called the attention of

this government to British India, and to the introduction into this group of what is known as the British India cooly system. It is a matter of general knowledge that East India coolies under a system worked out with extreme care, and by the combined action of the British, the Indian, and the different colonial governments, have enabled British colonial planters to grow immense quantities of sugars at prices which can compete in the markets of the world with the produce of any other country.

It is natural that our planters should look upon a well-regulated supply of the cheapest class of labor with favorable eyes, especially as having the advantage of a reciprocity treaty with the United States, which gives them an enhanced price for their main productions over what they could obtain in the markets of the world, the two combined—that is, the highest price for their produce and the cheapest system of labor to be got—would be very profitable.

To obtain British Indian laborers, a special arrangement with Great Britain would be necessary. This government has already taken some steps in this direction, but the conclusion to which His Majesty's present advisers have arrived is that it is not desirable to press this matter upon the attention of the British Government at present, or at least whilst the British regulations which the system seems to necessitate remain in force. Could this country obtain from British India a few thousand East Indians with their wives and families, such people as could be allowed to remain in the country, become Hawaiian subjects, and be part of our population, the government would consider it a great boon, and it is rather in this direction that our commissioner will be directed to make inquiries. There are no doubt many difficulties in the way, and perhaps none is more prominent than that even the British colonies which have availed themselves of East Indian labor have been unable to obtain the low proportion of 40 East Indian women to 140 people, and the island of Mauritius, which may be said to be almost a part of India, has a population, mainly composed of East Indian coolies, in which the proportion of males to females is extremely large, and such as it would not be right for this kingdom to contemplate as a permanent condition of affairs.

However, as I have already intimated, this government is of opinion that it is neither politic nor consistent with the general principles of a constitutional government to attempt to organize a system for the introduction of great numbers of mere laborers who could not well become part of the population, but would be governed by the few who possess the lands and the capital, but rather it should be their policy to encourage the introduction of people who, although they might be able to command a somewhat higher rate of wages, would become part of the people, with the franchise and other rights of citizens.

In fine, the policy of this government is to endeavor to supply this country with population rather than simply with laborers, and if you can kindly by correspondence, printed matter, or otherwise, assist our commissioner in his efforts to obtain information which may conduce to this end, you will add another favor to the many great ones which the representatives of foreign nations have conferred upon this country.

I take this opportunity to renew the assurances of the high respect and consideration with which I have the honor to be, sir, your most obedient humble servant,

WM. L. GREEN,
Minister of Foreign Affairs.

No. 391.

Mr. Comly to Mr. Evarts.

[Extract.]

No. 152.] LEGATION OF THE UNITED STATES,
Honolulu, February 14, 1881. (Received March 3.)

SIR: Referring to my No. 150, dated January 21, 1881, giving formal notification of the regency of Her Royal Highness the Princess Liliuokolani, it is pleasant to say further that the princess has carried herself with such prudence and tact as to secure the respect of the entire community. The princess being heir apparent to the throne as well as regent, her course is scrutinized closely for indications of character. Her husband (Governor Dominis) being an American, his countrymen observe with pleasure certain indications of deference to public opinion, and as much republican simplicity as is consistent with royal state.

At her first public reception not only the whole of the diplomatic and consular bodies, with their families, but all other ladies and gentlemen on general invitation, were received with courtesy and dignity. It was noted with pleasure also that the regent, in making calls at the different legations and upon the "cabinet ladies," came in her private carriage, her coachman and footman not in livery. This was in strong contrast with the practice of other people of rank here. The regent also has a monthly reception-day, when all decent and reputable members of society are made welcome. * * *

I have, &c.,

JAMES M. COMLY.

No. 392.

Mr. Comly to Mr. Evarts.

No. 153.] LEGATION OF THE UNITED STATES,
Honolulu, February 14, 1881. (Received March 3.)

SIR: During the past three weeks about 1,700 adult male Chinese immigrants have been added to the population of these islands and 1,500 more are said, on good authority, to be on their way here. A majority of the adult male population of the islands, is now Chinese.

So long as the chief demand of the islands shall continue to be *more laborers*, they will continue to come; and it is a question not necessary for me to discuss whether their coming is in the nature of an unmixed blessing.

It is an evil not necessarily chargeable to the Chinese immigration that the Chinese steamer Meifoo, which arrived last week, and the Quinta, which arrived a fortnight earlier, both had cases of small-pox on board. The captain of the Quinta misrepresented the facts to the authorities, and infected passengers were landed, from whom an epidemic has broken out in Honolulu.

Up to this date forty-eight cases have been reported from this small population, of whom only five have died.

The result has been that there has been something of a panic, and the usual meeting has been held in Kanaukapili church, demanding the dismissal of the ministry for allowing the small-pox to break out.

The ministry and the board of health, determined not to be criticised for further inactivity, have adopted the most stringent measures for confining the plague and stamping it out.

No vessel is allowed to leave the harbor for any of the other islands, and every road out of Honolulu is strictly guarded, so that communication is absolutely severed between Honolulu and the rest of the island of Oahu, as well as between the other islands.

The premises of all citizens are rigidly inspected for new cases, and all infected persons are sent at once "to the reef," a barren island in the harbor, where quarantine quarters have been built. My colleagues and myself have succeeded, with some difficulty, in securing a modification of this rigid rule so far as to allow the families of our countrymen to take care of their own sick, in case they can be isolated and the premises quarantined for the protection of the public.

It would be difficult for any person away from here to conceive the horror of being sent "to the reef" with this disease, in company with

a thousand or more Chinamen and natives, with squalid wretchedness for one's only companionship.

There are nearly 1,000 Chinese alone who may be seen from the wharves of Honolulu swarming down to the shore of the barren island, in helpless misery, waiting for their term of quarantine to expire. A call was issued several days ago for clothing donations for the poor wretches, many of whom have gone through the recent "Koua" storm with insufficient clothing. Such calls are promptly responded to in Honolulu. In fact the government and people are doing their best, with the means at hand, to properly care for the quarantine, as well as for the actual cases of small-pox, and to end the epidemic with the first crop of cases, if possible.

I have, &c.,

JAMES M. COMLY.

No. 393.

Mr. Evarts to Mr. Comly.

No. 90.] DEPARTMENT OF STATE,
Washington, March 2, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 147, of the 17th of January last, reporting the proposed tour around the world of King Kalakaua of Hawaii, accompaied by Attorney-General Armstrong, and his chamberlain, Colonel Judd.

It is confidently hoped that the tour of His Majesty may be fraught with many and pleasant reminiscences during his extended journey, and that he may in the course of his travels imbibe ideas, from his contact with foreign intercourse and customs, which may be of practical utility to him for the future and enlightened administration of his own government.

I am, sir, &c.,

WM. M. EVARTS.

No. 394.

Mr. Comly to Mr. Blaine.

No. 162.] LEGATION OF THE UNITED STATES,
Honolulu, March 14, 1881. (Received April 19.)

SIR: The continued prevalence of the small-pox epidemic has brought a number of cases of distressed Americans before this legation, with which it does not seem necessary to trouble the Department in detail. The prompt action of the diplomatic body in securing concessions on behalf of our countrymen at the very outset of the stringent quarantine (*vide* my dispatch No. 153) has given great comfort to our countrymen of each nationality respectively. None of us have been without appeals from our countrymen where these concessions have been of great value in their behalf. The government has in every case, so far, complied with my requests, and is, I believe, doing everything in its power

to adhere to our agreement in the rigid and necessarily arbitrary exercise of its quarantine powers.

The percentage of deaths has been large—about 33 per centum of all the cases up to last report having terminated fatally.

It was hoped last week that the board of health had accomplished the control of the disease, but Saturday (12th) there were fifty-seven new cases reported in this small community—so I am informed by the deputy attorney-general. The embargo continues upon intercourse between the islands, and business is almost at a stand-still.

I have, &c.,

JAMES M. COMLY.

No. 395.

Mr. Comly to Mr. Blaine.

No. 172.] LEGATION OF THE UNITED STATES,
Honolulu, June 6, 1881. (Received June 21.)

SIR: I have already informed the Department as to certain demands on behalf of British merchants here, who claim the same rights with British products as Americans with American products under the reciprocity treaty. (My dispatches Nos. 13, 21, 27, 43, and 47 refer to this subject, 13 and 43 being perhaps the most important.)

This claim is made under the "parity clause" of the Anglo-Hawaiian treaty of 1851-'52.

I do not propose to trouble the Secretary of State with a repetition of my arguments intended to show the inadmissible character of this claim, and showing also that, in 1855, when a reciprocal treaty with the United States was pending, the then British commissioner here (General Miller), acting under direct instructions from Lord Clarendon, literally "gave away" the whole case as to this present claim. He says, "Great Britain cannot as a matter of right claim the same advantages for her trade under the strict letter of the treaty of 1852." (Quoted more at length and in his own words in my dispatch No. 13.)

For the convenience of the Secretary of State I present a brief itinerary of the progress of this claim up to date, as I understand it:

1. Immediately after the reciprocity treaty went into effect, Major Wodehouse, the British commissioner, peremptorily notified the Hawaiian Government that "Her Majesty's Government *cannot allow of*" any discrimination against British products as in favor of American, and that British importers would claim under their treaty, for British products, equality with American products under the American reciprocity treaty. A long diplomatic correspondence followed, in which I was frequently consulted in a friendly way by the Hawaiian minister, and was notified from time to time by Major Wodehouse of his proceedings. I have uniformly insisted that it would be a violation of the reciprocity treaty to allow the same privileges to British or any other products with those of the United States—privileges purchased by reciprocal advantages beyond the power of any other nation to concede. I have also insisted that it would amount to a violation of the sovereignty of this kingdom for Great Britain to assume to dictate to the Hawaiian Government what differential rate of customs should be levied upon British goods as compared with those of other countries—taxation being an incident of sovereignty.

2. Finding that the British Government insisted upon its claim, the Hawaiian Government gave one year's notice (under the seventeenth article) terminating the fourth, fifth, and sixth articles of the Anglo-Hawaiian treaty of 1851–'52. (This would take effect July 3, 1878.)

3. This was resented by the British Government as "unfriendly" action.

4. Mr. Henry A. P. Carter was sent as Hawaiian envoy to England, to settle the dispute. Major Wodehouse, alarmed by the threats of annexation to the United States rather than submit to the demands of Great Britain, accompanied Mr. Carter to San Francisco, where he applied for and received telegraphic leave from Lord Derby to proceed to England with Mr. Carter.

In London, Lord Derby proposed to Mr. Carter that England would drop the whole matter if the Hawaiian Government would withdraw its denunciation of the fourth fifth and sixth articles, and would attach the free schedule of the American treaty to an agreement that none of the articles in that schedule should be taxed more than 10 per cent. if British product. Rejected. (My dispatch No. 43 is full on this and subsequent points.)

6. The notice of discontinuance was withdrawn as to all but first paragraph of fourth article.

7. In legislative assembly, 1878, a large and noisy party of British sympathizers attacked the government severely, and threatened the reciprocity treaty so seriously that I wrote a note of warning and protest to the minister of foreign affairs (appears as inclosure 4 with my dispatch No. 43), which was subsequently approved by Mr. Evarts Secretary of State.

8. The Hawaiian tariff was amended substantially as suggested by Lord Derby (10 per cent. ad valorem, horizontal). It was supposed that this would end the matter of the British claims. But—

9. About the beginning of the present year Mr. Theo. H. Davies, acting British consul-general, a merchant doing large business here, and one of the claimants, wrote (unofficially) to the minister of finance, on behalf of the claimants, demanding a refund of duties paid under protest *pending the termination of the first clause in the fourth article of the British treaty.*

10. The minister of finance referred the claimants to the Hawaiian courts.

11. The British commissioner then made official demand for diplomatic (executive) settlement.

12. The Hawaiian minister informed Major Wodehouse that he would lay the matter before cabinet council.

13. The minister of foreign affairs informed Major Wodehouse that the action of the minister of finance was sustained by cabinet council, and that the claimants were remanded to the courts accordingly.

14. Major Wodehouse replied that he could not accept that forum, and would report to his government for further instructions.

15. The Hawaiian minister wrote a brief note, simply acknowledging Major Wodehouse's note without comment.

16. Major Wodehouse wrote a severe reply, complaining that the Hawaiian minister had omitted to say that he would give due consideration to Major Wodehouse's note, or words to that effect.

17. I am informed by a member of the cabinet that the minister (Mr. Green) will make a brief and dignified protest against the tone of Major Wodehouse's note, and will say (substantially) that Major Wodehouse, having been already fully notified that the matter had been considered

by His Majesty's Government, and the claimants referred to the courts, and he himself having notified the Hawaiian Government that he had referred the matter to the British secretary, then, in that case, there was nothing further to consider at present, and Major Wodehouse's complaint was without foundation.

Here the matter rests.

Trouble is apprehended, as the British Government seems determined to press the claims diplomatically, and the Hawaiian Government is equally determined that they shall be settled by the Hawaiian courts.

It will be difficult if not impossible for the American representative to avoid being drawn into this affair still further, as it progresses; and I most respectfully ask instructions, if the Secretary of State deems it advisable to direct the course of the affair in any specific manner.

My position has been against the British claims all through the dispute.

I have, &c.,

JAMES M. COMLY.

P. S.—Allow me to suggest whether it would not have been the better course for the Hawaiian Cabinet to have adjudged these claims instead of referring them to the courts. I have made the point several times, and carried it, that the United States Government could not accept an adjudication of its treaty rights by Hawaiian courts. So in refund tax cases of Patrick Quinn and others. (Dispatches Nos. 91, 95, 111, 126, 135, and 138.) So also in refund of duties illegally collected upon American products. (Dispatches Nos. 127, 135, and 137.)

In all these cases I declined to refer claimants to the Hawaiian courts on the ground stated above. My point was accepted, and the cases all settled by refund, though in every case the money had been already covered into the treasury.

No. 396.

Mr. Blaine to Mr. Comly.

No. 102.] DEPARTMENT OF STATE,
Washington, June 30, 1881.

SIR: Your dispatch No. 172, of the 6th instant, has been considered in connection with your former dispatches, to which you refer, particularly Nos. 13 and 43.

Your course, upon the question to which you have called the attention of the Department, is approved. While I desire earnestly to avoid the use of imperative language toward the Hawaiian Government, and prefer that our relation in any consequent discussion should be that of friendly advice and support, this government cannot permit any violation, direct or indirect, of the terms and conditions of the treaty of 1875.

The treaty was made at the continuous and urgent request of the Hawaiian Government. It was, as it was intended to be, an evidence of the friendship of the United States, and was shaped by a large and liberal disposition on our part to consult the wishes and interests of the Hawaiian Government. As you are aware, there was much opposition to some of its concessions by our own citizens whose capital was employed in certain agricultural industries. The term of the treaty was limited

in order that both parties might obtain practical experience of its operation, and in order to secure the experiment from possible disturbance it was expressly stipulated—

> On the part of His Hawaiian Majesty that so long as this treaty shall remain in force, he will not make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States. (Article IV.)

It would be an unnecessary waste of time and argument to undertake an elaborate demonstration of a proposition so obvious as that the extension of the privileges of this treaty to other nations under a "most favored nation clause" in existing treaties, would be as flagrant a violation of the explicit stipulation as a specific treaty making the concession.

You are instructed to say to the Hawaiian Government that the Government of the United States considers this stipulation as of the very essence of the treaty and cannot consent to its abrogation or modification, directly or indirectly. You will add that if any other power should deem it proper to employ undue influence upon the Hawaiian Government to persuade or compel action in derogation of this treaty, the Government of the United States will not be unobservant of its rights and interests and will be neither unwilling nor unprepared to support the Hawaiian Government in the faithful discharge of its treaty obligations.

In reference to the probability of a judicial construction of the treaty by the Hawaiian courts, upon proceedings instituted by a British merchant, I would have been glad if you had been able to furnish me with the correspondence between the British commissioner and the Hawaiian secretary for foreign affairs. From your history of the controversy, I find it difficult to understand how Her Britannic Majesty's Government can consistently maintain a right of diplomatic intervention for the settlement of any claim for the difference in duty imposed under the British treaties and under the treaty with the United States.

Be that as it may, a judicial decision of this question by the Hawaiian courts would be as unsatisfactory to the United States as to Great Britain. I am not aware whether or not a treaty, according to the Hawaiian constitution is, as with us, a supreme law of the land, upon the construction of which—the proper case occurring—every citizen would have the right to the judgment of the courts.

But, even if it be so, and if the judicial department is entirely independent of the executive authority of the Hawaiian Government, then the decision of the court would be the authorized interpretation of the Hawaiian Government, and however binding upon that government would be none the less a violation of the treaty.

In the event, therefore, that a judicial construction of the treaty should annul the privileges stipulated, and be carried into practical execution, this government would have no alternative and would be compelled to consider such action as the violation by the Hawaiian Government of the express terms and conditions of the treaty, and, with whatever regret, would be forced to consider what course in reference to its own interests had become necessary upon the manifestation of such unfriendly feeling.

The diligence and ability which you have given this subject render perhaps any further instruction unnecessary, but I will suggest that in your communications with the Hawaiian Government it is desirable that you should convey the impression that the Government of the

United States believes that the Hawaiian Government desires and intends to carry out the provisions of the treaty in perfect good faith, and that we understand and appreciate the unjust pressure of foreign interests and influence brought to divert it from its plain and honorable duty. The position of the Government of the United States in your representations should be rather that of encouragement of the Hawaiian Government to persevere in the faithful discharge of its treaty obligations, than complaint of any anticipated dereliction.

The Department will be glad of the fullest and promptest communication upon this subject.

I am, &c.,

JAMES G. BLAINE.

No. 397.

Mr. Comly to Mr. Blaine.

No. 185.] LEGATION OF THE UNITED STATES,
Honolulu, August 1, 1881. (Received August 16.)

SIR: I have the honor to transmit copies of correspondence between this legation and Rev. Anderson O. Forbes, corresponding secretary of the Hawaiian board with regard, to the action of the United States Government in sustaining the decree of Lebou (Kabua), supreme chief of the Ralik group, prohibiting the sale of intoxicating liquors to his people. The action of the government having been taken upon application by the Hawaiian board through this legation, several influential members of the board have taken occasion to supplement the official paper of the secretary by presenting their thanks verbally, in terms of unusual warmth.

The correspondence has also been published by the secretary in the Hawaiian Gazette.

I have, &c.,

JAMES M. COMLY.

[Inclosure 1 in No. 185.]

Mr. Comly to Mr. Forbes.

LEGATION OF THE UNITED STATES,
Honolulu July 9, 1881.

DEAR SIR: It gives me great pleasure to transmit copy of inclosed notice from the United States consul at Samoa, showing that the United States Government has taken prompt action in sustaining the decree of Chief Lebou (Kabua), against the sale of intoxicating liquor to his people.

I have, &c.,

JAMES M. COMLY.

[Appendices to Inclosure 1 in No. 185.]

Notice of Consul Dawson.

NOTICE.

All citizens of the United States are hereby informed that the Marshall Islands are embraced within the jurisdiction of the United States consulate at Apia, Samoa; and

all citizens of the United States in those islands are hereby called upon to conform their action to the decree of the high chief Lebou (Kabua), of the Ralik group, issued by him April 29, 1880, hereto annexed, prohibiting the sale or supply of intoxicating drinks to his people.

In witness whereof I have hereto set my hand and affixed the seal of the United States consulate at Apia, Samoa, this 12th day of April, A. D. 1881.

THOMAS M. DAWSON,
United States Consul.

Ordinance respecting the sale of liquor.

[Translation.]

Because of my knowledge that intoxicating liquor is destroying my people on these islands, and because I wish to take care of, and keep back all my people from death and from evil, I, Lebou (Kabua), the supreme chief of the Ralik group, do hereby make known this ordinance:

I. It shall be unlawful for any foreigner in the Ralik group to sell, or supply in any way, any intoxicating liquor of any kind to any native of the Ralik group, or to any native of any other island in the ocean who is not a subject of some civilized power.

II. If any foreigner shall break this ordinance he shall suffer loss as follows: If he break the law once he shall pay $100 in cash to me, or if a second time he shall leave these islands forever.

III. This ordinance shall come in force from and after the 6th day of May, 1880.

I, Lebou (Kabua) have made this ordinance this 29th of April, 1880, at Jabuij, Ralik group.

I, LEBOU (KABUA).

I agree with and witness:
I, LOEAK.
Secretary:
I, JEREMIA.

[Inclosure 2 in No. 185.]

Mr. Forbes to Mr. Comly.

HONOLULU, *July* 12, 1881.

DEAR SIR: I have the honor and the great pleasure to acknowledge the receipt of your dispatch No. 394, with accompanying copy of notice from the United States consul at Samoa.

It is a matter of pride as well as of great pleasure to see the United States Government taking so noble a stand in sustaining the rights of the Marshall Islanders to self-preservation as well as self-government. And it is to be hoped that other enlightened nations may be willing to follow the example thus set.

In behalf of the "Board of the Hawaiian Evangelical Association" permit me to tender their thanks to you for your kind interest in this matter, as well as for your efforts in procuring this result.

With sentiments of high esteem, I remain, &c.,

ANDERSON O. FORBES,
Corresponding Secretary Hawaiian Board.

No. 398.

Mr. Comly to Mr. Blaine.

[Extract.]

No. 189.] LEGATION OF THE UNITED STATES,
Honolulu, August 29, 1881. (Received September 14.)

SIR: I have had occasion frequently to report to the Secretary of State the discomfort felt by the British commissioner and other residents here, on account of the predominance of United States influence and interests in the Hawaiian Islands.

The watchfulness of the commissioner to find means of undermining this influence and fostering British interests has been constant, and for the most part praiseworthy, and has not interfered with our personal relations further than to put them upon a general basis of perhaps exaggerated consideration and courtesy.

* * * * * * *

The subject of cooly immigration from British India is one that I have had occasion to speak of as one of great and increasing danger to both Hawaiian and American interests.

There has been a systematic and indomitable struggle to force the Hawaiian Government into a convention for the importation of East Indian coolies, so as to give the English a separate judicature, and furnish innumerable opportunities for meddlesome interference with the internal affairs of this government.

There is a constant stream of newspaper publication—especially in the native papers—on this question, urging it upon the King, and bitterly assailing his ministers for their conservative course in the matter.

"The United States has given us the reciprocity treaty—why should we not allow Great Britian to give us labor?"—is the way it is put.

The British commissioner busies himself personally in stirring up the partisans of his side, and full page broadsides are written for the native papers by the Hon. Godfrey Rhodes, late president of the legislative assembly. The Hon. Archibald Scott Cleghorne, a scotch brother-in-law of the King, is kept in a state of excitement on the same subject by Major Wodehouse. Indeed, it is one of our advantages in the position that he is so, as the King is always happy to disoblige his brother-in-law.

Just now, while the King is abroad, with a special view to securing immigration, a supreme effort is being made to force action, and there does seem to be cause for apprehension that something may be done.

The newspapers of last week state that the British Government, while the King was in London, offered him a convention for the emigration of coolies to the Sandwich Islands, but stated to His Majesty that "of course, *they must be accompanied by a British protector*, the same as in case of emigration to British or other colonies."

This "protector" tries all cases of disputes arising among the coolies themselves, and also between coolies and citizens of the country where they reside; and cases of appeal from his judgment go, *not to the courts of the country, but to the British consul or diplomatic representative.*

I have been diligent in steadily keeping this in mind of all the different ministers the different changes have brought into power, and have generally received assurances that the islands should never be put under an alien judicature, in this insidious manner.

The matter has assumed a character of such grave importance, in view of what may have been initiated by the King while in London, that I am earnestly desired by one of the King's ministers (who personally knows Mr. Secretary Blaine) to ask the Secretary as a favor personally to give a hint to the King, should a favorable opportunity offer during his visit in Washington, in order that he may be made to see the danger of introducing such an element into the affairs of his government. I am assured that the King has a great respect for the honorable Secretary of State, and will listen attentively to any observations *en passant* from that quarter.

The British commissioner has also skillfully taken hold, in the same connection, of the matter which I have treated in the private letter to Captain Gillis, a copy of which is made inclosure No. 1 with this dispatch. The original I have taken the liberty of sending direct to Cap-

tain Gillis, as it would lose fourteen days in going through the State Department and return.

The British claims arising out of the reciprocity treaty are still held over the head of the Hawaiian Government, as a menace and reminder of English power. The English commissioner is probably waiting instructions for his next step in the business.

Meantime I have verbally conveyed to the Hawaiian minister of foreign affairs the spirit of the instructions received from the Secretary of State, in Nos. 102 and 105, with the best of my skill, assuring him that there was no lack of confidence in the intention of Hawaii to strictly observe the stipulations of the reciprocity treaty; and that the honorable Secretary of State concurred in the opinion that the claim of Great Britain for the same privileges under the treaty with the United States was wholly inadmissible.

Both the minister of foreign affairs and the minister of the interior (Mr. Green and Mr. Carter) desired me to express their thanks to the Secretary of State, in terms of unusual warmth and gratification, for an intimation so important and assuring.

I am, &c.,

JAMES M. COMLY.

[Inclosure in No. 189.]

Mr. Comly to Capt. J. H. Gillis.

Private.] LEGATION OF THE UNITED STATES,
Honolulu, August 27, 1881.

MY DEAR CAPTAIN: There has been, I find, an amount of grave and statesman-like speculation going on in the heads of the government here as to why the Lackawanna did not return the royal salute the evening when her royal highness, the princess regent, left on the Likelike for a "royal progress." I never knew until yesterday morning that the salute had not been returned, having been quite ill and confined to my bed that day. Yesterday morning one of the ministers told me that the British commissioner had an intrigue on hand to persuade the government, and especially the regent, that there was an annexation project *in petto*, behind all the talk in the American newspapers about the King desiring to sell the island. Major Wodehouse pointed to the failure to return the royal salute as confirmatory of this view, and frightened the poor princess so badly that she lives in terror of seeing the American flag float over the islands before her brother can get back here.

Now, all this will doubtless seem very foolish to you, as it does to me. But I found from the assurances by ministers yesterday that the British commissioner had actually worked upon the fears of the princess so far that she was corresponding with him direct, and receiving assurances of British protection, in case the wicked United States proceeded to extremities in this extraordinary business. The ministers are very much afraid she has compromised herself and the kingdom by the notes she has written, and which none of them have seen.

I told them there was no political significance whatever in your failure to return the salute and no discourtesy intended. I reminded them that there was nothing but an informal suggestion, or mere verbal mention of the fact that the princess was going, &c., made by Governor Dominis to you in my presence; and that in the pressure of other matters a thousand things might have occurred to put the matter out of your mind, as you had no written or official notice from Governor Dominis or anybody else. I was requested to see the princess and calm her apprehensions, which had been worked upon by the British party and by Mr. Walter Murray Gibson until she was in a condition to do something foolish and dangerous to American interests. I promised, also, to write to you, asking you to make a statement assuring all concerned that I was sure it was through some inadvertence, entirely without significance, that the salute had failed, as I felt sure you had intended to meet the suggestion of Governor Dominis.

I called at the palace and at Washington Place to see the princess, but she was not in. I have entirely pacified all the rest, and shall be able to call "my colleague" to

account very soon, I hope, for the rash manner in which he has been handling the American name. It is all very well for him to play the role of sympathizing friend, but he must not make unfriendly representations as to the intentions of the United States, in order to give himself a chance to console and protect the desolate victim of our rapacity.

Please remember me to such of your officers as remember us pleasantly. I was deeply moved to hear of the bad news you received the day you left, which I did after your departure. I hope you may find in the society of your family all the consolation possible under such a loss.

Very sincerely, yours,

JAMES M. COMLY.

No. 399.

Mr. Comly to Mr. Blaine.

No. 194.] LEGATION OF THE UNITED STATES,
Honolulu, October 24, 1881. (Received November 9.)

SIR: Referring to my No. 189 and to former communications on the subject of the British claims, I have the honor to report further as to the attempt to create distrust in the mind of the regent in regard to the intentions of the United States.

There is no doubt in my mind that the British commissioner excited sufficient alarm in the mind of the princess regent to cause her to correspond directly with him, and without submitting her notes to the inspection of the cabinet or privy council; and it is believed that she accepted some sort of assurance from him that Great Britain would protect the independence of the islands against alleged anticipated violent proceedings on the part of the United States.

It is for this reason that I took occasion of my "*separate and confidential*" note, informing the minister (as directed by the Secretary of State) of the approval of his position on the British claims, to refer also to the effort to sow distrust in the mind of the princess, and the real reason for such action.

I have received no written reply to this note, and it has been intimated pretty clearly in a confidential way that there are things with reference to the action of the regent which it is not pleasant or easy for his excellency to put upon paper. I respectfully invite the attention of the Secretary of State to my note above cited.

Having at a later date forwarded the answer of Captain Gillis, showing that the failure of the Lackawanna to salute was the result of neglect on the part of the governor of Oahu (husband of the regent), I was surprised to find how active their alarm had been, and what a load was taken off the mind of the regent and others, as will more dimly appear in the formal reply of the minister of foreign affairs.

I believe confidence is now fully restored.

I have, &c.,

JAMES M. COMLY.

[Inclosure 1 in No. 194.]

Mr. Comly to Mr. Green.

Separate and confidential.

LEGATION OF THE UNITED STATES,
Honolulu, September 7, 1881.

SIR: The Secretary of State has acknowledged the receipt of a "separate and confidential" dispatch from this legation, transmitting a copy of the inclosure with your "private" note of June 28, 1881.

The honorable Secretary of State expresses confidence that the Hawaiian Government desires and intends to strictly carry out the provisions of the reciprocity treaty in perfect good faith; and concurs in the opinion that the extension of the privileges of this treaty to other nations, under the "most favored nation" clause in existing treaties, would be as flagrant a violation of the stipulations of Article IV, as a specific treaty-making the concession, and is wholly inadmissible.

I am instructed to say that the Government of the United States considers this stipulation as of the very essence of the treaty, and cannot consent to its abrogation or modification, directly or indirectly.

I am instructed to add that if any other power should deem it proper to employ undue influence upon the Hawaiian Government to persuade or compel action in derogation of this treaty, the Government of the United States will not be unobservant of its rights and interests, and will be neither unwilling nor unprepared to support the Hawaiian Government in the faithful discharge of its treaty obligations.

Having promptly informed the minister of the interior (*ad interim* for the foreign office during your exeellency's absence with the princess regent) of the substance of the foregoing, verbally, and having verbally repeated the same to your excellency on your return, I have carefully considered the important dispatches from the honorable Secretary of State, in order to accurately render my instructions in writing.

There is another matter, your excellency, which has been brought through irregular channels to my attention, and which I suspect to have an intimate relation to the enforcement of the British claims.

Your excellency must be aware that an effort has been made to awaken distrust and fear as to the intentions of the United States in the mind of the princess regent, and that assurances of British protection were tendered to the princess regent in view of an alleged aggressive and aggrandizing temper in the United States.

It is a little irregular to refer your excellency to newspaper publications, but men of affairs in these days often consult these sources for the first public intimations of important matters. I will, therefore, ask your excellency to read in a supplement to this day's Hawaiian Gazette, a dispatch dated Victoria, August 19, in which the colonist newspaper is quoted as saying that "the cause which led to the quick dispatch of H. M. S. Gannet for the Sandwich Islands on Monday, arose from the fact that telegraphic information was received of the intention of the United States to gobble up Kalakaua's kingdom. It is added that the flag-ship is hastening towards Honolulu.

The unmitigated absurdity of the report as to the United States is equaled only by the spectacle of my revered British colleague, "protecting" the independence of the Sandwich Islands from the grasping embrace of the United States of America with a third class gunboat (gallantly manned, unquestionably). It is beyond the stretch of credulity itself to believe that there is any real alarm on the score of the United States. and it becomes necessary to seek the real pretext for these existing facts and rumors.

The publications in the American newspapers as to the alleged offering of the kingdom for sale have been harped upon assiduously. Now, if your excellency please, it seems to be overlooked that the first publication of this rumor was in a London dispatch to the New York World. The London correspondent of the World is Mr. Louis J. Jennings, an Englishman, a well-known contributor to the London Times, an intimate personal friend of its late editor, and of its present proprietor. Mr. Jennings is in the closest relations with the government circles in London. What reason he may have had for sending such a dispatch I leave to your conjecture. Mr. Jennings had been at one time managing editor of the New York Times, and he knew enough of American newspapers to know how a certain class of sensation-mongers would enlarge upon his hint. As the government does not edit the newspapers in the United States, it should not be held responsible for them.

One more fact, the first authoritative denial of the absurd rumor that the King was peddling his kingdom came from a London dispatch to the New York Herald. Excuse the unavoidable personality, but the gentleman in charge of the Herald's European correspondence and in personal supervision of the London bureau, is a connection of my family, a fact of no great interest or significance, otherwise than as the reverse of Mr. Jennings's obverse.

I am sensible, as I have said before, that these matters are being brought before your excellency (as they were to me) a little out of the regular official channels; but they are of interest, and may not seem out of place in a "separate and confidential" note.

I have, &c.,

JAMES M. COMLY.

[Inclosure 2 in No. 194.]

Mr. Comly to Mr. Green.

No. 212.] LEGATION OF THE UNITED STATES,
Honolulu, October 11, 1881.

SIR: Referring to our conversation of some months ago, with reference to the omission of the U. S. S. Lackawanna to salute her royal highness, the princess regent, upon her departure for the island of Hawaii, I now have the honor to address you.

Your excellency may remember that I stated, on the occasion of our former conversation, that I was confined to my room by illness the day the regent left, and consequently had not been aware, until after the Lackawanna left port, that the salute had not been fired, as no one happened to speak of it in my hearing. I also stated my firm conviction that the omission could not have occurred through any disrespect on the part of Captain Gillis, who expressed warmly his sentiments for the regent, and her husband and family, whom he had long known. I also volunteered to write to Captain Gillis, asking him to explain through what inadvertence the salute had failed. I wrote by the first mail, and I now have Captain Gillis's reply, from which I extract the following, covering all that is said on this point.

"U. S. S. LACKAWANNA,
"MARE ISLAND, CALIFORNIA, *September* 8, 1881.

"MY DEAR GENERAL: Your favor of the 27th ultimo reached me last evening, and I lose no time in replying to same.

"If you remember, Governor Dominis mentioned to me, at the reception accorded by her royal highness, that it was *expected* that her royal highness would leave on the following day, and the governor said he would inform me, *by note*, at what time she would leave. I told him that if he would send the note to the care of the United States consul, it would be forwarded to me without delay. No such note was received, and I did not know that the princess was positively to leave until I heard the salute being fired, and, at that time, I was on shore, and it was then too late to show her that respect which it would have afforded me great pleasure to have paid her, and, I really think, that if there was cause of complaint from any one, there was more reason for my finding fault with the neglect to inform me of the intended departure of her royal highness, in accordance with the promise of Governor Dominis. But I did not for a moment attribute any such neglect on the part of the governor to an intentional discourtesy on his part.

* * * * * * *

"Sincerely and truly yours,

"J. H. GILLIS."

It affords me considerable gratification to find my anticipations so fully met by the reply of Captain Gillis.

I am glad to take the opportunity to renew, &c.,

JAMES M. COMLY.

[Inclosure 3 in No. 194.]

Mr. Green to Mr. Comly.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, October 14, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 212, dated 11th instant, with reference to the omission of the U. S. S. Lackawanna to salute her royal highness, the princess regent, upon her departure for the island of Hawaii. I take due note of the copy of the extract of the letter from Captain Gillis to your excellency by which it appears that Captain Gillis expected to receive a written notification from Governor Dominis as to the exact time when her royal highness was to depart, and his not having received this was the reason that the salute was not fired.

I have shown your dispatch to her royal highness and the governor, and it affords them great pleasure to find that the omission to fire the salute was through an inadvertence only, arising perhaps in some measure from the omission of his excellency the governor to send the said notification, but the governor was under the impression that the notification was to be sent to Captain Gillis, only in case of any change in the time of her royal highness's departure. He regrets that there should have been any misunderstanding on his part, and has to thank Captain Gillis for his kind expressions toward the regent and himself.

I need hardly say that I am also much pleased to find that the omission of this salute was, as indeed I expected to learn, accidental, and I have to thank you for the trouble you have taken in clearing the matter up.

I take this opportunity to renew the assurances of my highest respect and consideration.

I have, &c.,

W. L. GREEN,
Minister of Foreign Affairs,

No. 400.

Mr. Blaine to Mr. Comly.

No. 111.] DEPARTMENT OF STATE,
Washington, November 19, 1881.

SIR: In your dispatch No. 189 you have informed this Department of the efforts made by the British commissioner to prejudice the interests and influence of the United States in the Hawaiian Islands; and you properly assume that such efforts, so far as they tend to improve the diplomatic position of his country by his personal conduct, must be counteracted by similar endeavors on your part without the formal intervention of this government.

The action of the government must necessarily wait upon the actual occurrence or threatened probability of some official transaction in conflict with its treaty rights. But with the proper information before it the Department would undoubtedly instruct you to anticipate any such transaction by such diplomatic remonstrance as our relations with Hawaii would justify.

It is difficult to say that the information derived through the newspapers in reference to a supposed coolie convention with Great Britain is of a character to require our official intervention. But I take it for granted that, since the return of King Kalakaua, you will be able to learn whether such a convention is contemplated and if, in your opinion there is enough in the general rumors to warrant it, you will consider yourself as instructed to make formal inquiry of the Hawaiian Government if any such project is entertained.

You say that the proposed convention provides for a—

"protector of the coolie immigrants," who tries all cases of disputes arising among the coolies themselves, and, also, between coolies and citizens of the country where they reside; and cases of appeal from his judgment go, not to the courts of the country, but to the British consul or diplomatic representative.

I do not understand whether this is a recital from some existing convention or a rumor of what the contemplated convention is expected to be.

In the treaty between Great Britain and the Netherlands relative to emigration of laborers from India to the Dutch colony of Surinam, signed in 1870 and ratified in 1872, and which is the most recent to which I have been able to refer, I find the following provision:

XIX. All emigrants within the provision of this convention shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy in the Netherland colony the right of claiming the assistance of the British consular agent; and no obstacle shall be opposed of the laborers resorting to the consular agent, and communicating with him, without prejudice, however, to the obligations arising out of his engagements.

Properly interpreted and fairly applied, I do not see any reasonable ground of objection to this or to a similar provision. But a convention containing stipulations such as you describe would be very different. To secure to the coolie immigrants from India, who are unquestionably British subjects, such an extreme privilege of exterritoriality would be extending them advantages not possessed by the subjects of any other power. And as articles VIII and X of the treaty between the United States and the Hawaiian Islands of 1849 guarantee to the citizens and consular officers of the United States the treatment of the most favored nation and a participation in all privileges granted to others, the United States would have to insist upon equal treatment for its citizens and consuls, and it can scarcely be doubted that other powers would make the same demand.

A consideration of the embarrassment which such a condition of foreign rights and privileges would create for the Hawaiian Government would present almost insuperable difficulties in the way of such a convention.

But if negotiations such as you describe are really in progress, you will ask for an interview with the secretary for foreign affairs and make the following representation of the views of the United States.

The Government of the United States has, with unvarying consistency, manifested respect for the independence of the Hawaiian Kingdom and an earnest desire for the welfare of its people. It has always felt and acted on the conviction that the possession of the islands by a peaceful and prosperous power, with which there was no possibility of controversy or collision, was most desirable, in reference to its own large and rapidly increasing interests on the Pacific. It has declined, even at the request of the Hawaiian people, to assume over their affairs a protectorate, which would only be a thinly disguised domination, and it has confined its efforts and influence to strengthen their government and open to their commerce and enteprise the readiest and most profitable connection with its own markets; but this policy has been based upon our belief in the real and substantial independence of Hawaii. The Government of the United States has always avowed and now repeats that, under no circumstances, will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers. It is needless to restate the reasons upon which that determination rests. It is too obvious for argument that the possession of these islands by a great maritime power would not only be a dangerous diminution of the just and necessary influence of the United States in the waters of the Pacific, but in case of international difficulty it would be a positive threat to interests too large and imporant to be lightly risked.

Neither can the Government of the United States allow an arrangement which, by diplomatic finesse or legal technicality, substitutes for the native and legitimate constitutional Government of Hawaii, the controlling influence of a great foreign power. This is not the real and substantial independence which it desires to see and which it is prepared to support. And this government would consider a scheme by which a large mass of British subjects, forming in time not improbably the majority of its population, should be introduced into Hawaii, made independent of the native government, and be ruled by British authorities,

judicial and diplomatic, as one entirely inconsistent with the friendly relations now existing between us, as trenching upon treaty rights which we have secured by no small consideration, and as certain to involve the two countries in irritating and unprofitable discussion.

In thus instructing you, however, I must impress upon you that much is trusted to your discretion. There would be neither propriety nor wisdom in making such declarations unnecessarily or prematurely. If, therefore, you find that the proposed convention is not one with the extreme provisions to which you refer, or if you have reason to believe that your representations of the unfriendly impression which it would make here will be sufficient to change the purpose of the Hawaiian Government, you will confine yourself to ordinary diplomatic remonstrance. And, in any event, it will be prudent to indicate that such would, in your opinion, be the view taken by this government before making the formal protest, which, under the contingency of persistent adverse action on the part of the Hawaiian Government, you are authorized to make.

I am, &c.,

JAMES G. BLAINE.

No. 401.

Mr. Blaine to Mr. Comly.

No. 113.] DEPARTMENT OF STATE,
Washington, December 1, 1881.

SIR: My late instructions, and especially that of the 19th ultimo, will have shown you the deep interest with which the United States observes the course of events in the Hawaiian Islands. The apparent disposition to extend other influences there in lines parallel to or offsetting our own must be watched with care, and met with considerate firmness.

The intelligent and suggestive character of your recent dispatches naturally leads me to a review of the relationship of the Hawaiian Kingdom to the United States at somewhat greater length than was practicable in the limited scope of my instruction of November 19. That dispatch was necessarily confined to a consideration of the immediate question of a possible treaty engagement with Great Britain which would give to that power in Hawaii a degree of extraterritoriality of jurisdiction inconsistent with the relations of the islands to the other powers, and especially to the United States.

With the abandonment of feudal government by King Kamehameha III in 1839, and the inauguration of constitutional methods, the history of the political relation of Hawaii to the world at large may very properly be said to begin. The recognition of independent sovereignty by the great powers took place soon after that act on the part of the United States, dating from 1844. Even at that early day, before the United States had become a power on the Pacific coast, the commercial activity of our people was manifested in their intercourse with the islands of Oceanica, of which the Hawaiian group is the northern extremity. In 1848 the treaty of Guadelupe Hidalgo confirmed the territorial extension of the United States to the Pacific, and gave to the Union a coast line on that ocean little inferior in extent, and superior in natural wealth, to the Atlantic seaboard of the original thirteen States. In 1848–'49 the

discoveries of gold in California laid the foundation for the marvelous development of the western coast, and, in that same year, the necessities of our altered relationship to the Pacific Ocean found expression in a comprehensive treaty of friendship, commerce, and navigation with the sovereign kingdom of Hawaii.

The material connection between the Hawaiian Islands and the Pacific coast of the Union was natural and inevitable. But lately admitted to the family of separate states, Hawaii was necessarily drawn into closer kinship with California, then just entering on a path of prosperity and greatness whose rapidity of development the world has never seen equaled. Hence the movements toward intimate commercial relations between the two countries which, after the progressive negotiations of 1856, 1867, and 1869, culminated in the existing reciprocity treaty of January 30, 1875, which gave to the United States in Hawaii, and to Hawaii in the United States, trading rights and privileges in terms denied to other countries.

I have spoken of the Pacific coast line given to the American Union by the cession of California in 1848, as little inferior in extent, and superior in natural wealth, to the Atlantic seaboard of the original Union. Since that time our domain on the Pacific has been vastly increased by the purchase of Alaska. Taking San Francisco as the commercial center on the western slope, a line drawn northwestwardly to the Aleutian group, marks our Pacific border almost to the confines of Asia. A corresponding line drawn southwestwardly from San Francisco to Honolulu marks the natural limit of the ocean belt within which our trade with the oriental countries must flow, and is, moreover, the direct line of communication between the United States and Australasia. Within this belt lies the commercial domain of our western coast.

I have had recent occasion to set forth the vitally integral importance of our Pacific possessions, in a circular letter addressed on the 24th of June last to our representatives in Europe, touching the necessary guarantees of the proposed Panama Canal as a purely American waterway to be treated as part of our own coast line. The extension of commercial empire westward from those states is no less vitally important to their development than is their communication with the Eastern coast by the Isthmian channel. And when we survey the stupendous progress made by the western coast during the thirty years of its national life as a part of our dominion, its enormous increase of population, its vast resources of agriculture and mines, and its boundless enterprise, it is not easy to set a limit to its commercial activity or foresee a check to its maritime supremacy in the waters of the Orient, so long as those waters afford, as now, a free and neutral scope for our peaceful trade.

In thirty years the United States has acquired a legitimately dominant influence in the North Pacific, which it can never consent to see decreased by the intrusion therein of any element of influence hostile to its own. The situation of the Hawaiian Islands, giving them the strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself. Hence the necessity, as recognized in our existing treaty relations, of drawing the ties of intimate relationship between us and the Hawaiian Islands so as to make them practically a part of the American system without derogation of their absolute independence. The reciprocity treaty of 1875 has made of Hawaii the sugar-raising field of the Pacific slope and gives to our manufacturers therein the same freedom as in California and Oregon. That treaty gave to Hawaii its first great impetus in trade, and developed that activity of production

which has attracted the eager attention of European powers, anxious to share in the prosperity and advantages which the United States have created in mid-ocean. From 1877, the first full year succeeding the conclusion of the reciprocity treaty, to 1880, the imports from Hawaii to the United States nearly doubled, increasing from $2,550,335 in value to $4,606,444, and in this same period the exports from the United States to Hawaii rose from $1,272,949 to $2,026,170. In a word, Hawaii is, by the wise and beneficient provisions of the treaty, brought within the circle of the domestic trade of the United States, and our interest in its friendly neutrality is akin to that we feel in the guaranteed independence of Panama. On the other hand, the interests of Hawaii must inevitably turn toward the United States in the future, as in the present, as its natural and sole ally in conserving the dominion of both in the Pacific trade. Your own observation, during your residence at Honolulu, has shown you the vitality of the American sentiment which this state of things has irresistibly developed in the Islands. I view that sentiment as the logical recognition of the needs of Hawaii as a member of the American system of states rather than as a blind desire for a protectorate or ultimate annexation to the American Union.

This government has on previous occasions been brought face to face with the question of a protectorate over the Hawaiian group. It has, as often as it arose, been set aside in the interest of such commercial union and such reciprocity of benefits as would give to Hawaii the highest advantages and at the same time strengthen its independent existence as a sovereign state. In this I have summed up the whole disposition of the United States toward Hawaii in its present condition.

The policy of this country with regard to the Pacific is the natural complement to its Atlantic policy. The history of our European relations for fifty years shows the jealous concern with which the United States has guarded its control of the coast from foreign interference, and this without extension of territorial possession beyond the main land. It has always been its aim to preserve the friendly neutrality of the adjacent states and insular possessions. Its attitude toward Cuba is in point. That rich island, the key to the Gulf of Mexico, and the field for our most extended trade in the Western Hemisphere is, though in the hands of Spain, a part of the American commercial system. Our relations, present and prospective, toward Cuba, have never been more ably set forth than in the remarkable note addressed by my predecessor, Mr. Secretary Everett, to the ministers of Great Britain and France in Washington, on the 1st of December, 1852, in rejection of the suggested tripartite alliance to forever determine the neutrality of the Spanish Antilles. In response to the proposal that the United States, Great Britain, and France, should severally and collectively agree to forbid the acquisition of control over Cuba, by any or all of them, Mr. Everett showed that, without forcing or even coveting possession of the island, its condition was essentially an American question; that the renunciation forever by this government of contingent interest therein would be far broader than the like renunciation by Great Britain or France; that if ever ceasing to be Spanish, Cuba must necessarily become American, and not fall under any other European domination, and that the ceaseless movement of segregation of American interests from European control and unification in a broader American sphere of independent life could not and should not be checked by any arbitrary agreement.

Nearly thirty years have demonstrated the wisdom of the attitude

then maintained by Mr. Everett and have made indispensable its continuance and its extension to all parts of the American Atlantic system where a disturbance of the existing status might be attempted in the interest of foreign powers. The present attitude of this government toward any European project for the control of an isthmian route is but the logical sequence of the resistance made in 1852 to the attempted pressure of an active foreign influence in the West Indies.

Hawaii, although much farther from the Californian coast than is Cuba from the Floridian peninsula, holds in the western sea much the same position as Cuba in the Atlantic. It is the key to the maritime dominion of the Pacific States, as Cuba is the key to the Gulf trade. The material possession of Hawaii is not desired by the United States any more than was that of Cuba. But under no circumstances can the United States permit any change in the territorial control of either which would cut it adrift from the American system, whereto they both indispensably belong.

In this aspect of the question, it is readily seen with what concern this government must view any tendency toward introducing into Hawaii new social elements, destructive of its necessarily American character. The steady diminution of the native population of the islands, amounting to some ten per cent. between 1872 and 1878, and still continuing, is doubtless a cause of great alarm to the government of the kingdom, and it is no wonder that a solution should be sought with eagerness in any seemingly practicable quarter. The problem, however, is not to be met by a substitution of Mongolian supremacy for native control—as seems at first sight possible through the rapid increase in Chinese immigration to the islands. Neither is a wholesale introduction of the coolie element, professedly Anglo-Indian, likely to afford any more satisfactory outcome to the difficulty. The Hawaiian Islands cannot be joined to the Asiatic system. If they drift from their independent station it must be toward assimilation and identification with the American system, to which they belong by the operation of natural laws, and must belong by the operation of political necessity.

I have deemed it necessary to go, with somewhat of detail, into the real nature of our relations toward Hawaii, in order that you may intelligently construe my recent instructions in the light of our true and necessary policy on the Pacific. It may also tend to simplify your intercourse with the native government if you are in a position to disabuse the minds of its statesmen of any belief or impression that our course is selfishly intrusive, or looks merely to the exclusive retention of transient advantages of local commerce, in which other countries seek a share. The United States was one of the first among the great nations of the world to take an active interest in the upbuilding of Hawaiian independence and the creation of a new and potential life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawaii on such independent basis. It proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages which have accrued to Hawaii and to draw closer the ties which imperatively unite it to the great body of American commonwealths.

In this line of action the United States does its simple duty both to Hawaii and itself; and it cannot permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of those American ties and the substitution of alien and hostile interests. It firmly believes that the position of the Hawaiian Islands as the key to the dominion of the American Pacific demands their neutrality, to which end it will earnestly co-operate with

the native government. And if, through any cause, the maintenance of such a position of neutrality should be found by Hawaii to be impracticable, this government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

The communication to the Hawaiian Government of the views herein expressed is left, both as to manner and extent, to your own discretion. If the treaty relations with Great Britain, of which my last instruction treats, prove to be of such a nature as to require the communication of a formal protest in the premises to the Hawaiian minister of foreign affairs, it would probably be wise for you to give him a copy of this dispatch as a just and temperate exposition of the intentions of this government, and a succinct explanation of the reasons which have induced such a protest. Even if the formal delivery hereof to the minister should not appear advisable, it would be well for you to reflect this policy in your conversations with the public men at Honolulu, who will, I am sure, find these views in harmony with the true interests of the Hawaiian Kingdom as they are with those of the United States.

I am, &c.,

JAMES G. BLAINE.

HAYTI.

No. 402.

Mr. Langston to Mr. Evarts.

No. 328.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 31, 1880. (Rec'd Jan. 13, 1881.)

SIR: President Salomon, after spending about a month and a half in the southern part of the Republic, visiting Miragoâne, Jérémie, Aux Cayes, and several other less important places, returned to the capital on last Sunday morning, the 26th instant.

Throughout his journey, it is said that his reception was cordial, enthusiastic, and earnest. He was conducted, as he entered the several larger places visited, often through triumphal arches, bearing always inscriptions and representations honorable to the chief of state. Frequently, a thing by no means common in Haytian history, there were written upon such arches the words, "To the father of the country." And it does seem to be true, that it is, in such sense, largely, that the great body of the Haytian people regard their present executive. This is an honorable testimony offered to the character and influence of General Salomon, while it may be considered as auguring general and continued peace during his administration.

His reception in this city on the 26th was imposing and warm; the people and the army seemingly exerting themselves to show that even the cities of the south, so proud of the President as native of that section, educated among them, and in such peculiar sense their representative, should not surpass Port-au-Prince and the country about it in demonstrations of appreciations of and devotion to him. Whether entering the city through the triumphal arch situated at the southwestern entry of the city, marching, surrounded by his cabinet and aids-de-camp, along the streets thereof, attending services at the cathedral

where thanks were offered and benedictions invoked, according to the usual custom on such occasions, addressing the people at La Place de la Paix, Pétion, or the Palace, the popular applause which greeted the President was general and ardent.

General peace seems just now to be prevailing in all parts of the republic, and the popularity and influence of the President would appear to be well calculated to work its continuance.

The conduct of the administration in dealing with disloyal subjects of the government, so far, has met popular favor, and has lent additional influence thereto. This fact is especially noticeable in connection with the imprisonment of certain ex-members of the late provisional government, notably Lamothe and Hérissé; the first lately tried and declared innocent, and the latter discharged from his confinement at the same time that General Richelieu Duperval was, about two months ago. The same fact is also rendered noticeable in connection with the late action of the administration in proposing a law passed by the corps legislatif October 23, 1880, for the relief of Ex-President Boisrond-Canal with his cabinet, against whom the provisional government, on the 22d day of September, 1879, had passed a decree. And it is as well noticeable, in connection with the recent imprisonment of General Mentor Nicholas and others, several very prominent merchants of this city, who, as charged, were implicated in a contemplated insurrectionary movement against the government.

But notwithstanding such popularity and influence of the President and his administration, after a year in power, there are certain facts confronting the government to-day calculated to test its wisdom and ability.

In the first place, the government and country are without money, and are in need of it. Both await for the improvement of the general condition, in this regard, the establishment of the proposed national bank. As to the establishment of this institution, at least two opinions exist; one, that it will not be established; the other, that it will be at a very early day. In government circles, it is not only claimed that it will be established very soon, but that its establishment, by bringing into the country a large amount of capital, will foster and advance the general prosperity.

In such pecuniary situation, the government is not now paying the interest due upon the bonds of the Caisse d'Amortissement; and in a late dispatch, which was received at this legation from the honorable acting secretary of foreign affairs, Mr. Archin, in response to one addressed to him with regard to the payment of interest due to certain American citizens from the fund named, he dwells in frank phrase upon the financial embarrassment of his government. And yet, so late as the 9th of last month, according to a statement made in the official section of the Moniteur of the 20th thereof, the government paid, through its secretary of state of finance, at present in Paris, upon the loan of 1875, to its French creditors, the sum of 1,164,814.27 francs, or, as estimated by the government, $218,214.66. Such payment was doubtless made to advance, if possible, the credit of the government in France, where it is expected the loan of the capital for the establishment of the bank may be secured.

The coffee crop, this season, while it is as large probably as usual, of excellent quality and in better condition for the market than it is commonly, will not relieve the pecuniary difficulty referred to, since the price of coffee, here and abroad, by reason of the abundance of the crop, is very low. Indeed, it is reported that every dealer in this city handling

such product has and does lose money thereon. One or two of the largest dealers therein, generally, are therefore at present declining to handle the article at all.

The appropriations of the government for the year 1880–'81, to meet the current expenses, aggregate about as much as usual, amounting to $4,053,967.04, distributed as follows:

For the service of the departments of state, finance, and commerce	$338,051 00
Foreign relations	244,773 12
War and marine	1,059,185 32
Interior	1,494,567 72
Justice	272,826 50
Public instruction	575,187 88
Worship	69,375 50
Total as stated	4,053,967 04

It is not to be inferred from anything stated that there is, at present, any manifestation of a want of confidence either in the power or integrity of the President and his administration. So far, he seems to enjoy the largest general confidence, and his fellow citizens seem willing to await patiently the promised achievements of his administration.

Having completed his trip in the southern part of the country, it is stated that very soon the President will visit the departments of the north and the northwest. When he will quit the capital upon such a journey has not as yet been announced. Matters of importance and gravity must, however, detain him here for some days.

I am, &c.,

JOHN MERCER LANGSTON.

No. 403.

Mr. Langston to Mr. Blaine.

No. 372.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, April 23, 1881. (Received May 6.)

SIR: I have the honor to advise the Department that President Salomon is still absent from the capital; it is reported that he is at present at Cape Haytien. His receptions have been throughout his tour so far remarkably enthusiastic, and, if what is said in this regard be true, he is the most popular and may prove to be the ablest and most efficient chief magistrate that this country has possessed.

On the 18th instant, honorable Charles Laforestrie, the secretary of state of finance, commerce, and foreign relations, for more than a year absent at Paris upon a mission connected with the establishment of the proposed National Bank of Hayti, returned to this city, and on the 21st instant Count de Montferrand, of Paris, who is said to represent those who are to furnish the capital of the national bank, and to supervise its organization, arrived in this city by steamship from New York. In view of the action already taken by government with regard to the establishment of the bank, the return of Mr. Laforestrie, and the arrival of Mr. de Montferrand, both announcing that arrangements to this end have been accomplished, the Haytian public expect to see this institution very soon put in actual working condition in this capital and chief commercial city of the republic.

There was probably never a better time for launching such institution here than now. The country is at peace, the people are expecting and hoping for the bank, they seem to have unusual confidence in the present administration, and there is certainly at this time a general need felt that any institution which will bring a sufficient circulating medium to the country, and organize its fiscal affairs upon an honest and wise basis, will prove beneficial indeed to the entire republic.

I am, &c.,

JOHN MERCER LANGSTON.

No. 404.

Mr. Langston to Mr. Blaine.

No. 373.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 7, 1881. (Received May 20.)

SIR: If one would consider the general aspect of affairs in this republic at this time, he could do no better than to commence by noting the interest that is just now being discovered both by the people and the government in the matter of improving and advancing the agriculture of the country.

Since the establishment of the new ministry of agriculture and the appointment of Mr. Légitime thereto, the impulse given to this branch of industry, so important and essential to the national prosperity, has been sensible and general.

In proof of this fact, it is to be stated that, on the first instant, the féte of agriculture observed regularly, according to custom, throughout the country, in all the larger places, was, perhaps, on this occasion, more generally and enthusiastically celebrated than upon any anniversary during the past five or ten years.

The celebration of the féte in this city, was imposing and interesting. It may be true that there was connected with it needless military display. The army, the national guard and the local police, in uniform and with their respective commanding officers, both at the Place Pétion and on the Champ de Mars, where the exercises took place, were largely and conspicuously represented, while the salvos of artillery were too frequent and annoying.

On this occasion, however, the considerable company of men and women, bearing specimens of sugar-cane, coffee plants, cocoa and cotton, was not wholly obscured in the larger class of the military and the police. For, gathered immediately about the altar of the country, surrounded by soldiers and policemen at Place Pétion, where they were addressed in the absence of the President by the honorable Secretary of State of Agriculture and where the prizes awarded were delivered, the agriculturists appeared to good advantage and their presence was impressive. And then, as gathered in front of the agricultural exposition building, now in process of erection by the government, on the Champ de Mars, where they joined in celebrating the te deum, their position was conspicuous, and their conduct, as they gave audience to the archbishop who conducted the religious exercises and addressed them, was appropriate.

Both the address of the secretary of state and that of the archbishop were instructive and edifying.

The celebration of this anniversary must, on the whole, be regarded as very creditable, and it is to be hoped that the additional impulse which it must give to the purposes of the people and the government, in this behalf, may prove to be salutary and effective.

If peace shall continue, founded upon general popular content, there can be no doubt that the agricultural interests of Hayti will be greatly advanced under the present administration. To-day, if we consider the apparent power of the administration, and the apparent popular regard and confidence entertained with respect to it, there may be attributed to the peace at present prevailing here something of an enduring and improving character. In this view, one may predict the amelioration of Haytian agriculture.

I am, &c.,

JOHN MERCER LANGSTON.

No. 405.

Mr. Langston to Mr. Blaine.

No. 376.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 4, 1881. (Received June 17.)

SIR: The addresses of President Salomon delivered at the various public audiences which he has given, already, at different cities, upon his extended tour through the northern part of the country, are significant, as showing from his stand-point the probable popular strength of his administration; his purpose to maintain general peace and tranquillity; his desire to restore and advance the national credit; his judgment as regards the introduction of new enterprises, such as the telegraph and the bank; his watchful care against insurrectionary and revolutionary movements; his estimate of the past strength and influence and present power and designs of Mr. Bazelais and his partisans; the confidence and respect which he entertains for his ministers, and the chief officials of the various departments, arrondissements and communes, especially of the north; but finally, and especially, as showing the belief of the President, and the confident and positive manner in which he declares his belief, that no insurrectionary movement can now be inaugurated, from within or from without the country, which can accomplish the overthrow of his administration. As illustrative of such last point, in his address at Cape Haytien, delivered Sunday, April 10, last, the President employs these words as translated:

> The best of my guaranties is that affection which you have for me. I have also the co-operation of foreigners.

To the same effect, he says, also, in the same address:

> I reckon upon you, my friends, persuaded that if any unbeliever shall raise the voice you will stifle it immediately.

* * * As regards the security and durability of the present administration of the government, there are, of course, two opinions. Its adherents and friends are confident of its power and endurance. And, in proof of its popular favor and probable continuance, often refer to the peace and tranquillity which have prevailed since its advent to power and the general confidence which obtains with respect thereto as evidenced in the growing improvements being made now upon property both in

city and country. They insist, too, that there is to-day no man of name and influence anywhere in the country who dares to head a movement against Salomon. But, on the other hand, the opponents of the administration claim, not in an open but quiet way, that the peace which prevails is not solid and lasting, because it is neither founded upon the intelligence nor the affection of the people; that it is the result of oppression and fear, if not of the chief executive, of his subordinates—the commandants of departments, arrondissements and communes. And they claim, also, that so soon as the least movement is made, the uprising will be general and decisive. Indeed, some of the latter class claim that even now, while the President is passing through the north receiving the enthusiastic *vivats* of the people on every hand, there is a movement being organized, in that very quarter of the country, whose strength and power will be demonstrated at no distant day.

To the impartial observer, however, to one who has not been initiated into the secrets of Haytien intrigues and the mysteries of Haytien insurrectionary and revolutionary movements, it does really seem that the present administration is strong, and promises to endure even beyond the period of existence that has generally characterized its predecessors.

It is expected that the President, returning from the north, will reach the capital next Sunday morning, the 5th of the month; and suitable preparations are being made to give him an enthusiastic reception.

I am, &c.,

JOHN MERCER LANGSTON.

No. 406.

Mr. Langston to Mr. Blaine.

No. 389.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 18, 1881. (Received July 1.)

SIR: Referring to dispatch No. 82, of the Department, diplomatic series, dated October 15, 1879, and particularly to inclosure 4 of that dispatch, Mr. Evarts' communication to Mr. Preston of June 13, 1879, I have the honor to transmit herewith inclosed, with translation, a private note of the Hon. Charles Laforestrie, secretary of state of foreign relations of the Haytien Government, in which he advises me, in view of the importance which our government attaches to the subject, that his government has decided to present during the present session of the Corps Legislatif, such body having on the 14th instant effected an organization of both its branches, a law to abolish the charge of one per cent. for consular visas, as provided by the Haytien act of 1877.

This subject has been brought afresh to the attention of the Haytien Government by the representative of Her Britannic Majesty and myself upon our presenting conjointly to President Salomon and the honorable Secretary of State of Foreign Relations, in a conversation had with each, within a few days, the respective positions taken by our governments with regard thereto.

The result so far is indicated in the note of Mr. Laforestrie.

It is to be hoped that, within a very short time, it will be possible to report to the Department final and favorable action thereon by this government.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 389.—Translation.]

Mr. Laforestrie to Mr. Langston.

Private.] PORT-AU-PRINCE, *June* 15, 1881.

MY DEAR MINISTER: Knowing the importance that your government attaches to the abrogation of the act of 1877, I do myself the pleasure to advise you that the government has decided to present, in the course of the present session, a law abolishing the charge of one per cent. for consular visa.

Accept, my dear minister, the assurances of all my sentiments the most distinguished.

CH. LAFORESTRIE.

No. 407.

Mr. Blaine to Mr. Langston.

No. 156.] DEPARTMENT OF STATE,
Washington, July 6, 1881.

SIR: I have received your No. 389 of the 18th ultimo, touching the probable repeal of the law fixing a tax of one per cent. for consular visas. The information contained in Mr. Laforestrie's private note to you of the 15th June is acceptable, and I trust that the wise resolution of the Haytian Government to procure the abolition of this obnoxious tax will be speedily accomplished.

I am, &c.,

JAMES G. BLAINE.

No. 408.

Mr. Langston to Mr. Blaine.

No. 403.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, July 18, 1881. (Received August 12.)

SIR: Referring to instruction No. 114, dated June 22, 1880, I have the honor to advise you that on the 27th ultimo, conjointly with my colleague, Maj. Robert Stuart, the representative of Her Britannic Majesty, I presented verbally, to the President of this republic, in a private audience held at the National Palace, the chief objections which exist against the law of this government regarding the levy and collection of light dues.

Subsequently on the 2d instant, in company with Major Stuart, I presented the same subject to Mr. Archin, the acting secretary of state of foreign affairs.

As we closed our interviews with the President and Mr. Archin, each requested me to furnish a memorandum of the objections which I had offered against the law, which I did.

Hereafter, a copy of such memorandum will be furnished the Department. It may suffice to state now, however, that in making my argument against the law and in favor of its modification or amendment, I dwelt upon the exorbitance of the tax; upon the discrimination made against foreign vessels, claiming that this was peculiarly remarkable as regards American vessels, in view of the treaty existing between our respective governments, and the fact that tonnage dues generally, in-

cluding even charges for lights, where any exist, are made in our country upon the principle of entire impartiality; and finally, dwelling upon the reprehensible manner of levying and collecting such dues, that is upon the gross instead of the registered tonnage of vessels. It was claimed, also, that the rule of impartiality and equity had been adopted by England and other commercial nations, and, if accepted here must greatly advance the commercial interests of the country.

Such presentation of this subject seems to have produced an excellent effect; for I have learned from the honorable acting secretary, Mr. Archin, that his government has the subject under serious consideration, and hopes, at a day not distant, during the present session of the legislature, to make such recommendations with regard thereto as to abrogate the obnoxious features of the law referred to.

I am, sir, &c.,

JOHN MERCER LANGSTON.

No. 409.

Mr. Langston to Mr. Blaine.

No. 414.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, November 5, 1881. (Received Nov. 19.)

SIR: Referring to my dispatch No. 389, dated June 18, 1881, I have the honor to advise you that on the 19th day of October last, the Corps Legislatif of this republic passed a law which abolishes the charges of visa abroad upon invoices of specie and merchandise shipped to this country, and establishes a duty of registry, of statistics, and of pre-emption, to be collected at the rate of one per cent. of the value of the invoice of merchandise and one per cent. of the value of specie on the arrival thereof in the ports of this republic.

This law is to take effect as provided in the first article on the 1st day of next month.

A copy of the act with the translation is herewith transmitted to the Department.

Upon examination it will be found that this law is arranged in two chapters.

The first chapter provides that from the first day of next December the consuls and commercial agents of this republic shall visé invoices of merchandise and specie shipped to Hayti, without charge; that where there is no Haytien consular officer declaration of the invoice shall be certified by a notary public; that in default of such visa or declaration a fine of $50 shall be imposed; that charges of visa of manifests, bills of health, passports, authentications of signatures, provisional certificates of naturalization, and of all other documents not provided for, shall be collected in accordance with the first article of the law of the 23d of August 1877; that consuls and agents shall have no right to make deduction of such charges of visa, but shall render account thereof to the secretary of state of finances and of commerce; and that for their services they shall receive the several amounts mentioned in the classification of allowances provided in the fifth article of the law.

For such principal places as Paris, Liverpool, New York, and Havre such classification provides $500 for each consular officer; while for such officers as reside at less important places the allowance runs from

$400, as at Hamburg and Boston, down to $50, as at Nantes and Puerto Plata, per annum.

The second chapter of the law, after fixing the charge of one per cent. of the value of the invoice of merchandise and of specie as a duty of registry and of statistics, as already stated, and that this amount shall be collected according to the laws and decrees, the directions and circulars of the department of state of finances, defines the procedure to be had and the disposition to be made of the proceeds of sales in cases where merchandise found undervalued or falsely returned is seized by the government.

It is after no little effort certainly on the part of the representative of our own government at this capital, and of his colleague of Her Britannic Majesty, that the imposition and collection abroad of charges for consular visa of invoices of merchandise and specie shipped to this country have been discontinued and disallowed in the repeal of so much of the law of August 23, 1877, as is herein indicated; and it is to be hoped that my efforts in this behalf will meet the approval of the Department.

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 414.—Translation.]

Law which abolishes charges of visa abroad, and which establishes a duty of registry, and of statistics, and of pre-emption.

SALOMON, President of Hayti:

Whereas the law of the 23d of August 1877, which establishes charges of consular visa, has caused in practice certain difficulties which it is necessary to remove;

Upon the proposition of the secretary of state of finances, of commerce and of foreign relations, and upon the advice of the council of secretaries of state, has proposed, and the Corps Legislatif has enacted the following law:

CHAPTER I.

ARTICLE I. After the 1st day of December next the consuls and commercial agents of the Republic shall be required to visa gratuitously invoices of money as well as of merchandise destined to the ports of Hayti, without such visas may cease to be obligatory upon the triplicate copies of such invoices as has been provided in article 3 of the law of the 23d of August, 1877. The declaration certified before a notary public in foreign ports where Haytian agents are not found shall continue to be also obligatory.

ART. II. In default of the above visa or of the certified declaration there shall be imposed a fine fixed at the sum of $50.

ART. III. The charges of visa of manifests, of bills of health of ships, of passports, of authentication of signatures, of provisional certificates of naturalization and of all other documents not provided for shall continue to be collected according to Article I of the law of the 23d of August, 1877.

ART. IV. The consuls and agents shall have no right of deduction upon such charges of visa. They shall render account thereof to the secretary of state of finances and of commerce, who shall class such receipt according to Chapter III, section 1, of ways and means, which may be deducted from office charges accorded to such agents, orders of collection and payment having been duly arranged to such affect.

ART. V. In remuneration of their services, the consuls and commercial agents of the republic shall receive annually for all office expenses generally whatsoever the following allowances in the order of classing as follows:

For Paris, Liverpool, New York, Havre, to each Agent	$500
For Bordeaux and Marseilles	300
For Hamburg and Boston	400
For Wilmington, Bangor, Philadelphia, Kingston, St. Thomas, and Hanover	200
For St. Nazaire, London, and Antwerp	100
For Nantes, Nice, Rouen, Barcelona, Lisbon, Belfast, Queenstown, Dundee, Gibraltar, Bremen, Monrovia, Brussels, Ghent, Vienna, Naples, Genoa, Amsterdam, Christiania, Algiers, Philipville, Mastaganem, Oran, Halifax, Mobile, Curaçoa, Santiago de Cuba, Mayaguez, Tuagua and Nassau, St. Domingo, Monte Christi, Puerto Plata, each	50

CHAPTER II.

ART. VI. After completion of a ship's manifest by the interpreter he shall send invoices visaed by him to the custom-house, and it before any verification of merchandise shall have prepared separately for each shipper a special memorandum of duty of registry and of statistics estimated and fixed at one per cent. of the value of the invoice of merchandise and of one per cent. of the value of specie.

ART. VII. This special memorandum shall follow the rule fixed by the laws and orders of finances, the directions and circulars of the department of state, that is to say, that it shall be collected, &c.; that the bank shall receive the amount thereof and shall transmit to the shipper the acknowledgment visaed by the administrator, stub detached, which shall serve him in taking his final release of the custom-house, and to verify his merchandise.

ART. VIII. As soon as the interpreter shall perceive that the value of merchandise declared is undervalued, and returned falsified upon the invoice presented to him, he shall give notice thereof to the director of the custom-house, who shall signify the fact to the administrator of finances of the district, who shall convoke in twenty-four hours a commission for the Capital composed of a member of the chamber of accounts, and of two merchants of the place; and for the other financial arrondissements, of the mayor, the justice of the peace, and of a merchant, who shall decide upon the fact, the proprietor of the merchandise having been duly notified. The neglect of the interpreter shall not prevent the director of the custom-house or the administrator himself from taking the initiative of the information.

ART. IX. If the value of the merchandise declared is undervalued, falsified, report signed by the members of the commission shall be arranged in duplicate, one copy of which shall remain with the administrator, and the other sent to the proprietor of the merchandise, who shall make acknowledgment of the receipt thereof to him. This report shall declare that the state retains on its account the merchandise declared, the value of which has been found undervalued, and falsified, provided that fifteen per cent. shall be accorded to the proprietor upon the amount of his declaration, all commissions, freight, charge of packing and all other whatsoever standing to his charge.

ART X. The proprietor of the merchandise shall make thereof then memorandum, which, after having been ordered to be paid by the administrator of finances, under the rubric of "expenses of the duty of pre-emption," shall be paid to him without delay, the re-imbursement to take place only after the sale has been effected.

ART. XI. Such formalities accomplished, the administrator shall cause the merchandise retained, the value of which shall be collected under the rubric of "receipts of the duty of pre-emption" to be sold at public auction.

ART. XII. The invoices of specie or of merchandise which shall have paid abroad the charges of consular visa before the 1st of December, and which shall arrive in our ports after that date shall not be subject to the duty of registry and of statistics.

ART. XIII. The present law abrogates all laws and provisions of law which are contrary to it, and shall be executed at the instance of the secretary of state of finances, of commerce, and of foreign relations.

Given at the Senate Chamber at Port au Prince, the 19th day of October, 1881, seventy-eighth year of the independence.

The president of the Senate:

M. MONTASSE.

The secretaries:

T. DUPUY, J. P. LAFONTANT.

Given at the Chamber of Representatives at Port au Prince, the 19th of October, 1881, seventy-eight year of the independence.

The president of the Chamber:

FRANCOIS MANIGAT.

The secretaries:

N. LEGER, D. THEODORE.

In the name of the republic.

The President of Hayti orders that the above law of the Corps Legislatif be stamped with the seal of the republic, printed, published and executed.

Given at the national palace at Port au Prince, October 22, 1881, seventy-eighth year of the independence.

SALOMON.

By the President:

The secretary of state of finances, of commerce, and of foreign relations.

B. St. Victor.

ITALY.

No. 410.

Mr. Wurts to Mr. Evarts.

No. 908.] LEGATION OF THE UNITED STATES,
Rome, August 28, 1880. (Received September 13.)

SIR: Your instruction No. 731, on the subject of an exchange of antiquities between the Smithsonian Institution and the Italian Government, has been duly received.

Only a few weeks ago General di Cesnola wrote to Mr. Marsh on this question, offering to exchange duplicates of his Cipriote collection in the Metropolitan Museum of New York for duplicates of the Pompeiian collections at Naples. The proposal of General di Cesnola was submitted to Senator Fiorelli, director-general of the ministry of public instruction, department of antiquities and excavations, and Senator Fiorelli promptly replied that no sale, exchange, or alienation of the works of art, or duplicates thereof, in the national museums could be made without a law to that effect being passed by Parliament.

Although this reply of Senator Fiorelli to General di Cesnola's letter is equally applicable to the proposal of the Smithsonian Institution, and therefore disposes for the present of the question, I have thought it advisable to discuss the matter personally with the senator before mentioned, and in an interview with that gentleman this morning I have obtained information which may be useful to our government if it deems it expedient to take further steps towards effecting the contemplated exchange.

Senator Fiorelli informed me that many difficulties are in the way of carrying out this project. Laws both general and local are opposed to the exportation of all works of art or objects of antiquity having special merit; the legislation of Italy in this respect is still varied; in the Neapolitan provinces the laws of 1821 prohibit this exportation; laws of a similar nature in the former Roman states, instituted by Pius VII, and in Tuscany dating from the grand-ducal times, are still in force; in Piedmont, Lombardy, and Venetia no law of the kind was ever made, for the reason that there was nothing considered in the light of antiquity to which it would apply. A general law for the whole kingdom was presented to Parliament some years ago; it met with great opposition, the Chamber of Deputies favoring liberty of action to owners of antiquities and works of art to dispose of their collections, on the ground that a prohibition to sell is an infringement upon proprietary rights, the Senate refusing its consent to a law in so broad a sense; a compromise was finally agreed upon which reserves to the state the priority of right to purchase works of art offered for sale; if the state declines to pay the sum offered by the foreign bidder it forfeits its right to detain the work of art in the country.

A tempest was raised some twelve or thirteen years ago in the Chamber of Deputies on the discussion of the sale to the Empress of Russia of the celebrated Conestabili Madonna, a small picture not fifteen inches square, by Raphael. The enormous sum of 360,000 francs was offered by the Empress to Count Conestabili of Perugia for his picture. To allow a work of art of such artistic value to leave the country was considered by many a national spoliation. The subject was brought to the notice of

Parliament, and a vote was asked for the sum necessary to purchase the picture, but it failed to pass, and the picture is now in the imperial gallery at St. Petersburg.

A new law of much more liberal character has recently been presented to Parliament, but it will be much contested. The local jealousy of the possession of galleries and collections of fine arts is everywhere intense in Italy. Senator Fiorelli cited me two cases of this feeling within his own experience. On his nomination to his present position and with the consent of his superior, the minister of public instruction, he desired to bring to Rome from Naples some fragments of inscriptions on marble which belonged to and completed certain fragments recently discovered in Rome bearing on them the remaining parts of these inscriptions. The fragments in Naples had been excavated here fifty years ago and sent to Naples by Cardinal Farnese. These fragments in their separated condition were of little interest; joined together their value would be considerable. An order was given for their transmission to Rome, but not only did the syndic (mayor) of Naples sequester them, and prevent their exportation, but he brought an action against the persons concerned for robbery.

Undaunted by this failure to obtain these fragments, Senator Fiorelli later on offered to exchange for them a mutilated head of Vespasian discovered in laying the foundation for the new ministry of finance on soil belonging to the state, and consequently clearly the property of the state. The head was boxed and had almost left the railway station, when the syndic of Rome appeared with his tri-colored scarf of office and seized it as the property of the S. P. Q. R.

These instances show but one class of obstacles to be overcome in effecting an exchange of Italian antiquities for those of other countries. Another difficulty would be the valuation of the objects offered for exchange by the two contracting parties. Experts would of course have to be appointed for the appraisement of these objects, and this labor would be one of such delicacy that it might lead to long protracted discussions between the agents of the two governments.

Senator Fiorelli gently insinuated that American antiquities could have but a relative value in the eyes of Italians; their scientific interest is unquestioned, but would they be valued here as they are with us where they are esteemed for their local interest?

There is, besides, the question to decide, what are duplicates of works of art? An instructive article on this point appeared lately in the London Times, in relation to the distribution of the so-called duplicates, especially of the oriental sculptures, alleged to be lying in large quantities in the cellars of the British Museum. In this article it was concluded that as there never are two objects precisely similar, no such thing as a duplicate exists. After able and curious exemplificatian of this thesis, the article concludes by deploring the dispersion of the so-called duplicates among the provincial museums as a calamity to the antiquarian and the student of art.

A proposition is now under consideration in Italy to exchange duplicates where certain categories of antiquities are wanting in provincial museums, but objections are raised, and it is doubtful that it will be put into execution.

It is hardly necessary to add that there is no foundation for the report mentioned by the Secretary of the Smithsonian Institution that the Government of Italy contemplates the destruction of its surplus collections at Naples, for want of accommodation; as Senator Fiorelli remarked, it would be easier to build rooms for them.

The foregoing indicates the principal difficulties existing and that might arise in the way of the proposed exchange. At the same time it is thought that if the Government of the United States make official overture to that of Italy, presenting its lists and indications of the antiquities at its disposal for exchange, the government of this country would very probably ask for authority from Parliament to negotiate.

Meanwhile, I believe that there is no action remaining for me to take until further instructed by the Department of State.

I have, &c.,

GEORGE W. WURTS.

No. 411.

Mr. Marsh to Mr. Evarts.

[Extract.]

No. 920.] LEGATION OF THE UNITED STATES,
Rome, October 23, 1880. (Received November 13.)

SIR: The Italian ministry has made public a preliminary statement of its financial estimates for the next year's service of the national exchequer, showing a balance of several millions to the credit of the public treasury.

As the items are, to a considerable extent, founded on estimates more or less conjectural, it is doubtful how far the expectations of the ministry will be realized; and in any case, the opposition will find sufficient grounds for assailing the ministry's administration of the finances at the opening of the approaching session of Parliament.

The estimates show, as was foreseen, a large reduction of the revenue derived from the grist tax and an apparent relief of the burdens of the people to a corresponding extent, but the opposition will insist that practically the poor have derived no advantage from the reduction of the tax, the whole difference having merely served to swell the profits of the millers.

Besides this, the *octroi* or *dazio consumo* duties have been raised to an amount sufficient to neutralize the beneficial effects of the reduction of the grist tax, and the poorer classes do not seem to feel that their burdens are sensibly lightened. The ministry will be reproached also, as having made no serious attempt to carry out the provisions of their programme relating to the extension of the right of suffrage, but the complaints in that case will come rather from political agitators than from citizens who may be supposed to have a direct interest in the enlargement of their political franchise. These citizens are generally of the laboring classes, and they at present take little active interest in any question not directly bearing on the price and supply of bread.

* * * * * * *

The enormous expenditures of the naval service are criticised, and there is a great difference of opinion among naval men as to the wisdom of a policy which dictates such large outlays on ships of great magnitude and novel construction; but as this policy was adopted by the preceding administration, it cannot justly be charged upon a party which has merely continued a system inaugurated by its predecessors.

The new ship, the Italia, launched a few days ago, is alleged to be the most formidable vessel afloat, but there is very serious doubt whether

her strength has not been purchased at too great a cost. She cannot be fit for service in less than two years, and will have cost at least $5,000,000.

The apparent success of the Russian Imperial yacht Livadia, constructed on principles as opposite as possible to those of the Italia, will sharpen the criticism of the present system of naval construction in Italy, and there seems to be good reason to doubt whether the ministry can maintain itself against the unpopularity of much of its policy. I incline to think, however, that the present administration will be supported by parliament, though it may undergo some modificatian.

The day for the convocation of Parliament is not yet fixed, and as the court and many of the great officers of state are still absent from the capital, it is hardly probable that the national legislature will assemble much before the end of November.

I have, &c.,

GEORGE P. MARSH.

No. 412.

Mr. Marsh to Mr. Evarts.

[Extract.]

No. 922.] LEGATION OF THE UNITED STATES,
Rome, October 25, 1880. (Received November 13.)

SIR: Although the late Baron Bettino Ricasoli, who died on Saturday last at the Castle of Brolio in Southern Tuscany, which has been the principal residence of the family for more than six centuries, had for the last ten years almost ceased to occupy himself with public affairs, yet his sudden death has produced a stronger impression on the public feeling than would be occasioned by the decease of any person not a member of the royal family.

Baron Ricasoli was born in 1809, and had therefore attained the age of upwards of seventy-one years. His life was spent principally in the cultivation and improvement of his vast landed estates, and though universally known and respected in Tuscany, yet he did not acquire a European reputation until after the flight of the last Grand Duke of Tuscany, when he was charged with the administration of the supreme power of the state, which he held for some months.

The special and never to be forgotten service which he rendered his country in this trying position was the adoption of a bold and able policy by which he frustrated the machinations of Louis Napoleon for the transfer of the sovereignty of the Grand Duchy to Prince Jerome Napoleon, and guided Tuscany to her proper position as an integral member of the rising Kingdom of Italy.

On the death of Count Cavour in 1861, Ricasoli succeeded him as prime minister, and in general pursued the political system of that great statesman, and he resumed the direction of public affairs during the war of 1866, but soon retired to private life.

* * * * * * *

I take pleasure in adding that during the whole of our war of rebellion he was a steadfast and outspoken friend of the cause of the Federal government, and when Napoleon III attempted to cajole Italy into participation in his policy of warring on the United States through Mexico, I

have reason to believe that his influence was useful in preventing the success of that nefarious scheme.

I have, &c.,

GEORGE P. MARSH.

No. 413.

Mr. Evarts to Mr. Marsh.

No. 749.] DEPARTMENT OF STATE,
Washington, November 18, 1881.

SIR: I have to acknowledge with thanks the receipt of your No. 922, having reference to the high qualities which distinguished the late Baron Bettino Ricasoli, former prime minister of Italy; as also to his friendship for the United States.

The estimable qualities of Baron Ricasoli, and his attitude toward this country at a critical period in its history, combine to render his decease a subject of sympathy and regret to the good citizens of the United States.

I am, &c.,

WM. M. EVARTS.

No. 414.

Mr. Marsh to Mr. Evarts.

[Extract.]

No. 939.] LEGATION OF THE UNITED STATES,
Rome, March 3, 1881. (Received March 19.)

SIR: The Bey of Assab, to the occupation of which by Italian citizens I referred in my dispatch No. 898 as ostensibly a private commercial enterprise, is now avowed by the Government of Italy as a national colony; and formal possession of the town and of the adjacent region has been lately taken by a ship of war, in the name of the King, as Italian territory.

It is to be provided with a garrison, and of course considerable expense will be incurred in harbor improvements, in the construction of public buildings, and furnishing other facilities for commerce; it is said, too, that arrangements have been made with the Sultan of Zanzibar for the establishment of a line of steamers between that port and Assab, touching also at other Red Sea harbors. Similar steps appear to be now taking with the Tripolitan province of Barca, of which the most important town is Benghazi, and which became known to the American people by Eaton's remarkable march through it, resulting in the capture of Derne. Barca is the ancient *Cyrenaica*, and its chief town had formerly a good harbor, but it is now shoaled by sand deposits. The territory of Cyrene was remarkable for the excellence of its climate, soil, and other natural advantages. The *gardens of the Hesperides* of the classic poets were in this district, and the old geographers considered its territory the most highly favored and attractive portion of the habitable globe. It was, however, exposed to the ravages of the locust,

and, since Northern Africa was overrun by the Arabs, to frequent and destructive incursions from the Bedouins of the Desert.

For some time past the district of Barca has been exciting renewed attention in Italy and in France, and is now believed to possess great capabilities for civilized occupation, notwithstanding the drawbacks to which I have alluded.

There is already so considerable a number of Italian citizens and protegés at Benghazi that the establishment of telegraphic communication between them and Italy is seriously agitated.

* * * * * * *

I have, &c.,

GEO. P. MARSH.

No. 415.

Mr. Marsh to Mr. Evarts.

No. 941.] LEGATION OF THE UNITED STATES,
Rome, March 14, 1881. (Received April 2.)

SIR: I have the honor to inclose to you herewith copies of the correspondence between this legation and the consulate of the United States at Genoa, and between the legation and the ministry of foreign affairs, relating to the importation into Italy of pork from America. Having no instructions or other precise information on the subject, I have not replied to the minister's note.

I have, &c.,

GEO. P. MARSH.

[Inclosure 1 in No. 941.]

Mr. Hazelton to Mr. Marsh.

CONSULATE OF THE UNITED STATES,
Genoa, February 5, 1881.

SIR: I have the honor to forward a letter from Messrs. Granet, Brown & Co., of this city, asking your influence with the Italian Government in obtaining the repeal of the law prohibiting the importation of pork into Italy.

This house carries on a large trade with the United States in petroleum, and is one of the most reliable business establishments in Genoa.

I think that the statements contained in the inclosed letter are substantially correct, and that if the aforesaid law is repealed an important trade in hams and bacon will be the result. The price of meat in Genoa is very high, the common people being unable to enjoy it except on rare occasions—perhaps four or five times a year. If it can be imported without an excessive duty, it will result in a substantial benefit to the consumer as well as the dealer.

I am, &c.,

J. F. HAZELTON,
Consul.

[Inclosure 2 in No. 941.]

Messrs. Granet, Brown & Co. to Mr. Marsh.

GENOA, *February* 3, 1881.

SIR: At the request of many commercial houses in this city and in the United States of America, who, like ourselves, are interested in the trade in American bacon and hog products, we beg to submit the following facts to your notice:

About a year ago the Italian Government, on the assumption that the importation of bacon, hams, and other raw American meat was injurious to the public health,

absolutely prohibited the importation of the same into this country. The consequence of this prohibition, promoted, as it probably was, by a few parties interested in excluding the competition of imported provisions with native produce, is that an active and daily increasing trade with the United States has been arbitrarily suppressed without adequate grounds, to the manifest detriment of trade, to the receipts of the Italian customs, and especially to the interests of the generally consuming public.

It is unnecessary for us here to draw your excellency's attention to the character of the pleas upon which the suppression of this trade is based, confused as they are by the statistics of the very large and in every sense healthy trade existing in American hog produce with all other European countries, nor need we appeal to the principles of fairness and reciprocal advantage to trade which we judge to be violated by this legislation. We beg, however, to inclose a memorandum containing some statistics with reference to the matter which was distributed last year in Genoa.

Finally we beg leave to appeal to your excellency to beg that your influence may be used to have our case presented in the proper quarter with the Italian Government in Rome, in the interest of your American compatriots, and with a view to obtaining the prompt repeal of the prohibition to trade in the said important produce of the United States.

With which request we have the honor to remain, yours, &c.,

GRANET, BROWN & CO.

[Inclosure 3 in No. 941.]

Mr. Marsh to Mr. Cairoli.

LEGATION OF THE UNITED STATES,
Rome, February 21, 1881.

YOUR EXCELLENCY: Through the consulate of the United States at Genoa, I have received communications from persons at that port interested in the American trade, complaining of certain recent alleged custom-house or government regulations as greatly restricting if not entirely abolishing the liberty of importation of salted, smoked, or otherwise preserved pork from the United States, which has become an important branch of trade between America and the European ports.

This legation has never been officially notified of any obstruction or impediment, local or general, to this trade, and I respectfully ask, for information of my government and of American shippers, when and by what authority, superior or administrative, the decrees in question, if such exist, were issued; whether they are absolute or conditional; whether they are limited as to time or place, or are permanent and general in their application, and whether it is thought to have been established by official investigation that any prejudicial consequences to the public health have resulted from the importation and consumption of such meats.

I avail, &c.,

GEORGE. P. MARSH.

[Inclosure 4 in No. 941.—Translation.]

Mr. Peiroleri to Mr. Marsh.

ITALIAN MINISTRY OF FOREIGN AFFAIRS,
Rome, February 28, 1881.

Mr. MINISTER: In reply to your note of the 21st instant, I hasten to inform you that, since the beginning of the year 1879, it having been ascertained that pork affected by trichinæ had arrived in the kingdom coming from Cincinnati and other parts of the American Union, where that disease was proved to exist, the ministry of the interior prohibited, by a sanitary order dated February 20 of the same year, No. 5, the importation of swine as well as of their flesh or any parts of their body, in whatever manner prepared or preserved, exported from the United States of America.

On finding afterwards that pork was brought into the kingdom by way of land coming from places where trichinæ existed, the prohibition by a succeeding order, dated May 6, 1879, No. 13, was extended to foreign pork coming from any place whatever, even by way of land.

Notwithstanding the earnest remonstrance of the trade, which called for the revocation of that measure, the aforementioned ministry, after having several times taken the advice of the superior board of health for guidance in their decision, concluded that the moment for the rescinding of that prohibition would not have come until the information received was such as to mitigate the gravity of the disease.

Only last year the aforesaid board was requested to examine again the subject; but in their meeting of the 30th of June the board expressed the opinion that in the interest of the public health the prohibition should be maintained absolute and general so long as assurances were not forthcoming such as to give reason to believe that all danger of infection had ceased.

In view of this opinion so emphatically expressed by the first sanitary body of the state, and no information having been received on the subject in any way satisfactory, the government of the King could not but determine, nor could it do otherwise, to enforce firmly the prohibition imposed by the order before cited until the receipt of such information as would relieve it of all responsibility in a matter of such serious importance.

In transmitting to you herewith inclosed a copy of the order of May 6, 1879, I avail myself of this occasion, &c.,

For the minister:

A. PEIROLERI.

No. 416.

Mr. Wurts to Mr. Blaine.

No. 985.] LEGATION OF THE UNITED STATES,
Rome, July 15, 1881. (Received August 1.)

SIR: The closing scene of the events connected with the life of the late Pope Pius IX took place in Rome at an early hour of the 13th instant, when his remains were transported from their temporary resting-place in the Basilica of St. Peter to that of San Lorenzo, and there immured in their permanent tomb in accordance with his testamentary dispositions. At 6 in the evening of the 12th, the body was taken from the niche on a side aisle of St. Peter's, where it had been walled up in 1878, and the formalities of attesting its identity, as well as certain rites of the church, were performed. These ceremonies occupied over five hours, and it was fully midnight before the formation of the procession, composed of the hearse, drawn by four horses, draped with red velvet, with four lanterns at the corners; some 3,000 persons bearing lighted torches and chanting prayers in Italian and Latin; several carriages in which were various dignitaries of the church, though none of the rank of cardinal; and a long line of carriages, representing their proprietors partisans of the Vatican. The distance across the city, from St. Peter's to San Lorenzo, is about 5 kilometers.

Since the occupation of Rome by the Italians in 1870, no Pope, either living or dead, has left the precincts of the Vatican, though the present Pontiff has officiated several times of late in St. Peter's, with closed doors. The announcement, therefore, of this unusual spectacle aroused general interest in the Roman population.

To be present at the passage of the mortal remains of Pope Pius IX was considered a duty by his sympathizers, by the majority of the people an occasion to witness a ceremony that would not probably occur a second time in their life, and by others a favorable opportunity for manifesting their feelings of opposition to what they considered represented by the body of the late Pope. It is not surprising, therefore, that notwithstanding the late hour of the night, a vast crowd, estimated at over 100,000 persons, gathered on the Piazza San Pietro and along the route of the procession, and many houses were illuminated in these streets. That the clerical party intended to make this a demonstration by turning out in full force, and that a counter-demonstration would be made by the Radicals, were facts well known beforehand by the authorities, but it was not considered expedient by the minister of the interior,

Prime Minister Depretis, to take special precautions to preserve order. It is officially stated that the authorization for the passage through town of the procession was asked and obtained; and the Italian Government would have rendered royal honors to the deceased Pope and have lined the route with troops, in deference to the laws of the papal guarantees, but the acceptance of this proposition by the Vatican would have implied a recognition of those laws which it has always ignored. It is reported on trustworthy authority that Pope Leo XIII and the cardinal secretary of state opposed the ceremony, preferring to have the papal remains conveyed with the utmost privacy to San Lorenzo, and thus avoid the danger of a conflict with the populace, but they were overruled and reluctantly consented to the semi-state in which the ceremonial was executed.

The procession had scarcely moved out of the Piazza San Pietro when symptoms of disorder became manifest. In response to the prayers for the dead chanted by the followers of the hearse, groups of youths replied with songs of a very unreligious character, with hisses and cries of "Down with the priests," "Viva Italia," "Viva il re," &c. The police dispersed them, but they found it easy to return with additions to their party at various points along the route. In some of the narrow streets of the city there was great confusion; the police, aided by troops, tried to bar the way, allowing the procession alone to pass, but being too few, the rioters broke through and continued their molestation of the persons in the cortége, hissing them, putting out their torches, and breaking into the procession; stones were thrown at the carriages containing the dignitaries, and at the illuminated windows of houses.

The excitement being on the increase, and the journey barely two-thirds over, a serious effort was at last made to prevent the rabble from proceeding further, and the legal summons by trumpet were made to them to disperse; additional troops were called out, and here succeeded in barring the road, and the procession, then reduced to a few hundred persons, was able to proceed to the Basilica; but at this point, also, a number of rioters had gathered and caused such disorder that the police and carabineers had to use their sabers, and many persons were wounded and arrested.

The papal remains were finally consigned at San Lorenzo to his executors, the cardinals Monaco, La Valetta, Simeoni, and Mertel, there in waiting. Access to the church was forbidden to all not taking part in the concluding ceremonies of placing the remains in their permanent receptacle, and the formalities terminated about five in the morning.

The press of this city, with the exception of the radical journals, is unanimous in deploring the events here related, in condemning the conduct of the persons who caused these disgraceful scenes, and in severely blaming the government for not having taken measures to insure order.

Exaggerated accounts will, of course, be sent abroad and not tend to augment the sympathy of Catholic countries for Italy.

There were provocations on both sides, though it must be said they came principally from the liberals. The clerical party has already made use of this experience as evidence of the Pope's moral imprisonment; for, "if such gross insult and outrage were shown to the remains of a deceased pontiff, what would be the reception given to a living one, if he ventured to appear in the streets of Rome?"

I have, &c.,

GEORGE W. WURTS.

No. 417.

Mr. Wurts to Mr. Blaine.

No. 988.] LEGATION OF THE UNITED STATES,
Rome, July 27, 1881. (Received August 15.)

SIR: Your instructions Nos. 779, 780, on the subject of the Panama canal, were duly received about a fortnight ago, but until a couple of days since I was unable to have an interview with Mr. Mancini, minister of foreign affairs. Mr. Mancini is in very poor health and at this season is seldom to be found in Rome, or, if in town, he receives only on matters of urgency. The minister, to whom I translated the principal points in your instruction, listened with much attention to the views of the President therein set forth and showed that the subject was not new to him; he said he could not pronounce any opinion in regard to them before consultation with the cabinet of Italy and those of other countries concerned; meanwhile he desired to have a copy of No. 779, and requested me moreover to address him a note embodying the substance of your No. 780. I complied at once with these requests, and my note has doubtless been forwarded to Naples, where Mr. Mancini is passing the summer; but as the members of the ministry are scattered in different parts of the kingdom, and likely to continue away from the capital until the exceptional heat of this summer is over, it is not probable that there will be any reply to my note for some weeks, if not months.

I have, &c.,

GEORGE W. WURTS.

JAPAN.

No. 418.

Mr. Bingham to Mr. Evarts.

No. 1209.] UNITED STATES LEGATION,
Tokei, Japan, November 22, 1880. (Received Dec. 22.)

SIR: I beg leave to inclose for your information a translation carefully made by Mr. Thompson, interpreter to this legation, of a penal code adopted by this government, and promulgated by his imperial highness Prince Arisugawa Shinwo, acting prime minister of His Majesty the Emperor of Japan, by a proclamation of date the 17th of July last, a translation of which by Mr. Thompson is also inclosed herewith.

It is to be noted that this code forbids the enactment of *ex post facto* penal laws, and requires that persons shall only be held to answer criminally for the violation of existing laws clearly defining and prohibiting the offense charged.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 1209.]

PROCLAMATION No. 36.

Proclamation is hereby made that the following Penal Code has been definitely settled. The time when it shall go into effect will be proclaimed hereafter.

ARISUGAWA SHINWO,
Acting Prime Minister.

JULY 17, 1880.

PENAL CODE.

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BOOK I.—GENERAL PRINCIPLES.

CHAPTER I.—ON LAWS.

ARTICLE 1. Offenses punishable in law are divided into three classes: (*a*) grave crimes, (*b*) light crimes, and (*d*) infractions of police regulations.

ART. 2. No act can be punished which is not fairly stated in law.

ART. 3. The law cannot be applied to offenses committed before its publication.

(NOTE.—In case of an offense committed before the publication of this law and yet in litigation, the old law and the new shall be compared and the more lenient followed.)

ART. 4. This penal code cannot be applied to cases which are to be settled by military or naval law.

ART. 5. Everything not clearly stated in this penal code, but which is described as punishable in any other law, is to be decided according to that law.

(NOTE.—If no general principles are attached to such other law, the general principles contained in this penal code are to be followed.)

CHAPTER II.—PUNISHMENTS.

SECTION 1.—*Punishments; their names.*

ART. 6. Punishments are of two kinds: (*a*) principal; (*b*) accessory. A principal punishment is invariably mentioned in the sentence; an accessory punishment is mentioned or not as the law directs.

ART. 7. The following are the principal punishments of grave crimes: (*a*) death; (*b*) perpetual penal service; (*c*) limited penal service; (*d*) perpetual banishment; (*e*) limited banishment; (*f*) severe service in the chain gang; (*g*) moderate service in the chain-gang; (*h*) severe imprisonment; (*i*) moderate imprisonment.

ART. 8. The following are the principal punishments of light crimes: (*a*) severe confinement; (*b*) moderate confinement; (*c*) the major fine.

ART. 9. The following are the principal punishments for infraction of police regulations: (*a*) arrest and detention; (*b*) the minor fine.

ART. 10. The following are the accessory punishments: (*a*) deprivation of civil rights; (*b*) suspension of civil rights; (*d*) incapacity to manage property; (*e*) surveillance; (*f*) the major fine; (*g*) confiscation.

ART. 11. Special rules are provided regulating the actual infliction of punishment and inspection of offenders.

SECTION 2.—*The infliction of punishments.*

ART. 12. The death penalty is to be inflicted by hanging. An officer appointed according to law shall witness its infliction in the prison.

ART. 13. The death penalty cannot be inflicted without an order from the minister of justice.

ART. 14. The infliction of the death penalty on the chief holidays and on national festivals is prohibited.

ART. 15. If a woman who has received her sentence of death is pregnant, the execution shall be suspended till one hundred days after her delivery.

ART. 16. If the relatives of the executed person desire to have the dead body, it shall be delivered to them to be buried without ceremony.

ART. 17. Those sentenced to penal service, whether perpetual or limited, shall be sent to an island and subjected to regular service. Limited penal service shall be for from twelve to fifteen years.

ART. 18. Women sentenced to penal service shall not be sent to an island, but shall be made to perform hard labor in the grounds of a chain-gang on the mainland.

ART. 19. An offender full sixty years old, sentenced to penal service, shall be exempt from the usual hard labor, and shall be assigned service suitable to his bodily strength.

ART. 20. Those sentenced to banishment, either perpetual or limited, shall be shut up in an insular prison, but shall not be made to do hard labor. Limited exile shall last from twelve to fifteen years.

ART. 21. An offender sentenced to perpetual banishment may, after five years, be released by the executive authority from confinement and be allowed to live in a fixed place in the island. An offender sentenced to limited banishment shall enjoy the same privilege after three years.

ART. 22. Persons sentenced to service in the chain-gang shall be put in the grounds of a chain-gang on the mainland and there be made to do hard work. An offender over sixty years old shall be treated as stated in Article 19. Service from nine to

eleven years is regarded as severe service. Service for from six to eight years is light service.

ART. 23. Those sentenced to imprisonment are put in prison on the mainland, and not made to do hard work. An offender over sixty years old is treated according to Article 19. Imprisonment for from nine to eleven years is known as severe imprisonment; for from six to eight years is light imprisonment.

ART. 24. Those sentenced to confinement shall be detained in a place of confinement. Severe confinement implies hard labor also. Light confinement is without hard labor. Confinement, both severe and light, is from eleven days to five years; its exact length in each case is determined by the law.

ART. 25. The wages of an offender, subjected to hard labor by his prison regulations, shall be in part used to defray the prison expenses, and a part shall be given to the prisoner. But he can receive no part if his service is under one hundred day's duration.

ART. 26. A major fine is from 2 yen ($2) and upwards; the amount in each case is fixed by law.

ART. 27. A major fine must be paid within one month after the decision of the court. If not so paid, it shall be commuted for confinement at the rate of one yen a day. Any amount under one yen ($1) shall be counted as one day. When a major fine is commuted for confinement a new trial is not necessary. An officer of the court shall order it at the request of the inspecting officer. The period of confinement shall not exceed two years. If during the time of confinement the fine is paid, the number of days passed in confinement shall be deducted, and the confinement stopped. The same rule shall be observed when the fine is paid for the offender by his relatives.

ART. 28. Arrest is detention in a station-house, without hard work, from one to ten days. The exact time is fixed in each case by the law.

ART. 29. A minor fine is from 5 sen (5 cents) to 1 yen 95 sen ($1.95). The exact amount is fixed in each case by the law.

ART. 30. A minor fine must be paid within one month after the decision of the court is rendered. If not paid in the given time, it shall be commuted or exchanged for detention under arrest according to Article 27.

SECTION 3.—*Accessory punishments; their infliction.*

ART. 31. Deprivation of civil rights implies and includes the loss of the following rights: (*a*) the special rights of a citizen; (*b*) the right to become an officer of the government; (*c*) the right to receive decorations, salary, titles of rank or honor, or gratuities; (*d*) the right to wear the decorations of a foreign country; (*e*) the right to be registered as a soldier; (*f*) the right to be a witness in court, except to relate matters of fact; (*g*) the right to be a guardian, except of his children and grandchildren with the permission of the relatives; (*h*) the right to be a receiver of a bankrupt, and the right to manage the property of a company; (*i*) the right to be the head of a school, or inspector of teachers.

ART. 32. Any one subjected to punishment for a grave crime, is, without a special sentence, deprived of civil rights for life.

ART. 33. Any one subjected to confinement without special sentence loses his present official position and has the exercise of his civil rights suspended during the time of punishment.

ART. 34. Any one subjected to surveillance during the time of punishment for a light crime without special sentence, will have the exercise of his civil rights suspended during the time of such surveillance. Any one who is subjected to surveillance after the remission of a principal punishment will be treated in like manner.

ART. 35. Any one subjected to punishment for a grave crime without special sentence, loses the right of managing his own property till the end of such punishment.

ART. 36. When a banished offender is released from close confinement the prohibition to manage his property may be partly withdrawn.

ART. 37. Any one subjected to punishment for a grave crime, may, without special sentence, be subjected to surveillance for a time equal to one-third of the shortest time fixed by the law.

ART. 38. Surveillance added to the punishment of a light crime must be mentioned in the sentence, and must not exceed what is mentioned in the law bearing on the case.

ART. 39. Those who have obtained final release from (see section VII) the death penalty or from perpetual punishment shall, without special sentence, undergo five years surveillance.

ART. 40. The period of surveillance shall be reckoned from the time when the principal punishment ceased. When a final release or escape (See Book I, chap. II., sec. 7) from a principal punishment has been effected the computation shall be from the days of arrest. When a principal punishment has been remitted and surveillance substituted, the time shall be reckoned from the day when the decision of the court was rendered.

ART. 41. Persons subjected to surveillance may, according to circumstances, be released therefrom by the executive officers.

ART. 42. A major fine, when added to a principal punishment, must be mentioned in the sentence, and if not paid within one month, shall be commuted for light confinement, according to Article 27; such confinement to be undergone after the expiration of the principal punishment.

ART. 43. The following articles are, by sentence, *forfeited* to the government:

(NOTE.—Articles declared to be forfeited by existing laws or regulations must be surrendered according to such special laws and regulations.)

1st. Articles prohibited by law.

2d. Articles used in committing crimes.

3d. Articles acquired by crime.

ART. 44. Things prohibited by law are to be forfeited whenever found, but articles used in committing depredations or acquired thereby are not to be forfeited, except when found in the hands of the offender, or when found without an owner.

SECTION 4.—*Payment of costs, &c.*

ART. 45. The whole or part of the costs of court, which are fixed by special regulation, are to be assessed on the offender.

ART. 46. The offender, whether punished or released, must, in answer to the claim of the injured party, restore plunder and make compensation for damages.

ART. 47. When there are several accomplices in a crime, they shall be together made to pay the costs of court, restitution for plunder, and compensation for damages.

ART. 48. The costs of court, articles to be restored, and damages to be paid are to be decided by the court at the request of the party injured. When plunder is found in the hands of the offenders it is to be restored at once to the injured party even without his request.

SECTION 5.—*Computation of the time of punishment.*

ART. 49. In computing the time of punishment, one day is to consist of twenty-four hours; one month of thirty days. A year is determined by the almanac. The first day is reckoned a full day, without regard to fractions. The day of release is not counted as belonging to the term of punishment.

ART. 50. Punishment cannot be inflicted until after the decision of the court is rendered.

ART 51. The duration of punishment is to be calculated from the day of receiving sentence. If an appeal is taken the following rule is to be observed: If the offender appeals himself, and the appeal is sustained, the duration is to be calculated from the day of the first sentence, if the appeal is not sustained the duration is to be reckoned from the day of the second sentence. If the "Ken shi Kwan" (a prosecuting officer) makes this appeal, whether this appeal is sustained or not, the time is to be reckoned from the day of the first sentence. The time one may be released or employed in some service during the appeal cannot be reckoned in the time of punishment.

ART. 52. One who has escaped during the term of punishment, and is arrested again, shall be punished a certain time for this second offense. The time of the first offense and the time of the second shall be computed together, deducting the days during which the offender was at large.

SECTION 6.—*Conditional release.*

ART. 53. If a criminal who is undergoing the punishment of a grave or light crime carefully observes the prison regulations and shows evidence of reformation he may be released by the executive department after the expiration of three-fourths of his time of service. A criminal condemned to perpetual punishment with labor may be released in the same manner after the expiration of fifteen years. For criminals condemned to banishment no release is allowed except that provided for in Article 21.

ART. 54. One condemned to penal service, though released as above, must still be made to reside on the island.

ART. 55. A criminal released from confinement as above may acquire in some degree from the executive authority the right to manage his property, but is to be subjected to special surveillance during the period of his punishment.

ART. 56. When a criminal commits a grave or light crime while released from confinement as above, his release shall be stopped forthwith, and the days spent at large cannot be computed in the term of his punishment.

ART. 57. A criminal who commits a grave or light crime during the term of his punishment cannot be released conditionally as above.

SECTION 7.—*Final release or escape.*

ART. 58. One who has escaped the execution of a penalty may obtain a final release in consequence of the expiration of a time fixed by law.

ART. 59. In the case of the principal punishments a final release may be obtained at the expiration of the following term of years: Death, after thirty years. Perpetual service or banishment after twenty-five years. Limited service or banishment after twenty years. Severe service in the chain-gang or imprisonment after fifteen years. Light service in the chain-gang or imprisonment after ten years. Confinement or the major fine after seven years. Arrest and detention or the minor fine after one year.

ART. 60. In the case of deprivation or suspension of civil rights and in case of surveillance no final release can be obtained. A superadded major fine is released along with the principal punishment. Things forfeited are released finally after the expiration of five years, excepting always such things as are prohibited by law.

ART. 61. The final release is reckoned from the day when escape from the infliction of punishment was effected. When a second escape after arrest is effected the computation is to be made from the day of such second escape. When a "Kaheno Saibau" (trial when absent) is had, the computation must be made from the day when absence was declared.

ART. 62. When an order is issued to pursue and arrest the person who has escaped the execution of punishment, the final release must be computed from the day when the last order was issued.

SECTION 8.—*Restitution of rights.*

ART. 63. A person who has been deprived of his civil rights can have them restored in certain cases, according to circumstances, at the expiration of five years from the termination of the principal punishment. One who has obtained the final release may also obtain the restitution of his civil rights at the end of five years from the time when subjected to surveillance.

ART. 64. Any one pardoned in a general release shall assume at once the exercise of his civil rights; but one pardoned by a special act does not assume the exercise of his civil rights unless it is so stated expressly in the writ of pardon. Those who thus acquire the exercise of their civil rights are also exempt from surveillance.

ART. 65. The restitution of civil rights cannot be made without imperial cognizance.

CHAPTER III.—ON INCREASING OR DIMINISHING PUNISHMENTS.

ART. 66. In increasing or diminishing punishments according to the law the following order is to be observed. In no case, however, is a punishment to be increased so as to result in death:

ART. 67. The punishment of grave crimes is to be increased or diminished in the following order—

First. Death.
Second. Perpetual penal service.
Third. Limited penal service.
Fourth. Severe service in the chain-gang.
Fifth. Light service in the chain-gang.

ART. 68. The punishment of grave crimes against the state is to be increased or diminished in the following order:

First. Death.
Second. Perpetual banishment.
Third. Limited banishment.
Fourth. Severe imprisonment.
Fifth. Light imprisonment.

ART. 69. For a person sentenced to light service in the chain-gang (the lowest degree of punishment mentioned in Article 67), when his punishment is to be diminished, a reduction to from two to five years severe confinement (see Article 24) shall be considered one degree. For a person sentenced to light imprisonment (see Article 68), when his punishment is to be diminished, a reduction to light confinement for from two to five years shall be considered one degree.

ART. 70. When the punishment of a person sentenced to confinement or to pay a major fine is diminished, one-fourth of the time or money mentioned in the law under which he was sentenced shall be regarded as one degree. The punishment is increased in the same proportion. The punishment of a light crime cannot be increased so as to result in a punishment proper for a grave crime. Confinement may be increased to seven years.

ART. 71. Confinement when entirely exhausted results in detention under arrest. A major fine when entirely exhausted results in a minor fine. When in diminishing

confinement on a major fine the shortest time, ten days, or the smallest sum, 1 yen 95 sen ($1.95), *is reached*, said confinement on major fine may terminate, or result in detention under arrest, or in a minor fine, as the judge directs.

ART. 72. When the punishment of one sentenced to detention under arrest, or to pay a minor fine, is diminished, as in the case of confinement and the major fine, one-fourth shall be regarded as one degree. The punishment of an infraction of the police regulations cannot be increased to the punishment of a light crime. Arrest and detention may be increased to twelve days, but cannot be reduced to less than one day. The minor fine may be increased to 2 yen 40 sen ($2.40), but cannot be reduced below 5 sen.

ART. 73. When a fraction is reached in the process of reducing or augmenting the term of confinement or arrest and detention, it is omitted in the calculation.

ART. 74. A major fine superadded to a principal punishment increases or is diminished in proportion along with the principal punishment. One-fourth the amount will be regarded as one degree. When exhausted, the principal punishment alone is inflicted.

CHAPTER IV.—JUSTIFICATION AND MITIGATION.

SECTION 1.—*Justification and mitigation of excusable offenses.*

ART. 75. One is not responsible for acts committed in an unavoidable emergency, and unintentionally. The same is true of an act done in defense of one's life, or the life of a relative, or done in unavoidable danger caused by some natural calamity or unusual change.

ART. 76. A man is not responsible for what he does in obedience to the command of his superior officer in the discharge of his official duties.

ART. 77. One is not responsible for an act committed without intention to commit a crime, except as otherwise declared by some regulation or law. A person is not held to account for an act committed not knowing it to be a crime. When any one commits an aggravated offense not knowing it to be such, he shall not be held accountable for the aggravations. Ignorance of the law shall not be regarded as identical with want of intention.

ART. 78. Any one who, by reason of a defect of mind, cannot discern the right or wrong of an action shall not be held accountable for an offense committed.

ART. 79. A child under twelve years is not responsible; a child over eight years, however, may, according to circumstances, be detained in a place of correction till sixteen years of age, but not longer.

ART. 80. When a person over the age of twelve and under sixteen commits a crime, it shall be ascertained whether he perceived the right or wrong of his act. When committed ignorantly he shall not be held to account, but he may, according to circumstances, be put in a place of correction till twenty years of age, and no longer, if the crime was committed knowingly; its punishment shall nevertheless be reduced two degrees out of leniency to a crime committed at such an age.

ART. 81. When the offender is between sixteen and twenty years of age, one degree of the punishment of his crime shall be remitted out of leniency.

ART. 82. A mute shall not be held accountable for an offense, but may, as circumstances require, be put in a place of correction for a period not exceeding five years.

ART. 83. In case of infraction of police regulations, no leniency will be shown on account of youth to offenders between the ages of sixteen and twenty years. One degree of the punishment of persons between the ages of twelve and sixteen shall be remitted out of leniency to youth. Persons under twelve years of age and mutes shall not be held to account.

ART. 84. Besides the cases mentioned in this section, special cases justifiable or deserving of leniency will be mentioned in the law or regulations bearing on such cases.

SECTION 2.—*Diminution of punishment in consequence of self-surrender.*

ART. 85. One degree of the punishment of offenders who surrender themselves to the officials before their crime is divulged, shall be remitted except in cases of deliberate murder.

ART. 86. Offenders against property who surrender themselves and make restitution of plunder or compensation for injuries shall have two degrees of their punishment remitted over and above the diminution made in consequence of self-surrender. If not the whole, but a half or more is restored, the punishment shall be reduced one degree.

ART. 87. The same rule (Art's 85 and 86) shall be observed in the case of those who surrender themselves to the persons injured and not to the officials after committing a crime against property.

ART. 88. When in addition to what is contained in this section any special law or

rule mentions the subject of self-surrender, such special law or rule is to be followed in every case under it.

SECTION 3.—*Diminution of punishment in consequence of extenuating circumstances.*

ART. 89. The punishment of grave crimes, light crimes, and infractions of police regulations, all without distinction, may be diminished on account of extenuating circumstances, and this diminution is to be made even in the case of those punishments that are to be augmented or decreased by express law.

ART. 90. When a diminution of punishment is made on the above account, it shall be a diminution of one or two degrees.

CHAPTER V.—INCREASE OF PUNISHMENT ON ACCOUNT OF REPEATED COMMISSION.

ART. 91. A person who commits a grave crime after undergoing the punishment of a former grave crime, shall have his punishment increased one degree.

ART. 92. A person who commits a light crime after enduring the punishment of a former grave or light crime, shall have his punishment increased one degree.

ART. 93. When any one commits an infraction of the police regulations who has been punished for a like previous offense, his punishment shall be increased one degree. But in this case the second offense must be committed within one year after punishment for the first, and within the territorial limits of the court exercising jurisdiction.

ART. 94. The repeated offense must be committed after the decision of the court in the first case has been reached.

ART. 95. When any one is resentenced to be punished for a crime committed while undergoing punishment, the punishment attended with forced labor shall be inflicted first, and the punishment without such labor shall be inflicted afterwards. If both punishments include or both exclude forced labor, the severest shall be inflicted first. When one is sentenced to pay both the major and the minor fines, he shall pay both without regard to order.

ART. 96. When a person who has been judged by a naval or military court, commits anew a grave or light crime, the first offense not having been dealt with according to the common law, the second shall not be regarded as a repeated offense.

ART. 97. When any one obtains a release in consequence of a general amnesty the matter of repetition of crime, though a fact, shall not come into consideration thereafter.

ART. 98. The punishment of crimes committed three times and upwards shall be increased in the same proportion as the punishment of a crime repeated twice only.

CHAPTER VI.—ORDER OF AUGMENTING AND DIMINISHING PUNISHMENTS.

ART. 99. When according to the exigencies of a case it is necessary to augment and diminish a punishment sumultaneously, a main punishment in accordance with the general rules the following order shall be observed in determining its character.

NOTE.—When provision is made by special law for increasing or diminishing a punishment as in the case of one who follows the lead of others, or in the case of one who fails of attaining his end, and like special cases, the punishment as diminished shall be regarded as the main punishment.

The order referred to above is the following:

1st. Increase on account of repetition.

2d. Diminution out of clemency.

3d. Diminution on account of self-surrender.

4th. Diminution or account of extenuating circumstances.

CHAPTER VII.—RESPECTING SEVERAL CRIMES DIVULGED AT ONCE.

ART. 100. When any one commits a grave or light crime, and before decision is reached two or more other crimes are divulged together, the offender shall endure the heaviest punishment provided. The longest period in this case shall be regarded as the proper punishment for a grave crime. When periods are of the same length the punishment that is attended with labor shall be regarded as the heaviest. The punishment to be inflicted for a light crime shall be the one which in the opinion of the judge is the severest.

ART. 101. When two infractions of police regulations are divulged at once each shall be punished. If they are divulged along with a grave or light crime, they shall together constitute one grave offense.

ART. 102. When one offense has been brought to light and decided, and afterwards another offense comes to light of the same kind, or lighter, it is not considered; but if it is a still graver crime it is considered anew, and the punishment of the former is to

be computed with the punishment of the latter. When the punishment of the former is a fine it shall be computed with the second period of punishment according to the provision in Article 27. When the first crime has been decided, and the second is a repetition, its punishment shall be made one degree heavier.

ART. 103. While several offenses shall be punished as above, forfeiture and restitution shall be made only as the special regulations require.

CHAPTER VIII.—JOINT OFFENDERS.

SECTION 1.—*The principal.*

ART. 104. When two or more persons openly commit a crime, they shall be regarded all as principals and punished accordingly.

ART. 105. Any one who instigates another to commit a grave or light crime shall be regarded as a principal.

ART. 106. When on account of personal character, the punishment of a principal is augmented, the like increase shall not be made in the case of the other principals, accessories, or instigated persons.

ART. 107. When a punishment is increased on account of numbers, persons instigated shall not be counted in.

ART. 108. When any one has been instructed and instigated to commit a crime and the person instigated commits a different crime, or commits it in a different manner, he shall be dealt with as follows:

1st. If the crime committed is graver than the crime suggested or instigated to, the offender shall be punished for the crime to which he was instigated.

2d. If the crime committed is lighter than the crime instigated to, the offender shall be punished for the crime committed.

SECTION 2.—*Accessories.*

ART. 109. All persons who knowingly supply instruments, or who lead, direct, or make provision for, and thereby aid the principals and facilitate their crimes, are accessories. Their punishment is one degree less than that of the principals. When the crime committed by the principals proves to be graver than the accessories knew, its punishment shall for this reason be diminished one degree.

ART. 110. When a person, whose character requires him to receive an increase of punishment, is an accessory, the graver punishment shall be diminished one degree on this account; but when the personal character of the principal entitles him to a diminution of punishment, the punishment of the accessory is not diminished accordingly.

SECTION 9.—*Designated but unaccomplished crimes.*

ART. 111. When a person has merely meditated the commission of a crime or made preparation to commit it but has not carried out his intention, he shall not be punished inasmuch as his crime is not defined in law.

ART. 112. When any one actually attempts a crime but is prevented from committing it by some unexpected obstruction or accident, the punishment shall be one or two degrees lower than the punishment of an actual crime.

The foregoing rule (article 112) shall be observed in the case of attempted grave crimes. In the case of attempted light crimes it shall not be observed nor the punishment there prescribed inflicted, when not so stated in the law or rule bearing on the case.

Intended infractions of police regulations shall not be investigated.

CHAPTER X.—RELATIVES.

ART. 114. In this law the following shall be regarded as relatives:

(*a*) Grandparents, parents, husband, and wife.
(*b*) Children, grandchildren and their consorts.
(*c*) Brothers, sisters, and their consorts.
(*d*) Children of brothers, and sisters and their consorts.
(*e*) Brothers and sisters of parents and their consorts.
(*f*) Children of uncles and aunts.
(*g*) Consorts of grandparents and parents.
(*h*) Brothers and sisters of consorts and their parents.
(*i*) Nephews and nieces of consorts.
(*j*) Uncles and aunts of consorts.

ART. 115. The word "grandparents" includes great-grandparents, and great-great-grandparents, and grandparents on the female side. The word "parents" includes

step-parents, and direct mother. (A concubine's son regards the real wife as his direct or legal mother.—TRANSLATOR.) The words "children" and "grandchildren" include the child of a concubine, great-grandchildren, and great-great-grandchildren. The words "brothers and sisters" include the brothers and sisters of step-parents. An adopted child ranks with the real children of the family into which he is adopted.

BOOK II.—GRAVE AND LIGHT CRIMES AGAINST THE PUBLIC WELFARE.

CHAPTER I.—CRIMES AGAINST THE IMPERIAL FAMILY.

ART. 116. Any one who injures or attempts to injure the Emperor or one of the three empresses is punishable with death.

ART. 117. Any one who is disrespectful to the Emperor or any of the three empresses shall be punished with from three month's to five year's confinement and a major fine of from 20 to 200 yen. Any one showing disrespect to the Emperor's monuments shall be subject to a like punishment.

ART. 118. Any one who injures a member of the imperial family dangerously shall be punished with death, and any one who threatens injury shall be punished with perpetual penal service.

ART. 119. Any one who is disrespectful to a member of the imperial family shall be punished with from two month's to four year's confinement and a major fine of from 10 to 100 yen.

ART. 120. Those who commit any of the above crimes and thereby incur the punishment due a light crime shall be subjected to surveillance for from six months to two years.

CHAPTER II.—CRIMES AGAINST THE COUNTRY.

SECTION 1.—*Of insurrection.*

ART. 121. Those who raise insurrection with the intention of overthrowing the government, seizing the territory of the nation, or disturbing the imperial constitution, shall be punished in the manner following:

(*a*) Ring-leaders and instigators with death.

(*b*) Persons in command or who perform important duties, with perpetual banishment. Those whose cases show extenuating circumstances, with limited banishment.

(*c*) Those who supply arms, money, and food, or who perform general services, with severe imprisonment. Those whose cases present extenuating circumstances, with severe confinement.

(*d*) Those who follow instigators, and render various services under their direction, with from two to five year's light confinement.

ART. 122. Any one who shall seize arms, ammunition, ships, money, grain, or other articles laid up for military purposes, with the intention of exciting rebellion, shall be punished as one who has already excited rebellion.

ART. 123. Any one who kills a man, with the intention of disturbing the government, shall be treated as a rebel, even though war does not result from his act. The instigator and perpetrator of the murder shall be punished with death.

ART. 124. The crimes mentioned in the three foregoing articles are to be punished as therein indicated, even when unsuccessfully attempted.

ART. 125. Any one who collects forces, arms, money, or grain, or makes other provision to promote rebellion, shall receive a punishment one degree lighter than that provided in article 121. Those who merely plot, but do not actually prepare for rebellion, shall receive a punishment two degrees lighter than that provided in article 121.

ART. 126. Those who surrender themselves to the authorities before any overt act of rebellion has been committed shall be exempt from the prescribed punishment, even though they have made provision for rebellion or participated in conspiracy; but they shall be subjected to surveillance for from six months to three years.

ART. 127. Any one who provides a meeting place for rebels, knowing them to be such, shall be punished with from two to five years' confinement.

ART. 128. Any one who takes advantage of a rebellion to commit wantonly a grave or light crime against life or property, shall receive the heaviest punishment provided for such offenses.

SECTION 2.—*Crimes connected with foreign invasion.*

ART. 129. Any one who unites with foreigners against his native land, or the allies of his native land, when engaged in war, or who otherwise assaults his native land in the interests of her foes, shall be punished with death.

ART. 130. Whoever in time of war guides the enemy's soldiers into his native land,

or delivers over to the enemy cities or fortresses of his country or of her allies, or surrenders arms, ammunition, ships, grounds, buildings, or articles used for the purposes of war, shall be punished with death.

ART. 131. Whoever reveals the military condition or plans of his country or her allies to the enemy or who gives information as to garrisons, or roads, shall be punished with perpetual banishment, as shall be the case also with any one who introduces or harbors the enemy's spies.

ART. 132. Any one who has received a commission in the army or navy to supply articles or do work, who in time of war shall hold communication with the enemy's country, or who for bribes shall disobey orders or produce a deficiency of military supplies, shall be punished with perpetual banishment.

ART. 133. Any one who on his own account shall attack a foreign country, shall be punished with limited banishment. If he stops with preparation his punishment shall be lightened two degrees.

ART. 134. If in the time of foreign war a proclamation of neutrality is published in Japan, any one disobeying it shall be punished with from six months' to three years' confinement without labor and a fine of from 10 to 100 yen.

ART. 135. Any one who commits any of the offenses named in this chapter and thereby incurs the punishment due a light crime shall be subjected to surveillance to from six months to two years.

CHAPTER III—OFFENSES AGAINST PUBLIC TRANQUILITY.

SECTION 1.—*Mobs.*

ART. 136. When a mob assembles to commit acts of violence and refuses to disperse at the instance of the officials, the ring-leaders and instigators of the mob shall be punished with from three months' to three years' severe confinement, and their followers with a fine of from 2 to 5 yen.

ART. 137. When a mob assembles and wrangles in a government office or resists the officials, acts disorderly in a town or village, or commits any other act of violence, the ring-leaders and instigators shall be punished in the chain-gang for from nine to eleven years, and others who in response to the call have fanned discontent and helped the movement shall be punished in the chain-gang from six to eight years. This punishment shall be diminished one degree in case of extenuating circumstances. Mere participators and followers shall be liable to a fine of from 2 to 20 yen.

ART. 138. When any one is killed in a mob, or when a dwelling, ship, boat, or storehouse is burnt the actual perpetrators of the crime shall be punished with death. The leaders and instigators of the mob shall also be punished with death, in case the above crimes are perpetrated with their knowledge and consent.

SECTION 2.—*Opposition to officials in the performance of their duties.*

ART. 139. Any one who violently and forcibly resists an official while engaged in executing the laws, or the orders of the executive or judicial officers, shall be punished with severe confinement, for from four months to four years, and a fine of from 5 to 50 yen. Any one who forces an official to do what is wrong shall be punished with a like punishment.

ART. 140. Any one who strikes and wounds an official in addition to the commission of the above-named crimes shall receive a punishment one degree heavier than the heaviest punishment provided in the law against assault and battery.

ART. 141. Any one who openly, by gesture or word, insults an official in the performance of his duty shall be punished with severe confinement for from one month to one year and a fine of from 5 to 50 yen. Any one who, though not openly by printed document, picture, or public address, insults an official shall receive the same punishment.

SECTION 3.—*The escape of prisoners and concealment of offenders.*

ART. 142. A prisoner already condemned who makes his escape shall be punished with severe confinement for from one to six months. If in effecting his escape he injures the jail or its furniture, or if he escapes by violence, he shall be punished with severe confinement for from three months to three years.

ART. 143. Such escape shall not be regarded as a repeated offense unless the offender escapes twice during the term of his punishment.

ART. 144. A prisoner not yet condemned who escapes from surveillance shall receive the punishment mentioned in article 142. His original offense, however, shall be aggravated according to the law regulating the case of several offenses committed together.

ART. 145. When three or more prisoners consult together and escape, their punishment shall be increased one degree according to article 142.

ART. 146. Those who provide prisoners with weapons or other instruments for effecting their escape, or who show them how to escape, shall be punished with severe confinement for from three months to three years, with a fine of from 2 to 20 yen. The above punishment shall be increased one degree in case the effort to escape is successful.

ART. 147. Any one who rescues a prisoner or by violence helps his escape shall be punished with severe confinement for from one to five years and a fine of from 5 to 50 yen. If the prisoner so helped is one undergoing the punishment of a grave crime the offender shall be punished with light penal service. (See article 22.)

ART. 148. If a person set to guard or escort a prisoner lets him escape the offender shall be punished according to article 147.

ART. 149. Those who attempt to commit the crimes mentioned in the foregoing articles and who fail, shall be dealt with according to the law against criminal attempts.

ART. 150. If a guard or escort fails through negligence to observe the escape of a prisoner he should be subjected to a fine of from 2 to 20 yen If the prisoner be one undergoing the punishment of a grave crime the fine shall be from 3 to 30 yen.

ART. 151. Those who conceal or secretly conduct offenders knowing them to be criminals, escaped prisoners, or persons subjected to surveillance shall be punished with light confinement for from eleven days to one year and a fine of from 2 to 20 yen. In the case of one subjected to punishment for a grave crime the punishment thall be increased one degree.

ART. 152. Any one who in order to aid another to escape punishment shall conceal evidences of guilt shall be punished with light confinement for from eleven days to six months, and a fine of from 2 to 20 yen.

ART. 153. When the persons committing the acts forbidden in articles 151 and 152 are relatives of the parties aided their offense shall not be investigated.

SECTION 4.—*The crime of evading the execution of the accessory punishments.*

ART. 154. When persons whose civil rights have been taken away or suspended exercise those rights in private, they render themselves liable to severe confinement for from one month to one year and a fine of from 2 to 10 yen.

ART. 155. When a person subjected to surveillance violates the regulations he shall be punished with severe confinement for from fifteen days to six months.

ART. 156. The offense mentioned in the two preceding articles shall not be regarded as a repeated offense unless it be committed twice during the term of confinement.

SECTION 5.—*Concerning the manufacture in private of arms and ammunition for war purposes, and the holding the same in possession.*

ART. 157. Any one who shall, without a government order or permit, manufacture arms, ammunition, or explosive articles suitable for army or navy use, or who shall import the same, shall be punished with severe confinement for from two months to two years and a fine of from 20 to 200 yen. One who sells the above articles shall be punished with severe confinement for from one month to one year, and a fine of from 10 to 100 yen.

ART. 158. The punishment of workmen and other employès who, under the direction of the principal offender, violate the above law shall be diminished two degrees.

ART. 159. Persons who attempt to commit the offenses mentioned in the two foregoing articles shall be dealt with according to the law against criminal attempts.

ART. 160. Any one who keeps in his possession, privately, the articles mentioned in article 157 shall be fined from 2 to 20 yen.

ART. 161. Instruments and machinery specially provided for the manufacture of the articles mentioned in article 157 shall be confiscated whenever found.

SECTION. 6.—*Obstruction of communication.*

ART. 162. Any one who shall interrupt communication by destroying or obstructing roads, bridges, rivers, harbors, &c., shall be punished with severe confinement for from two months to two years and a fine of from 2 to 20 yen.

ART. 163. The same punishment shall be inflicted on those who by strategy or force detain the mail.

ART. 164. Any one who destroys telegraph machinery or poles or who prevents the passage of electricity by cutting the wires shall be punished with severe confinement for from three months to three years and a fine of from 5 to 50 yen. In case the injury inflicted on the machinery, poles, or wires is not such as to interrupt communication, the punishment shall be diminished one degree.

ART. 165. Any one who destroys the rails of a railroad or the signals to prevent the passage of the cars, or who interposes any dangerous obstruction, shall be punished with severe penal service. (See article 22.)

ART. 166. Any one who shall destroy a light-house, buoy, or other signals used to insure the safety of vessels, or who shall display false signals with the intention of hindering the passage of vessels, shall be punished as provided in article 165.

ART. 167. When the forementioned offenses are committed by an officer, employé, or workman in the service of the railroad or light-house departments, the punishment shall in each case be increased one degree.

ART. 168. Any one who shall commit any of the offenses mentioned in article 162, and thereby cause the death or injury of any one, shall receive the severest punishment provided in the special law against the crimes of murder and maiming.

ART. 169. Any one who shall commit any of the crimes mentioned in articles 165 and 166, and thereby upset the cars or sink a vessel, shall be punished with perpetual banishment, or with death in case life is thereby destroyed.

ART. 170. Any one who shall attempt, though ineffectually, to commit any of the crimes mentioned in this Section VI shall be dealt with according to the law against such attempts.

SECTION 7.—*Invasion of dwellings.*

ART. 171. Any one who shall in the day time without cause enter a dwelling occupied by a family, or a building guarded by some person, shall be punished with severe confinement for from eleven days to six months. The foregoing punishment shall be increased one degree in the following cases:

(*a*) When the entrance is effected by climbing over or breaking down a gate, door, fence, or wall, or by opening a lock.

(*b*) When the person entering brings with him weapons or implements for committing crimes.

(*c*) When the entrance is effected in a violent manner.

(*d*) When two or more enter together.

ART. 172. Any one who shall at night without cause enter an occupied house, or guarded building, shall be punished with severe confinement for from one month to one year. In case the crime is aggravated by acts such as are mentioned in article 171, the punishment shall be increased one degree.

ART. 173. Any one who shall without cause enter the Emperor's palace, gardens, summer residence, stopping place, or cemetery shall receive a punishment one degree heavier than that provided in the two foregoing articles.

SECTION 8.—*Breaking open official seals.*

ART. 174. Any one who shall break open a seal affixed to a house, store-house, or to anything else by a government office shall be punished with severe confinement for from two months to two years. In case the offense is committed by a person in charge the punishment shall be increased one degree.

ART. 175. Any one who shall break a government seal and steal or destroy the government property shall be punished with the severest punishment provided by the law against theft and destruction of property.

ART. 176. When a person in charge through negligence fails to observe the offender who breaks open the seal and steals or destroys property, such person in charge shall pay a fine of from 2 to 20 yen.

SECTION 9.—*Refusing to perform public service.*

ART. 177. When any officer of the army or navy receives a summons from a department authorized to call out troops, without reason refuses to comply, he shall be punished with light confinement for from two months to two years and a fine of from 5 to 50 yen.

ART. 178. Any one registered for military service in the army or navy who shall mutilate his body or feign sickness, or make any other pretense, in order to be exempted from service, shall be punished with severe confinement for from one month to one year and a fine of from 3 to 30 yen. If he instigates another to assume his name and enlist instead of him his punishment shall be the same, and the person instigated to enlist shall be dealt with according to article 231.

ART. 179. If a physician, chemist, or other person is summoned by a government officer to dissect, analyze, or test anything, and without cause refuses, he shall pay a fine of from 4 to 40 yen.

ART. 180. When any one refuses without cause to answer a summons to bear testimony as a witness in court, he shall be subject to a like fine.

ART. 181. A physician who refuses without cause when ordered to investigate a disease or to suggest a method of disinfection when an epidemic prevails or a suspected ship enters a port, shall be punished with a fine of from 5 to 50 yen. A cattle doctor who shall be guilty of the above offense when a cattle plague prevails shall receive a punishment one degree lighter than the foregoing.

CHAPTER IV.—CRIMES AGAINST CREDIT

SECTION 1.—*Of counterfeiting money.*

ART. 182. Any one who shall counterfeit the gold and silver coin or paper money of the empire, and who shall circulate such counterfeited money, shall be punished with perpetual banishment. One who shall alter money or circulate altered money shall be punished with light penal service.

ART. 183. Any one who shall counterfeit or use when counterfeited the foreign gold and silver coin current in the country shall be punished with limited banishment. Any one who shall alter such coin and circulate it when altered shall be punished with from two to five years, severe confinement.

ART. 184. Any one who shall counterfeit bank bills issued with government permission or who shall alter such notes or circulate them when altered shall be dealt with according to the two preceding articles, observing the distinction between foreign and domestic money.

ART. 185. Any one who shall counterfeit and circulate when counterfeited the current paper coin of the land shall be punished with light penal service. If he alters and then circulates such coin he shall be punished with light confinement for from one to three years.

ART. 186. The punishment of any one who shall counterfeit or alter the aforementioned moneys but not circulate them shall be mitigated one degree. An attempt merely to counterfeit shall be mitigated two degrees from the punishment prescribed by law. The punishment of one who has merely provided machinery for counterfeiting shall be mitigated three degrees.

ART. 187. A workman who shall take employment, knowing the object of his employer to be to counterfeit or alter money, shall receive a punishment one degree less than that provided by law for the principal offender in such cases. Any one who assists the workman by attending to miscellaneous business shall receive a punishment one or two degrees less than that of the workman.

ART. 188. Any one who shall provide a house or room, knowing that it is needed for the purpose of counterfeiting or altering money, shall receive a punishment two degrees less than that of the principal offender.

ART. 189. Any one who shall import counterfeited or altered money shall receive the same punishment as the counterfeiter or alterer.

ART. 190. Any one who shall receive and circulate counterfeit or altered money, knowing it to be such, shall receive a punishment two degrees lighter than that provided by law for the counterfeiter. One who has not circulated the counterfeit money in his possession shall receive a punishment three degrees lighter.

ART. 191. Any one who incurs the punishment due a minor crime in consequence of having committed any of the foregoing offenses, shall be subjected to surveillance for from six months to two years.

ART. 192. If any one who has counterfeited or altered money or imported or received it shall make confession before putting it in circulation he shall be exempted from the punishment provided, but he shall be subjected to surveillance for from six months to three years. If a workman, helper in all work, or the provider of a house shall confess before money has been put in circulation, he shall be exempted from punishment.

ART. 193. Any one who after receiving money learns that it is counterfeit or altered, and yet circulates it, shall pay a fine equal to twice the amount of money put in circulation, provided that such fine shall never be less than 2 yen.

SECTION 2.—*Counterfeiting government seals.*

ART. 194. Any one who shall counterfeit the Emperor's seal or the government seal, or who shall use such counterfeited seals shall be punished with perpetual banishment.

ART. 195. Any one who shall counterfeit the seal of a government office, or who shall use such counterfeited seal shall be punished with severe penal service.

ART. 196. Any one who shall counterfeit the government stamp or mark used to stamp productions or articles of merchandise, or who shall use such counterfeit stamp or mark shall be punished with light penal service. Any one who shall counterfeit the government stamp used to mark books and like articles, or who shall use such counterfeited stamp shall be punished with severe confinement for from one to three years.

ART. 197. Any one who shall steal and use the impression of the imperial seal, government seal, or official seal or stamp shall receive a punishment one degree lighter than the preceding punishment for counterfeiting. If this act is done by a person in charge, the punishment will be the same as for counterfeiting.

ART. 198. Any one who shall counterfeit or alter the stamped and ruled paper issued by the government, or postage stamps, or shall knowingly use such counterfeited ar-

ticles, shall be punished with severe confinement for from one to five years, and a fine of from 5 to 50 yen.

ART. 199. Any one who shall use government or postage stamps that have been once used shall pay a fine from 2 to 20 yen.

ART. 200. Any one who shall merely attempt the commission of the crimes enumerated in this section shall be dealt with according to the law against criminal attempts.

ART. 201. Any one who shall receive the punishment due a minor crime in consequence of having committed one of the offenses mentioned in this section shall also be subjected to surveillance for from six months to two years.

SECTION 3.—*Forgery of official documents.*

ART. 202. Any one who shall forge an imperial document or add to, take from, or otherwise change one shall be punished with perpetual banishment. Any one who shall destroy such document shall receive the like punishment.

ART. 203. Any one who shall forge, add to, take from, or otherwise alter an official document, and use the same shall be punished with light penal service; as shall also be any one who destroys such official document.

ART. 204. Any one who shall forge a government bond, title deed, or other evidence, or shall add to, take from, or otherwise alter and use such documents shall be punished with light penal service. If the government bond is without signature the punishment shall be increased one degree.

ART. 205. If an official shall forge, add to, take from, or otherwise alter a document relating to his appropriate duties, he shall receive a punishment one degree heavier than that provided in the two preceding articles; or if he destroys such document his punishment shall be the same.

ART. 206. Any one who in forging an official document shall also counterfeit or steal and use the official seal shall be dealt with according to the law against such counterfeiting, and shall receive the heaviest punishment provided.

ART. 207. Any one who shall commit any of the offenses mentioned in this section and by virtue of the law of palliating circumstances shall receive the punishment due a minor crime, shall be subjected to surveillance for from six months to two years.

SECTION 4.—*Forgery of private seals and documents.*

ART. 208. Any one who shall forge and use the private seal of another person shall be punished with severe confinement for from six months to five years and a fine of 5 to 50 yens. This punishment shall be diminished one degree in case he steals and uses the impression only.

ART. 209. Any one who shall forge a bill of exchange or other salable indorsed document, such as a contract convertible into a sum of money, or who shall add to, take away from, or alter and use such documents shall be punished with light penal service. Any one who shall falsely indorse and use such documents shall receive the same punishment.

ART. 210. Any one who shall forge, add to, take from, alter and use any document relating to buying, selling, borrowing, lending, forwarding, exchanging, or other right and lawful action, shall be punished with from four months' to four years' severe confinement and a fine of from 4 to 40 yen. Any one who shall forge, add to, take from, alter and use any other private documents shall be punished with from one month to one year severe confinement and a fine of from 2 to 20 yen.

ART. 211. Any one who shall merely attempt the commission of any of the minor crimes mentioned in this section shall be dealt with according to the law against criminal attempt.

ART. 212. Any one who shall commit any of the crimes mentioned in this section and shall therefore receive the punishment due to a minor crime shall be subjected to surveillance for from six months to two years.

SECTION 5.—*Of forging permits, tickets, and certificates of health.*

ART. 213. Any one who shall forge a government permit or ticket and use it shall be punished with severe confinement for from one month to one year and a fine of from 4 to 40 yen. If in doing so he shall counterfeit, steal, or use the official seal he shall be dealt with according to law against such counterfeiting.

ART. 214. Any one who shall obtain a permit or ticket by falsifying his registration rank or name, or by any other device, shall be punished with severe confinement for from fifteen days to six months and a fine of from 2 to 20 yen. An official who knowing the circumstances shall issue such permit or ticket shall receive one degree additional punishment.

ART. 215. Any one who, to avoid public service, shall use the name of a physician and forge a certificate of sickness and use it, whether for himself or another, shall be

punished with severe confinement for from one month to one year and a fine of from 3 to 30 yen. A physician who, on application, shall make out a false certificate shall be punished with one degree more severity.

ART. 216. Any one who shall forge and use a certificate of sickness in order to avoid service in the army or navy, or the physician who shall make a false certificate on application shall receive a punishment one degree heavier than that fixed in the preceding article.

ART. 217. Any one who shall add to, take from, or alter a permit, ticket, or certificate of health shall receive the same punishment as a forger.

SECTION 6.—*False testimony.*

ART. 218. Any one who shall, when summoned by a court to testify in a criminal case, conceal a matter of fact or bear false testimony in order to shelter the defendant from justice shall be dealt with as follows:

(1.) One who bears false testimony in order to shelter an offender from the punishment of a severe crime shall be punished with severe confinement for from two months to two years and a fine of from 4 to 40 yen.

(2.) One who bears false testimony in order to shelter an offender from punishment of a light crime shall be punished with severe confinement for from one month to one year and a fine of from 2 to 20 yen.

(3.) One who bears false testimony in order to shelter an offender charged with an infraction of police regulations shall be dealt with according to the law against said infractions.

ART. 219. When, by means of false testimony, a defendant escapes just punishment the above punishment of the false witnesses shall be increased one degree.

ART. 220. One who shall bear false testimony in order to incriminate a defendant shall be dealt with as follows:

(1.) Any one who shall testify falsely in order to prove a defendant guilty of a grave crime shall be punished with severe confinement for from two to five years and a fine of from 10 to 50 yen.

(2.) Any one who shall testify falsely in order to prove a defendant guilty of a light crime shall be punished with a severe confinement for from six months to two years and a fine of from 4 to 40 yen.

(3.) Any one who shall testify falsely in order to prove a defendant guilty of an infraction of police regulations shall be punished with severe confinement for from one to three months and a fine of from 2 to 10 yen.

ART. 221. If after a defendant has been subjected to punishment by reason of false testimony, the fact becomes known that false testimony was rendered in the case, the false witness shall be substituted and bear the punishment. If this punishment is lighter than the punishment due by law to this crime of false testimony the offender shall be punished according to the law against false testimony. When the crime of false testimony is divulged during the period of punishment the number of days past may be subtracted from the term of punishment of the substitute; but the term must not be reduced below the term required by the law against false testimony.

ART. 222. If on account of false testimony the defendant endures the death penalty, the punishment of the false witness shall be one degree less, and two degrees less in case the fact becomes known before the day fixed for the execution. If any one bears false testimony with the intention of effecting the death of the defendant he shall endure the death penalty. If the facts become known before the day of execution the punishment shall be mitigated one degree.

ART. 223. Any one who shall bear false testimony in the trial of civil, commercial, or executive matters shall be punished with severe confinement for from one month to one year and a fine of from 5 to 50 yen.

ART. 224. Any one who shall make a false statement when summoned to court to decide a matter, or to interpret, shall be dealt with according to the foregoing law against false testimony.

ART. 225. Any one who shall use a bribe or like means in order to induce a man to bear false witness or render a false decision, or make a false translation, shall be tried by the law against false testimony.

ART. 226. If the person committing the crimes forbidden in this section confesses before the court renders its decision in the case he shall escape the punishment prescribed.

SECTION 7.—*False weights and measures.*

ART. 227. Any one who shall make a false weight or measure or alter one, and sell or buy with it, shall be punished with from two to five years' severe confinement and a fine of from 10 to 50 yen. If he counterfeits the government stamp, or if he steals it, he shall receive the heaviest punishment provided by the law against such counterfeiting.

ART. 228. The punishment of one who knowingly uses such weights and measures in buying and selling shall be one degree less than that fixed by law against falsifying weights and measures.

ART. 229. Any one who keeps in his possession a weight or measure altered from the standard adopted for merchants, farmers, and workmen shall be punished with from one to three months' severe confinement and a fine of from 2 to 20 yen. If any one gains property by using such altered weights and measures, he shall be dealt with according to the law against obtaining money by false pretences.

ART. 230. The punishment of one who is instigated or induced by another to alter weights and measures shall be one degree less than that of the instigator, who is regarded as the principal offender.

SECTION 8.—*Falsifying one's rank.*

ART. 231. Any one who shall make a false statement to a government officer respecting his registration, rank, name, age, or occupation shall pay a fine of from 2 to 20 yen.

ART. 232. One who falsely assumes the rank and office of an official, or who wears an official badge or a decoration of a foreign country, shall be punished with from fifteen days' to two months' light confinement and a fine of from 2 to 20 yen.

SECTION 9.—*Falsifying public elections.*

ART. 233. Any one who shall falsify a public vote or shall increase or diminish the true number shall be punished with from one month to one year's light confinement and a fine of from 2 to 20 yen.

ART. 234. Any one who shall give or receive a bribe to vote shall be punished with light confinement for from two months to two years and a fine of from 3 to 30 yen.

ART. 235. If a person who inspects an election or counts the number of votes falsifies the vote, adding to or diminishing it, he shall be punished with from six months to three years' light confinement and a fine of from 4 to 40 yen.

ART. 236. If any one who makes out an account and reports the result of an election increases or diminishes the number of votes, or falsifies in any other respect, he shall be punished with from one to five years' light confinement and a fine of from 5 to 50 yen.

CHAPTER V.—OFFENSES AGAINST HEALTH.

SECTION 1.—*Opium.*

ART. 237. Any one who shall import, manufacture, or sell opium shall be punished with limited banishment.

ART. 238. Any one who shall import, make, or sell instruments for smoking opium shall be punished with light penal service.

ART. 239. Any custom-house official who shall knowingly let opium or instruments for smoking it be imported shall receive a punishment one degree heavier than that mentioned in the two previous articles.

ART. 240. Any one who for purposes of gain shall rent a house for smoking opium shall be punished with light penal service, as shall also any one who shall induce another to smoke opium.

ART. 241. Any one who smokes opium shall be punished with severe confinement for from two to three years.

ART. 242. Any one who shall possess or receive and give opium or the instruments for smoking it shall be punished with severe confinement for from one month to one year.

SECTION 2.—*Polluting pure drinking-water.*

ART. 243. Any one who shall pollute pure water provided for drinking purposes for men, and shall render it unfit for use, shall be punished with severe confinement for from eleven days to one month and a fine of from 2 to 5 yen.

ART. 244. Whoever infects water by using anything injurious to man's health, or changes its character, shall be punished with severe confinement for from one month to one year, and a fine of from 3 to 30 yen.

ART. 245. Whoever shall commit the foregoing offenses and thereby render any one sick or cause his death shall be dealt with according to the law against inflicting injuries, receiving the heaviest punishment provided therein.

SECTION 3.—*Offenses against quarantine regulations.*

ART. 246. Whoever, contrary to the rules provided for the prevention of epidemics,

shall disembark from a vessel that has entered port, or shall convey goods on shore, shall be punished with light confinement for from one month to one year or a fine of from 20 to 200 yen.

ART. 247. The captain of a ship who himself shall violate the foregoing article, or knowingly let another violate it without restraining him, shall receive a punishment one degree heavier than that provided above.

ART. 248. Whoever in time of pestilence shall violate the quarantine regulations by going from an infected locality to another place shall be punished with light confinement for from fifteen days to six months or a fine of from 10 to 100 yen.

ART. 249. In time of a cattle-plague whoever shall take cattle from one place to another contrary to the quarantine regulations shall be punished with light confinement for from eleven days to two months or a fine of from 5 to 50 yen.

SECTION 4.—*Offenses against the rules regulating the manufacture of dangerous articles, and articles injurious to health.*

ART. 250. Whoever without government permission establishes a factory for making dangerous articles shall pay a fine of from 20 to 200 yen. If any one establishes a factory for making articles injurious to health, he shall pay a fine of from 10 to 100 yen.

ART. 251. Whoever shall fail to observe the rules for preserving health and preventing danger, even though he has obtained government permission to establish his factory as aforesaid, shall receive a punishment one degree less than that provided in the foregoing article.

ART. 252. Whoever shall violate the two preceding articles and thereby injure any one or destroy life shall receive the heaviest punishment provided by the law against accidental homicide or injury.

SECTION 5.—*The sale of drinks, food, and drugs injurious to health.*

ART. 253. Whoever shall mix anything injurious to health in food or drink and sell the same shall pay a fine of from 3 to 30 yen.

ART. 254. Whoever shall sell poisonous or dangerous drugs contrary to law shall pay a fine of from 10 to 100 yen.

ART. 255. Whoever shall violate the above two regulations and thereby cause death or injury shall receive the heaviest punishment provided in the law against accidental homicide and injury.

SECTION 6.—*Unlicensed medical practice.*

ART. 256. Whoever shall practice medicine without an official license shall pay a fine of from 10 to 100 yen.

ART. 257. If the above offender shall by mal-practice cause the death or injury of any one he shall receive the heaviest punishment provided in the law against unintentional homicide and injury.

CHAPTER VI.—OFFENSES AGAINST MANNERS AND MORALS.

ART. 258. Whoever shall be found guilty of vile conduct in public shall be punished with a fine of from 3 to 30 yen.

ART. 259. Whoever shall expose obscene books, pictures, or other objects, or buy or sell them, shall be fined from 4 to 40 yen.

ART. 260. Whoever shall open a gaming place for the purpose of gain and collect gamblers shall be punished with severe confinement for from three months to one year and a fine of from 10 to 100 yen.

ART. 261. Whoever shall game for property of any kind shall be punished with severe confinement for from one to six months and a fine of from 5 to 50 yen. Whoever with full knowledge shall provide rooms shall be punished in like manner. This law is not to apply to those who game for food and drink. The instruments for gambling found on the ground shall be forfeited.

ART. 262. Whoever shall collect valuables and engage in the business of gambling by means of the "tamkuji" or lot shall be punished with severe confinement for from one to six months and a fine of from 5 to 50 yen.

ART. 263. Whoever shall be guilty of disrespect publicly exhibited towards a Shinto or Budhist temple, grave yard, or place of worship shall be fined from 2 to 20 yen. If any one interrupts preaching or worship he shall be fined from 4 to 40 yen.

CHAPTER VII.—OF THROWING ASIDE THE BODIES OF THE DEAD AND OF OPENING GRAVES.

ART. 264. Whoever shall throw aside a dead body that ought to be buried shall be

punished with severe confinement for from one month to one year and a fine of from 2 to 20 yen.

ART. 265. Whoever shall open a grave and expose a coffin or dead body shall be punished with severe confinement for from two months to two years and a fine of from 3 to 30 yen. Any one who in opening a grave shall mangle or displace a dead body shall be punished with severe confinement for from three months to three years and a fine of from 5 to 50 yen.

ART. 266. Any one who merely attempts to commit the offense mentioned in this chapter shall be dealt with according to the law against criminal attempts.

CHAPTER VIII.—OF HINDERING THE BUSINESS OF MERCHANTS, FARMERS, AND WORKMEN.

ART. 267. Whoever shall by strategy or force prevent the sale of grain or other necessary articles of food shall be punished with severe confinement for from one to six months and a fine of from 3 to 30 yen. This punishment shall be mitigated one degree in the case of one who hinders the sale of other articles than those above mentioned.

ART. 268. Whoever shall by strategy or force hinder sale by auction or competitive bidding shall be punished with severe confinement for from fifteen days to three months and a fine of from 2 to 20 yen.

ART. 269. The above punishment shall be inflicted in case any one by strategy or force hinders the work of farmers and mechanics.

ART. 270. If an employé of a farmer or manufacturer shall by strategy or force interfere between an employer and persons ready to take employment, for the purpose of obtaining higher wages or different terms of work, he shall be punished with severe confinement for from one to six months and a fine of from 3 to 30 yen.

ART. 271. If an employer shall by force or strategy, and for the purpose of keeping down wages, interfere between persons ready to take work and another employer he shall receive the same punishment. (See article 270.)

ART. 272. If any one shall disturb the price of grain and other necessary articles of food by circulating false reports he shall be fined from 10 to 100 yen.

CHAPTER IX.—MALFEASANCE IN OFFICE.

SECTION 1.—*Of officials injuring the public welfare.*

ART. 273. If an official shall fail to publish and execute the laws and regulations in his jurisdiction, or hinder their publication and execution by another official, he shall be punished with light confinement for from two to six months and a fine of from 10 to 50 yen.

ART. 274. If any official, who has the right to call for and use troops, shall fail to perform his duty in this respect, in case of a local disturbance or uprising that should be put down by military force, he shall be punished with light confinement for from three months to three years, and a fine of from 20 to 100 yen.

ART. 275. If an official engages in mercantile pursuits contrary to law he shall pay a fine of from 20 to 500 yen.

SECTION 2.—*Of offenses committed by officials against the people.*

ART. 276. If an official, by a wrongful exercise of authority, shall make any of the people do what he has no right to require, or prevent them from doing what they have a right to do, he shall be punished with light confinement for from eleven days to two months, and a fine of from 2 to 20 yen.

ART. 277. If when danger is threatened by disturbers of the peace to person or property, a judge of an open court, inspector, or police officer shall receive notice and not promptly take measures for security, he shall be punished with light confinement for from fifteen days to three months, and a fine of from 2 to 20 yen.

ART. 278. If an officer with power to arrest shall arrest any one contrary to the form and regulations prescribed by law, or if he shall confine any one unjustly, he shall be punished with severe confinement for from fifteen days to three months, and a fine of from 2 to 20 yen, which punishment shall be increased one degree in case he confines any one for a longer period than ten days.

ART. 279. The above punishment shall be inflicted also in case an officer in charge of a prison places a man under arrest contrary to regulations, or fails to release a prisoner at the expiration of his term.

ART. 280. If an official, such as is described in the two foregoing articles, or an escort charged to keep a prisoner take away his food, drink, or clothing, or perform any other cruel act, he shall be punished with severe confinement for from three months to three years, and a fine of from 4 to 40 yen. If the death or injury of the prisoner results, he shall be dealt with according to the law against inflicting injuries, and shall receive the heaviest punishment provided therein.

ART. 281. If in time of flood, fire, or other calamity, an official fails to release from confinement, and death or injury results, he shall receive a punishment one degree heavier than that prescribed in the law against the infliction of injuries.

ART. 282. A judge, prosecutor, or police officer who shall use violence or force to compel confession of crime from a person on trial, shall be punished with severe confinement for from four months to four years, and a fine of from 5 to 50 yen. If the person on trial is killed or injured, he shall receive the heaviest punishment provided in the law against the infliction of injuries.

ART. 283. If a prosecutor or judge, without reason, refuses to hear a complaint in a criminal case, or delays to examine it, he shall be punished with light confinement for from fifteen days to three months, and a fine of from 5 to 50 yen. The same rule shall hold in civil cases.

ART. 284. If an official shall be approached by any one and shall take a bribe or allow a proposal to be made, he shall be punished with severe confinement for from one month to one year, and a fine of from 4 to 40 yen. This punishment shall be increased one decree in case any unjust action is taken in consequence of receiving the bribe.

ART. 285. If a judge in a civil case shall receive a bribe or allow such a thing to be proposed to him he shall be punished with severe confinement for from two months to two years, and a fine of from 5 to 50 yen. This punishment shall be increased one degree in case an unjust judgment be rendered in consequence of the judge's act.

ART. 286. If a judge, prosecutor, or police officer takes a bribe in a criminal case or allows a proposal to be made, he shall be punished with severe confinement for from two months to two years, and a fine of from 5 to 50 yen. If the defendant is thereby sheltered from justice, the punishment shall be severe confinement for from three months to three years, and a fine of from 10 to 100 yen. If the defendant is in consequence wrongfully condemned, the punishment shall be severe confinement for from two to five years, and a fine of from 20 to 200 yen. If the above punishment of the innocent party is heavier than this, substitution shall be made according to articles 221 and 222.

ART. 287. If the judge, prosecutor, or police officer does not receive a bribe, yet if through prejudice or hatred he wrongfully protects or punishes the defendant, his punishment shall be the same as mentioned above, article 286.

ART. 288. The bribes mentioned in the foregoing articles shall be forfeited, and when spent, their equivalent shall be collected from the offender.

SECTION 3.—*Offenses of officials against property.*

ART. 289. An official who steals money, grain, or anything else left in his keeping shall be punished with light penal service. If in consequence he adds to, takes from, alters or destroys any official record or document, he shall be dealt with according to article 205.

ART. 290. If an official who collects customs and ships' dues collects more than the law requires, he shall be punished with severe confinement for from two months to four years, and a fine of from 5 to 50 yen.

ART. 291. Any one who shall commit the crimes mentioned in this section, and in consequence be punished with the punishment due a light crime, shall be subjected to surveillance for from six months to two years.

BOOK III.—GRAVE AND LIGHT CRIMES AGAINST PERSON AND PROPERTY.

CHAPTER I.—CRIMES AGAINST THE PERSON.

SECTION 1.—*Murder and manslaughter.*

ART. 292. Any one who lays a plan and kills a man deliberately is guilty of murder and shall be punished with death.

ART. 293. Poisoning shall be regarded as deliberate murder and be punished with death.

ART. 294. One who on account of special provocation kills a man is guilty of manslaughter, and shall be punished with perpetual banishment.

ART. 295. A homicide who shall dissever, cut open, or otherwise cruelly mangle his victim, shall be punished with death.

ART. 296. If a man without premeditation kills another to facilitate the commission of a grave or light crime, or to escape the punishment of a crime already committed, he shall be punished with death.

ART. 297. One who when the intention to kill a man has arisen, deceives and leads him into danger, thereby causing his death, shall be regarded as guilty of manslaughter. But one who does the same with malice aforethought shall be regarded as a deliberate murderer.

ART. 298. Whoever in attempting to commit homicide kills another by mistake, a different person, shall be regarded as a murderer or as guilty of manslaughter, as the case may be.

SECTION 3.—*Assault and battery.*

ART. 299. Any one who causes the death of a man by assaulting and beating him shall be punished with severe penal service.

ART. 300. Any one who in beating a man shall put out his eyes, destroy his hearing, break his arms or legs, cut off his tongue, destroy his privy members, render him idiotic or diseased, shall be punished with light penal service. If he destroy one eye, an ear or one limb, or maims the body so as to cripple the person assaulted, he shall be punished with severe confinement for from two to five years.

ART. 301. If the person who commits assault and battery injures his adversary so that he cannot work for more than twenty days, he shall be punished with severe confinement for from one to three years. If his adversary is disabled for less than twenty days he shall be punished with severe confinement for from one month to one year. If the person beaten is not disabled from work, but only receives a bodily injury, the offender shall be punished with severe confinement for from eleven days to one month.

ART. 302. If a man commits assault and battery premeditately and disables, wounds, or kills another he shall receive a punishment one degree heavier than that mentioned in the foregoing articles.

ART. 303. If a man commits assault and battery in order to facilitate the commission of a grave or light crime, or to escape the punishment of a crime already committed, he shall be punished as article 302 directs.

ART. 304. If any one shall assault by mistake and wound another, he shall receive the punishment provided in the law against assault and battery.

ART. 305. If two or more persons together commit assault and battery, each one shall be punished according to the severity of the wounds inflicted; if this distinction cannot be made out, each one except the instigator shall be punished for the infliction of the severest wound, which punishment shall be mitigated one degree.

ART. 306. The punishment of one who in a concerted attack merely aids but does not inflict a wound shall be mitigated one degree.

ART. 307. A person who injures another by the use of articles injurious to health shall be dealt with according to the law against deliberate assault and battery.

ART. 308. If any one shall lead another into danger, though not with intent to kill, and death or maining be the result, he shall be regarded as having committed assault and battery.

SECTION 3.—*Justifiable and excusable homicide and maiming.*

ART. 309. Any one who kills or wounds an assailant, under the influence of sudden anger when attacked, is excusable, but not when he himself provokes the assault.

ART. 310. When two persons come to blows and inflict mutual injuries, and it is not possible to ascertain who was the aggressor, the offense of both may be excused or mitigated.

ART. 311. The offense of a husband who, knowing his wife's infidelity, kills or wounds her or her paramour on the spot, is excusable, but not if he has already before allowed her adultery.

ART. 312. The offense of any one who kills or injures a man to prevent his entering an occupied house in the day time without cause, or to prevent his climbing over a wall or a fence, or breaking a door is excusable.

ART. 313. All the punishments appropriate to the forementioned excusable offenses may be mitigated two or three degrees.

ART. 314. If any one in self defense or in defense of another is obliged to kill or wound an assailant he is justifiable, but not so if by unjust conduct he has provoked the assault.

ART. 315. Any one who is obliged to kill or wound a man is justifiable in the following cases:

1st. In opposing any one who attempts to set fire to or otherwise destroy his property.

2d. In opposing a thief and repossessing stolen goods.

3d. In resisting the forcible entrance of his house at night or the climbing over or breaking down a door, fence, or wall.

ART. 316. One who in defending his own property without necessity, inflicts injury on his assailant, or who inflicts injury on him after danger is past is not justifiable, but may be excused in certain cases according to article 313.

SECTION 4.—*Accidental homicide and maiming.*

ART. 317. Any one who by carelessness or neglect, or by failing to observe regulations or customs, causes the accidental death of any one shall be punished with a fine of from 20 to 200 yen.

ART. 318. Whoever shall by accident injure a man so as to disable him or render him seriously diseased shall be punished with a fine of from 10 to 100 yen.

ART. 319. Any one who shall wound a man accidentally so as to prevent his working at his occupation shall be punished with a fine of from 2 to 50 yen.

SECTION 5.—*Offenses connected with suicide.*

ART. 320. Any one who instigates another to commit suicide, or when requested aids him to do so, shall be punished with light confinement for from six months to three years, and a fine of from 10 to 50 yen. The punishment of the person who aids as above shall be mitigated one degree.

ART. 321. Any one who shall instigate another to commit suicide for purposes of gain shall be punished with severe penal services.

SECTION 6.—*Of arbitrary arrest and confinement.*

ART. 322. Any one who arbitrarily arrests another or confines him in his own house shall be punished with from eleven days' to two months' severe confinement, and a fine of from 2 to 20 yen. One degree shall be added to the above punishment for every ten days of such confinement.

ART. 323. Any one who shall beat, torture, or deprive of food or clothing a person confined or bound, or who shall commit any other cruel act on such person shall be punished with severe confinement for from two months to two years, and a fine of from 3 to 30 yen.

ART. 324. Any one who shall commit any of the forementioned crimes, and thereby injure or wound another, shall receive the heaviest punishment provided in the law against assault and battery.

ART. 325. The above punishment shall be inflicted on any one who shall arbitrarily imprison another and neglect to release him in case of flood, fire, or earthquake, if death or injury results to the person so confined.

SECTION 7.—*Threats.*

ART. 326. Any one who shall threaten to kill a man, or burn down his dwelling, shall be punished with severe confinement for from one to six months, and a fine of from 2 to 20 yen. Any one who shall threaten to strike, wound, or commit any other act of violence on the person of another, or who shall threaten to burn, destroy, or take away his property, shall be punished with severe confinement for from eleven days to two months, and a fine of from 2 to 20 yen.

ART. 327. Any one who shall have a weapon on his person when he commits any of the foregoing crimes shall be punished with one degree greater severity.

ART. 328. Any one who threatens to inflict injury on a man by injuring his relatives shall receive the punishment provided in the two foregoing articles.

ART. 329. The offenses mentioned in this section will not be prosecuted, unless complaint is made by the person threatened or by his relatives.

SECTION 8.—*Of producing abortions.*

ART. 330. A pregnant woman who by the use of medicine or other means produces an abortion shall be punished with severe confinement for from one to six months.

ART. 331. Any one who shall oblige another to use medicine or other means to produce an abortion shall be punished as provided in Article 330. If death results he shall be punished with severe confinement for from one to three years.

ART. 332. The punishment of a physician, midwife, or apothecary who commits any of the foregoing crimes, shall be increased one degree in each case.

ART. 333. Any one who shall frighten or deceive a pregnant woman into producing an abortion shall be punished with severe confinement for from one to four years.

ART. 334. Any one who shall strike, or do any other act of violence to a pregnant woman, knowing her to be such, and thereby produce abortion, shall be punished with severe confinement for from two to five years. Any one who shall act as above with the intention of producing an abortion, shall be punished with light penal service.

ART. 335. Any one who shall commit the offenses mentioned in the two foregoing articles, and thereby disable or permanently injure or kill a woman shall receive the heaviest punishment provided for such acts in the law against assault and battery.

SECTION 9.—*The crime of abandoning children or sick and aged persons.*

ART. 336. Any one who shall abandon a child under eight years of age shall be punished with severe confinement for from one month to one year, as also any one who shall abandon a sick or old person who is unable to obtain a livelihood.

ART. 337. Any one who shall abandon a child under eight years of age or an aged or sick person in a solitary place, shall be punished with severe confinement for from four months to four years.

ART. 338. When any one who is employed and receives wages to take care of a child or helpless person commits the offenses mentioned in Articles 336 and 337, his punishment shall be increased one degree.

ART. 339. Any one who abandons a child, old person, or invalid, and thereby disables him shall be punished with light penal service. If the disability is chronic he shall be punished with severe penal service. If death results he shall be punished with limited banishment.

ART. 340. If any one knows that a child, aged person, or invalid has been cast away on grounds in his possession or charge, and does not render aid nor report the matter to the authorities he shall be punished with severe confinement for from fifteen days to six months. The same punishment shall be inflicted on any one who shall see any one fall down sick, and not render aid.

SECTION 10.—*Kidnapping and decoying away.*

ART. 341. Any one who shall kidnap or decoy away a child under twelve years of age and hide the child himself or transfer it to another person, shall be punished with severe confinement for from two to five years, and a fine of from 10 to 100 yen.

ART. 342. If any one kidnaps a youth between the ages of twelve and twenty and hides him or transfers him to another, he shall be punished with severe confinement for from one to three years, and a fine of from 5 to 50 yen. If he decoys away one of this age and conceals or transfers him he shall be punished with severe confinement for from six months to two years, and a fine of from 2 to 20 yen.

ART. 343. If any one knowing that a child has been kidnapped or decoyed away, makes him his household servant, or receives him under another name, his punishment shall be one degree less than that provided for in the two preceding articles.

ART. 344. The offenses mentioned in the foregoing articles shall be investigated on the complaint of the party injured or his relatives. But if the kidnapped or decoyed person has been legally married his complaint will be fruitless.

ART. 345. If any one kidnaps or decoys away a person under twenty years of age and delivers him to a foreigner he shall be punished with light penal service.

SECTION 11.—*Obscene conduct, adultery, and bigamy.*

ART. 346. Whoever is guilty of indecent conduct towards a boy or girl under twelve years of age, and whoever is guilty of such conduct attended with threats of violence towards a boy or girl over twelve years of age shall be punished with severe confinement for from one month to one year, and a fine of from 2 to 20 yen.

ART. 347. Whoever shall be guilty of indecent conduct, attended with threats of violence, towards a boy or girl under twelve years of age shall be punished with severe confinement for from two months to two years, and fine of from 4 to 40 yen.

ART. 348. Any one who commits a rape on a woman over twelve years of age shall be punished with light penal service. Any one who renders a woman insensible or distracted by the use of medicine and then has criminal intercourse with her shall be regarded as having committed a rape.

ART. 349. Any one who defiles a girl under twelve years of age shall be punished with light penal service, and whoever commits a rape on such a girl shall be punished with severe penal service.

ART. 350. The crimes mentioned in the foregoing articles shall be prosecuted on complaint of the injured party or his relatives.

ART. 351. Any one who in the commission of the above-mentioned crimes, kills or injures another shall receive the severest punishment provided in the law against assault and battery. In case disability or permanent injury results from the commission of a rape the offender shall be punished with limited banishment. In case death results he shall be punished with perpetual banishment.

ART. 352. Any one who shall act as a middle man and instigate a boy or girl under sixteen years of age to commit fornication shall be punished with severe confinement for from one to six months, and a fine of from 2 to 20 yen.

ART. 353. A married woman who commits adultery shall be punished with severe confinement for from six month to two years. He who commits adultery with her shall receive the same punishment. The above offense shall be prosecuted upon the complaint of the husband, but his complaint will be fruitless if he has previously allowed his wife to commit adultery.

ART. 354. If any one who has a consort shall contract a second marriage he shall be punished with severe confinement for from six months to two years, and a fine of from 5 to 50 yen.

SECTION 12.—*False accusation and slander.*

ART. 355. Any one who without cause shall bring a false accusation against another shall be dealt with according to the law against false testimony, article 220.

ART. 356. If a false accuser surrenders himself before the injured party institutes inquiries he shall escape the above punishment, even though he has actually accused falsely.

ART. 357. If, by reason of a false accusation, the person accused has been subjected to punishment the offender shall be dealt with according to Articles 221 and 222.

ART. 358. Any one who shall hunt up and divulge bad actions or disgraceful conduct, and thereby defame another, shall, without inquiring whether the fact is so or not, be dealt with according to the following regulation:

(1) Any one who shall defame another in a public address shall be punished with severe confinement for from eleven days to three months, and a fine of from 3 to 30 yen.

(2) Any one who shall defame another by circulating documents or pictures, or by making representations in theatrical plays or by images, shall be punished with severe confinement for from fifteen days to six months, and a fine of from 5 to 50 yen.

ART. 359. If any one censures the dead without falsely accusing them he shall not be dealt with according to the foregoing law.

ART. 360. If a physician, apothecary, midwife, attorney, advocate, letter-writer, or Buddhist or Shinto priest divulges any private matter communicated to him respecting the person or business of any one who requires his services, he shall be regarded as a defamer, and punished with severe confinement for from eleven days to three months, and a fine of from 3 to 30 yen; but he shall not be so punished in case he is summoned to court to testify to matters of fact.

ART. 361. The offenses in this section shall be prosecuted on complaint of the injured party or of the relatives of the dead.

SECTION 13.—*Offenses against parents and grandparents.*

ART. 362. A child or grandchild who murders or kills unintentionally his parents or grandparents shall be punished with death. If he commits a crime connected with the suicide of his parents or grandparents (see Articles 320 and 321) his punishment shall be two degrees greater than that of an ordinary person.

ART. 363. If a child or grandchild strikes, wounds, confines, threatens, abandons, falsely accuses, defames, or commits any other offense against his parents or grandparents, he shall be punished with two degrees greater severity than an ordinary person. If he permanently disables his parents or grandparents he shall be punished with limited banishment. If he induces permanent disease he shall be punished with perpetual banishment. If he causes death he shall be punished with death.

ART. 364. If a child or grandchild does not supply his parents or grandparents with food and clothing, or if he withholds any other needful support, he shall be punished with severe confinement for from fifteen days to six months, and a fine of from 2 to 20 yen. If sickness or death results the punishment shall be the same as provided in Article 363.

ART. 365. The crime of killing parents or grandparents cannot be justified or excused, except when done in ignorance.

CHAPTER II.—CRIMES AGAINST PROPERTY.

SECTION 1.—*Theft.*

ART. 366. Any one who steals the property of another is guilty of theft, and shall be punished with severe confinement for from two months to four years.

ART. 367. Any one who takes advantage of a time of fire, flood, or earthquake to commit theft, shall be punished with severe confinement for from six months to five years.

ART. 368. Any one who climbs over or breaks through a door, gate, fence, or wall, or who opens a lock and enters a house or store-house and steals, shall be punished as above. (Article 367.)

ART. 369. If two or more persons together commit the crimes mentioned in the last three articles, their punishment shall be increased in each case one degree.

ART. 370. If one brings arms on his person and so enters the dwelling-house of another and steals, he shall be punished with light penal service.

ART. 371. If any one steals his own property that he has pawned to another, or that

has, by government order, been placed in charge of another, he shall be regarded as guilty of theft.

ART. 372. Any one who steals grain, tea, or other like productions in the field, shall be punished with severe confinement for from one month to one year.

ART. 373. Any one who steals bamboo, timber, metal, or other productions in the mountains or woods, or who steals the productions which support men and give them employment in the rivers, ponds, lakes, or sea, shall receive the above punishment.

ART. 374. Any one who shall steal cattle from a pasturage shall be punished with severe confinement for from two months to two years.

ART. 375. Any one who attempts to commit any of the crimes mentioned in this section shall be dealt with according to the law against such attempts.

ART. 376. Any one who shall undergo the punishment due a minor crime, in consequence of having committed any one of the offenses named in this section, shall be subjected to surveillance for from six months to two years.

ART. 377. If grandparents, parents, husband, wife, children and grandchildren, or brothers and sisters who live together steal each other's property, this shall not be regarded as theft, except when the theft is committed and the proceeds divided with another.

SECTION 2.—*Robbery.*

ART. 378. Any one who threatens a man or commits acts of violence on him, and thereby takes away his property, is guilty of robbery, and shall be punished with light penal service.

ART. 379. The punishment of one who commits robbery under the following circumstances shall be increased one degree in each case:

(1) When two or more commit robbery together.

(2) When the robbers are armed.

ART. 380. If a robber wounds a man he shall be punished with perpetual banishment; if he kills a man he shall be punished with death.

ART. 381. A robber who commits a rape shall be punished with perpetual banishment.

ART. 382. When a thief has stolen property and, to prevent its recapture, uses threats or offers violence at the time, he shall be regarded as a robber.

ART. 383. If any one uses medicine or liquor to make another drunk, and steals his property, he shall be regarded as a robber and punished with light penal service.

ART. 384. Any one who has committed the crimes mentioned in this section, and by reason of mitigating circumstances has incurred the punishment of a light crime, shall be subjected to surveillance for from six months to two years.

SECTION 3.—*Lost or buried things.*

ART. 385. If any one picks up a lost or floating article and does not restore it to its owner, nor report it to the authorities, he shall be punished with severe confinement for from eleven days to three months, and a fine of from 2 to 20 yen.

ART. 386. The above punishment shall be inflicted on one who digs up a buried thing in the grounds of another and hides it.

ART. 387. When the offenses mentioned in this section are committed by the relatives mentioned in Article 377, no notice shall be taken of them.

SECTION 4.—*Bankruptcy, crimes connected therewith.*

ART. 388. When a man becomes bankrupt, if he hides his property or excepts it, or magnifies his debts, he shall be punished with severe confinement for from two months to four years. One who knowing the circumstances of the case consents to a false contract, or who acts as a middleman, shall receive the same punishment mitigated one degree.

ART. 389. If any one when bankrupt hides or destroys his account books, or if after distribution has been resolved on he privately pays to one or more of his creditors, to the injury of the rest, he shall be punished with severe confinement for from one month to two years.

SECTION 5.—*Obtaining property by fraud, and crimes relating to valuables received in trust.*

ART. 390. Any one who shall obtain valuables or documentary evidences by deceiving or frightening another shall be regarded as guilty of obtaining property by fraud, and shall be punished with severe confinement for from two months to four years, and a fine of from 4 to 40 yen. If in doing as above any one forges a public or private document or adds to, takes from, or alters such document he shall receive the severest punishment provided against forgery.

ART. 391. Any one who shall take advantage of the inexperience of a child or of a

man's mental distraction to extort valuables or documents shall be regarded as guilty of obtaining property by fraud.

ART. 392. Any one who in selling or exchanging an article substitutes a different article, or falsifies as to the quantity delivered, shall be regarded as guilty of obtaining property by fraud.

ART. 393. Any one who shall represent that the movable or immovable property of another belongs to him, and shall sell or exchange it, or pledge or pawn it, shall be regarded as guilty of obtaining property by fraud, as shall also he who shall conceal the fact that his immovable property is already pawned or pledged and sells it to another, or pawns or pledges it a second time.

ART. 394. Any one who shall commit any of the forementioned crimes shall be subjected to surveillance for from six months to two years.

ART. 395. Any one who shall squander articles received in trust or on loan or as a pledge, or who shall squander money or objects committed to his care shall be punished with severe confinement for from one month to two years. If he obtains possession of said articles by deception, cheating, or other false course he shall be regarded as guilty of the crime of obtaining property on false pretenses.

ART. 396. If any one hides or withdraws his own goods which are held by the government authorities he shall be punished with severe confinement for from one to six months. Any one who does so in case of bankruptcy shall be dealt with according to Article 388.

ART. 397. Any one who shall attempt to commit the crimes mentioned in this section shall be dealt with according to the law against such attempts.

ART. 398. When the crimes mentioned in this section are committed by relatives, as stated in Article 377, they will not be prosecuted.

SECTION 6.—*Stolen objects.*

ART. 399. If any one knowingly receives the stolen goods of robbers or thieves, and stores or buys or sells them, he shall be punished with severe confinement for from one month to three years, and a fine of from 3 to 30 yen.

ART. 400. Any one who commits the foregoing crime shall be subjected to surveillance for from six months to two years.

ART. 401. If any one knowingly receives goods that have been obtained by fraud, and stores, buys, or sells them, he shall be punished with severe confinement for from eleven days to one year, and a fine of from 2 to 20 yen.

SECTION 7.—*Arson and accidental fires.*

ART. 402. Any one who shall set fire to and burn a man's dwelling-house shall be punished with death.

ART. 403. Whoever shall set fire to an unoccupied house or other building shall be punished with unlimited banishment.

ART. 404. Any one who shall burn a deserted house or a building containing hay or manure shall be punished with severe penal service.

ART. 405. Any one who shall set fire to a boat or car containing passengers shall be punished with death. If the boat or car is empty he shall be punished with severe penal service.

ART. 406. Any one who shall set fire to and consume mountain forests, bamboos, grain in the field, stacked hay or bamboo, or other articles, shall be punished with light penal service.

ART. 407. Whoever shall set fire to and burn his own house shall be punished with severe confinement for from two months to two years.

ART. 408. Whoever shall undergo the punishment of a light crime in consequence of having committed arson shall be subjected to surveillance for from six months to two years.

ART. 409. Any one who accidentally sets fire to and burns a man's house or property shall be punished with a fine of from 2 to 20 yen.

ART. 410. If any one fires off gunpowder or other explosive matter or causes the explosion of a steam-boiler, and thereby destroys houses and property, he shall be dealt with as a deliberate or accidental incendiary, according as his act was intentional or accidental.

SECTION 8.—*Causing inundations.*

ART. 411. If any one shall break through a dike or destroy a water-gate and wash away a house occupied by another, he shall be punished with perpetual banishment. If the house or building washed away be unoccupied, he shall be punished with severe penal service.

ART. 412. If any one break open a dike or water-gate and lays waste a rice field, field, or mine, or pasturage, he shall be punished with light penal service.

ART. 413. If any one shall break open a dike or water-gate to injure another, or to promote his own interest, or otherwise interfere with water conveniences, he shall be punished with from one month to two years' severe confinement, and a fine of from 2 to 20 yen.

ART. 414. If any one accidentally causes injury by water, he shall be dealt with according to the law against accidental fires.

SECTION 9.—*Wrecking vessels.*

ART. 415. If any one sinks a ship containing passengers, by colliding with her or by any other means, he shall be punished with death, or with perpetual banishment only, in case no one on board is lost.

ART. 416. If any one in like manner sinks a vessel having no persons on board, he shall be punished with light penal service.

SECTION 10.—*Destruction of houses and injury of animals and plants.*

ART. 417. If any one destroys a dwelling-house or other building belonging to another person, he shall be punished with severe confinement for from one month to five years, and a fine of from 2 to 50 yen. If thereby he kills or wounds a man, he shall receive the heaviest punishment provided by the law against assault and battery.

ART. 418. If any one destroys the walls of a house, the ornamental work in gardens or ponds, the fences of fields and pastures, he shall be punished with severe confinement for from eleven days to three months, and a fine of from 2 to 20 yen.

ART. 419. If any one destroys the shrubs, bamboos, trees, or other useful plants of another, he shall be punished with severe confinement for from eleven days to six months, and a fine of from 3 to 30 yen.

ART. 420. If any one destroys or removes things which show the boundary of lands, he shall be punished with severe confinement for from one to six months, and a fine of from 2 to 20 yen.

ART. 421. If any one destroys the instruments or furniture of another, he shall be punished with severe confinement for from eleven days to six months, and a fine of from 3 to 30 yen.

ART. 422. If any one kills another's ox or horse, he shall be punished with severe confinement for from one to six months, and a fine of from 2 to 20 yen.

ART. 423. If any one kills any other horse, animals (dogs, fowls, &c.), besides those mentioned in Article 422, he shall be punished with a fine of from 2 to 20 yen. This offense will be prosecuted on the complaint of the injured party.

ART. 424. If any one destroys or diminishes documents relating to a man's rights and duties, he shall be punished with severe confinement for from two months to four years, and a fine of from 3 to 30 yen.

BOOK IV.—INFRACTION OF POLICE REGULATIONS.

ART. 425. If any one commits any of the following offenses, he shall be placed under arrest for from three to ten days, and fined from 1 yen to 1 yen 95 sen:

(1.) Carrying powder or other explosive material in the streets contrary to regulations.

(2.) Storing powder and other explosive or combustible matter contrary to the regulations.

(3.) Making and selling firecrackers without government permission.

(4.) Recklessly playing with firecrackers and other inflammable things in a place where there are many houses.

(5.) Violating the regulations governing the making, mending, or cleaning of steam-engines, smoke-stacks, and boilers.

(6.) Failing to repair a falling house wall or fence after notice from the authorities.

(7.) Dissecting a dead body without government permission.

(8.) Failing to give notice to the authorities of a dead body known to be on one's premises or removing it elsewhere.

(9.) Striking any one without wounding him.

(10.) Acting as an unlicensed prostitute, or aiding and harboring such prostitutes.

(11.) Lying concealed in an unoccupied house.

(12.) Wandering about without any fixed residence or usual occupation.

(13.) Burying a dead body privately outside of the appointed graveyards.

(14.) Bearing false testimony in order to shelter a person guilty of an infraction of the police regulations.

ART. 426. If any one commits any of the following offenses, he shall be placed under arrest for from two to five days, or fined from 50 sen to 1 yen 50 sen:

(1.) Kindling a fire secretly in the vicinity of a house, or in a forest or field.

(2.) Standing by and looking on in time of a fire or flood or other natural calamity, after being requested by an official to render aid.
(3.) Selling unripe fruit or putrid food or drinks.
(4.) Violating rules established for the preservation of health and prevention of epidemics.
(5.) Failing to put a covering on or fence around dangerous wells, drains, or holes where people pass along.
(6.) Setting dogs and other animals to fighting on the road or frightening them.
(7.) Neglecting to guard a crazy man and letting him run at large.
(8.) Neglecting to chain up cross dogs and violent animals and letting them run at large.
(9.) Burying a man accidentally killed without inspection.
(10.) Destroying grave tablets, and destroying or reviling the wayside Buddhist and Shinto divinities.
(11.) Desecrating Shinto and Buddhist temples and other public buildings.
(12.) Reviling and reproaching a man in public. This offense will be prosecuted on complaint.

ART. 427. If any one commits any of the following offenses, he shall be placed under arrest from one to three days, or fined from 20 sen to 1 yen 25 sen:
(1.) Reckless driving of horses and carriages, and thereby obstructing the passage along the streets.
(2.) Driving horses and carriages into crowded places regardless of prohibition.
(3.) Rapid driving at night without lamps.
(4.) Piling up stones and lumber in the streets or highways without fencing in, and without marking the spot with signal light at night.
(5.) Throwing tiles and small stones in the road, yard, or gardens.
(6.) Throwing the carcasses of animals and birds in the road, or failing to clear them away.
(7.) Throwing filthy things in roads, houses, and gardens.
(8.) Carrying on the work of a mechanic or merchant contrary to police regulations.
(9.) A doctor's or midwife's failing, without just cause, to respond to the call of a man or woman who is taken sick suddenly.
(10.) Burying a corpse without notice.
(11.) Deceiving others by rumors and false reports.
(12.) Deceiving others for gain by explaining lucky and unlucky signs, or by prayers and charms.
(13.) Building houses, fences, or walls on other people's grounds, or unduly extending eaves and porches.
(14.) Building sale-stands on the roadside or riverside without government permission.
(15.) Destroying way-side trees, street-lamps, and privies.
(16.) Destroying or mutilating notices not to pass along certain streets and bridges, and also destroying guide-posts.

ART. 428. One who commits any of the following offenses shall be put under arrest for one day, or fined from 10 sen to 1 yen:
(1.) Selling an article which has its price fixed by authority above the fixed price.
(2.) Taking more than the legal rate of toll at bridges, ferries, and other places, or hindering passengers on their way.
(3.) Passing over bridges and ferries and other places where toll is to be paid, without paying the fixed amount.
(4.) Carrying on gambling on the wayside.
(5.) Opening a theater or show against the rules.
(6.) Destroying ditches and drains, or not cleaning them out when ordered by the proper official.
(7.) Arranging food and other articles for sale on the wayside in disregard of prohibition.
(8.) Setting loose and pasturing animals on government grounds without permission.
(9.) Tattooing the body, or carrying on the business of a tattooer.
(10.) Setting loose horses, cattle, or other animals that another has tied up.
(11.) Unfastening small boats fastened by others.

ART. 429. Any one who commits any of the following offenses shall pay a fine of from 5 to 50 sen:
(1.) Tying up a boat where it may injure a dike or bridge.
(2.) Driving horses, cattle, carriages, and other things across the way, or piling up stones, timber, fire-wood, or coal, so as to impede the way of passers-by.
(3.) Stopping up the way by driving abreast.
(4.) Hindering the passage of boats by running or rowing boats abreast.
(5.) Throwing water, snow, or dust in the road.
(6.) Failing to clean the streets when enjoined by the authorities.

(7.) Playing in the streets regardless of prohibition and thereby stopping up the way.
(8.) Stopping up a road by negligent driving, or hitching of horses and cattle.
(9.) Recklessly entering places closed to the public.
(10.) Passing along a prohibited road in disregard of the prohibition.
(11.) Loud singing in the streets in disregard of prohibition.
(12.) Brawling or sleeping in the street when drunk.
(13.) Extinguishing street lamps.
(14.) Posting bills and writing on the walls and fences around a man's dwelling.
(15.) Destroying house-numbers, sign-boards, notices of sale or rent, and other advertisements.
(16.) Plucking fruit in the field or garden of another, or plucking grass and flowers.
(17.) Violating park regulations.
(18.) Passing through the inclosed fields of another, or driving in cattle and horses.

ART. 430. If any one shall violate the police regulations made to meet the wants of each district, in addition to the foregoing, he shall be dealt with according to the provisions and penalties of such district regulations.

No. 419.

Mr. Bingham to Mr. Evarts.

No. 1226.] LEGATION OF THE UNITED STATES,
Tokei, Japan, December 21, 1880. (Received January 17.)

SIR: Referring to your instruction No. 535, in relation to the sentence in the case of O'Neil, convicted of the crime of manslaughter in the United States consular court at Hiogo, I have the honor to acquaint you that, in accordance with your instructions, I have ordered and decreed, in pursuance of the statute, the amendment of section 22, title Criminal Proceedings, of the Regulations for the Consular Courts of the United States of America in Japan, adopted November 16, 1870, a copy of which amendment I have the honor to inclose herewith. I have, as provided by the statute, submitted the revised amendment to our several consuls for their approval, and have been advised by Mr. Consul-General Van Buren that he has indorsed thereon his assent, and has transmitted it to our other consular officers in Japan for their approval.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 1226.]

UNITED STATES LEGATION,
Tokei, Japan, December 11, 1880.

It is hereby ordered and decreed that section 22 of the title "Criminal Proceedings," in the "Regulations for the Consular Courts of the United States of America in Japan," adopted November 16, 1870, be and the same is hereby amended, so that the same shall read as follows:

The punishment of persons convicted of crimes in the courts of the United States in this empire, except in such cases as are otherwise provided for by law, shall be as follows:

Murder shall be punishable by death; manslaughter shall be punishable by imprisonment for a term not exceeding ten years, and by a fine not exceeding $1,000; all other felonies shall be punished as provided by the laws of the United States of America, and for misdemeanors at common law the punishment shall be by fine not exceeding $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment, at the discretion of the court.

[L. S.] JNO. A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

No. 420.

Mr. Bingham to Mr. Evarts.

No. 1242.] LEGATION OF THE UNITED STATES,
Japan, Tokei, January 19, 1881. (Received February 18.)

SIR: On the 23d ultimo Mr. Alexander C. Jones, United States consul at Nagasaki, inclosed for my consideration a written memorandum signed by all the consuls at that port save the Russian, wherein it is stated that the consuls having had under consideration a letter of date the 28th of September last, which was addressed to Her Britannic Majesty's chargé d'affaires in Japan by Fleet Surgeon Lawrence, Royal Navy, in relation to the regulation of public houses in the Nagasaki foreign settlement, have concluded that "this is only part of a wider question," viz: such revision of the treaties with Japan as will place "the management of the settlement on a better footing" by an international arrangement giving to the foreign settlement a municipal organization, and providing that administration of the affairs of the settlement be intrusted to a corporate body composed of the Kewrei and the consuls of the treaty powers, and also three additional members to be elected by the foreign land-renters to be constituted an elective constituency, each land-renter to have one or more votes in "proportion to the quantity of land held by him." To this foreign body the administration of all municipal matters is to be intrusted, together with power to collect the land-rents now paid to the Japanese Government, and, after paying over to the Japanese Government an amount "equivalent, say, to the natural rent of the land" (of which amount it is supposed this foreign body corporate would be the exclusive judge), to retain the balance in their hands.

It is further suggested in the memorandum that this council should also be empowered to levy license fees from public houses and to declare forfeitures for the violation of such license regulations, and also to levy a limited tax on land-renters and householders, and further to enforce the regulations by penal enactments.

As this is but another of the many schemes to place the open ports of this empire under the control of foreign consuls, to the exclusion of the rightful authority therein of the Imperial Government of Japan, and to subject American citizens residing therein to fines, penalties, and restrictions imposed by European consuls and European residents, who very largely outnumber Americans in every open port; and as it contravenes alike the treaty rights and declared policy of our government in Japan, it seemed to me well to advise Mr. Jones of my unqualified dissent from all that is proposed by the memorandum of the consuls at Nagasaki, and I accordingly did so advise him in my dispatch No. 1005, of date the 14th instant, a copy of which I have the honor to inclose herewith.

You will please observe that I especially refer Mr. Jones for a further expression of my views on this subject to my No. 400 to Mr. Fish, Foreign Relations for 1876, pages 374–377; also to my No. 614 to Mr. Mangum, of date September 5, 1878, and to your instruction to this legation, No. 400, of date December 6, 1878.

Allow me to say that in Japan as at home it is, in my opinion, our duty and our interest to practice upon our old-time and long-tried policy: justice to all nations, entangling alliances with none. We can best, I am sure, promote our interests in Japan by rejecting any and all offi-

cious intermeddling therewith by European states, and by asserting our right to make and revise our treaties with Japan without European dictation, and to enforce them in accordance with our written obligations and the requirements of justice.

I have, as you will observe, suggested to Mr. Jones that, in my opinion, all needful municipal regulations for the open ports of Japan, so far as not already enacted, would be at once enacted by this government, if the foreign consuls would signify their readiness to recognize the manifest rights of this government, and announce their willingness to enforce the same in accordance with treaty obligations.

I trust my action may meet your approval.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 1242.]

Mr. Bingham to Mr. Jones.

No. 1005.] UNITED STATES LEGATION,
Tokei, January 14, 1881.

SIR: Referring to your No. 84, of date the 23d ultimo, together with its inclosure, in relation to the regulation of public houses and other matters in Nagasaki, I have to say that while I am of the opinion that whatever additional laws, regulations, may be needful to correct the evil practices and offenses complained of in your inclosure, entitled "Memorandum," &c., and signed and assented to by all the consuls in Nagasaki, except the Russian consul (now absent), such additional laws and regulations must originate with the imperial government of Japan, and not with a body composed of the foreign consuls of Nagasaki. Under existing treaties it is not competent for the United States consul at Nagasaki, acting alone or in conjunction with the consuls of the other treaty powers, to impose by law or regulation new and additional obligations, or new liabilities and penalties, upon citizens of the United States resident in that city or in this empire.

For a further expression of my views on this general subject, I refer you to my No. 270 to Mr. Mangum, and also to my No. 400 to Mr. Fish, as published in the Foreign Relations for 1876, pages 374 and 377, and also to my No. 614, of date September 5, 1878, to Mr Mangum, which you will doubtless find in the records of your consulate. I may say that my action as therein shown was approved by the Department as per Mr. Evarts's instruction of date December 6, 1878.

It is clear that the memorandum contemplates that certain legislative and administrative powers be vested in a council to be elected "by the land renters" of the settlement, and I note that it is suggested that certain provisions be made by treaty revision to secure the end desired, to wit, a better management of the settlement in Nagasaki.

It may not be out of place for me to suggest that if the several consuls would recognize the right of the Government of Japan to make all needful municipal laws and regulations for the government of Nagasaki and of all persons resident therein, and announce that the consuls esteem it their duty to enforce the same in accordance with the laws of their respective governments, as authorized by treaty, that a satisfactory remedy might be had at once for all the ills complained of, so far as a remedy can be supplied by municipal law.

I am, &c.,

JNO. A. BINGHAM.

No. 421.

Mr. Bingham to Mr. Evarts.

No. 1250.] LEGATION OF THE UNITED STATES,
Tokei, Japan, February 7, 1881. (Received March 8.)

SIR: Referring to my No. 1226, in which I had the honor to acquaint

you that in accordance with instruction No. 535 I had on the 11th of December last ordered and decreed the amendment, as therein stated, of section 22 of title "Criminal Proceedings" of the "Regulations for the consular courts of the United States of America in Japan," issued November 16, 1870, I now beg leave to inform you that having submitted said order and decree of amendment to the several consular officers of the United States in Japan, the same has been returned to me by them, indorsed approved and assented to by the said officers severally.

After the receipt of the approval by our consular officers in Japan of said order and decree of amendment, I did on the 28th ultimo cause the same to be published, with my signature and the signatures and opinions and the assent thereto of my advisers indorsed thereon, in the Japan Daily and Weekly Mail, a journal issued in Yokohama, a copy of which publication is herewith, in duplicate, together with a copy of my order that said amendment should take effect and be in force from and after the 2d instant, of which notice and publication I have duly acquainted our several consular officers in this empire.

In thus ordering and decreeing this amendment and giving thereto the force of law until the same shall be amended or modified by act of Congress, I conformed to your instructions and to sections 4117 and 4118 United States Revised Statutes, 1878, page 792.

Hoping that my action as herein stated may meet your approval,

I have, &c.,

JNO A. BINGHAM.

[Inclosure in No. 1250.—Extract from the Japan Daily Mail, January 28, 1881.]

[Cut of eagle.]

UNITED STATES LEGATION, JAPAN,
Tokei, January 27, 1881.

Notice is hereby given that the following amendment of section 22 of the title "Criminal proceedings" in the "Regulations for the consular courts of the United States of America in Japan," published to be in force November 16, 1870, shall take effect and be in force from and after the 2d day of February 1881, the said amendment having been heretofore, to wit, on the 11th of December, 1880, ordered and decreed by me, and the same having been heretofore duly assented to and approved by the several consuls of the United States of America in Japan as certified by them respectively.

JNO. A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan.

AMENDMENT.

It is hereby ordered and decreed that section 22 of the title "Criminal proceedings" in the "Regulations for the consular courts of the United States of America in Japan," adopted November 16, 1870, be and the same is hereby amended so that the same shall read as follows:

The punishment of persons convicted of crimes in the courts of the United States in this empire, except in such cases as are otherwise provided for by law, shall be as follows: murder shall be punishable by death; manslaughter shall be punishable by imprisonment for a term not exceeding ten years and a fine not exceeding $1,000; all other felonies shall be punishable as provided by the laws of the United States of America, and for misdemeanors at common law the punishment shall be by fine not

exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

[L. S.]

JNO. A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan.

Assented to.

THOS. B. VAN BUREN,
Consul General.

KANAGAWA, JAPAN,
December 14, 1880.

Assented to.

J. STAHEL,
Consul.

HIOGO, JAPAN,
December 17, 1880.

Assented to.

A. C. JONES,
Consul.

NAGASAKI, JAPAN,
December 20, 1880.

Assented to.

W. C. DAVISSON,
Consular Agent.

HAKODATE, JAPAN,
January 15, 1881.

I hereby certify that the foregoing is a true copy of the record in the legation of the United States of America at Tokei, Japan.

[L. S.]

D. W. STEVENS,
Secretary of Legation.

No. 422.

Mr. Bingham to Mr. Evarts.

No. 1254.] LEGATION OF THE UNITED STATES, JAPAN,
Tokei, February 9, 1881. (Received March 8.)

SIR: It gives me pleasure to say that Mr. Joseph U. Crawford, an American engineer, has within about one year completed a railway for this government in the island of Yesso, 23 miles in length, equal in all respects to the railway of 18 miles as originally constructed between Tokei and Yokohama, and, as I am advised, built at one-eighth the cost of the latter, which was constructed by English engineers. I am also advised that the topography of the country over which Mr. Crawford constructed this road in Yesso presented much greater difficulties than the region traversed by the railway between this capital and Yokohama.

The expedition and economy exemplified by Mr. Crawford in constructing this road (which, I am glad to say, is worked by American locomotives and equipped with American coal, freight, and passenger cars) have commanded the approval of this government. It has pleased His Majesty the Emperor of Japan to signify his high appreciation of Mr. Crawford by conferring on him the "order of the Rising Sun."

I have, &c.,

JNO. A. BINGHAM.

No. 423.

Mr. Bingham to Mr. Blaine.

No. 1266.] LEGATION OF THE UNITED STATES,
Tokei, March 16, 1881. (Received April 14.)

SIR: Referring to my No. 1209, in which I inclosed for your information a translation of the new penal code of this empire, I now beg leave to inclose herewith a translation made by Mr. Thompson, interpreter to this legation, of the code of procedure recently adopted by His Imperial Japanese Majesty's Government.

Although proclamation at what time this code of procedure shall take effect has not yet appeared, I have no doubt it will very shortly appear, and therefore I deem it well to possess the Department of the translation copy without delay.

I reserve any remarks upon the several provisions of the new code of procedure for a future dispatch, as I have not had time since its very recent receipt to fully acquaint myself with its provisions.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 1266.—Translation.]

No. 37.

Proclamation is hereby made that the following code of procedure has been drawn up. The time when it will go into effect will be published by government proclamation hereafter.

TARU-HITO (ARISUGAWA),
Junior Prime Minister.

JULY 17, 1880.

CODE OF PROCEDURE.

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CHAP. III.—Special pardon.

CODE OF PROCEDURE.

BOOK I.—GENERAL PRINCIPLES.

1. An *official complaint* or "ko-so" has for its aim to prove a crime and inflict punishment and is made by the "Hensatsu-kwan" or prosecuting officials, or "kenji," according to the distinctions established by law.

2. A *private complaint* or "shi-so" has for its aim compensation for damages or the restitution of stolen articles, and is made by the person injured, according to the civil law.

3. An official complaint may be instituted without waiting for the complaint of the person injured, and does not become null by the surrender of the right of private complaint except as expressly provided by law.

4. A private complaint may be brought before a criminal court along with an official complaint, regardless of the amount of money involved, except when said court is not allowed by law to entertain private complaints. Also a private complaint may be made separately before a civil court.

5. The trial of official and private complaints shall be conducted according to the mode of procedure fixed by the law actually in force in the court having jurisdiction.

6. When an official and private complaint arise together in a criminal court or in a criminal and a civil court, the private complaint must not be tried before the official complaint. If a sentence to inflict punishment is rendered after a sentence to make restitution or compensation, both together shall be null and void.

7. If a private complaint has been made in a civil court, it cannot be withdrawn and instituted anew in a criminal court, unless the "kenji" or investigating official has instituted a complaint, but when a private complaint has been made in a criminal court, it may with the consent of the defendant be withdrawn and instituted anew in a civil court.

8. Though the defendant is released from the charge, or declared by sentence to be innocent, he shall make no objection to the claim of the party injured for damages according to the civil law.

9. The right to make an official complaint ceases to exist in the following cases:
(1.) When the defendant dies.
(2.) When, pending complaint being made, the injured party relinquishes his right in the case to be entertained, or when private reconciliation takes place.
(3.) When sentence becomes irrevocable.
(4.) When the punishment of a given crime is abolished by law published after its commission.
(5.) When a general release is granted.
(6.) When the right to complain expires according to the statute of limitations.
10. The right to make a private complaint ceases to exist in the following cases:
(1.) When the person injured surrenders his right, or makes private reconciliation.
(2.) When sentence becomes irrevocable.
(3.) When the right to complain expires according to the statute of limitations.
11. The periods of the statute of limitations in official complaints are as follows:
(1.) For infractions of police regulations, six months.
(2.) For light crimes, three years.
(3.) For grave crimes, ten years.
12. In the case of private complaints the periods are the same as above, article 11, both when the person injured is powerless, and when he has made his complaint in a civil court. When a sentence to undergo punishment has already been rendered, on official complaint, it shall follow the example of the statute of limitations fixed by the civil law.
13. The period of the statute of limitations in both official and private complaints shall be counted from the day when the offense was committed. In the case of a continuous offense it shall be reckoned from the last day.
14. The flight of time, in the case of the statute of limitations, is arrested by the "kenji," or, in civil cases, by the plaintiff instituting process in law, and also by the process of preliminary examination or public trial. The same is true in the case of undiscovered principals and accessories, and of securities in civil cases. When the flight of time is so arrested it shall be reckoned anew from the day when the process of making complaint, preliminary examination, or public trial comes to an end. But, counting in the days before and after the interruption, it shall not exceed twice the time fixed in article 11.
15. When the process of instituting complaint, preliminary examination, or public trial is void on account of irregularity the arrest or interruption of the flight of time of the statute of limitations shall also be void; but not when the process is void on account of a court's want of jurisdiction.
16. In case the defendant is released from the charge, or is declared innocent, he may claim compensation for damages when the grounds of the complaint against him lie in the ill-will or grievous mistake of the complainant, informer, or plaintiff. The defendant may do the same (*i. e.*, claim damages) even when sentenced to be punished when from ill-will or serious error the complainant, informer, or plaintiff in civil cases has made a statement exceeding the truth respecting his crime. When the appeal of a plaintiff in civil cases against the sentence of a preliminary examination or public trial is rejected, the defendant may claim compensation for damages caused by the appeal. A claim for compensation may be made in the court at any time until the sentence of the court is rendered.
17. The defendant, even though declared innocent, cannot bring a claim for compensation against a court official, investigating official, clerk, or police officer in the department of justice, except when said officials have intentionally caused injury to the defendant, or committed an offense defined in the criminal law.
18. In reckoning time according to this law, *hours* shall begin at once; in calculating by days the first day shall not be counted in; if the last day is a rest day it shall not be included. The period of the statute of limitations is excepted. One day shall consist of twenty-four hours; one month shall consist of thirty days; and a year shall be determined by the almanac.
19. In reckoning the periods of time fixed in this code, one day's delay shall be allowed for every 8 "ri" (20 miles) of travel by land, a distance under 8 ri and over 3 ri, shall also count as one day. The delay for travel from islands or from foreign countries shall be determined by special regulation.
20. When the time fixed for making complaints in this law is past, the right to do so is lost except in special cases mentioned herein.
21. When a person interested in a complaint does not reside in the place where the court sits, his residence shall be fixed there temporarily, and notice sent to the clerk's office; when this is not the case he cannot raise objections, even though documents are not forwarded to him.
22. When, according to this law, there is no special rule for forwarding documents to persons interested in a complaint, the clerk shall make out a communication to be sent, and send it by a messenger belonging to the clerk's office. When the person who shall receive the communication lives outside the territorial jurisdiction of the court,

the clerk of the court where he resides shall be employed to make the communication.

23. Two copies of the communication shall be made out, and one copy sent to the person interested. If it cannot be delivered to him it shall be delivered to a relative or employed person in his residence. The sender shall cause the receiver to sign and seal both copies. If he cannot sign and seal them, a note shall be made of the fact. The documents may be delivered to relatives or servants of the party concerned. If these will not receive them they shall be left with the "kocho" or recorder of the place, and the kocho shall stamp the documents and take steps to forward them speedily to the party for whom they are intended. The forwarder shall note down upon the two copies the name and residence of the receiver and also the time of delivery. When these regulations are not observed the forwarding of documents shall be null and void. The forwarder shall return one copy to the clerk's office, to be there kept as evidence of the fact that it was forwarded as the law directs.

24. Documents shall not be forwarded on rest days, nor before the sun rises, nor after it sets. If this rule is violated, the forwarding is void unless the person addressed consents to receive the documents.

25. Official documents shall be stamped on each separate leaf with the stamp of the office; and the year, month, day, and place shall be noted in writing. In case the seal canot be used the reason should be assigned. When this rule is violated the documents shall be void and powerless. A document drawn up by a person who is not an official shall be signed and sealed by the writer. If he cannot sign or seal it, he shall get a bystander to sign it and state the reason in writing. Documents drawn up in the presence of an official are exempted from this rule.

26. No official or other person shall alter a word in drawing up an original or making a copy of a document relating to a complaint. If insertions, erasures, or marginal notes are made, they shall be stamped. When words are erased, their form should be left legible, and their number noted. When this rule is violated, the alteration, diminution, or addition shall be void.

27. The rules respecting preliminary examinations and public trials laid down in this law are applicable to crimes committed before their publication. Complainst made before the publication of this law in accordance with the existing law shall be held to be valid.

This law shall be applicable to crimes which shall have the method of their preliminary examination and public trial prescribed by special law to be hereafter published, such rules as are contrary to said law being excepted; but the above shall not be the case in respect to crimes which have had the method of their preliminary examination and public trial prescribed by special law published hitherto.

29. This law cannot be applied to a case which should be dealt with according to army or navy law.

30. In this law the persons described in articles 104–115 of the "Penal Code" shall be regarded as relatives.

Book II.—The Constitution and Authority of Criminal Courts.

Chapter I.—General Rules.

31. Usually one and the same court shall have the right of deciding both criminal and civil cases.

32. The rank of the court and the limits of its jurisdiction shall be determined by the Emperor at the request of the minister of justice.

33. A court shall have attached to it one "ken-satsu-kwan" or investigating official, or more if needed.

34 The duties of the "ken-satsu-kwan" in criminal cases are the following:

(1.) To search out offenses.

(2.) To consult a court official on the mode of investigating the offense and on the applicability of the law.

(3.) To direct the execution of the orders and sentences of the court.

(4.) To secure the interests of the state in court.

35. One "ken-satsu-kwan" shall be bystander or constant witness in the court-room.

36. One clerk or more shall be attached to the court.

37. The clerk shall be an observer in preliminary examinations and public trials, and shall make out examination papers, account of the trial, and other documents relating to the complaint. He shall also preserve the written sentence of the court and all other documents.

38. The jurisdiction of courts is determined as follows according to the kind of offense or crime:

(1.) The "I-kei-zai" court, or court for the trial of infractions of police regulations, shall have jurisdiction in case of all such infractions.

(2.) The "kei-zai" court, or court for the trial of light crimes, shall have jurisdiction in case of such crimes.

(3.) The "shi-zai" court, or court for the trial of grave crimes, shall have jurisdiction over such crimes. When a grave and light crime, or a light crime and an infraction of police regulations are charged at once against one and the same defendant, though not constituting one offense or a conjoint crime, a superior court has jurisdiction over both offenses together.

39. The following shall be regarded as conjoint or united offenses:

(1.) When one man, or several, commit several crimes in the same place at the same time.

(2.) When several persons, by agreement, commit several crimes in different places at different times.

(3.) When one commits an additional crime in order to facilitate the commission of a crime or in order to escape its punishment.

40. Of courts of the same rank the court of the place where the offense is committed shall have jurisdiction in the preliminary examination and public trial. When the place of the commission of the crime is not clearly ascertained the court of the place where the accused is arrested shall have jurisdiction.

41. When a single crime is committed simultaneously or continuously in the territorial jurisdiction of several courts, the court of the place where the defendant is arrested shall have jurisdiction. The case is the same when several crimes are disclosed together.

42. When an offender is arrested in the territorial jurisdiction of a court different from that in which the offense was committed he shall be sent to the nearest court having jurisdiction. When an offender is arrested on a writ he shall be sent to the court which issued the writ.

43. In the case of several courts having jurisdiction, when the defendant cannot be arrested, or when by law an arrest is not allowable, then the court which first undertakes preliminary examination or public trial shall have jurisdiction.

44. The court which has jurisdiction over a principal shall also have jurisdiction over an accessory. When several principals are under the jurisdiction of different courts, the court that first undertakes preliminary examination or public trial shall have jurisdiction in the case. This article (44) shall not have force in the case of ko-to-ho-in, or nobles' court, or of the army and navy courts, the jurisdiction of which is specially defined by law.

45. When a defendant is arrested in Japan for an offense committed in a foreign country, but punishable by the law of Japan, the court of the place where the arrest is made shall have jurisdiction. When he is sent back from a foreign country the court of the place to which he is sent shall have jurisdiction. When it is necessary to try an absent person, the court in the place where the defendant last resided shall have jurisdiction. When this place is not clearly known an appeal shall be made to have the jurisdiction determined.

46. The jurisdiction over a crime committed on board a merchant vessel, and also the mode of procedure in making complaint, is decided by special law.

47. The court official who conducts the preliminary examination shall have no connection with the public trial; and excepting the right to petition and to object to the trial of an absentee, the court officers who conduct the preliminary and public trials shall have nothing to do in deciding cases on appeal. If this rule is violated the sentence shall be null and void.

48. A court has a right to determine itself whether it has jurisdiction or not in the case of a complaint which it has entertained. Against its decision, however, even in the case of a final trial, the "ken-satsu-kwan," or other persons interested in the complaint, may appeal according to the usual regulations.

CHAPTER II.—POLICE COURTS.

49. A "shi-an-sai-bansho," or court for the preservation of the peace, shall as a police court try offenses against police regulations committed within its jurisdiction.

50. A judge of "shi-an-sai-ban-sho" (article 49) shall perform the duties of a judge of the police court. When the judge is prevented from performing these duties, an assistant judge may perform them.

51. The police officer of the place where the court is located shall perform the duties of a "ken-satsu-kwan," (see article 1 *et passim.*)

52. The "ken-satsu-kwan" of a police court shall make out a list of the decided and undecided cases monthly, and forward it to the "kenji" of the "kei-zai-sai-ban-sho," or court for the trial of light crimes. The judge of the police court shall stamp this list, and append his opinion when he has any to give.

53. The clerk of the shi-an-sai-ban-sho (see 49) shall perform the duties of the clerk of the police court.

CHAPTER III.—"KEI-ZAI-SAI-BAN-SHO," OR COURT FOR THE TRIAL OF LIGHT CRIMES.

54. The "shi-shin-sai-ban-sho," or court of primary investigation, as a "kei-zai-sai-ban-sho" (see 52), shall try light crimes committed within its jurisdiction. It shall also make the preliminary examination of grave and light crimes. It shall also try appeals against the primary examinations of police courts in its jurisdiction.

55. The chief officer of the court shall order one judge of the "shi-shin-sai-ban-sho" (see 54) or several judges in turn to perform the duties of a judge in the "kei-zai-sai-ban-sho" (see 52) for a period of one full year at a time, and may cause him, or them, to continue to perform the duties for another full year after the expiration of the first term of one year.

56. The minister of justice shall order one judge of the "shi-shin-sai-ban-sho" (see 54) or several judges to perform the duties of judges in making preliminary examination and may order them to continue in the exercise of said duties for a year or more longer.

57. When a judge is prevented from performing his duties, another judge or assistant judge may perform them. An assistant judge may be a witness or voucher in preliminary examination or public trial, and may give his opinion.

58. The kenji (see article 1), or an assistant kenji of a court of first investigation shall perform the duties of a prosecuting official of a court for the trial of light crimes.

59. The clerk of a "kei-zai-sai-ban-sho" (see article 54) may have his duties performed by the clerk of a "shi-shin-sai-ban-sho" (see article 54).

60. The chief of police in Tokei (Yedo) and the chief officers of foi or ken (cities or provinces), excepting the city of Tokei shall be regarded as police officers of the department of justice, having the same powers as a kenji (article 58) to search out crimes. The following officials shall be regarded as assistant kenji (see 58) to hunt up crimes, as police officers of the department of justice, according to the rules laid down in Book III:

(1.) Superior and ordinary officers of police.
(2.) The heads of wards and districts.
(3.) Justices of the peace.
(4.) The heads of subdivisions of wards and districts where there are no ordinary police officers.

61. The police officers, kenji, and court officers belonging to the judicial department shall receive orders from other like officers to collect within their jurisdictions evidence and means of ascertaining facts needed in investigating offenses.

62. The kenji (see 58) shall make out a list of the decided and undecided cases tried in preliminary examination or public trial and shall forward it to the head kenji of the "ko-so-sai-ban-sho" or court of appeals. He shall also at the same time forward to the head kenji the list sent in by the prosecuting official of the police court, with his opinion appended, if required. The chief of the court shall stamp the above list and if necessary add his opinion.

CHAPTER IV.—"KO-SO-SAI-BAN-SHO," OR COURT OF APPEALS.

63. In the court of appeals a bureau for punishments shall be established to try appeals against the judgment of the first trial of the court for trying light crimes (see article 38). Three or more judges shall conduct the trial.

64. The chief of the court shall order several judges of this court to perform the duties required in the bureau of punishments in order during one year; and may cause them to continue in office a second full year.

65. When a judge of the bureau of punishments is disabled, the chief of the court may make a judge of the bureau of civil cases perform the duties. The chief of the court may at any time become the chief judge.

66. The chief of the kenji (see 58) or a kenji of his nomination shall perform the duties of a kenji in the bureau of punishments.

67. The chief kenji within the jurisdiction of the court may perform the duty of instituting complaints usually made by a kenji of the court for the trial of light crimes; or may cause another kenji belonging to the bureau of punishments to perform it. Complaints instituted and other duties performed as above should be reported to the prosecutor of the district. The chief kenji shall have the oversight of the police officers and the other kenji in his jurisdiction,

68. The chief kenji shall make out a list of decided and undecided cases every three months and send it in to the minister of justice. He shall at the same time send to the minister of justice the lists sent in from the court for the trial of light crimes, with his opinion when necessary. The chief of the court shall stamp the list and append his opinion when he has one to give.

69. The clerk of the court shall perform the duties of the clerk of the bureau of punishments.

CHAPTER V.—"JU-ZAI-SAI-BAN-SHO," OR COURT FOR THE TRIAL OF GRAVE CRIMES.

70. This court shall try grave crimes committed in its jurisdiction.

71. This court shall be opened every three months. If cases are numerous the chief of the court of appeals and the chief kenji shall represent the case to the minister of justice, and obtain permission to hold a special session.

72. This court may be opened in a court of appeal, or a court of first investigation.

73. This court shall consist of the following officers:

(1.) One chief judge whom the chief of the court of appeal shall appoint from among the judges of said court.

(2.) Four associate judges. When this court is opened in a court of appeal the head of that court shall appoint these associate judges from among the judges of that court; when it is opened in a court of first investigation the chief of that court and the judges who have served longest shall be appointed.

74. The chief kenji or a kenji of a court of appeals appointed by him shall perform the duties of the prosecutor in the court for the trial of grave crimes. When this court is held in a court of first investigation the chief kenji shall cause a kenji of this latter court to perform the duties of the prosecutor.

75. The duties of the clerk of a court for the trial of grave crimes shall be performed by the clerk of the court in which this court is held.

76. The chief kenji of the court of appeals after the court is closed shall make out a list of decided and undecided cases and forward it to the minister of justice. The chief of the court of appeal shall stamp the list and add his opinion when he has one to give.

CHAPTER VI.—THE "TAI-SHIN-IN," OR SUPREME COURT.

77. In the Iai-shin-in a bureau of punishment shall be established to decide the following cases:

(1.) Appeals.

(2.) Claims for rehearing.

(3.) Requests to have jurisdiction determined.

(4.) Requests to have jurisdiction removed for the sake of public peace and security.

78. No cases can be tried in the bureau of punishments unless there are five or more judges.

79. On the representation of the minister of justice to the emperor the duties of judges in the bureau of criminal cases shall be assigned to judges of the tai-shin-in, or supreme court. If these judges are prevented from serving, judges of the bureau of civil cases shall be appointed in the order of their seniority.

80. The chief kenji of the supreme court or a kenji appointed by him shall perform the duties of a prosecutor in the bureau of criminal cases.

81. The clerk of the supreme court shall perform the duties of clerk in the bureau of criminal cases.

82. The head kenji shall every three months make out a list of decided and undecided cases and forward it to the minister of justice. The head of the supreme court shall stamp the list and add his opinion when he has one to give.

CHAPTER VII.—THE "KO-TO-HO-IN," OR HIGH-RANK COURT.

83. The offenses mentioned in Chapters I and II of Book II of the "criminal code" shall be tried in this court. Also grave crimes committed by nobles, and light crimes punishable with confinements, and grave crimes committed by commissioned officers of the government shall be tried in this court; as also principals and accessories of the above persons without regard to rank.

84. This court shall be opened at the discretion of the emperor on representation from the minister of justice. The cases to be tried and the places for holding the court shall also be determined by the emperor. This court shall consist of the following officers:

(1.) One chief and six assistant judicial officers to be appointed beforehand by imperial authority from the senators and judges of the supreme court.

(2.) The provisonal judicial officers appointed in the same manner as the foregoing.

86. The duty of conducting the preliminary examination shall be performed by one judge or more of the bureau of criminal cases in the supreme court, according to imperial order.

87. The head kenji of the supreme court or a kenji nominated by the minister of justice shall perform the duties of prosecutor in this court of the "ko-to-ho-in."

88. The clerk of the supreme court shall perform the duties of the clerk of the "ko-to-ho-in," or high-rank court.

89. No appeal from the decision of this court will be allowed except in the following cases:

(1.) Objections in case of the trial of an absentee.
(2.) Petition in cases like those described in article 436.
(3.) Claims for rehearing like those described in article 439.

90. When the cases are numerous, or when a claim for rehearing is to be tried, members of the court shall be appointed anew.

91. The method of procedure in making complaints in this court shall be according to the usual rules.

BOOK III.—SEEKING OUT CRIMES—INSTITUTING PROCESS, AND PRELIMINARY EXAMINATION.

CHAPTER I.—OF SEEKING OUT CRIMES.

92. The kenji when, by complaint, report, or actual observation, or by any other means, he learns that an offense has been committed, shall seek out the evidence and the offender and institute proceedings according to the rules given in articles 107 and onward.

SECTION I.—*Complaint and information.*

93. Any one who has received injury in consequence of the commission of a grave or light crime shall complain to the judge of a court of preliminary examination, to a kenji, or to a police officer of the department of justice, in the place where the offense was committed or the defendant resides. When a judge of a preliminary court receives a complaint he shall take steps as directed in article 114 and onward. When a kenji receives a complaint he shall act as directed in article 107 and onward. When a police officer of the department of justice receives a complaint he shall at once forward the documents to a kenji. In the case of an infraction of police regulations, complaint may be made to the kenji of a police court, or to a police officer of the department of justice. When such police officer receives a complaint he shall hand it over to a kenji of the police court.

94. The person making complaint shall, if possible, furnish the proof and means of ascertaining the facts in the case. He may also, according to article 110 and onward, become plaintiff in civil cases.

95. The complaint shall be in writing, signed and sealed by the person making complaint. It may be by word of mouth, in which case the official receiving the complaint shall make out a written statement of the case and read it to the person making the complaint, and both the official and the complainant shall sign and seal this statement. If the person complaining cannot sign it a note shall be made of this fact. A certificate to the effect that the complaint has been received shall be delivered to the person making the complaint.

96. If an official in the exercise of his official duties ascertains or is led to believe that a grave or light crime has been committed, he shall *report* the matter to the kenji of the district in which he is employed or engaged. This report shall be in writing, signed with the name of the official, and sealed by him. If possible the proof and means of ascertaining the facts should be inclosed. A *report* or information respecting an infraction of the police regulations shall be made to the kenji of the police court.

97. When any person whatever ascertains or is led to believe that a grave or light crime has been committed, he may report the matter to a judge, a kenji, or to a police officer of the judicial department in the place where he resides, or where the crime has been committed, according to articles 94 and 95. The official who receives this report shall act as directed in article 93.

98. Complaints and reports may be made by a substitute, except in the case mentioned in article 96 above. The complaint of a powerless person when made by a legal substitute is valid.

99. Complaints or reports may be withdrawn or altered. In this case even the claim of the defendant for damages, according to article 16, shall be received.

SECTION II.—*Crimes detected in the act of commission.*

100. The offenses considered in this section are those which are discovered in the act of commission or immediately afterwards.

101. In the case of grave or light crimes, the following shall be considered as belonging to the class named in section II:

(1.) When any one is pursued as an offender by one or more persons.
(2.) When any one has on his person weapons, stolen goods, or other things such as offenders are supposed likely to carry.
(3.) When a district civil officer, the kocho, shall request the officials to investigate a crime committed in a house, or to arrest a person supposed to be an offender.

102. When police officers of the judicial department, or policemen in the performance of their appropriate duties, perceive a grave or light crime being actually committed they shall arrest the defendant without a writ. When they find any one in the act of violating the police regulations, they shall inquire for the name and residence of the defendant, and report him to the kenji of the police court; when the name and residence are not clear, or when there is fear lest the offender escape, they may bring him to the police court.

103. When a policeman arrests a defendant he shall draw him at once before a police officer of the judicial department. The police officer who takes charge of such defendant shall make out a written account of the arrest, and notice or report of the policeman.

104. When a police officer, as above, arrests a defendant or takes charge of one, he shall make arrangements for the examination of the defendant.

105. Any person whatever when he sees a grave or light crime in the act of commission may at once arrest the defendant.

106. In the case mentioned above (article 105) the person making the arrest shall deliver the person arrested into the hands of the police officials. If he cannot so deliver him he may give his own name, business, residence, and reasons for making the arrest to a policeman, and hand over the offender also to the policeman provisionally. When any one hands over a defendant to a policeman he shall immediately make complaint or report the matter. The defendant or the policeman may require the person making the arrest to come along with him to the station, and the person making the arrest cannot decline to comply with the requisition without good reason.

CHAPTER II.—INSTITUTION OF COMPLAINTS.

SECTION I.—*Institution of complaint by the kenji.*

107. When the kenji has finished his investigation of a crime he shall take the following steps:

(1.) Respecting a matter which he regards as a grave crime, he shall ask a judge of a preliminary court to make a preliminary examination.

(2.) Regarding a supposed light crime, he may, according to the difficulty of the case, either request preliminary examination to be made or he shall make his complaint in a court for the trial of light crimes.

(3.) Respecting a matter which he regards as an infraction of police regulations, he shall add his written opinion to the documents to be used as evidence and forward the whole to the kenji of the police court.

(4.) Respecting a matter about which there is an opinion that jurisdiction is altered by reason of rank, place, or the nature of the offense, the defendant shall be sent to the kenji of the court having jurisdiction. When it is supposed that the matter charged is not a crime, or that public accusation should not be received, no steps shall be taken to institute proceedings.

108. When accusation is made in the cases mentioned in article 107 notice of the proceedings shall be given to the injured party by the kenji.

109. When the kenji requests preliminary examination he shall forward the evidence and the means of ascertaining facts, and shall indicate the place to make the examination, the persons to be arrested, and the witnesses of the plaintiff.

SECTION II.—*Institution of complaint by the plaintiff in civil cases.*

110. When the person injured by a grave or light crime intends to make a private complaint along with the official complaint, he shall give notice of this fact to a judge of the court for preliminary examination when he brings forward his case or immediately afterwards. When the judge has received notice from the person injured that he is to be plaintiff in a civil case, he, the judge, shall consider that he has at once received an official and a private accusation, even though the kenji does not institute proceedings. When a judge, as above, receives a statement from a person injured that he is to be plaintiff as aforesaid, he, the judge, shall notify the kenji of the fact.

111. The person injured may, at any time, till final sentence respecting the matter officially charged is rendered, make a private complaint or may alter what he has solicited. He may also renew his complaint after he has once withdrawn it, and may alter what he has solicited.

112. A person injured may make his private complaint, withdraw it, or relinquish his rights through an attorney. When the person injured is incompetent his lawful attorney shall act for him.

CHAPTER III.—*Preliminary examination.*

113. With the exception of grave and light crimes detected in the act, the judge

who makes the preliminary examination according to the rules laid down in the foregoing chapter cannot make said examination without a request from the kenji or from the plaintiff in civil cases. If he violates this rule all proceedings prior to the said request shall be void.

114. A judge who conducts preliminary examination, whenever he receives a complaint or notice directly, respecting a grave or light crime, shall call the defendant with a summons, and may interrogate him. If he thinks the examination should be pursued he shall forward the case to a kenji.

115. When the judge who conducts the preliminary trial thinks the case brought before him demands haste, he shall issue a writ to arrest and bring the defendant, and after examination may issue a writ for his detention; in which case he must notify the kenji at once. He must also forward the evidence and things required in order to ascertain the facts. If the kenji does not institute proceedings within one day after said notice the defendant shall be forthwith discharged; but this shall not be an obstacle against making a complaint thereafter.

116. When the judge of the place where the defendant resides receives a complaint directly, or through a kenji when the case is urgent, he shall conduct the interrogation and investigation according to the usual rules, and afterwards forward the proof and things needful in forming an opinion of the facts to the judge of the preliminary court of the place where the offense was committed. If he regards the offender as worthy of a punishment higher than confinement, he may forward him under a writ of arrest and detention.

117. At any time during the preliminary examination the kenji may request from the judge the documents relating to the accusation and examination, but must return them within twenty-four hours. He may also at any time inquire respecting any procedure he may deem necessary.

SECTION I.—*Respecting writs or orders.*

118. The judge who conducts the preliminary trial shall issue a summons for the defendant when he has received in charge a case of a grave or light crime on the instance of a kenji or a plaintiff in civil cases. Twenty-four hours delay must, however, be allowed between the time of issuing the summons and the defendant's appearance in court. A defendant who enters court on summons must be interrogated at once, at least within the day of his appearance in court.

119. When the person to be summoned does not reside within the jurisdiction of the judge the latter may indicate the points to be investigated to the judge of the place where the defendant resides, and request his co-operation.

120. When a defendant who has received a summons does not appear in court at the time appointed, the judge may issue a writ to arrest and produce him.

121. In the following cases a judge may issue a writ of arrest at once:

(1.) When the defendant has no fixed residence.

(2.) When there is fear lest the defendant destroy the evidence of his guilt or escape.

(3.) When there is apprehension that the defendant has the intention of committing a crime that he has attempted or threatened.

122. Any one who has received an order to carry into effect a writ of arrest shall deliver the defendant to the judge that issued the order. A defendant who is produced on a writ of arrest shall be examined within forty-eight hours. If this time is allowed to pass by the defendant shall be released at once, unless a writ for his detention is issued.

123. When the defendant resides outside of the judge's district at the time of the issue of a writ for his arrest, he may request examination by the judge of the place in which he resides. The judge so requested shall provisionally arrest the defendant and at once notify the judge who issued the summons for the arrest of the fact.

124. In the case mentioned in article 123 above, the judge who issued the writ of arrest shall indicate to the judge who arrested the defendant, the points to be inquired into, and commit the matter to him, or he may ask that the defendant be forwarded under the writ of arrest issued by him. The judge who receives such a case in charge shall report the fact, after he has examined the defendant, to the judge who issued the writ of arrest, get his opinion, and render sentence either to release the defendant or to forward him to the court having jurisdiction under the writ of arrest already issued.

125. When a judge has clear evidence that a defendant who has received a summons or writ of arrest is not able to comply with the order from sickness or other sufficient reason, he may interrogate him at his residence. If the defendant resides outside of the judge's jurisdiction he shall request a judge of the place of the defendants' residence to conduct the examination.

126. A writ to arrest and detain a person cannot be issued unless there is apprehension that the defendant will escape, or (the cases mentioned article 123 being excepted) unless it is supposed, after examination, that he deserves to receive a punishment as severe or severer than confinement.

127. When ten days are past after the writ of arrest and detention has been executed the judge in charge of the preliminary examination may change it for a writ of surveillance, or he shall deliver the defendant into the care of suitable persons, according to article 219. The kenji may request the judge not to deliver the defendant in charge, but to detain him anew for ten days longer.

128. A writ of surveillance cannot be issued unless notice that the preliminary examination has already been begun has been given to the kenji, and his opinion obtained.

129. The following points shall be inserted in a writ of surveillance.

(1.) An abstract of the accusation and of the aggravating or extenuating circumstances, when any such exist.

(2.) The exact section of the law under which the crime is punished.

(3.) The fact that the kenji's opinion has been heard.

130. In every writ, the accusation and the name, business, and residence of the defendant shall be inserted, and, with the exception of a summons, when the name is not clear a personal description shall be given. A writ shall also contain the date of its issue, and be signed and sealed by the judge in charge of the preliminary examination and the clerk. Policemen shall be employed to execute writs of arrest, detention, and surveillance.

131. A messenger connected with the clerk's bureau shall be employed to forward a summons to the defendant or to his residence, according to article 23.

132. Writs of arrest, detention, and surveillance shall be valid throughout all the Empire of Japan. According to the requirements of the time, several copies shall be made out and delivered to several different policemen. In carrying into effect the writs mentioned above, the original shall be shown to the defendant and a copy given to him, in which case the second and fourth paragraphs of article 23 must be observed.

133. A policeman who has received an order to execute a writ, when he thinks the defendant is hidden in his own or another person's house, shall get the kocho, or district recorder, or, when this is impossible, two neighbors to act as witnesses, and search for him. The policeman, whether he finds the defendant or not, shall make out an account of the search and along with the witnesses shall sign and seal it. A house cannot be searched before sunrise or after sunset.

134. When the judge in charge of the preliminary examination knows or thinks that the defendant is hidden in another jurisdiction, he may, when the accusation requires haste, send a policeman with a writ. The policeman shall show this writ to the judge, kenji, or police officer of the district where the defendant resides, and ask that it be executed at once.

135. When the judge charged with the preliminary examination does not know the place where the defendant resides he shall send a description of the person of the defendant to the head kenji of the court of appeals and ask him to search for and arrest him. The head kenji who has received such a request shall cause the kenjis to take steps to search for and arrest the defendant.

136. When a writ is issued for a soldier employed in the army or navy it shall be shown to the chief officer in charge, who, if possible, shall oblige the soldier to comply with the demands of the writ. This shall be done even when the army is in service.

137. A defendant who has received a writ of detention or surveillance shall at once be delivered up to the officers of the guard-house mentioned in the writ. If this cannot be done he shall be handed over temporarily to the officers in charge of the nearest guard-house. In any case the chief officer of the guard-house shall receive the defendant after examining the writ and give a certificate to that effect.

138. A policeman who has received an order to execute a writ, when he has executed it or when he has been unable to execute it, shall note the fact and assign the reasons in the original copy of the writ. The policeman shall forward the documents relating to the execution of the writ to the clerk's bureau and the clerk shall give a receipt for the same.

139. When the defendant who should receive a writ of detention or surveillance is already confined in a guard-house or jail the clerk shall give notice of this fact to the parties concerned, and note the fact in the original and copies of the writ.

140. The case of close separate confinement being excepted, the defendant may see his relatives, acquaintances, and attorney in the presence of the officials, according to the prison regulations. Letters, books, and other writings cannot be passed between the defendant and other persons without receiving the inspection of the judge in charge of the preliminary examination, who may retain such documents.

141. When the judge does not regard the person accused as deserving a punishment as high or higher than confinement he may at any stage of the proceedings cancel the writ of detention or surveillance, but when he cancels a writ of surveillance he must first get the opinion of the kenji.

142. Copies of the criminal code and code of procedure shall be kept in the prison and given to the defendant at his request.

SECTION II.—*Separate confinement in close apartments.*

143. The judge in charge of the preliminary examination may, at any stage of the procedure, if he deems it necessary in order to find out the facts in the case, sentence a defendant who has received a writ of detention or surveillance, on request from the kenji or by his own official authority, to be confined in a close apartment.

144. The defendants who have received such sentence of confinement shall each one be placed in separate rooms and, without the permission of the judge, shall not see others nor interchange letters, money, or other things with them. Even food, drink, medicine, and other things provided in the jail shall be given by a person specially appointed by the head jailer.

145. Such separate close confinement shall not exceed ten days at a time; but the sentence may be renewed every ten days. When the sentence is renewed the reason shall be reported to the chief judicial officer of the court. The judge in charge shall interrogate the defendant at least twice every ten days and make out an account of the examination according to the usual rules.

SECTION III.—*Evidence.*

146. In law no conclusion of guilt is to be drawn from the manner of making the accusation. The confession of the defendant, the examination papers of the officials, objects presented in evidence, the statements of witnesses and experts, and all other kinds of evidence must be submitted to the judicial decision of the judges.

147. The judge in charge of the preliminary examination, at the request of the kenji, the plaintiff in civil cases, and of the defendant, or by his own official authority, shall collect proof and evidence deemed necessary to ascertain the facts in the case.

148. The presence of the clerk is requisite when the acting judge makes special investigation, searches a house, seizes articles, or interrogates the witnesses of the defendant. The clerk shall write an account of the search and, with the judge, shall sign and seal it. When, in a case of haste outside the court, the clerk's presence cannot be had two witnesses will be requisite. When, however, the defendant is questioned in prison, one of the prison officials shall be made to act as witness. In the cases mentioned above the acting judge shall himself draw up an account of the transaction, and, together with the persons present as witnesses, shall sign and seal it. Any steps taken without the presence of the clerk or witnesses shall be null and void.

SECTION IV.—*Examination of the defendant and confronting him with others.*

149. The acting judge shall first examine the defendant, except in cases when haste is required in order to make inspection or examine witnesses.

150. The acting judge shall not use threats or dissimulation in order to make the defendant confess his guilt.

151. The clerk shall record the questions and answers and read them to the defendant. The acting judge shall ask the defendant whether the facts are as recorded or not, and then cause him to sign and seal the document. If he cannot sign it this fact is to be noted. The clerk shall note that he has observed the form prescribed in this article, and sign and seal his record along with the acting judge.

152. When the defendant states that he should change, add to, or diminish from his statement the examination shall be made anew, and the questions and answers recorded according to the foregoing article, and the record read to him and signed and sealed.

153. The defendant may ask for a copy of the above statement.

154. When the acting judge thinks it important in order to prove that a defendant was an accomplice or to prove his identity, or to show any way whatever of finding out other facts, he may make him confront other defendants, witnesses, or other persons for this purpose.

155. The clerk shall record the statements of the persons confronted, and all matters resulting from the examination, and shall read to the parties confronted the parts relating to their cross-examination. The rules contained in articles 151 and 152 are applicable also when parties are confronted as above.

156. When the defendant or person who confronts him is deaf the examination shall be in writing; if the deaf or dumb person cannot read, an interpreter shall be called. The same shall be the case when the defendant and the person who confronts him do not understand the language of the country. When defendant is dumb the reply shall be in writing.

157. The interpreter shall make oath that he will translate correctly. The clerk shall read his account of the matter to the interpreter and cause him to sign and seal it. The rules laid down articles 192, 193, and 200 are applicable in this case also.

SECTION V.—*Examination for proof and the seizure of articles.*

158. The acting judge when he thinks necessary in order to discover facts, shall go to the place where a grave or a light crime has been committed and make examination for verification. Also when requested by the kenji in any case whatever, special examination shall be made.

159. The acting judge shall make out an account as to how to prove clearly the identity of the defendant and the nature, manner, time, and place of the crime. He shall also append the way that would promote the advantage of the defendant.

160. When the acting judge thinks that the things discovered at place of special investigation will by reason of their source or character suffice to prove the identity of the defendant or the character of the crime he shall seize them and mark them with his stamp and make a list of them. The clerk shall insure the safe keeping and forwarding of said articles.

161. When the acting judge cannot finish the examination, house searching, and seizure of articles in one day he shall shut up the place or set a watch.

162. The acting judge may make special examination at the residence of the defendant or at the residence of any one whom he may fear has hidden articles calculated to show the facts in the case. When the defendant or person suspected of hiding articles is not at home, the presence, as witnesses, of relatives residing in the same place, or, when these are absent, the presence of the kocho or district recorder is requisite. In this case also the rule laid down in the third paragraph of article 138 is applicable.

163. The defendant may be present as a witness, or may cause an attorney to be present when examination and search of house takes place. If the defendant is under arrest he cannot be present as a witness except when the acting judge thinks it necessary. The plaintiff in civil cases or his attorney may be a witness of proceedings such as are above described, but the judge must not delay the trial on their account.

164. When a house is searched the judge shall seize the articles according to article 160. When articles are seized a copy of the list shall be delivered to the witnesses.

165. The acting judge shall show the articles seized to the defendant and make him give explanations, whether he was present when they were seized or not. He shall also write an account of the questions proposed and answers given.

166. When the acting judge thinks it necessary to hear the statements of witnesses at the place of examination he shall interrogate them specially in the presence of the clerk. Here also the rules laid down in article 170 and onward are applicable.

167. The judge while conducting the proceedings mentioned in the foregoing articles may forbid any one to enter or leave the place; and if any one violates the prohibition he may exclude or detain him till the end of the proceedings.

168. The acting judge, even in his own jurisdiction when requested, may commit the examination and search of the house to a justice of the peace of that place.

169. The acting judge, when he thinks necessary in order to discover facts, may assign a reason to the transportation, telegraph, and railroad offices, and receive and open letters and dispatches sent to or from the defendant or other persons concerned in the trial. For these documents a receipt must be given. When the forementioned documents and articles are useless they shall be returned to the offices from whence received.

SECTION VI.—*Interrogation of witnesses.*

170. The acting judge shall call out the persons named as witnesses by the kenji, the plaintiff in civil cases, and the defendant. When the number of witnesses for the plaintiff and defendant is great, in case of a light crime, five each, and in case of a grave crime, ten each, shall be called, in the order of their nomination or according to their probable knowledge of the facts. This rule shall not be observed when it is deemed necessary to call out more in order to ascertain facts. The judge may also by his official authority call out others not nominated by the plaintiff.

171. The witnesses shall be called in the name of the acting judge; and the summons shall be forwarded in the manner prescribed, article 23. If the witness lives in another jurisdiction, the clerk of the court for the trial of light crimes in his district shall be requested to send the summons.

172. The acting judge, when the witness does not reside in the jurisdiction of his court, may get a justice of the peace in his place of residence to conduct his examination. When the judge does not live in the district of the court where the witness resides he may get a justice of the peace of that district to conduct his examination. In the above two cases, the summons in the name of the judge employed to conduct the examination shall be issued from the clerk's bureau of said judge's court.

173. The witness' name, residence, and business shall be given in the summons. It shall also be stated that the witness will be sentenced to pay a fine or be arrested in case he does not put in an appearance at the specified time and place, according to the

summons. At least twenty-four hours must be allowed between the time of forwarding the summons and the appearance in court.

174. When the witness clearly shows that he cannot comply with the summons on account of sickness, public duties, or other sufficient reason, the acting judge shall examine him at his residence.

175. When a proposed witness is engaged in the army or navy the summons shall be sent through the chief officer, who shall at once certify that he will cause him to appear in court. Or when there is any unavoidable reason for delay, he shall assign the reason and ask the judge to postpone the appearance in court.

176. With the exception of the two cases mentioned above (articles 174, 175), when a witness does not obey a summons the acting judge shall get the opinion of the kenji and by sentence impose a fine of from two to ten yen (from $2 to $10). Against this sentence no objection or appeal can be made. The acting judge may, along with the sentence against the witness to pay a fine, issue a second summons or a writ of arrest at once, the expenses to be paid by the witness. If the witness does not comply with this second summons his fine shall be doubled and a writ of arrest issued.

177. When the witness can show that he did not receive the first or second summons, or that the summons itself was contrary to article 173, or that he could not appear in court on account of some sufficient reason hard to be foreseen, the judge shall get the opinion of the kenji and cancel the sentence to pay a fine.

178. When a witness enters court on a summons he shall hand it to the clerk. If he has lost it, he shall prove his own identity.

179. The acting judge shall ask the name, age, business, and residence of the person called as a witness, and shall ask him whether or not he is such a person as is described in article 181.

180. The judge shall make the witness swear that he will speak the truth without fear or favor. The judge shall read the oath to the witness, and make him sign and seal it; if he cannot sign and seal it this fact is to be appended. The written oath shall be filed with the written charges.

181. The following cannot be witnesses, but their statements may be heard in order to ascertain facts:

(1.) The plaintiff in civil cases.

(2.) Relatives of the plaintiff in civil cases or of the defendant.

(3.) Guardians of the plaintiff or defendant, or persons under their supervision.

(4.) Employés of the plaintiff or defendant.

182. The following also cannot be witnesses:

(1.) Children under sixteen years of age.

(2.) Persons of defective understanding.

(3.) Deaf and dumb persons.

(4.) Persons whose civil rights have been taken away or suspended.

(5.) Persons sentenced to be transferred to a court for the trial of grave crimes, or persons marked for public trial for a light crime punishable with severe confinement.

(6.) One who has been accused on a point not yet cleared up and released from lack of evidence.

183. When a witness will not swear, or having sworn will not testify, the acting judge shall consult the kenji, and sentence him to pay a fine according to article 180 of the criminal code. From this sentence no appeal can be made. Physicians, apothecaries, midwives, attorneys, advocates, government witnesses, or priests, who in the exercise of their callings have been intrusted with secrets, are excepted from the operation of this law.

184. The several witnesses and defendants shall each be examined separately. When it is thought necessary, the witnesses and the defendant may be made to confront each other to elicit facts.

185. The acting judge may, when he thinks necessary in order to verify a witness' testimony, take him to the place where a grave or light crime was committed, or to any other place. If the witness refuses to go along, he shall be sentenced to pay a fine according to article 176.

186. Articles 156 and 157 are applicable to witnesses also.

187. When a noble or commissioned officer is a witness the acting judge and clerk shall take his testimony at his residence.

188. The clerk shall keep notes of the witness' testimony, to which notes he shall append the fact of the witness taking oath, or his reasons for not taking it.

189. The acting clerk shall make the clerk read his notes to the witness to let him see whether they are correct or not as regards his testimony. The witness may ask to alter, add to, or take from his testimony, and the clerk shall record this fact, together with the points altered, inserted, or taken away, and the acting judge and witness shall both sign and seal the record. In case the witness cannot sign it, this fact shall be recorded.

190. The witness may at once ask for his traveling expenses and daily allowance for

appearing in court. If he is a day laborer, he may ask for an amount equal to his day's wages, in addition to his traveling expenses and daily allowance. In this case, the acting judge shall determine the amount and order it to be paid.

SECTION VII.—*Of experts.*

191. When the acting judge thinks it necessary, in order to ascertain the nature, manner, or result of an offense, he shall cause one or more persons, who are qualified by reason of their learning or business, to make an examination.

192. The experts shall be called by summons from the clerk's bureau, in which the facts that they are called to render opinion in the case of a crime, and that they will be fined if they do not obey the summons shall be stated. If the experts do not obey the summons they shall be dealt with according to article 176, but no writ of arrest shall be issued. Article 177 shall also be applicable in this case.

193. The experts shall take an oath that they will decide truly. The oath shall be in the form prescribed in article 180. The clerk shall note the fact that oath was taken in the margin of the order to act as experts and file the written oath therewith.

194. If the experts shall refuse to swear, or after having sworn shall refuse to act as experts, the acting judge shall get the opinion of the kenji and sentence them to pay a fine according to article 179 of the criminal code. Against this sentence no objection or appeal shall be made.

195. The persons described in articles 181, 182 cannot be ordered to act as experts, but they may be ordered to act as experts in cases of emergency to ascertain facts, when there are no proper experts to be found.

196. If possible the acting judge shall be present at the time when the experts decide a matter.

197. The acting judge by his own authority or at the request of the experts may increase their number, or he may make other experts perform the duties.

198. The experts shall make a written report and state particularly the method, result and time of making their examination. If they do not reach any decision they shall state what they suppose to be the facts. When the experts differ in opinion each one shall make out a written report, or each one may state his opinion in the one report.

199. The experts shall give the day, month, and year in their report, and sign and seal it. The day, month, and year when the acting judge received the report shall be stated therein, and the whole signed by the judge and clerk together. The report shall be filed along with the order to act as experts. When a foreigner acts as an expert a translation of his report, made by an interpreter appointed by the court, shall be filed along with the report.

200. Traveling expenses, wages, and other suitable compensation shall be given to experts and interpreters.

SECTION VIII.—*Crimes detected in the act; their trial.*

201. In case the acting judge learns of a grave or light crime detected in the act before the kenji learns of it, he may, if the case demands haste, report the matter at once and begin the trial without waiting for the petition of the kenji. The acting judge may make special investigation at the place of commission, issue writs, and take other steps requisite in the trial, according to the rules laid down in this chapter.

202. In the foregoing cases the acting judge may regard his written account of his search for evidence as equivalent to a public accusation, even though the kenji does not institute process. In this written account it must be stated that the offence is a grave or light crime detected in the act. The acting judge shall at once forward the documents to the kenji, and though the kenji is of the opinion that the trial should not be continued he shall conclude it according to the usual rules.

203. When the kenji learns of a grave or light crime detected in the act before the acting judge learns of it, without waiting for the judge he may give him notice of the fact, and proceed to make special investigation at the place of commission and conduct proceedings proper for the judge, but he cannot issue sentence to pay a fine. He shall hear the testimony of witnesses and experts not under oath.

204. In the forementioned cases the kenji shall add his written opinion to the documents in evidence and forward the whole at once to the judge.

205. A police officer of the judicial department may perform the same duties as a kenji, according to article 203, but he cannot issue a writ. Such police officer shall add his opinion to the documents in evidence, and forward the whole to the kenji with the defendant.

206. When the kenji has received the defendant he shall examine him within twenty-four hours, make out his notes of examination, and, not asking whether a writ of arrest has been issued or not, add his request to the other documents and forward

them to the judge. If he thinks process should not be instituted he shall forthwith release the defendant.

207. The judge shall examine the defendant within twenty-four hours. In this case he may or may not annul the writ of arrest issued by the kenji.

208. The acting judge may make anew the examinations made by the kenji or police official; but the notes of the examination made by the kenji or police official shall be added to and filed with the documents in the complaint.

209. In the case of the actual commission of a light crime, the kenji without regard to whether a writ of detention has been issued or not, after examination of the accused, if he thinks it not necessary to ask for a preliminary examination, may summon him to a court for the trial of light crimes.

SECTION IX.—*Bail.*

210. The acting judge, in the course of the trial, may at the request of the defendant who has received a writ of arrest or detention get the opinion of the kenji, and at any time make him give written security that he will appear in court in answer to his summons, and may thereupon grant him bail. When the defendant is incompetent his relatives may ask bail.

211. The written security or bond mentioned in the last article shall be forwarded to the clerk's bureau. When the defendant is to be summoned while on bail he shall have notice twenty-four hours before appearing in court.

212. In granting bail, the defendant shall give security for his appearance in court in a sum of money, the amount to be fixed by the judge and stated in the order granting release on bail.

213. In giving security, the defendant or others shall deposit in the clerk's bureau the security, money, or a bank or broker's bill for the amount. A person of means who resides within the jurisdiction of the court may give his bond for the amount.

214. If the defendant while abroad on bail receives a summons and without sufficient reason fails to comply, the whole or a part of his bail money shall be forfeited.

215. In confiscating the bail money the judge shall get the opinion of the kenji and render sentence to that effect. When others are involved as bondsmen the money shall be collected according to the regulations of the civil code.

216. When the acting judge has confiscated the bail money he shall cancel the sentence to release on bail. Also when he thinks it needful to cancel this sentence during the trial he shall take the advice of the kenji and cancel it thereupon.

217. After the acting judge has confiscated the bail money it shall be returned to the accused with the advice of the kenji, in case a sentence to release from the charge or a sentence to transfer to a police court, or a sentence to transfer a case of light crime punishable with a fine to a court for the trial of light crimes is rendered.

218. When the acting judge renders a sentence to release from the accusation or to transfer the case to a police court, or to transfer it to a court for the trial of light crimes where it will be punished with a fine, or when he cancels an order to release on bail, the security money shall be returned.

219. The acting judge may get the opinion of the kenji, and without regard as to whether there is a request to release on bail or not he may then deliver the defendant into the keeping of his relatives or friends.

SECTION X.—*Conclusion of the preliminary trial.*

220. When the acting judge regards a matter charged as outside of his jurisdiction or when he thinks it not necessary to examine it further, he shall forward all the documents connected with the complaint to the kenji, in order to get his opinion as to the steps to be taken in concluding the trial. The kenji shall append his opinion to the documents and return them within three days.

221. If the kenji thinks the trial is insufficient he may ask that the case be examined anew. If the acting judge does not comply with the request, the kenji shall add his opinion to the documents connected with the charge and return them within twenty-four hours.

222. The acting judge, whatever the opinion of the kenji may be, shall conclude the trial with a sentence as stated hereafter.

223. When the acting judge considers that the accusation is not within his jurisdiction he shall render sentence to that effect. If he regards the accused as worthy of detention he shall let the writs before issued remain in force, or he shall issue new writs and transfer the matter to the kenji.

224. In the following cases the acting judge shall render sentence to release from the charge, and if the defendant is under detention he shall issue sentence to release him:

(1.) When the evidence is not sufficient.

(2.) When the matter charged is not a crime.

(3.) When the official complaint has expired by the statute of limitations.

(4.) When sentence is irrevocable. (See article 9.)
(5.) When there is a general release.
(6.) When by law the offense is entirely remitted.

In the cases mentioned in this article the defendant cannot bring a claim for damages except in a civil court.

225. When the matter charged is considered to be an infraction of police regulations he shall render sentence to transfer the case to a police court; and if the defendant is under arrest he shall, by sentence, order his release.

226. When the matter charged is regarded as a light crime he shall render sentence to transfer it to a court for the trial of light crimes. When the defendant is under arrest and is thought deserving of a fine only, the judge shall render sentence to release him. When he is thought worthy of confinement he may be released on bail or delivered in charge. If the defendant has not yet been put under arrest, a writ may be issued.

227. When the matter charged is regarded as a grave crime, the judge shall render sentence to transfer it to a court for grave crimes. If the accused has been released on bail or delivered in charge, the order to do so shall be canceled. In the written sentence to transfer to a court for grave crimes it shall be stated in writing that the accused shall be kept in the prison of the court where the preliminary trial took place until orders are received from the head kenji of the court of appeals.

228. In the concluding sentence of the trial, the reasons according to facts and law shall be assigned. In a sentence asserting want of jurisdiction the reasons shall be given, as also in a sentence stating that the defendant should remain under arrest. In making a sentence to release from the accusation the fact that the matter charged is not a crime, and the fact that the public accusation should not be entertained and why, should be stated; as also the fact that the evidence is inadequate when this is the case. When a sentence to transfer to a police court, a court for light crimes or a court for grave crimes is rendered, the nature and manner of the offense, the sufficiency of the evidence, and the law according to which it should be punished should be stated.

229. In the foregoing sentences the name of the accused should be given according to article 130.

230. The clerk shall at once forward a copy of the sentence of the preliminary examination to the kenji, to the plaintiff in civil cases, and to the defendant. These parties may, however, according to article 246 and onward, object to the sentence.

231. When a sentence to transfer a case to a court for grave crimes, or to a court for light crimes in which the crime committed is punishable with confinement, in case the accused cannot be arrested, this fact must be stated in the sentence; and the accused cannot appeal from this sentence unless he comes actually under detention.

232 In the above case, article 231, the kenji or the plaintiff may ask a civil court to lay an injunction on the property of the defendant for the time.

233. When the final sentence of the preliminary trial is rendered the acting judge shall at once notify the chief of the court of the fact. He shall also, every fifteen days, render a succinct account in writing of the undecided cases.

CHAPTER IV.—APPEALS FROM PRELIMINARY TRIAL.

234. In the following cases the kenji or defendant may *object* to the proceedings at any time until the conclusion of the preliminary trial.

(1.) When a statement that the court has no jurisdiction is denied.
(2.) When a writ is issued or withheld contrary to the law.
(3.) When, contrary to the law, bail is granted or refused, or the defendant delivered in charge or not delivered in charge.
(4.) When the officials exceed the limits of their authority. The plaintiff in civil cases, respecting a private suit, may *object* in the fourth case named above.

235. A person intending to raise such objections must forward a document stating his intentions to the clerk's bureau of the court. When an objection is raised, the clerk shall send a copy of the document setting forth the objector's intention to the opponent, who may send in his written rejoinder within three days. The carrying out of the steps of the preliminary examination must not be stopped on account of an objection. When an objection is made by a kenji to granting release on bail or to delivering a defendant into the care of others, these steps shall not be taken.

236. The objection shall be decided in the consultation bureau of the court, by three or more judges, with the documents setting forth the aim of the objector, the rejoinder, the documents containing the accusation, and the kenji's written opinion before them. The sentence of the consultation bureau shall be at once executed; but an appeal may be taken against it after the final sentence of the preliminary trial has been rendered.

237. In the following cases the kenji, defendant, and plaintiff in civil cases may object to and oust a judge until the conclusion of the preliminary trial:

(1.) When the judge or his wife is related to the defendant, the injured party, or their wives.

(2.) When the judge is the guardian of the defendant or plaintiff in civil cases.

(3.) When gifts, though not bribes, have been received, or the offer quietly entertained by the judge or his wife from the civil plaintiff, the defendant, or their relatives.

238. The statement of the above objection, article 237, shall be made to the judge; when this statement is made, two copies of the writing containing the intention of the objector shall be sent into the clerk's bureau. The clerk shall send the writing containing the intention to the judge, and the judge shall take cognizance of it within twenty-four hours after its reception, or he shall append the fact of its rejection in the margin of the document itself, and file one copy in the clerk's bureau, and send one copy to the original party.

239. When the acting judge rejects such a statement of objection, the person who made the statement may object to this act of the judge. The bureau of consultation shall decide the case on the written statement of the objector, and explanation of the judge also in writing.

240. The acting judge shall continue the steps of the trial pending, notwithstanding his being objected to personally, or his being objected to for having rejected the statement made in this regard; but he cannot render final decision. In cases that do not demand haste he may suspend proceedings.

241. When an objection against an obnoxious judge has been rejected in the bureau of consultation an appeal may be made, but not till after the final sentence in the preliminary trial has been rendered.

242. When the judge himself is aware of the existence of any of the reasons assigned in article 237, or when he thinks himself that he ought to resign, he shall make a statement to this effect to the bureau of consultation, which shall take his statement into consideration and decide on it.

243. When an objection against a judge or an offer of resignation is accepted by the bureau of consultation, the head of the court shall make another judge conduct the preliminary trial. This judge, at the request of the kenji or other persons concerned in the complaint, or by his own authority, may re-examine the steps taken by the previous judge.

244. The clerk may himself resign, or he may be ousted on representations made by the kenji or other person concerned in the case to the bureau of consultation.

245. The kenji cannot be removed by the defendant or civil plaintiff. When a kenji thinks he ought to resign he may make a statement to that effect to the bureau of consultation. When a vice-kenji thinks that he himself ought to resign he shall make a statement to that effect to the kenji, who shall accede to or reject it.

246. A kenji may object to every final sentence in preliminary examination, and a civil plaintiff may object when steps are taken in which the officers exceed their authority. A defendant may object to a sentence to transfer a case to a court for grave crimes. Against a sentence to transfer to a court for light crimes or to a police court, no objection can be made except when the judge who conducted the preliminary trial had no jurisdiction, or exceeded his authority, or when the court to which the case is transferred has not jurisdiction.

247. The period in which an objection shall be made is one day, counting from the time when the sentence was forwarded.

248. When the kenji, civil plaintiff, or defendant makes an objection, he shall forward his written statement to the clerk's bureau, and the clerk shall at once give notice to the respondent. The person who states an objection shall within three days forward to the clerk's bureau a written statement of his aim. The clerk shall at once send this written statement to the respondent, who may make a rejoinder in the space of three days.

249. When an objection is made a counter-objection may be made by the respondent at any time till the case is decided. When such counter-objection is made, the written notice of intention shall be forwarded by the clerk to the respondent, who shall send in a rejoinder within three days.

250. The execution of the final sentence in the preliminary trial shall be suspended when an objection is made till it is decided; but a sentence to confine a defendant or to cancel an order to bail or to deliver in charge does not have its execution suspended.

251. The clerk shall forward the objection, the statement of aim, the rejoinder, and other documents bearing on the case to the bureau of consultation.

252. In the bureau of consultation the objection shall be decided according to article 236. When the sentence of the judge who conducted the preliminary trial is approved, this fact shall be stated. When the whole or a part is canceled a new sentence respecting the whole matter shall be rendered. Also a sentence to release the defendant on bail, to deliver him in charge, or confine him, may be made.

253. When deemed necessary by the bureau of consultation, a judge may be made to retry the case, or re-examine certain indicated points and make a written report.

254. When in the course of examination into an objection it is discovered by the bureau of consultation that the judge had not jurisdiction, exceeded his authority, or entertained a complaint that ought not to have been entertained, the bureau by its official authority may set aside the sentence of the judge who conducted the preliminary examination.

255. When in considering an objection it is discovered by the bureau of consultation that there is an accomplice against whom process has not been instituted, or a person who has not undergone preliminary examination for a crime jointly committed, the bureau, at the request of the kenji, or by its own authority, shall appoint one judge to make the preliminary trial and render a report thereon. The kenji shall give his opinion. The bureau of consultation shall receive the report and other documents and on them decide the case along with the objection.

256. When an objection is decided, copies of the sentence shall be sent at once to the kenji, the civil plaintiff, and the defendant.

257. The kenji and others concerned in the case may appeal against the sentence of the bureau of consultation.

258. In the sentence to be sent to the defendant the fact that and the time in which he may appeal against the sentence shall be stated. When these facts are not stated, the defendant shall not lose his right to appeal until a new sentence is sent to him according to law.

259. Articles 311, 312, and 313 are applicable in cases of appeal against a sentence rendered after preliminary trial.

260. When a sentence to transfer a case to a court for grave crimes is determined upon, the kenji shall inclose all the documents with this sentence and forward the whole at once to the head kenji of the court of appeal. The head kenji shall order a kenji to transfer all the documents and articles to be used as evidence, and the defendant, to a court of grave crimes. When the sentence is to transfer the case to a court for grave crimes, the kenji shall at once carry the sentence into execution.

261. When a defendant has been released from a charge and this sentence has been confirmed, he cannot be accused for the same offense under a different name, in any case, except when new evidence is discovered. When new evidence is discovered, the kenji shall send it into the bureau of consultation, and this bureau shall determine whether proceedings shall be stituted or not.

BOOK IV.—PUBLIC TRIAL.

CHAPTER I.—GENERAL RULES.

262. Cases shall be taken up in the order in which they are recorded in the clerk's record book. The head of the court may change the order for the purpose of diminishing the period of confinement of one untried who is under arrest. Also for important reasons he may change the order at the request of the kenji or other persons concerned in the complaint.

263. The examination of grave crimes, light crimes, and infractions of police regulations, and the arguments and the giving of sentence shall be in open court. When this is not the case the sentence shall be null and void.

264. When there is fear that the case will disturb the public peace, result in disorder or injure morals, the court at the request of the kenji or by its own authority may exclude listeners, but they are to be admitted again when sentence is rendered.

265. The defendant shall not be bound when in court, but guards of soldiers may be set. When a defendant in good health who deserves a punishment heavier than confinement refuses to enter court, he may be brought. If he refuses to discuss his case when he has entered court, sentence shall be rendered as if he had responded, *i. e.*, the accused shall be regarded as present, not as absent.

266. The defendant may employ an advocate to plead for him. This advocate shall be chosen from among the attorneys connected with the court; but, with the consent of the court, one who is not an attorney may act as counsel for the defendant.

267. When the defendant is violent or noisy in the court, so as to interrupt the argument, the judge shall admonish him a second time, and if he does not then submit to the rules, the judge, at the request of the kenji, or by his own official authority, may expel him from the court or confine him. In the above case, the trial shall go on and the sentence of the court be rendered as when the parties confront each other. If the argument lasts for two days the defendant shall be made to enter court again.

268. If the defendant is discomposed in mind or distracted or sick, so that he cannot enter court, the argument shall be postponed till his recovery. If the defendant becomes discomposed or distracted after the argument has commenced, the argument shall be renewed after his recovery from the beginning. If he is taken with any other sickness, the case shall be taken up at the point where it was interrupted, after his recovery. But if the discussion is suspended for five days, or when the kenji or others concerned in the complaint request it, the argument shall be begun anew. If the

discussion respecting the accusation and the applicability of the law is already concluded, no re-examination of the case shall take place after recovery, but the sentence of the court shall be rendered.

269. If a defendant who deserves a punishment as heavy as confinement, or heavier, does not appear in open court at the time appointed, the case shall not be decided in his absence, unless there is evidence that the final sentence of the preliminary court or the summons was not forwarded to him. In case the final sentence of the preliminary trial or the summons cannot be forwarded to the defendant, a period of delay shall be fixed by the court, and if the defendant does not appear in the given time, notice of the trial of his case in his absence shall be sent to his relatives and recorded.

270. An advocate shall not be allowed to an absent defendant, but relatives or acquaintances may explain the reason why he could not be present. When the court considers these reasons sufficient, it shall get the opinion of the kenji and postpone the trial.

271. When of several defendants one or more does not appear in court, the case shall go on according to the usual rules with the others as if all were present.

272. The chief of court shall take suitable steps for conducting all matters in the court; when any one hinders the discussion by noisy vilification, the chief of the court shall restrain or expel him.

273. When there is a person in the court who has committed a light crime or violated the police regulations in the court, the chief of court shall without regard to his rank arrest him, get the opinion of the kenji and at once try him, or sentence him to be tried at the next public court. The clerk shall take notes on the spot, of the crime committed and of the steps taken by the chief of court.

274. In the forementioned cases in a police court the trial shall be final as respects the infraction of police regulations, but initial as respects a light crime. In a court for light crimes the trial shall be final as respects a light crime. So, too, in other superior courts.

275. When any one commits a grave crime in court, the chief of the court shall examine the defendant and witnesses, make out notes of examination, take the opinion of the kenji in the court, and render sentence to forward the case to a court for preliminary examination to be tried according to the usual rules.

276. In court no investigation can be made of a matter concerning which no complaint has been received; unless it be a connected case or matter discovered in the course of the argument, or an offense committed in the court. When it is thought necessary to make preliminary examination of a connected case, the trial of the original case may be suspended.

277. The kenji, the defendant, and securities in civil cases, without regard to whether the trial is final or initial, may at any time, till decision in the case is rendered, make statement that the court has not jurisdiction, or that the charge should not be entertained. Sentence may be rendered in the court by its official authority that jurisdiction is wanting and that the complaint should not be entertained.

278. When the forementioned statements are rejected by the court, an appeal or reference may be made without waiting for the decision of the court on the case in hand. When this happens, discussion of the case shall be suspended.

279. The kenji and others concerned in the accusation, when any of the reasons assigned in article 237 actually exist, may object to a judge or clerk of a police court, a court for light crimes, a court of appeals, or a court for grave crimes. They may also object when the judge who conducts the preliminary examination is concerned in the public trial, or when the judge who conducted the initial trial is concerned in the final trial.

280. Such objections (article 279) may be made at any time until the sentence of the court in the case is rendered. When an objection is so made, discussion of the case shall stop.

281. In making objections, offering resignations, and in deciding on their acceptance or rejection, the rules laid down in articles 238–245 shall be followed.

282. When an objection or an offer of resignation is rejected, the case shall be continued from the point where it was interrupted and carried on. If discussion has been interrupted for five days' time it shall begin anew. The same shall be the case when an interruption has been caused by some natural calamity.

283. The proof to be employed in the public trial is the same as that used in preliminary examination.

284. The chief of court at the request of the kenji or others concerned in the complaint, or by his official authority, may cause the examination papers made by officials within the jurisdiction of the preliminary court or the documents containing evidence elicited on official examination to be read aloud. These documents shall have the same force as the testimony of witnesses for the plaintiff or defendant.

285. The police officer who has drawn up accounts of examinations may be called as a witness by the kenji or others concerned in the accusation; or he may be called by the official authority of the court. The judge who conducted the preliminary ex-

amination may be called by the court, or by the kenji, or others concerned in the accusation, with the consent of the court, to explain the examination papers.

286. A witness examined in the preliminary trial may be called out again. The testimony of a witness taken down in the preliminary examination may be read aloud in court at the option of the chief of court or at the request of the kenji or others concerned in the accusation, when the witness is not called anew or when he fails to appear in court in answer to a summons, or when it is necessary to compare testimony given in preliminary examination or public trial.

287. Articles 78 and onward are also applicable to witnesses.

288. Witnesses shall not be allowed to exchange words nor to be present during pleading before rendering their testimony.

289. Witnesses shall be examined in the following order:

(1.) Witnesses called at the request of the kenji.

(2.) Witnesses called at the request of the civil plaintiff.

(3.) Witnesses called at the request of the defendant or of securities in civil cases.

290. When there are several witnesses of each class they shall be examined in the order of the list of names. The chief of court may get the opinion of the person who called the witness and change this order.

291. The chief of court only has the right to examine the defendant and witnesses. The associate judge and kenji may by giving notice to the chief of court interrogate the defendant and witnesses. Persons concerned in the accusation may ask the chief of court to interrogate a witness in order to clear up a point deemed important in discussion.

292. When the testimony of a witness is deemed false or malicious and deserving of punishment as heavy as or heavier than confinement the court shall arrest him by its own authority or at the request of the kenji or others interested in the charge and issue sentence to forward him under a writ of arrest to a judge for preliminary examination. The clerk shall take down the testimony of such witnesses and forward it to the judge who conducts the preliminary examination. In this case, the court may issue an order to postpone the trial of the case in hand on its own authority or at the request of the kenji or others concerned in the accusation.

293. When a witness does not respond to a summons the court shall at once take the opinion of the kenji and issue sentence imposing a fine according to the following table:

(1.) In case of infraction of police regulations from 50 sen to 195 sen (50 cents to $1.95).

(2.) In a case of light crime from 2 to 10 yen ($2 to $10). A sentence to fine shall not be rendered when the defendant is absent, even though the witness declines to respond to the summons.

294. The clerk shall at once send the above sentences to the proper parties. When a person who has received a sentence can show just and sufficient reason why he could not appear in court within three days the court shall take the opinion of the kenji and cancel the sentence to pay a fine. After a court for grave crimes is closed, however, the above statement shall be made in an open court for grave crimes.

295. When a witness does not comply with a summons the court by its own authority or at the request of the kenji or others concerned in the charge may issue an order to postpone the public trial. When the kenji himself does not desire the postponement he may state his opinion respecting it.

296. When a witness does not respond to a second summons which he has received the court shall get the opinion of the kenji and sentence him to pay a fine double that before mentioned and the costs of a second summons. In this case also, as stated above (article 295), the public trial may be postponed according to rule. When postponement takes place a writ of arrest shall be issued against the witness.

297. The rules laid down in article 191 and onward are also applicable to experts chosen in time of a public trial. If the expert does not answer his summons he shall be dealt with according to article 293. When an expert is recalled to make explanations regarding his previous testimony he shall be dealt with according to the rules previously laid down in this code respecting witnesses.

298. When the defendant is deaf, dumb, or unable to speak the vernacular, articles 156–7 must be followed.

299. When there are several defendants the chief of court shall express his opinion and get the opinion of the kenji and other persons concerned in the accusation and determine the order of their examination. The chief of court when he thinks necessary in order to discover facts may by his official authority change this order.

300. After the evidence has been examined the kenji, civil plaintiff, defendant, his attorney, and civil securities shall speak in order. The statements of the kenji and others concerned in the prosecution cannot be interrupted by others. The kenji and others concerned in the prosecution may argue the case alternately. After their argument is ended the defendant or his attorney shall speak.

301. Though the kenji abandons the accusation the case shall receive fair trial in the court.

302. When in the course of argument there is a difference of opinion respecting the steps of the public trial, the court shall at once take the opinion of the kenji and decide it; and against this decision no appeal can be taken till after the sentence of the court in the case has been rendered.

303. Civil securities may, whether the trial is initial or final, at any time participate in the suit, and the civil plaintiff may cause the civil securities to participate in the suit. If a difference of opinion takes place the court shall decide it. Against this decision no appeal may be made without waiting for the sentence to be rendered. In this case, discussion shall stop.

304. In making a sentence of punishment in court the reasons therefor according to facts and law shall be assigned, and all the evidence shall be given. When a sentence to release from a charge is rendered the same rule must be observed.

305. When a person is declared innocent it must be stated as a reason that there is no evidence that the defendant committed the crime.

306. In the court, the sentence on a private complaint shall be rendered at the same time as the decision of the official complaint. When, however, investigation is not complete it may be rendered after the official decision.

307. When a defendant is sentenced to undergo punishment, he may by the authority of the court be sentenced to secure the whole or a part of the expenses of the official trial. In case the charge is dismissed, or the defendant declared innocent, the costs of the government trial shall be assumed by government. The costs of a private prosecution shall be assumed, according to the civil code, by the person who brought forward the complaint.

308. When a defendant is sentenced to endure punishment or when he is discharged, articles seized which are not forfeited by law shall be returned to the owner with or without his request.

309. During the time in which an appeal may be made, or when it is made, until it is decided, the execution of the sentence shall be suspended.

310. When a person sentenced to endure a punishment as heavy as confinement or heavier has escaped, an appeal cannot be made, until he is actually arrested.

311. When a confined person makes an appeal or asks for bail, he shall make his statement in writing to the chief jailor, who shall forward it to the clerk of the court.

312. When a participant in a complaint or his attorney through any unusual event or calamity fails to make an appeal in the prescribed time, he shall prove the fact, and may then have his lost privilege restored. But after the event or calamity is past, he shall, within the usual time, add his evidence to his statement, and so make his appeal.

313. The clerk shall speedily forward the above statement to the respondent, and the respondent may forward his rejoinder within three days. In a court fit to decide an appeal, the opinion of the kenji shall be obtained by the bureau of consultation, and the question of entertaining or not entertaining the appeal shall first be decided. When it is determined that an appeal should be entertained, the clerk shall be caused to give notice of the fact to the participants in the case, and the trial shall proceed according to the usual rules. When it is determined that an appeal should not be entertained, execution shall follow at once unless some reason for delay is found.

314. Judicial sentence shall be rendered at once in the open court, after the discussion is ended, or the next day. The judicial officer shall make out the written sentence before it is rendered and sign and seal it together with the clerk. In the written sentence the name of the court that renders sentence, the year, month, day, and the name of the kenji who conducted the trial shall given.

315. Participants in the charge may obtain at their own expense copies or extracts of the written sentence of the court. When they do so for the purpose of making an appeal, the clerk shall forward what they request within twenty-four hours.

316. When a present offender is tried and sentenced to endure punishment, the chief of court shall inform the person sentenced that he may make the forementioned requests, and that he may appeal against the sentence and in what time he may make his appeal. When an absent offender is tried and sentenced, the fact that objection can be made, and the time in which it can be made shall be written in the sentence. When the above information is not given the time for making an appeal shall be prolonged according to the usual rules, after such information is given.

317. The clerk shall make out a special account of each case, in which he shall state all the steps of the case, and also the following facts:

(1.) The fact that the trial was public, or that listeners were excluded; and, if so, for what reason.

(2.) The interrogation and replies of the defendant.

(3.) The statements of witnesses and experts, and the fact that oath was taken, or, when not taken, the reason for the omission.

(4.) Articles furnished in proof by the plaintiff and defendant.

(5.) That in the course of the argument dissent was expressed or threatened; the opinion of the kenji, and participants in the accusation on the several subjects, and the decisions of the court.

(6.) The order of the pleading, and the fact that the defendant was caused to speak last.

318. In the account of the trial, besides the points above mentioned, the name of the court in which sentence was rendered, the year, month, and day, the names of the chief of court, the associate judges, the kenji, and the clerk shall be given. When the pleading lasts several days, this fact shall be stated, and also that the same chief of court presided. When in the course of the pleading provisional judges are made to act, this fact shall be stated; as also in the case of the kenji and clerk.

319. The account of the trial shall be made out within three days after the sentence of the court is rendered, and shall be signed and sealed by the chief of court and the clerk. The chief of court shall examine the account before it is signed. If he has an opinion to express he shall state it in the margin.

320. The sentence of the court and the account of the trial shall be kept on file in the clerk's bureau. When an appeal is made, the chief of the court and clerk shall affix their private seals to copies of the sentence of the court and account of trial and inclose them with the documents to be used in the trial of the case appealed.

CHAPTER II.—PUBLIC TRIAL OF CASES OF THE INFRACTION OF POLICE REGULATIONS.

321. In a police court, public or official complaints may be received in the following cases:

(1.) In case of a summons issued against a defendant from the clerk's bureau at the request of the kenji.

(2.) In case of a sentence of a judge in charge of a preliminary examination, or of a higher court to transfer a case.

322. In a summons, the name, business and residence of the person to be summoned the day of appearance in court, the accusation, and the fact that he may have an attorney go to court for him shall be stated. In case the accusation is not stated, the defendant who has not yet called his witnesses may ask in the court for two days' delay after he has received notice, in order that he may call witnesses and counsel.

323. A delay of at least two days must be allowed between issuing the summons and the appearance in court.

324. The judicial officer of a police court when haste requires may take steps to seek evidence without the intervention of the respondent at the request of the kenji or other participants in the suit, or by his own authority, before beginning the trial.

325. Witnesses when called must be allowed at least twenty-four hours delay between the issue of the call and their appearance in court. If any one who comes into court without being summoned forwards his name to the clerk before examination he may be heard as a witness.

326. The clerk in each case to be tried shall call out the names of the participants in the complaint. If they do not respond to the call, their case cannot be tried till after the trial of the next case.

327. The judicial officer of the police court shall first of all ask the name, age, rank, business, residence, and birthplace of the defendant. When there are notes of examinations and statements written out by officials, the clerk shall read them. The kenji shall state the accusation.

328. The judicial officer of the police court shall ask the defendant if he acknowledges the truth of the accusation or not. If the defendant makes confession through his attorney he shall forward a document to that effect signed and sealed.

329. When the defendant makes confession, no other testimony is needed; but the court may at the request of the kenji or the civil plaintiff, or by its official authority, cause it to be given. If there is no confession, the witnesses for the defendant and plaintiff shall be examined and other evidence given.

330. The kenji shall give his opinion as to the applicability of the law. The civil plaintiff shall prove the matter charged and state his opinion respecting compensation. The defendant, civil securities, or their attorney shall make reply.

331. When a defendant who has received a summons, civil security, or their attorney does not appear in court, the wishes of the kenji and civil plaintiff shall be consulted and the case tried in their absence. The same shall be done when the civil plaintiff does not appear.

332. The sentence rendered when parties to a trial are absent shall be sent to the absent parties or to their residences at the request of the kenji or participants in the suit. When a person who has received a sentence in his absence intends to object thereto he shall forward a statement to that effect within three days after receipt of sentence.

333. The question whether an objection shall be entertained or not shall first be decided in the court. When it is decided that it shall be entertained, the clerk shall

issue a summons in order to inform the respondent to the objection of the fact that an objection has been raised, and of the time when it will be subjected to public trial. Two days' delay at least must be allowed between the issue of the summons and the appearance in court. The time when the matter will be submitted to trial shall be made known to the person who raised the objection the day before trial.

334. In case an objection is entertained the case shall be retried according to articles 326–330, inclusive. A person absent from this trial cannot raise an objection.

335. When the proof of crime is not full the court shall issue a sentence of innocence Also in the third and following cases mentioned in article 224, it shall order the charge to be dismissed.

336. When the matter charged is an infraction of police regulations, and when the proof is full, a sentence to inflict punishment according to law shall be rendered.

337. When the matter charged is a grave or light crime, the court shall issue sentence of want of jurisdiction and hand the case over to a kenji of a court for light crimes, and the court may issue a writ of detention against the defendant.

338. Appeals may be taken to a court for light crimes against the sentence of a police court in the following cases:

(1.) When the defendant has received a sentence to be punished with detention.

(2.) When the amount of compensation due by sentence to the civil plaintiff, defendant, or securities exceeds the amount granted by the final trial in a court for maintaining the peace, in civil matters.

(3.) The kenji and participants in the suit even in the absence of the forementioned reasons may appeal when the court has not jurisdiction, exceeds its authority, mistakes the law, or violates a rule which declares an act void.

339. A person intending to make an appeal shall forward his statement to the clerk's bureau of the original court. The period within which this statement may be made is three days from the time of sentence rendered when a present person is tried; and when an absent person is tried, within five days from the time of sending the written sentence to him or to his residence. When there is notice of an appeal the clerk shall inform the respondent of the fact.

340. All the documents relating to the complaint shall be forwarded by the kenji to the clerk's bureau of the court which is to receive the appeal. If the kenji happens to be the maker of the appeal or the respondent he shall forward his opinion in writing to the kenji of the court that is to receive the appeal.

341. In the court that is to receive the appeal the trial shall begin after summons to the parties concerned in the accusation has been issued from the clerk's bureau. At least two days' delay between the issue of the summons and the appearance in court shall be allowed. Witnesses shall be allowed at least one day's time between the issuing of the summons and appearance in court.

342. The respondent to an appeal may at any time till sentence is rendered make an additional appeal. This may be announced at once in the open court.

343. A matter relating to an appeal shall be determined according to the rules laid down for the trial and decision of light crimes. The kenji or other parties concerned in the complaint cannot summon a new witness or a witness who has testified in the first trial without first obtaining the consent of the chief judicial officer.

344. The court that entertains an appeal shall render sentence to approve the sentence of the original court or it shall set this aside and issue a new sentence. When the defendant alone makes an appeal, a sentence to inflict a graver punishment than that ordered by the sentence of the original court cannot be rendered. The trial of an appeal in a private complaint shall be conducted according to the rules of the usual civil law.

345. The rules laid down in articles 331 and onward are applicable when in an appeal case a party is absent from the trial.

346. The kenji and other participants in the complaint may appeal against the final sentence in a case of violation of police regulations conducted in the presence of the parties.

CHAPTER III.—PUBLIC TRIAL OF LIGHT CRIMES.

347. In a court for light crimes, complaints may be entertained in the following cases:

(1.) Of summons issued against a defendant by the clerk at the request of the kenji.

(2.) Of sentence to transfer the case according to the decision of a judge charged with making preliminary examination, of a bureau of consultation in a court for light crimes, or of a superior court.

348. Articles 322, 323 are applicable in case of summons being issued.

349. When the accusation implies the infliction of a fine the fact that an attorney may appear in court for the defendant shall be stated in the summons. A civil plaintiff and security may cause an attorney to appear in court in their stead.

350. A witness shall be allowed at least one day's time in which to appear in court after the issue of his summons.

351. Article 324 is applicable in the case of a light crime that has not received preliminary examination.

352. The kenji shall state the accusation after the chief judicial officer has inquired the name, age, business, residence, and birthplace of the defendant. The civil plaintiff shall prove the fact of his receiving injury. When there are notes of examinations and written statements the clerk shall be caused to read them aloud. Next the witnesses for the plaintiff and defendant shall be heard. Also articles in evidence shall be shown to the defendant, who shall make his explanations. The defendant and civil securities shall make their counter-explanations.

353. The kenji shall give his opinion as to the applicability of the law. The civil plaintiff shall give his opinion as to compensation. The defendant and civil securities may make replies.

354. A defendant deserving to be punished with a fine, also a defendant who according to article 269 may be judged, being absent, shall be so judged if they do not appear in court at the time fixed in the summons.

355. Articles 331–333, inclusive, relating to the trial of absent parties are also applicable in the cases mentioned in this chapter.

356. A defendant who has been sentenced to confinement in his absence may, with the exception of the following cases, make objections till the expiration of the punishment, according to the statute of limitations:

(1.) When the defendant has stated that the matter should be tried before its actual trial.

(2.) When a copy of the sentence has been forwarded to him personally.

(3.) When the defendant is proved to have known that a sentence of punishment would result from the execution of the first sentence.

In the first case above he may make objection within three days after receiving the sentence; in the other two he may object within three days after hearing about the sentence being issued.

357. When the court deems it necessary in order to discover facts, it may, at the request of the kenji or participants in the charge, or by its own official authority, call new witnesses, appoint experts, or search for evidence. In taking the above steps the rules laid down in Chapter III, Book III, shall be followed. Also in a case that has not undergone preliminary examination a judge of a preliminary court may be caused to investigate certain points indicated and to render a report thereon in writing.

358. When the proof of crime is not full the court shall declare the accused innocent. Also in the cases mentioned in article 224 and onward, an order shall be issued dismissing the charge. In this case the release of the defendant, if confined, shall be ordered.

359. When the matter charged proves to be an infraction of police regulations, final sentence shall be rendered and the defendant released if confined.

360. When the matter charged proves to be a grave crime, a sentence of want of jurisdiction shall be rendered. If it has not undergone preliminary examination it shall, by order, be forwarded to a judge who conducts such preliminary examinations, and the defendant shall receive a writ of arrest if not yet under arrest. The kenji shall forward the documents connected with the charge and articles to be used as evidence to the judge who conducts the preliminary examination.

361. When the matter charged has not undergone preliminary examination, sentence to submit to the bureau of consultation of the court shall be rendered. The bureau of consultation shall investigate the case according to articles 253 to 255, and sentence the defendant to be sent to a court having jurisdiction.

362. When a case has been received according to the sentence of the bureau of consultation as a light crime, if the court nevertheless regards it as a grave crime, it shall without seeking new proof render sentence of want of jurisdiction. The kenji shall appeal in this case to the supreme court to have the jurisdiction determined.

363. In the two forgoing cases, until the matter is decided by the bureau of consultation or by the supreme court, the court may, at the request of the kenji, or by its own official authority, order the defendant to be confined in the prison of the court, or it may order a release on bail according to the rules laid down in article 210 and onward.

364. When the matter charged is a light crime and the evidence sufficient, sentence to receive punishment according to law shall be rendered. When the defendant is sentenced to be punished with confinement, his release on bail or in charge of others shall be withdrawn, but he may ask anew for release on bail while prosecuting an appeal.

365. The kenji and other participants in a complaint may, in the following cases, make an appeal against the sentence of a court for light crimes to an appellate court:

(1.) The kenji may appeal, when the accused is declared innocent, released from the charge, or sentenced to be punished; also when what the kenji regards as a violation of police regulations is declared to be a light crime.

(2.) The defendant may appeal against any sentence of punishment except one for a violation of police regulations.

(3.) The civil plaintiff, defendant, and civil securities may appeal when the sentence respecting compensation for loss exceeds the amount imposed by the final decision of a court authorized to begin proceedings in civil matters.

(4.) The kenji and other participants in the complaint may appeal when there is want of jurisdiction, when authority has been exceeded, the law misapplied, or when the sentence is declared null and void by law.

366. An appeal may be made within five days after the sentence is rendered. One who is sentenced, being absent, may appeal at once, without raising objections at any time until the expiration of his punishment according to the statute of limitation. But in the cases mentioned in article 356 he shall appeal in five days.

367. When there is an appeal against a sentence in a case of official complaint, if the defendant is under arrest he shall be handed over to the prison authorities of the appellate court by the kenji.

368. Articles 339, 342, and also article 344 are applicable to this chapter.

369. When the kenji of a court for light crimes makes an appeal, or when the head kenji makes a conjoint appeal, if the matter charged is regarded as a grave crime, sentence shall be rendered in the bureau of consultation according to article 255 to transfer to a court for grave crimes.

370. The rules laid down for trying absent parties and for raising objections in primary courts must be observed in appellate courts.

371. The kenji and other participants in a complaint may "report up" a case against the final sentence of a court for light crimes of an appellate court.

CHAPTER IV.—PUBLIC TRIAL OF GRAVE CRIMES.

372. Official complaints may be entertained in a court for grave crimes in the following cases:

(1.) On sentence to transfer the case according to the decision of a judge charged to conduct preliminary examination, or of the bureau of consultation in a court for light crimes.

(2.) On sentence to transfer the case according to the decision of the superior court (taishinin) or of an appellate court.

373. When a sentence to transfer to a court for grave crimes is determined on, a written accusation shall be made out as follows: When the court for grave crimes is held in an appellate court the head kenji shall make out the written accusation. When the court for grave crimes is held in a primary court the head kenji shall draw up the accusation or cause a kenji who can perform the duties of a kenji in a court for grave crimes to draw it up.

374. The following points shall be stated in the written accusation:

(1.) An account of the offense charged and the aggravating or extenuating circumstances.

(2.) Name, age, rank, business, and residence of the defendant.

(3.) Evidence for the defendant and plaintiff collected in the preliminary examination.

(4.) Name of the crime, the law on the case, and an abstract of the sentence to transfer to a court for grave crimes.

375. No other matter or defendant shall be mentioned in the written accusation besides those mentioned in the sentence to transfer the case to a court for grave crimes.

376. In case several disconnected grave crimes are charged against one and the same defendant in the sentence to transfer the case to a court for grave crimes, the kenji may draw up an accusation for each crime, and afterwards he may ask the chief of the court that they be argued separately. The chief of the court may in the above case, by his official authority, cause that the several crimes mentioned in the one accusation be considered separately; or he may cause the matters mentioned in the several accusations to be discussed at the same time.

377. The clerk shall forward a copy of the accusation to the defendant at least five days before his appearance in court. When there are several defendants a copy of the accusation shall be forwarded to each one.

378. The chief of the court for grave crimes or the associate judge appointed to perform his duties, after twenty-four hours from the time of sending the accusation, shall in the presence of the clerk interrogate the defendant regarding the matter charged, and ask him whether he has chosen counsel or not. If he has not chosen counsel, the chief of the court shall, by his official authority, choose counsel for him from among the attorneys connected with the court. When the defendant or the attorney does not dissent, one attorney may be made to plead for several defendants. Pleading shall not begin till after three days from the time when the counsel was chosen.

379. When the counsel is hindered from acting, or when sufficient reason for changing him is given by the defendant, if the defendant does not choose his own counsel, he shall be chosen by the chief of the court according to the foregoing rule. When a counsel is chosen anew the pleading shall stop for three days.

380. The clerk, in the case mentioned article 378, shall draw up an account of the examination, and shall note that the due form was followed in appointing the counsel. When in the course of the pleading the counsel has been changed and the pleading stopped, the clerk shall record this fact in his account of the trial. When the discussion of the case is carried on without counsel, the sentence to inflict punishment shall be void. The defendant cannot dissent even though the rules from article 377 to 379 are violated, if this does not take place before pleading begins.

382. The counsel may meet with the defendant after the steps mentioned article 378 have been taken. He may also read and copy all the documents in the clerk's bureau on the complaint. No other person, however, may see the defendant from the time of transferring the case to a court for grave crimes until sentence is rendered. Exception, however, is here made in the case of any one who receives permission from the chief of the court located in the place where the defendant is confined.

383. A list of the names of the witnesses summoned at the request of the kenji or civil plaintiff shall be sent in to the defendant one day before the opening of court. A list of the names of witnesses called at the request of the defendant shall be forwarded by the clerk at the same time to the kenji, and a list of the names of witnesses called in a civil case shall be sent to the civil plaintiff.

384. The testimony of a witness whose name has not been made known beforehand according to the foregoing rules cannot be heard, except for the purpose of ascertaining facts, unless the respondent does not dissent from his being heard as a witness.

385. Witnesses must be allowed at least two days' delay between the time of forwarding the summons and their appearance in court.

386. The chief of the court, on the day for opening the court, shall declare the court to be open before the associate judges and kenji, but the defendant shall not be called.

387. If the chief of the court thinks the discussion will last two days or more, he may choose one of the judges of the court where the court for grave crimes is held to be a provisional associate judge.

388. When the chief of the court, the kenji, and the clerk are each in their places, they shall at once commence the examination and pleading. The chief of the court shall first ask the name, age, rank, business, residence, and birthplace of the defendant. If the defendant's replies differ from those given in preliminary examination, still if he is the defendant described in the accusation, the pleading shall go on.

389. The clerk shall call out the names of the witnesses summoned. A witness who answers the call shall be made to retire into the waiting-room, and shall be called in in his turn to give testimony.

390. The chief of the court shall charge the defendant to listen attentively when he makes the clerk read aloud the accusation.

391. The chief of the court shall interrogate the defendant after the clerk has finished reading the accusation. When the defendant denies the facts confessed by him in preliminary examination, or wishes to withdraw them, he shall be made to state the reason. Though the defendant has made confession, he must still be examined.

392. When the chief of the court has ended his examination, he shall inform the defendant that he may make explanations concerning the evidence as it is given, and that he may present counter evidence in his own favor.

393. The chief of the court, whenever a witness for the prosecution has ended his testimony, shall ask the defendant whether he has an opinion to give or not.

394. After a witness has testified, he shall be detained in the reception-room, unless he has the permission of the chief of the court to withdraw. The associate judge, kenji, defendant, and civil plaintiff may ask a witness to be re-examined, or to be made to confront another witness. The chief of the court may do the same by his own official authority.

395. When the chief of the court thinks that from fear or favor a witness cannot testify fully in the presence of the defendant, at the request of the kenji or civil plaintiff, or by his own official authority, he may make the defendant withdraw while the witness gives his testimony. After the witness has testified, the chief of the court shall again call the defendant into the court and tell him what the witness said, and shall make the defendant state his opinion if he has one to give.

396. After the steps laid down in article 300 have been taken, the chief of the court shall declare the argument for the prosecution ended.

397. The kenji and defendant may request preliminary examination on a matter brought to light during trial. When this request is granted by the court a judge of the court in which the court for grave crimes is held shall be appointed to make the examination and report. In this case, paragraph 1 of article 357 is applicable.

398. When the discussion is declared to be ended, the kenji shall state his opinion on the applicability of the law. The defendant and his counsel may argue that the kenji is mistaken in his opinion.

399. After the forementioned pleading is ended the civil plaintiff shall state what he desires respecting a private complaint. The defendant, the counsel, or civil security may respond to the above. The kenji shall state his opinion on the private com-

plaint. The discussion of a private complaint may be postponed by the court. This shall be decided, however, before court is closed.

400. If the matter charged proves to be a grave crime, and if the proof is sufficient, sentence of punishment according to the law shall be rendered. In the third and following cases mentioned in article 224, the charge shall be dismissed and the defendant released.

401. When the proof of crime is not sufficient, the defendant shall by sentence be declared innocent, and shall be released. Also in the matter of damages, sentence shall be rendered according to article 399.

402. When in the course of the trial another distinct grave or light crime not mentioned in the accusation is discovered, a judge connected with the court in which the court for grave crimes is held, shall make preliminary examination, after which the matter shall be considered along with the original charge during the present or following session.

403. The kenji and other participants in a suit may appeal to the supreme court from the sentence of the court for grave crimes rendered against a present defendant.

404. In judging an absent party the chief of the court shall cause the clerk to read aloud the accusation and other necessary documents connected with the preliminary examination and shall hear the statements of the witnesses on both sides. The kenji shall give his opinion as to the applicability of the law, and the civil plaintiff shall give his opinion as to damages. The civil securities may reply to the above.

405. Sentence rendered against an absent party shall, at the request of the kenji, or other participants, be sent to the party sentenced, or to his residence.

406. Against a sentence to inflict punishment issued against a party tried when absent, no one except the kenji can appeal to the supreme court. The civil plaintiff and civil securities may appeal to the supreme court against a sentence in a private complaint.

407. An absent party who has received sentence to undergo punishment may object at any time until the expiration of his punishment according to the statute of limitations. But when arrested he must object within ten days.

408. The notice of an objection shall be given in the court for grave crimes that tried the absentee. The question whether the objection shall be received or not shall be first decided in the court for grave crimes. When it is decided that the objection should be received, it shall be tried anew according to the usual rules, in the present or next session.

409. After a court for grave crimes that has tried an absentee is closed, the statement of an objection shall be made in the appellate court having jurisdiction in the given place, and when it is decided to receive it in such court it shall be declared by sentence a subject to be tried anew by a court for grave crimes according to the usual rules.

Book V.—DUTIES OF THE TAI-SHIN-IN, OR SUPREME COURT.

Chapter I.—Appeals.

410. Appeals may be made against the sentence rendered after preliminary examination or public trial by the kenji or defendant in the following cases:

(1.) When a statement that a judge should be ousted is rejected contrary to law.

(2.) When the fundamental rules of the court are violated.

(3.) When a sentence of want of jurisdiction or claim to jurisdiction is wrongfully rendered, or when, by sentence, the case is removed to a court that has not jurisdiction.

(4.) When in the code an article that states a thing is "void" is disregarded or when a statement of dissent on account of the violation of an article that declares an act as "valid" is not accepted.

(5.) When an official accusation is received or rejected contrary to the law.

(6.) When in cases laid down in the law the opinion of the kenji is not heard.

(7.) When a matter, respecting which a request for decision is made, is not decided by the court, or when, excepting points to be decided by official authority, any matter is decided without receiving a request for its decision.

(8.) When sentence is not rendered in open court or when the examination and pleading has been in private without first issuing an order to exclude listeners.

(9.) When the reasons for the sentence according to the facts and the law are not assigned, or when the reasons assigned are contradictory.

(10.) When there is a mistake in determining the law.

(11.) When in any steps the judge has exceeded his authority.

411. When the rules laid down for the benefit of the defendant are violated, in rendering a sentence to dismiss a charge, or to declare the accused innocent, or when there is difference of jurisdiction consequent on the place of the crime, no appeal can be made.

412. The civil plaintiff, defendant, and civil securities may appeal for the reasons assigned in article 410, against the sentence rendered after preliminary examination or public trial of a private complaint.

413. The respondent in an appeal may make a conjoint appeal at any time till the decision of the tai-shin-in, or supreme court, is rendered. The chief kenji of the supreme court also may make such an appeal.

414. An appeal is to be made in three days; in the case of the preliminary examination, counting from the time of forwarding the sentence, and in the case of the public trial counting from the time of the sentence.

415. When an appeal is taken against the sentence rendered in preliminary examination or in public trial, with the exception of a sentence to confine, to release on bail, to deliver in charge, or to acquit and release, execution shall be stopped.

416. A person who intends to appeal shall forward his written notice to the clerk's bureau of the original court. This written notice shall be forwarded by the clerk to the respondent in twenty-four hours.

417. The person who gives notice of an appeal shall, within five days, forward to the clerk of the original court a statement in writing setting forth his intention. The clerk shall forward this statement also to the respondent in twenty-four hours after its reception.

418. The respondent shall send in his reply to the clerk of the original court within five days after receiving the written statement setting forth the aim of the appeal; and the clerk shall send this reply within twenty-four hours to the person who gave notice of an appeal.

419. The written statement of the aim of the appeal to be forwarded by the kenji, and the reply thereto, shall be made out in duplicate and one copy forwarded to the supreme court and one to the respondent; the same must be the case when the like documents are made out by the participants in a suit against the sentence in a private complaint.

420. The clerk, after the expiration of the time named in the foregoing articles, shall speedily forward the documents in the complaint and the appeal to the kenji of the court; and the kenji shall forward them, within five days, to the head kenji of the supreme court. Also when he has an opinion to express he shall add it. The head kenji shall ask the chief of the supreme court to enter the matter appealed in the register of the bureau of criminal cases.

421. The person who gives notice of an appeal and the respondent may send an attorney. When a person sentenced to receive the punishment due a grave crime makes an appeal, or when the appeal is made by the kenji as a crime deserving such punishment, if the person sentenced to receive punishment does not choose an attorney, the chief of the supreme court shall, by his official authority, appoint one of the attorneys connected with his court to act.

422. The chief of the supreme court shall appoint one of the judges in the bureau of criminal cases to act as special judge. The special judge shall examine all the documents and make out a written report, but shall not add his opinion.

423. The person who gave notice of appeal and the respondent may, until the report of the special judge is sent in, through the clerk's bureau of the supreme court, send in written explanations to further their aims. When a written explanation is sent in after the special judge has made his report, it shall be added to said report.

424. The clerk shall give notice of the time when the court will be opened to the person who gave notice of the appeal, and to the respondent three days before such opening.

425. On the day of opening court the special judge shall read aloud his report in the court. The head kenji and the attorney shall each explain their objects. In the case of a private complaint, the head kenji shall, last of all, state his views.

426. When an attorney is not sent by the person who gave notice of appeal or by the respondent, decision shall be rendered at once.

427. When the supreme court thinks there is no reason for making the appeal, it shall render sentence to reject it.

428. When the supreme court thinks there is reason for setting aside the decision of the preliminary court or public trial, it shall set aside the whole sentence and order the case to be transferred to another court. The cases mentioned heretofore are excepted.

429. When the sentence of the original court is set aside on account of a mistake in the meaning of the law, or of a violation of the law, or on account of receiving or not receiving an official complaint, the supreme court shall render sentence at once without transferring the case.

430. Though the method of procedure in the preliminary examination or public trial be irregular, if no injury has resulted, or if no future legal steps in the trial have been hindered thereby, the case shall not be transferred to another court. The irregular steps or method of procedure only shall be set aside.

431. When the appeal is against a *part* only of the sentence of an inferior court, and

when the other part is not affected the superior court shall set aside the part affected by the appeal, and at once render just sentence according to the law, or transfer the case to another court.

432. When the supreme court sets aside an original sentence, and at once issues a new sentence, it shall make the original court or some other court execute it.

433. When the supreme court must transfer a case to another court, it shall designate a court of the same rank in the vicinity of the original court. A purely civil complaint shall be transferred to a civil court.

434. A decision of the tai-shin-in, or supreme court, respecting the law, is final. An appeal may be made against a decision of a court that has received a case from the supreme court, which appeal must be made according to the usual rules.

435. In case an act is punished by sentence that is not punishable by law, or in case a heavier punishment than is due is inflicted, if the sentence becomes conclusive, because of their being no one to make an appeal in the given time, the head kenji of the supreme court may at any time, by order of the minister of justice, or by his own official authority, make an extraordinary appeal. When an extraordinary appeal is made the sentence of the original court shall be set aside and sentence rendered straightway by the supreme court.

436. In the following cases the head kenji and other participants in a complaint may *remonstrate* against the sentence of the supreme court in said court:

(1.) When the supreme court fails to observe the forms laid down in the foregoing articles.

(2.) When it does not render a decision on a matter brought to its notice by a participant in the complaint.

(3.) When two points in one and the same sentence are contradictory.

437. A person intending to make a remonstrance shall give notice in the clerk's bureau within three days after the sentence. The clerk shall within three days after receipt of notice forward it to the respondent, and the respondent shall send in his rejoinder within the same time. The supreme court shall decide concerning a remonstrance according to the usual rules for an appeal.

438. The execution of the sentence of the supreme court shall be suspended for three days from the time when it was rendered, or, when there is a remonstrance, until its decision.

CHAPTER II.—CLAIM FOR RE-EXAMINATION.

439. A claim for re-examination may be made for the benefit of the defendant against a sentence inflicting the punishment due a grave crime, but not before the case is conclusively settled. The above claim may be made in the following cases:

(1.) When after sentence to punish for murder the person who was regarded as killed at the time of the sentence is found to be alive; or when it is proved that he was already dead before the crime was committed.

(2.) When there is a person not an accomplice who has received punishment expressly for the one crime in hand.

(3.) When by a document officially vouched for, made before the commission of the crime, it is clearly proved that the accused was elsewhere at the time.

(4.) When there is a person who has received sentence for the crime.

(5.) When by authenticated official documents it can be shown that the papers containing the accusation were forged or erroneous.

440. The persons who may claim a re-examination are the following:

(1.) The kenji of the court that rendered the sentence to punish the accused;

(2.) The head kenji of the appellate court that has jurisdiction over the court that issued sentence to inflict punishment;

(3.) The head kenji of the supreme court. He shall make the claim according to the order of the minister of justice or by his own official authority;

(4.) The person sentenced to be punished; or

(5.) The relatives of the person sentenced after his death.

441. A claim for re-examination may be made at any time without regard to the expiration of the punishment.

442. The person who intends to make a claim for a rehearing, shall add a copy of the original sentence and the documents in evidence to the written declaration of his aim and forward the whole to the clerk's bureau of the original court. The kenji of the original court shall add his written opinion to the documents and forward the whole to the head kenji of the supreme court. When the kenji of the original court or the head kenji of the appellate court themselves intend to make a claim for rehearing they shall forward the documents in the manner above indicated.

443. The supreme court, at the request of the head kenji, shall cause a special judge to make an examination of the documents, and report.

444. The supreme court shall lay aside other matters, and all the judges in the bu-

reau of criminal cases shall meet in the bureau of consultation, and decide the case according to the report of the special judge and the opinion of the head kenji.

445. When the supreme court concludes that there are reasons for a re-examination it shall set aside the original sentence, and render sentence that the official and private complaint be re-examined, and transfer the case to another court of the same rank as the original court.

446. In case a claim for re-examination is made by the relatives of a dead person, if the supreme court concludes that there are reasons for a re-examination it shall set aside the original sentence without transferring the case to another court.

447. When a person is declared innocent according to the finding of the re-examination, or when a sentence to set aside a preceding sentence is rendered as above stated, the sentence shall be exhibited in public or proclaimed officially in order to restore the person's reputation.

CHAPTER III.—CLAIM TO HAVE THE JURISDICTION DETERMINED.

448. When an ordinary or special court renders sentence that jurisdiction is wanting, and this sentence is confirmed, or when, on account of objections to a judge, or on account of some unusual event, jurisdiction over the matter complained of is wanting, the kenji and other participants in the suit may make complaint to have the jurisdiction determined. The head kenji of the supreme court, by order of the minister of justice or by his own official authority, may make the above claim.

449. A person intending to make a claim to have jurisdiction determined shall add the documents containing the complaint to the written declaration of his purpose and forward the whole to the clerk's bureau of the supreme court.

450. In the supreme court five or more judges in the bureau of criminal cases shall meet in the bureau of consultation and decide the claim to have the jurisdiction determined according to the special judge's report and the written opinion of the head kenji, and shall definitely indicate the court that shall have jurisdiction in the case.

CHAPTER IV.—CLAIM TO HAVE JURISDICTION REMOVED ON ACCOUNT OF APPREHENDED DANGER OR FOR PUBLIC PEACE.

451. When on account of the nature of a crime, the rank and number of the defendants, the character of the people of a place, or on account of other important considerations, there is fear that disorder or danger will result in the trial, the case may be removed to another court of the same rank, for the sake of preserving the peace.

452. A claim for removal of jurisdiction for the sake of the public peace shall be made by the head kenji of the superior court, in that court, by order of the minister of justice.

453. The matter shall be decided at once in the bureau of consultation of the supreme court without hearing the statements of the participants in the suit.

454. When, on account of the character of the defendants, the disposition of the people of a place, or the character of the complaint, it is feared that order cannot be preserved in court the case may be removed to another court of the same rank on account of this apprehension.

455. A claim to remove the jurisdiction on account of the above apprehension may be made by the kenji of the court having jurisdiction, or by other participants in the complaint. When a civil plaintiff makes a private complaint in a court where evil is apprehended, and decision takes place in the case without the defendant's giving notice of dissent, claim for removal of jurisdiction cannot be made.

456. In making the forementioned claim to remove jurisdiction, two copies of the declaration of purpose shall be forwarded to the clerk's bureau of the original court. The clerk shall speedily forward one copy to the respondent, who may send in his rejoinder within three days thereafter.

457. The supreme court shall decide the claim according to article 450.

458. When there is a claim to remove jurisdiction as above, proceedings in court shall be stopped.

BOOK VI.—EXECUTION, RESTITUTION OF RIGHTS AND SPECIAL RELEASE.

CHAPTER I.—EXECUTION.

459. Execution of the penalty of a grave or light crime or infraction of police regulations shall not take place till after the close of the trial.

460. When sentence inflicting the death penalty is rendered, the documents in the case shall be forwarded at once by the kenji to the minister of justice. When there is an order from the minister of justice to execute the death penalty it shall be done within three days.

461. Except in the case of the death penalty, when a sentence to inflict punishment is concluded it shall be executed at once.

462. The execution of a sentence to inflict punishment shall be carried out according to the directions of the kenji of the original court, or of the kenji of the court that has received an order from the supreme court. Fines, costs of court, and forfeits shall be paid in according to the written order of the kenji who shall also dispose of forfeited articles that are liable to decay or to be thrown away.

463. The clerk shall make out an account of the execution of the death penalty and sign and seal it along with the witnessing official, according to the rules for the execution of such sentences. Other rules and by-laws relating to the execution of penal sentences shall be fixed by special regulation.

464. When a sentence is determined, or when an absent person is tried, the clerk of the court that renders sentence shall write an account of the crime tried in the court, in which the following points shall be noted (when sentence is rendered in the supreme court this account shall be made out by the clerk of the court charged with the execution):

(1.) Name, age, business, residence, and birth-place of the offender.
(2.) The names of the crime and the punishment.
(3.) Repetition of the crime.
(4.) The day, month, and year of the sentence.
(5.) That the accused was personally present at or absent from the trial.

465. Two copies of the account of the crime tried shall be made out, and one copy shall be sent to the minister of justice and one copy kept on file in the clerk's bureau of the court. One copy of said account shall be made out in the case of an infraction of police regulations, and it shall be kept on file in the clerk's bureau.

466. When a person sentenced to undergo punishment expresses a doubt about an article of the sentence, or when he expresses dissent respecting the execution, the matter shall be decided in the court that rendered sentence.

467. When a sentenced person escapes and is afterwards arrested, if the question of identity arises, he shall be sent to the court where his crime was tried in order to have the question settled. When he cannot be identified by the court as the original offender, the judicial officers, kenji, clerk, and witnesses on both sides concerned in the original case may be summoned in order to consider the facts in the case.

468. In the cases mentioned in the two foregoing articles, the statement of the person sentenced and the opinion of the kenji shall be heard in the court, and sentence thereupon rendered. Against this sentence there can be no appeal.

469. The execution of a sentence respecting compensation and costs of court payable to parties concerned in the complaint shall be according to the usual rules for civil matters.

Chapter II.—Restoration of Civil Rights.

470. Petition to restore civil rights shall be made to the minister of justice by the person sentenced after the expiration of the time fixed in article 63 of the penal code. This petition shall be signed and sealed and forwarded to the acting kenji of the primary court of the place where the petitioner resides.

471. The following documents must be added to the petition for the restoration of rights:

(1.) Copy of the sentence of the court.
(2.) Documents proving that the time of the punishment is up, or that special release has been granted, or that the punishment is ended according to the statute of limitations.
(3.) Proof of temporary release from prison or from surveillance.
(4.) Proof that compensation and costs of suit have been paid or remitted.
(5.) Documents showing the petitioner's past and present residence and means of obtaining a livelihood.

472. The kenji shall examine as to the character of the petitioner and other essential matters and add his opinion to the forementioned documents and forward the whole to the head kenji of the appellate court.

473. The head kenji shall make needful examination, add his opinion to the documents relating to the petition for the restoration of rights, and forward the whole to the minister of justice.

474. The minister of justice shall examine the documents relating to the petition, and if he thinks it should be granted he shall speedily represent the case to the emperor.

475. When a petition for the restoration of civil rights is rejected by His Majesty or according to the opinion of the minister of justice, the latter shall inform the kenji of the appellate court, who, in turn, shall inform the kenji of the primary court that issued the petition. In this case the petition cannot be renewed unless after the expiration of half the time mentioned in article 63 of the criminal code. When a petition is presented anew, the foregoing rules must be observed.

476. When there is a favorable decision on the subject of restoring the rights petitioned for, the minister of justice shall forward this favorable decision in writing to the head kenji of the appellate court, who, in turn, shall forward it to the primary court that issued the petition. The kenji shall furnish the petitioner with a copy of said writing.

CHAPTER III.—SPECIAL PARDON.

477. At any time after a sentence to inflict punishment has been determined on, the kenji or head jailer may represent the conduct of the offender to the minister of justice in order to obtain his special pardon. When the head jailer represents the matter he shall do so through the kenji, who shall add his opinion. When there is such an application for special pardon, the minister of justice shall add his written opinion to the other documents and forward all to His Majesty the Emperor.

478. The minister of justice may apply for a special pardon at any time after sentence has been decided on. With the exception of the death penalty, the execution of no penalty can be stopped by an application for a special pardon.

479. When an application for a special pardon is rejected the fact shall be made known to the kenji of the court that issued sentence by the minister of justice.

480. When an application for a special pardon is granted, the minister of justice shall forward a copy of the pardon to the kenji of the court that issued sentence according to the rule laid down in article 476.

No. 424.

Mr. Bingham to Mr. Blaine.

No. 1268.] LEGATION OF THE UNITED STATES,
Tokei, Japan, March 17, 1881. (Received April 14.)

SIR: On the 4th instant His Majesty the King of Hawaii reached Yokohama *en route* for Eastern Asia, Europe and the United States of America. Having been consulted by Mr. Wooyeno, assistant Japanese minister for foreign affairs, in anticipation of the arrival of the King, as to what action, if any, should be taken by His Imperial Japanese Majesty's Government touching the King's reception, I suggested that His Majesty should be received by this government and entertained in a manner befitting his rank, which, it gives me pleasure to say, was done, the Emperor having directed his ministers to receive the King and tender to His Majesty lodging and hospitality in the private palace Enrioknan in Tokei. The King having been conducted thither, on the same day was received in audience by the Emperor and every courtesy was extended to him during His Majesty's stay, which terminated on the 16th instant, when His Majesty sailed for China.

Soon after his arrival I called on His Majesty, who received me cordially and thanked me for my good offices in communicating with this government on behalf of the Hawaiian Government, and especially for my letter to his excellency Mr. Inonye (a copy of which I have the honor to inclose), in which I transmitted a copy of the letter from His Hawaiian Majesty's minister for foreign affairs to Mr. Irwin, the acting consul-general of Hawaii in Japan.

His Majesty did me the honor to call upon me in person with his suite, and also to invite me to dine with him at the palace, which invitation was accepted by me.

The Union Christian Church of Yokohama invited His Majesty to meet them on the 10th instant, which was the ninth anniversary of the organization of the native church of Christ in Japan. The church building was erected in 1875, and paid for largely by foreign contributions; among others, $1,000 contributed in 1853 by the Christian people of Hawaii. This money having been intrusted to the Reformed Church

in America for its use, was, with the increase thereof, applied to the erection of the edifice in Yokohama above named. The King upon entering the building found it filled with Japanese Christians and their friends, its walls adorned with the Japanese and Hawaiian flags, above which was the word in His Majesty's own tongue "Aloha," the Hawaiian expression for "Love to thee." Upon the entrance of His Majesty the Japanese pastor of the church, the Reverend Okuno Masatsuna, made an address to His Majesty, in which, after saying "I extend to Your Majesty a most cordial welcome," he added, "this house of God in which we meet owes its erection to the generous donation of a large sum of money from the Hawaiian Christians to build the first native church in Japan."

Herewith I inclose the address of the reverend gentleman to His Majesty and the text of His Majesty's reply, as published in the Japan Weekly Mail of the 12th instant.

His Majesty's visit to this Empire cannot fail, in my opinion, of good results. Those who conversed with His Majesty, were, I have no doubt, impressed, as I was, with his large intelligence. It was apparent that His Majesty, to use his own words, seeks "to promote the health of his people."

I have, &c.,

JOHN A. BINGHAM.

[Inclosure 1 in No. 1268.]

Mr. Bingham to His Excellency Inonye Kaoru.

UNITED STATES LEGATION,
Tokei, February 23, 1881.

SIR: I beg leave to acquaint your excellency that I have been favored by Mr. R. W. Irwin, His Hawaiian Majesty's acting consul-general at Yokohama, with a communication addressed to him by His Hawaiian Majesty's minister for foreign affairs, a copy of which communication I have the honor to inclose herewith for your information.

Mr. Irwin is notified among other things that His Majesty on the 18th ultimo, left his kingdom for San Francisco, whence he proposed to proceed to Yokohama *en route* for the East, accompanied by his chamberlain, Mr. Judd, and also by Mr. Armstrong, His Majesty's commissioner of emigration.

Your excellency will please observe that the Hawaiian minister for foreign affairs calls attention to the fact that His Majesty travels strictly incognito as Alu Kalu kawa.

Referring to a conversation which I had recently on this subject with his excellency, Mr. Wooyeno, I beg leave to say that I then suggested, in reply, that I thought it would be highly proper for His Imperial Japanese Majesty's Government on the arrival of His Majesty the King of Hawaii at Yokohama, to extend to His Majesty the courtesies befitting his rank, and this I have no doubt it will be the pleasure of your excellency's government to do.

It is probable that His Majesty the King will arrive at Yokohama by the "Oceanic" about the 28th instant.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure 2 in No. 1268.—Extract from Japan Weekly Mail, March 12, 1881.]

The Rev. Okuno Masatsuna then read the following address in Japanese, and presented a copy of the Japanese New Testament to His Majesty:

"YOUR MAJESTY THE KING OF HAWAII: On behalf of the members of the first church of Christ in Japan, whose ninth anniversary we celebrate to-day, I extend to Your Majesty a most cordial welcome. We feel greatly honored by Your Majesty's

presence on such an occasion, and consider it as a mark of the liberal principles that characterize Your Majesty's government and people. History records that Columbus in setting out on his famed voyage of discovery had Cipango and the East Indies in view. He knew not that a great continent of America and Your Majesty's beautiful island empire needed first to feel the life-giving touch of Christian civilization before they in turn could extend it to our country. We rejoice in the integrity and independence of your empire, your liberal constitutional government, and in your great progress in educational matters. May the thrones of Kamehameha and of Jimmu never be held by others than their lawful descendants. A special duty which rests upon us to-day is this: this house of God in which we meet owes its erection to the generous donation of a large sum of money from the Hawaiian Christians to build the first native church in Japan. This money was intrusted to the mission of the Reformed Church in America for our use. By the generous gifts of others which were added to this, and the exertions of our first teachers, this church was erected and was dedicated to the worship of God July 10, 1875, from which time it has been freely used by us. We well know the source of that love which was seen in this gift on the part of Your Majesty's people. It is no other than the love of God which led him to send his only begotten Son that whosoever believeth in Him should not perish but have everlasting life. And we are glad to avail ourselves of the opportunity afforded by Your Majesty's visit to this empire to offer, through the august person of Your Majesty, to the Christians of Hawaii our sincere thanks. We have heard of the great success which has attended the preaching of the gospel in your dominion, but the cause of Christianity as yet with us is in its infancy. Yet are we happy to tell Your Majesty of more than seventy churches and 4,000 Christian believers. We hope also the day is not far distant when we in turn shall send our missionaries to other islands and countries to proclaim the glorious gospel of the blessed God. As a trifling token of our high respect for Your Majesty we humbly present Your Majesty a copy of the New Testament in our language, and pray that the high degree of liberty and advanced national prosperity which has been the blessing of those nations where this book has had its widest influence be more and more fully enjoyed both by Your Majesty's people and ours."

His Majesty, speaking in excellent English, said in reply:

"It is a source of great pleasure to me, on this occasion, to thank you for the very valuable gift that you have made me this afternoon. I feel very much gratified for this exchange of love, not only between Hawaii and Japan as nations, but also as between the Christians of our country and yours. I shall consider this estimable gift of the church of Japan—of the Christians of Japan—a pleasing memento of my visit, and I have no doubt it will be very gratifying to the Christians of my kingdom on my return for me to be able to show them the valuable present you have made me to-day. The Christian religion is the prevailing religion of my kingdom, and I hope that the liberal spirit of the Imperial sovereign of Japan and your labors—the labors of the mission as well as those of the communicants—will conduce to the progress of your work. With these few remarks let me thank the Christians of Japan for their kindness. I only regret that my stay in Japan is not long enough to visit the church more often."

Hymn No. 727 was next sung, in English, and the service terminated with the benediction pronounced by the Rev. Uemura Masahisa.

His Majesty then adjourned to an ante-room where many presentations to him were made, some of those presented being old Hawaiians. His Majesty left shortly after five, and visited the Yokohama Chapter later in the evening, returning to the capital by the 10 p. m. train.

No. 425.

Mr. Blaine to Mr. Bingham.

No. 576.] DEPARTMENT OF STATE,
Washington, March 22, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 1250 of the 7th ultimo, and to approve your action reported therein, in respect of the order amending the consular court regulations as to the punishment for crimes and offenses against the laws of the United States.

I am, &c.,

JAMES G. BLAINE.

No. 426.

Mr. Bingham to Mr. Blaine.

No. 1320.] UNITED STATES LEGATION,
Tokei, Japan, June 21, 1881. (Received July 18.)

SIR: Referring to my No. 1300, in relation to the establishment by this government of a department of agriculture and commerce, I now have the honor to inclose herewith a translation of a proclamation issued on the 23d ultimo by his excellency Mr. Sanjo, His Imperial Japanese Majesty's prime minister, together with rules for the government of assemblies for investigating the subjects of agriculture, commerce, and manufacture, with a view to the development of those industries. This is another witness of the efforts constantly being made by His Imperial Japanese Majesty to employ all legitimate agencies to develop the resources of this empire and better the condition of this people despite the refusal of western nations to repeal the unjust restrictions of the convention of 1866. How long will the free and enlightened people of the western nations tolerate this great wrong? If our government would say to Japan, "We consent to strike from our treaty which we concluded in 1878 with His Imperial Japanese Majesty its tenth article, and adopt in lieu thereof reciprocal conditions," I believe it would work the liberation of this government from the offensive and oppressive restrictions of the convention of 1866, and promote for all time our own commercial interests in this empire.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure with 1320.—Translation.]

Proclamation is hereby made that the following rules for the government of assemblies for investigating the subjects of agriculture, commerce, and manufactures have been enacted with a view to the establishment and development of said industries in the provinces of the Empire of Japan.

SANJO SANEYOSHI,
Prime Minister.

MAY 23, 1881.

RULES.

CHAPTER I.—CITY AND PROVINCIAL ASSEMBLIES FOR INVESTIGATING THE SUBJECTS OF AGRICULTURE, COMMERCE, AND MANUFACTURES.

ARTICLE I. An assembly for the investigation of the above subjects shall be located in each city or province.

ART. II. This assembly shall have for its object the consideration of all matters relating to agriculture, commerce, and manufactures; especially the questions of transportation by sea and land; the opening up of roads; the improvement of harbors and rivers; drainage; the extermination of hurtful insects; the preventing of cattle diseases; the preservation of mountain forests; fertilization of lands; the kinds of animals and plants suitable to given districts; testing machinery; the construction of models and establishment of museums; modes of building; the opening or interdiction of markets, &c. It shall also take into consideration and render an opinion on any pertinent question brought before it by the minister of agriculture and commerce, or by the governor of a city or province, as well as the subject of the prosperity or decline of agriculture, commerce, and manufactures, and the subject of expenditure.

ART. III. The membership shall consist of from five to fifteen reputable farmers, merchants, and manufacturers, males over twenty-five years of age, who have resided at least three years in a given city or province, chosen by the governor of the city or province. The term of service shall be three years. The members may be re-elected.

ART. IV. The governor of the city or province or his deputy shall be chairman.

ART. V. The secretary shall be appointed by the governor of the city or province from among the officers under him.

ART. VI. Meetings shall be held at least once a year; when one-fourth or more of the members make a request for a called meeting the governor may grant it.

ART. VII. The officers of the department of agriculture and commerce, and the high officers of the city or provincial government having jurisdiction, may sit as members and express their views but shall not be allowed to vote.

ART. VIII. Questions discussed shall be decided by a majority. When there is a tie the chairman shall have the decisive vote.

ART. IX. The members shall have their traveling expenses and daily allowance paid the same in amount as the members of the city and provincial assemblies receive.

ART. X. The traveling expenses and daily allowance of members shall be paid out of the appropriation for promoting industries from the local taxes. Other expenses shall be paid from the funds appropriated for city or provincial government purposes.

CHAPTER II.—OF DISTRICT SOCIETIES.

ART. XI. In each district or union of adjacent districts in each city or province an agricultural society, a mercantile society, or a manufacturers' society may be established or there may be one general society for the promotion of agriculture, commerce, and manufactures established.

ART. XII. Such societies shall carry on discussions in the interest of agriculture, commerce, and manufactures, shall take into consideration questions proposed by the governor of the city or province, or by the minister of agriculture and commerce, and render their opinion on the same.

ART. XIII. Such societies may also bring matters affecting the interests of agriculture, commerce, and manufactures to the attention of the local governor or minister of agriculture and commerce.

ART. XIV. In order to the establishment of a society the consent of the minister of agriculture and commerce must be obtained through the primary local assembly and through the governor of the city or province.

ART. XV. The members of the above-mentioned agricultural societies, and societies of manufactures, shall be males over twenty-five years of age, publicly elected by the manufacturers and venders of native productions who reside in the district, and shall be approved by the local governor. The members of the mercantile societies shall be elected by merchants and approved as above. Persons described in article XXII of the provincial assembly regulations (idiots, criminals, &c.—TRANSLATOR) are disqualified.

ART. XVI. Electors must be householders, males, over twenty years of age, engaged in farming, trade, or manufacturing, in the district, with the exceptions referred to in article XV above.

ART. XVII. An agricultural or manufacturer's society shall consist of not more than twenty-five members. A commercial society shall consist of not more than fifty members. These shall elect a president and vice-president by ballot, who shall serve three years and may be re-elected.

ART. XVIII. The expenses of a society shall be paid by an assessment on the electors or from the district appropriation for such purposes.

ART. XIX. The by-laws of each society shall be drawn up by the society, subject to the approval of the minister of agriculture and commerce, obtained through the governor of the city or province.

No. 427.

Mr. Bingham to Mr. Blaine.

No. 1385.] UNITED STATES LEGATION,
Tokei, Japan, October 21, 1881. (Received November 19.)

SIR: For several weeks past His Majesty the Emperor of Japan has been making a progress in the north of his empire in the island of Yesso, and on the 12th instant signalized his return to this capital by issuing an imperial decree to the effect that in the 23d year of Meiji (1890) His Majesty would establish a parliament, and in the mean time he would by proclamation make known the constitutional limitations of the im-

perial prerogatives and of the national parliament. I note that His Majesty in this decree remarks that he perceived the tendency of his people "is to advance too rapidly, and without that thought and consideration which alone can make progress enduring," thereby confirming what I had occasion to say in my No. 1102 of His Majesty's address on the 25th of March, 1880, to the provincial governors of the empire, that "the Emperor intends that the people shall hasten slowly towards constitutional and representative government."

It cannot be doubted that this decree marks one of the most eventful acts of the illustrious administration of His Imperial Majesty. It seemed to me fitting, as the representative of our constitutional system of government, that I should congratulate his excellency Mr. Inouye, the minister for foreign affairs, upon this decree of His Imperial Majesty, and accordingly I addressed a note of congratulation to his excellency on the 14th instant, a copy of which is herewith, together with a copy of the imperial decree as published in the Japan Daily Mail of the 13th instant.

Should the Emperor live, as it is to be hoped he may, to consummate what he has thus inaugurated, it may be said that this act of his, in the interests of his people and of good government, regulated by written law, is second to no act of any of the rulers of this empire during an unbroken dynasty of twenty-five centuries.

Surely this decree for liberty and justice, sheltered and regulated by written constitutional law, will live in all the future of this people. Very impressive are the Emperor's words:

Our ancestors in heaven watch our acts, and we recognize our responsibility to them for the faithful discharge of our high duties.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 1385.]

Mr. Bingham to Mr. Inouye.

TOKEI, *October* 14, 1881.

DEAR SIR: I beg most heartily to congratulate you upon the imperial decree of His Majesty the Emperor of Japan, of date the 12th instant, declaring his purpose to establish an imperial parliament. What His Majesty has resolved to do accords with all the great reforms he has already inaugurated, of which I made mention in my dispatch to my government, No. 1159, as published in the Foreign Relations for 1880, page 690, a copy of which I gave you.

To hasten slowly in this crowning work, as His Majesty proposes, is the dictate of wisdom.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 2 in No. 1385.—Extract from the Japan Daily Mail, October 13, 1881.]

IMPERIAL DECREE.

We, sitting on the throne which has been occupied by our dynasty for over 2,500 years, and now exercising, in our own name and right, all the authority and power transmitted to us by our ancestors.

We have long had it in view gradually to establish a constitutional form of government to the end that the peaceful permanence of our dynasty may be assured and our successors provided with a rule for their guidance.

It was with this object in view that, in the 8th year of Meiji, we established the

Genro-In, and in the 11th year of Meiji authorized the formation of local assemblies, thus laying the formation for the gradual reforms which we contemplated. These, our acts, must convince you, our subjects, of our determination in this respect from the beginning.

Systems of government differ in different countries, but sudden and unusual changes cannot be made without great inconvenience.

Our ancestors in heaven watch our acts, and we recognize our responsibility to them for the faithful discharge of our high duties, in accordance with the principles and the perpetual increase of the glory they have bequeathed us.

We therefore hereby declare that we shall, in the 23d year of Meiji, establish a parliament in order to carry into full effect the determination we have announced; and we charge our faithful subjects bearing our commissions to make, in the mean time, all necessary preparations to that end.

With regard to the limitations upon the imperial prerogative, and the constitution of the parliament, we shall decide hereafter and shall make proclamation in due time.

We perceive that the tendency of our people is to advance too rapidly, and without that thought and consideration which alone can make progress enduring, and we warn our subjects, high and low, to be mindful of our will, and that those who may advocate sudden and violent changes, thus disturbing the peace of our realm, will fall under our displeasure.

We expressly proclaim this to our subjects.

By command of His Imperial Majesty.

SANJO SANETOMI,
First Minister of State.

12th day, 10th month, 14th year of Meiji. (October 12, 1881.)

No. 428.

Mr. Bingham to Mr. Blaine.

No. 1388.] UNITED STATES LEGATION,
Tokei, Japan, October 24, 1881. (Received November 19.)

SIR: Referring to my No. 1078, dated March 1, 1880 (Foreign Relations for 1880, pages 683, 684), wherein I acquainted the Department of a change in the organization of His Imperial Japanese Majesty's Government, I have now to report a further change made a few days since in the organization and *personnel* thereof. Mr. Okuma, formerly a member of the Daijo-Kuan, or imperial council, has resigned. The six sections formerly connected with the imperial council have been abolished, and instead thereof a bureau, called the sanji-in, has been created and made part of the imperial council.

This bureau is composed of the three chief ministers of state, Sanjo, Iwakura, and Arisugawa, and the thirteen privy councilors, the names of whom, as published in the Japan Weekly Mail of date the 22d instant, I herewith inclose, together with the notification of the constitution and rules for its government.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in 1338.—Extract from the Japan Weekly Mail, October 22, 1881.]

The changes in the *personnel* of the government consequent upon Mr. Okuma's resignation, are as follows:

His excellency Oki Takato, previously president of the Genro-in (Senate), to be minister of justice.

His excellency Saigo Yoreinichi to be minister of agriculture and commerce, retaining his position as privy councilor.

His excellency Yawada Akiyoshi to be minister of the home department, retaining his position as privy councilor.

His excellency Matsugata Masayoshi, previously minister of the home department, to be minister of finance and privy councilor.

His excellency Sano Tsunetami, formerly minister of finance, to be vice-president of the Senate.

His excellency General Oyama Iwao to be privy councilor, retaining his office as minister of war.

His excellency Admiral Kawamura to be privy councilor, retaining his office as minister of marine.

His excellency Fukuoka Takatada to be privy councilor, retaining his office as minister of education.

His excellency Yamao Yozo, previously minister of public works, to be a member of the sanji-in.

(N. B.—This sanji-in is a newly-created bureau, taking the place of the six sections formerly existing in the privy council. Its chief personnel will be the three ministers of state and the thirteen privy councilors. The laws of its constitution will be found below.)

His excellency Ito Hirobumi to be president of the sanji-in.

His excellency Tanaka Fujimaro, formerly minister of justice, to be vice-president of the sanji-in.

His excellency Sasaki Takayuki, previously vice-president of the Senate, to be privy councilor and minister of public works.

Mr. Kouo Toshikama, previously minister of agriculture and commerce, retires from the government.

Mr. Yoshikawa Akimasu, previously acting vice-minister of foreign affairs, becomes vice-minister of public works.

Mr. Shioda Saburo from chief secretary to be acting vice-minister of foreign affairs.

Mr. Iwamura Michitoshi, previously senator, to be president of the board of audit.

The following notification has been issued by the Daijo-Kwan to the cities and prefectures:

Be it known hereby that the constitution and the rules for conducting business of the sanji-in (board of privy councilors) have been fixed as follows:

CONSTITUTION.

1. The sanji-in shall belong to the daijo-kwan and shall survey the formation of laws and regulation according to the cabinet orders.

2. The members of the sanji-in shall consist of one president, one vice-president, senators (whose number is not settled), assistant senators (whose number is not limited, and who rank between the fourth and seventh class), a non-commissioned senator, who is to be selected from among the secretaries of the departments. He must, however, also attend to the duties of his department. But in case of his being chief secretary of his department, he is exempt from this election, unless elected in a special meeting of the sanji-in, and a secretary who is to be selected from among the asisstant senators, and to work in the private office of the president.

3. A senator shall, according to the command of the president, appoint six subordinates as chiefs of the various sections which transact business under his superintendence.

4. An assistant senator shall be attached to each section to draw up propositions and read them in the assembly.

5. The busines to be transacted by the sanj-in shall be:

(1.) Laying down proposals, framing laws according to cabinet orders, or amending and forwarding their views on the same.

(2.) Reporting on laws and regulations which were brought forward for their consideration from other departments, and forwarding them to the cabinet with their views on them.

(3.) To investigate the propositions discussed in the Genro-in, and to give their opinion of them to the cabinet; they have power to order them to be rediscussed in the Genro-in, and to discuss themselves with the genro-in after being authorized by cabinet order.

(4.) To deliberate upon documents handed to them from the cabinet in reference to appeals from cities, prefectures, commissions, departments, and boards.

(5.) To examine the annual reports of the departments and reports of other descriptions.

6. Besides the above, the Sanji-in shall have:

(1.) To investigate the quarrels that take place between the legislative and executive officials, and the differences arising between the provincial governments and the assembly.

(2.) To give explanations to the cities, prefectures, commissions, departments, and boards on complicated questions which come from the above source.

7. The Sanji-in may call together all the senators to a meeting in the cabinet whenever it is found necessary to communicate their views to the cabinet.

8. A senator shall, in compliance with the cabinet order, appear in the Genro-in as commissioner of the cabinet, and consider upon the propositions made therein.

9. The following six sections will be established in the Sanji-in, namely:

Home bureau (for miscellaneous affairs of the Sanji-in).

Foreign sections (for diplomatic affairs).

Home sections (educational and home industrial affairs).

War sections (naval and military affairs).

Finance sections (national debt, revenue, outlay, and taxation).

Judicial sections (administrative justice, constitution of courts of justice, their power, and release of prisoners).

Legislative sections (civil litigation, penal code, commercial matters, &c.).

10. The assembly of the Sanji-in shall be divided into two branches, one general and one sectional. The latter decides in meetings which take place between the officials of any two sections on questions arising between them; the former in meetings of all the six sections in questions concerning them all.

11. Legislative matters appertaining to foreign treaties, the second item in article 9, and other matters deemed necessary by the president, shall be discussed in the general assembly.

12. When the president has declared his views in the sectional assembly he may convoke the general assembly to deliberate upon them.

13. When the president is absent, the vice-president shall assume his duties, and in case of both being absent, the president shall appoint a senator to act as procurator for him.

14. When the chief of the sectional assembly is absent he shall appoint one of his colleagues to represent him.

15. The president, or any senator representing him, shall have power to decide a question in case of an equal number of ballots on each side.

16. The members of the cabinet have the power to deliberate both in the general and sectional assembly.

17. Resolutions passed in the general assembly shall be forwarded to the cabinet in the name of the president. A proposal that is not submitted to the consideration of the general assembly shall, after being deliberated upon in the sectional assembly, be forwarded to the home bureau and from thence to the cabinet, signed in the name of the president.

18. In case of any error occuring in the documents thus transferred from and to the home bureau the secretary shall be responsible, and for the sectional assembly, its chief.

LIBERIA.

No. 429.

Mr. Smyth to Mr. Evarts.

No. 94.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, December 1, 1880. (Received January 3, 1881.)

SIR: Through a note from the secretary of state of Liberia, received this day, I am informed of the death of a distinguished Liberian patriot, late Vice-President of Liberia, Hon. Daniel B. Warner.

Mr. Warner died on the evening of November 30 at his residence in this city from disease of the heart.

He was born in Maryland, United States, and grew up in Liberia, having lived here more than fifty years, and being in the sixty-sixth year of his age at the time of his death. By reason of his great natural endowments, he succeeded in educating himself, and was essentially a self-made man. As ship-carpenter, sailor, merchant, and statesman he honored himself, his country, and his race.

He occupied, at different periods of his life, with distinction, nearly

every important office in the state, from that of member of the House of Representatives to the Presidency of the Republic. His integrity, in no calling of his eventful life, was ever questioned. His loss is a national one. He was loved, respected, honored, and distinguished by his fellow-citizens. He belongs to that class of great negroes who used their gift in the elevation of their race. In Africa he may properly be placed with Crowther, Horton, Cary, and Benson; in our own country with Ward, Douglass, and Garnett.

I have, &c.,

JNO. H. SMYTH.

No. 430.

Mr. Smyth to Mr. Evarts.

No. 106.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, February 22, 1881. (Received April 8.)

SIR: I have the honor to forward two copies of the acts passed by the legislature of the Republic of Liberia.

The most important of the acts passed at the recent session is the one on page 11, relative to the amendment to the constitution, so that the presidential term shall be four years instead of two, as now. The proposed amendment will be submitted to the people at the election to be held in May next. This proposed change, if affected, will be of great benefit to the republic.

Next in importance is a resolution on page 6, as to the privileges of native African representatives in the legislature. Heretofore native representatives were invited to be present at the sessions of the legislature, and solicited to speak during the closing hours of that body, but had no privileges beyond this; while this legislation gives them the right to speak, vote, and receive compensation.

The act on page 10, requiring missionaries and missionary bodies to pay the same specific or advalorem duties as any other persons or organizations for necessaries brought into Liberia, if not flagrantly unjust, is, to say the least, im politic, and may and ought to call for a protest from them. The privations to be suffered, and the risks to be run by this class of people in Africa, are too great, and the benefits derived by the people here too great to be taxed by government for necessaries. It seems like ingratitude and a tax on philanthropy.

At the instance of my fellow-citizens here, American missionaries, I respectfully represented their views on the subject to the president and his cabinet. These reasons offered in support of the act are unworthy a people who need, for their children and the native African, the educational benefits which the missionary brings, which need is so illy supplied by the government.

The reasons assigned are that the articles to be used in carrying on these missions may be purchased of Liberian merchants, and the government needs all the available revenue for carrying it on. The prices charged for necessaries here are too exhorbitant for missions to be carried on here, and to attempt to pay them would cause the suspension of all missionary effort here.

An act has been passed incorporating the African Methodist Episcopal Church in Liberia. This is a branch of the African Methodist Episcopal Church of the United States, which represents the largest and most important Christian organization among negroes in the world.

I have, &c.,

JNO. H. SMYTH.

No. 431.

Mr. Evarts to Mr. Smyth.

No. 63.] DEPARTMENT OF STATE,
Washington, February 28, 1881.

SIR: On the 14th instant, in a conference with me, the minister of Germany at this capital stated that in October last the German steamer Carlos, Capt. P. C. Nickelsen, with a cargo from Hamburg for Lagos, via Sasstown, fell into distress on the coast of Liberia; that the natives of the coast of the "Kronbah" tribe took advantage of the helpless condition of the vessel to plunder her of the greater part of her cargo, besides robbing and maltreating her crew, who sought to escape in the vessel's life-boats; and that the Liberian Government showed the sincerest wish to punish such proceedings, but declared itself unable to exert authority to that end over the lawless Kronbahs. Under these circumstances Mr. Von Schlözer said that the German Government had ordered the Victoria of the imperial navy to proceed to Liberia and there assist the government of that republic in the pursuit and punishment of the offenders, as a step in the general interest of all commercial nations. He at the same time asked that you might be informed of the occurrence and of the purpose of his government in the premises.

It is not understood that the coast-dwellers who committed this injury on a peaceable foreign vessel and her crew are unsubdued rebels to the Liberian Government, or pirates in the common international acceptation of the term; but it is inferred that they are simply lawless wreckers, outside of the prompt and efficacious control of the central government. In this view, and to the end of securing foreign life and property from inhospitable attacks on the coast in question, it is presumed that the Liberian Government would gladly avail itself of any proper and friendly aid from without in making its own laws and power felt within its own jurisdiction.

Should the Liberian minister of state consult with you on this point in view of the attitude of advisory friendliness which this government has constantly maintained toward that of Liberia, you are at liberty to express to him the view of the matter entertained here, adding that had the case affected an American vessel and crew this government would not have failed to consider in a proper spirit any request made to it by that of Liberia for aid such as Germany is now prepared to render.

It is not, however, needful for you to make any such statement in advance of the subject being brought to your attention.

I am, sir, &c.,

WM. M. EVARTS.

No. 432.

Mr. Smyth to Mr. Evarts.

No. 107.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, March 3, 1881. (Received April 8.)

SIR: On or about the 25th of October last, the German steamer Carlos, of Hamburg, bound for Lagos, struck on a rock near Sinou, on the Liberian coast. In a short time after she struck she sunk. Nothing, save a few nautical instruments, clothing, and some food, was taken from the ship into the two boats in which the captain and crew made their escape from the ship.

Shortly after entering the boats, the natives, Bateau Kroo-men, surrounded the captain and crew with canoes and proceeded to rob and maltreat them. On reaching the shore all their clothing was taken from their bodies, and all else of value that was in the boats.

Fortunately these shipwrecked men succeeded in reaching the civilized settlement of Sinou, whence they came to Monrovia and laid their grievances before the German consul. The consul presented these facts to the Liberian Government. No action was taken for redress because the place near which the wreck occurred was not a port of entry. The government made no effort to detect and punish the guilty parties, it is believed, not from any reluctance on its part to punish crime, but on account of its inability to do so.

The whole matter having been fully set out and forwarded to the foreign office at Berlin, the war ship Victoria arrived at Monrovia, Saturday, February 26, 1881. On the afternoon of February 28th, Commander Von Valois and suite visited the legation and informed me that he had been instructed to confer with the Liberian Government as to the outrage committed upon the crew of the Carlos, and to request the government to take the initiative in the punishment of the natives for their piratical acts. He further stated that it was the purpose of his government to have the historically friendly relations between itself and Liberia remain unimpaired; and therefore he proposed to co-operate with Liberia in the matter, if possible. His instructions were, if necessary, to ask the aid of the United States Government, through its representative, in effecting his purpose.

On returning the commander's visit, March 2, I was further advised that the government had acceded to his requests fully, and that the President and secretary of the interior would accompany him to the scene of the outrage for the end desired.

A memorandum was drawn up by the Liberian Government, and agreed to by the commander, the substance of which was, that it will seek to punish the offenders, and exact an indemnity from them; failing in this, the Liberian Government will pay an indemnity to Germany of $3,500.

The leniency of the German Government is very apparent, and clearly shows the desire to perpetuate the friendship that exists between it and Liberia, and Liberia's action evidences a desire to carry out the duty of a civilized state.

On leaving the ship the usual salute was fired. The Victoria was built in France for the Confederate war service, and has near the wheelhouse the stars of the Confederacy in brass.

I have, &c.,

JNO. H. SMYTH.

No. 433.

Mr. Smyth to Mr. Evarts.

[Extract.]

No. 112.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, March 16, 1881. (Received April 26.)

SIR: I have the honor to inform you of the result of the mission of His Imperial Majesty's ship Victoria.

On the 3d of February, 1881, according to the terms of the memorandum or protocol drawn up between Commander Von Valois and the German consul of the one part, and the Republic of Liberia of the other,

the ship Victoria, with the President of Liberia and Hon. E. W. Blyden, secretary of interior, on board, steamed out of the port of Monrovia on its voyage to the scene of the outrage on the Kroo coast.

On arrival at Sinou an interpreter was taken on board and a Liberian military officer, and the ship proceeded then to Nanna-Kroo, the place where the chief actors were who took part in the robbery and cruel treatment of the captain and crew of the German steamer Carlos.

When Nanna-Kroo was reached a message was sent by the President to the King and chiefs requesting them to come on board to talk "the palava." The King and chiefs and five men came. The King informed the President that the five men he brought were engaged in the robbery, and that one of them was the leader.

The President ordered all the inhabitants to leave the town with whatever of property they could remove within thirty-six hours, that no lives might be lost, as he purposed destroying it. One man was killed by the explosion of a shell. A Liberian officer, a German officer and 120 men, fully equipped, landed after the town was shelled, this being the next day, and fired the town.

The culprits and the King and the chiefs were brought to Monrovia, the latter to be held as hostages until the indemnity should be paid by their people, and the former to abide the action of the court of admiralty.

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I have, &c.,

JNO. H. SMYTH.

No. 434.

Mr. Smyth to Mr. Blaine.

No. 116.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, April 19, 1881. (Received May 31.)

SIR: Your No. 63, diplomatic series, dated February 28, 1881, relative to the conference had with the German minister at the capital, as to the German steamer Carlos, and the course therein indicated which I should pursue in a certain contingency, has been received at this legation.

In reply I have to state that I anticipated your instructions, and on the arrival of the Victoria, the German consul being absent from Monrovia I tendered my good offices to Commander Von Valois, of the Victoria, and conferred with him at some length upon the matter; and subsequently, on an informal meeting with the secretary of state of Liberia, when being by him advised of the matter, at his solicitation I gave my views upon the legal and commercial bearings of the matter, with which the secretary concurred.

To a conference of the President and cabinet, with some distinguished citizens, I was invited, and in the progress of the interview I stated, as I was reminded by the secretary, almost in the language of your instructions, at least substantially, the attitude the United States would assume "had the case affected an American vessel and crew."

I would further add that the timely and correct opinions held and expressed by me tended to soften the asperities created among Liberians on the bringing of the culprits to Monrovia and their incarceration. The recollection of past oppression borne in the United States and the West Indies by negroes, inflicted by Caucasians, had the effect of awakening sentiments and feelings of revenge toward the Germans when they

returned to Monrovia with the offenders and hostages; this was principally among the ignorant, although some otherwise intelligent persons shared in the contagion, where the preservation of the reputation of the country for doing right and justice and respecting treaty stipulations should have characterized the sentiments of the people.

The hostages have determined to have their people use every means to meet the indemnity, and a bond has been given for the King of Nanna-Kroo and Will Town, and two of them returned to secure the value of the indemnity. Happily better thoughts have succeeded to unnecessary and unreasonable heart-burnings, and the community seems content.

In connection with the foregoing, I beg to call attention to my Nos. 107 and 112, diplomatic series, dated respectively March 3 and March 16, 1881.

I have, &c.,

JNO. H. SMYTH.

No. 435.

Mr. Smyth to Mr. Blaine.

[Extract.]

No. 118.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, April 25, 1881. (Received June 9.)

SIR: In view of the reported incorporation of an American line of steamers to ply between New York and West Africa, which line will do business at all the principal ports of Liberia, I deem it of the first importance to have our status as a friendly foreign nation in treaty relations with Liberia settled on a basis of the fullest liberality as to commerce that may be possible and consistent with our success and the healthful development of the young republic.

Therefore at this time I call your attention to the matter of ports of entry. "An act confining and restricting foreign vessels to ports of entry":

SECTION 1. That from and after the 1st day of January, A. D. 1865, no foreign vessel or vessels arriving on the coast of Liberia from any port or place or Liberian vessel engaged in the foreign trade, shall be allowed to trade at any point or ports but at ports of entry that are now or may hereafter be created by the legislature of this republic.

Approved February 4, 1863.

While nothing is said of foreign resident factors or traders, public opinion regards them as restricted the same as vessels.

Under a liberal policy which was acted upon a short time ago, say four or six years, the then administration, favoring the presence of foreign merchants, requested the opinion of the attorney-general as to their right to extend their trading operations beyond ports of entry where they had houses or factories established, their right to ascend rivers and go to interior settlements for purposes of trade.

The opinion given by the attorney-general, William M. Davis, esq., was to the effect and intent that the right of the foreigners to trade up the rivers of Liberia and at the interior portions of the state, east of the Atlantic, not being denied, must be taken to be conceded.

The American firm of Messrs. Yates & Porterfield, of New York, acting upon this opinion, being established at Grand Bassa, pursued the

course followed by Liberians of trading at and away from the port of entry eastward.

As the result of this action, the citizen traders of Grand Bassa made trouble, and finally the firm discontinued keeping an establishment in Liberia, and confined themselves to sending, as before, their vessels to the various ports of the republic. The whole correspondence as to this matter may be found fully and ably set out by my learned predecessor, Hon. J. Milton Turner.

There are great advantages connected with the establishment of foreign houses here, and the advantages are increased when foreigners are permitted to pursue trade in the same manner as Liberians, *i. e.*, to re-establish factories up the rivers and at interior points where the trade is first met.

This course avoids the intervention of middlemen, Liberians and natives, secures cheapness in the purchase and barter of commodities, and necessarily increases the profits of the foreign trader; places him as to trade on all-fours with the Liberian. To discriminate against the foreigner in the aforementioned advantages common to Liberians is obviously unfair, and an injury to trade.

If the Department appreciates the advantage of having equal chances given to our enterprising citizens who may enter this commercial field, the timely use of necessary and proper means to have the law or laws clear and certain upon the subject cannot but suggest themselves to you. Of the means to be used, I would suggest, respectfully, the urging the benefits in protection and prestige the republic derives from our treaty stipulations with it, and the prosperity that must come to Liberia from the presence and use of foreign capital in the state.

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I have, &c.,

JNO. H. SMYTH.

No. 436.

Mr. Smyth to Mr. Blaine.

[Extract.]

No. 119.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, April 28, 1881. (Received June 9.)

SIR: I have the honor to inclose a paper, marked No. 1, just issued by the Hon. G. W. Gibson, secretary of state of Liberia. I beg to call your attention to it, because it marks an important epoch in the history of missionary and other philanthropic operations in this country.

A great deal of money has been spent and many valuable lives lost in the effort to evangelize the natives of this country on the purely spiritual line, but the experience of nearly one hundred years has shown that any effort for the benefit of these tribes, apart from secular agencies, will never be successful. The native must be made a productive man in the region of matter. He must be taught to provide for his material wants. He must be made to engage in improvements that appeal to his comprehension, to his sense of self-interest. This the missionary in past times neglected, and the result is that there is nowhere on this coast any missionary station which has become self-supporting.

Secretary Gibson has himself been engaged in missionary work, and he writes from the experience and observation of years. It is to be

hoped that missionary societies will consider the failures of the past, and see whether such practical suggestions as those in the circular inclosed may not help them to solve the problem of dealing successfully and efficiently with the work of African evangelization and civilization.

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I have, &c.,

JNO. H. SMYTH.

No. 437.

Mr. Blaine to Mr. Smyth.

No. 67.] DEPARTMENT OF STATE,
Washington, June 27, 1881.

SIR: I have read with much interest your No. 118, of April 25, on the subject of the restrictions set by Liberian laws (and by the constitution) to the acquisition by aliens of Liberian citizenship or of residence and ownership of land for business purposes outside of the ports of entry.

Your views, in the main, reflect the desire of this government that Liberia should do everything which may be done to increase her strength and prosperity, by just measures looking to the development of her great natural resources. The wise encouragement of foreign commerce, and the introduction, under proper safeguards, of foreign capital, are measures to this end.

I have read your proposed letter to the Liberian secretary of state on these matters. Its tone strikes me as eminently friendly and frank. As regards foreign trade, and capital, and internal improvement, your remarks are judicious. The questions of alien residence and commerce, at points not ports of entry, seem, as you present them, to be rather of interpretation than fundamental, and you, yourself, point out the different constructions of which they are susceptible. Certainly, on all these points, it should be your aim to foster the extension of American interests in Liberia. The good of the republic will be as much subserved thereby as the material interests of our enterprising citizens.

It occurs to me, however, to question the wisdom of broaching a change in the fundamental code by suggesting the admission of white aliens to citizenship. The peculiar conditions under which the republic was founded, and the almost parental attitude of this government thereto, make it, in my judgment, inexpedient that we should seem to press the consideration of so momentous a change in the structure of the constitution itself. However informally or personally you might present such a view, you could not so dissever your personality from your representative position as to avoid leading to the natural inference that you spoke as the mouthpiece of your government. It seems to be better, therefore, to maintain silence on this point. Eliminating this, the remainder of your note appears to be discreet and proper. In your place, however, I would make it the subject of a conversation with the secretary of state, reducing your suggestions to the form of a private memorandum if he should desire to possess them in writing.

I am, &c.,

JAMES G. BLAINE.

No. 438.

Mr. Smyth to Mr. Blaine.

No. 144.] LEGATION OF THE UNITED STATES,
Monrovia, Liberia, August 13, 1881. (Received September 16.)

SIR: On the 8th of August, 1881, I called upon Hon. G. W. Gibson, secretary of state of Liberia, and had a very interesting interview. I discussed fully the matter of ports of entry, agriculture, and the relations of foreigners resident here as affected by legislation. The secretary said that he with the other members of the existing administration appreciate the interest the United States Government has ever manifested toward Liberia.

He expressed himself as being in sympathy with my views as to the wisdom of granting larger privileges to foreigners, and requested me to furnish him with a memorandum of my views, which I have done.

Please find inclosed copy of memorandum marked No. 1.

I am, &c.,

JNO. H. SMYTH.

[Inclosure.]

Mr Smyth to Mr. Gibson.

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, August 12, 1881.

MR. SECRETARY: According to request made at our recent interview that I would furnish you memoranda of my views upon the subject of enlarged privileges that should in my opinion, the opinion of my government, be accorded American citizens as a reason for my government giving full credence to the desire of your people for increased commercial relations with the United States, I have the honor, very respectfully, to submit the following:

The port of entry statute of 1865, on page 42 of the Liberian statutes, contains the gist of the objectionable legislation to which I would invite attention.

The first section makes it an offense punishable with a heavy fine for a foreigner to re-establish, after establishing at a port of entry, a factory without the immediate jurisdiction of a port of entry. The second section of said act, on careful examination and by fair legal construction and interpretation, prohibits Liberians as it does foreigners, against whom it, by intendment, was made to operate, chartering a foreign vessel to come within the Republic for purposes of trade. This was evidently an oversight, mistake on the part of the law makers; but, notwithstanding this, it is the law. Having set out the principal object of complaint, I respectfully invite attention to the facts that have transpired with reference to the objectionable matter complained of. The American firm of Messrs. Yates and Porterfield was established at Grand Bassa for several years, but since has abandoned the keeping of a house in Liberia, on account of annoyances it was subjected to by the law of 1865.

A former adviser of the government, Attorney-General Davis, was of opinion that the right to trade away from ports of entry, east of the coast and at interior settlements, on the part of foreigners, under the law, should be conceded.

Further, the honored President of Liberia, A. W. Gardner, in his annual message of 1879, favored, and in substance advised the abrogation of the law of 1865, by recommending enlarged privileges to foreigners under proper safeguards (*vide* message).

Since the passage of the law of 1865, the firm of Messrs Yates & Porterfield has established a successful business at Sierra Leone and Lagas, and contemplate opening business at Senegal within the present year.

C. Woerman & Son., of Hamburg, desired to lease large estates here for the culture of coffee, but from the illiberality of the laws, abandoned the effort, and have since established successfully at Gaboon, the French Government making the firm a gift of land for agricultural purposes. The coffee that has been successfully cultivated at Gaboon, is Liberian.

Duties upon imports are such as are calculated to seriously injure the progress of the masses, and are of questionable benefit to the revenue.

The foregoing facts represent the absence of so much capital from the state that would otherwise have been here, and from which the people would have received a share in compensation for labor, and the state a portion in increased revenue.

Had this potential capital been introduced, commodities would have been reduced in price by competition and the masses, the common people, would have been made more comfortable by increased facilities of employment.

The object of past legislation has been in the interest of the trading, rather than the producing class, and for reasons that are obvious. It requires but little sagacity to predict the result of such legislation, if persisted in. Already the results are painfully apparent in the agricultural condition of the country. While more coffee has been produced within the last three years than in any other like period of time in the nation's history, yet the exorbitant prices of necessary commodities have kept the people poor.

The two published annual reports made by me to my government for the fiscal years 1878 and 1879, show the imports to Liberia to have been largely in excess of the exports from Liberia to the United States, making the balance of trade against the Republic.

I venture the assertion that the imports from England, Germany, and Holland are vastly in excess of those of the United States. There are not any consular reports from the German and Dutch consular officers resident in the Republic

Since Liberia cannot profitably consume what *is* produced, not to speak of its possible productions, the state must export its surplus productions; but to do this farming interests must be specially fostered. The increase of Christian emigration from the United States, is the increase of poverty as to money, but may be made an increase of wealth in muscular industry, by liberal legislation. While labor and capital should never be made antagonistic elements, it is the duty of government to be so liberal in its legislation upon these subjects as to avoid any such result.

Without further trespassing upon your time, I most respectfully submit that so much of the port of entry law of 1865, as I have referred to, should be repealed, that leases should be made to foreigners by the Government and by citizens, for business purposes for varying periods of time and for ninety-nine years, the rental being made payable annually or otherwise, as the contracting parties may decide, and that duties on imports be decreased.

With renewed assurances of the very sincere interest I have in the future progress of the Republic. I am, &c.,

JOHN H. SMYTH.

MEXICO.

No. 439.

Mr. Morgan to Mr. Evarts.

No. 121.] LEGATION OF THE UNITED STATES,

Mexico, October 16, 1880. (Received October 28.)

SIR: Referring to my dispatch No. 102, and in continuance thereof, I now have to report that on our return from Mr. Ruelas' funeral, Mr. Mariscal informed me that he had been instructed by the President to state to me that he (the President), had determined to communicate the request which I had made on the part of the United States for the passage of our troops into Mexico in pursuit of Victoria and his band, to the Senate, with the recommendation that it be approved. As I understood Mr. Mariscal, the proposition of the President was that our troops should be permitted to cross the boundary in pursuit of Victoria; the consent to continue for ninety days, after I should be notified thereof, coupled with the condition that Mexican troops should be allowed the same privilege in case he escaped from the pursuit which was then being made of him, Mr. Mariscal saying that the period could be extended without any difficulty in case the time allowed should not be sufficient to effect his capture.

Accordingly, on the 21st ultimo, I received a note from Mr. Fernandez,

a translation of which I inclose, from which you will observe that the President did as Mr. Mariscal assured me he would do.

I did not inform you of this by telegraph because I was in hopes, and I was led to believe, that the action of the Senate would be prompt and confirmatory. In this I was disappointed. Several things occurred to prevent the action of the Senate. In the first place that body meets at 3.30 o'clock p. m., and rarely remains in session more than an hour and a half; often there is no quorum, when, of course, nothing is done. Again, the death of Mr. Ruelas was the cause of their losing a day. Then they were occupied with the proceedings attending upon the renewal of diplomatic relations with France, and the nomination and confirmation of a minister to that country. Then the matter had to be discussed, and there were many objections made to it. A public sentiment was sought to be raised against it by assertions made in the prominent journals that I had been instructed to notify, and that I had notified the government that if they refused the request, our troops would cross the Rio Grande whether or no. A translation of one of these notices I inclose.

I left nothing undone which it was in my power to do to bring the question to a solution, nor did I fail, in my interviews with the officers of the government with whom I have come in contact, to press upon them, as I was instructed to do, the importance of the measure, and to warn them of the resposibility which the Mexican Government would incur if the request was refused.

The committee to whom the matter was referred reported upon it favorably. There was a decided opposition to the adoption of the report, arising, as I am informed, from the fact that, in the opinion of some members of the Senate, the President has the authority to grant the request without asking their sanction thereto. Others there are who consider it an imputation upon the valor of Mexican troops that they should require assistance from any quarter, and they are not influenced in their action by the fact that Victoria is now in Mexico, and, with his band, plundering and murdering with impunity. Others fancy it is a disgrace to the country that a foreign soldier should be allowed to put his foot upon Mexican territory. Others also fear that, once any portion of the United States Army gets into Mexico, they will not leave it voluntarily, and they have very little hope that they could be forced out.

The inclosed translations from the Monitor Republicano, will show you how the matter was treated by the press.

My telegram of this date has given you the result of the President's recommendation, and the terms upon which our troops will be permitted to cross into Mexico. They are the best that could be obtained. I am informed that all the correspondence between this legation and the government, both with reference to this and my former request upon this subject, was called for, and I am convinced that if any threat had been found in either of them a refusal would have been prompt and decided.

I inclose translation of Mr. Fernandez's note, with its accompanying documents, announcing the terms upon which his government is prepared to act. I also inclose copy and translation of cipher telegram sent to you by me under this date.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 121.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 21, 1880.

MR. MINISTER: I had the honor to receive your excellency's note of the 18th of the present month, in which you inform me that the Indian Victoria and his band having taken refuge on Mexican territory after renewed atrocities in the United States, your excellency has received instructions from your government to urge upon that of Mexico the necessity of permitting United States troops to cross the fronties in pursuit of the savages.

The President, to whom I reported the said note, has resolved, after submitting the question to the council of ministers, to ask the Senate for the necessary authorization to concede to the Government of the United States the permission requested. In due time I will communicate to your excellency the action of that chamber. In the mean time it is pleasant for me to inform your excellency that before the receipt of your note notice had been received in the War Department of the return of Victoria to the national territory, and that department had already issued orders for giving activity to the campaign against the savages.

I entertain, Mr. Minister, the belief that the Government of the United States and your excellency will give to this determination of the President its true value; it is an unassailable proof of the zeal displayed by the executive in giving peace and protection to the frontier, and of the good faith and sincerity which animate him in the cultivation of the existing friendship between Mexico and the United States.

It is pleasant, Mr. Minister, for me to reiterate to your excellency the protestations of my particular esteem.

JOSÉ FERNANDEZ.

[Inclosure 2 in No. 121.—Translation.]

RUMOR.

[From the Monitor Republicano, October 24, 1880.]

For three days the following rumor has been in circulation:

The American minister sent a note to the government asking permission for American troops to cross the frontier in pursuit of Indians, stating that if this permission should be refused they would pass anyhow.

[Inclosure 3 in No. 121.—Translation.]

PERMISSION.

[From the Monitor Republicano, October 15, 1880.]

Last night we were told, by persons claiming to be well informed, that the chamber of Senators approved of the permission for the American troops to cross into our territory in pursuit of savage Indians; but it is not known whether our troops will enjoy the same privilege respecting the territory of the United States.

As the people have the right to know how the questions most nearly affecting their interests are treated and disposed of, we urge the Senate, in case the cabinet should not do so, to order the publication of the basis of this concession, which appears prejudicial to the nation.

At present very unfavorable comments are made upon it. We dare to hope that the permission has been granted upon a basis of strict reciprocity and limited to cases when it is necessary for American troops to cross into our territory in pursuit of the Indian Victoria, his tribe and allies.

[Inclosure 4 in No. 121.—Translation.]

DISCUSSION.

[Monitor Republicano, October 13, 1880.]

Long and violent has been the discussion caused in the Senate by the note of the executive asking permission for American troops to cross the frontiers.

We hope the good Mexicans who are in that chamber will not give their approbation to the complacent request of the cabinet, because, as we are informed, it is very dangerous for Mexico.

[Inclosure 5 in No. 121.—Translation.]

MEXICO AND THE UNITED STATES.

[From the Monitor Republicano, October 14, 1880.]

It has come to light that in the bosom of the Federal chamber a grave, very grave discussion has been caused by the note of the executive, in which permission is asked for the troops of the neighboring nation to pass our frontier; we say it has come to light, because as is known these questions are not discussed in public sessions, but are treated in what is called parliamentary secrecy.

It is true that there is reason, and very serious, for the regulation requiring that questions like the present, of a delicate character, should be discussed in secret, but it is not less true that at present that reserve is contributing to the public alarm, which is spreading upon its being announced that the North American question is again being debated.

In fact, of all the questions presented to the consideration of the men who govern us, there are none so serious, so delicate, as that which affects our most sacred national interests, and at the same time the interests of the neighboring republic.

A short time ago it was thought that the diplomatic questions between Mexico and the United States were terminated, or in the way of settlement; now we learn that a question of much interest is on the eve of being decided by the Senate at the request of the government. It is not out of place to incite the prudence, the wisdom, the patriotism of the members of the Federal chamber; our small family questions, so to speak, are not in question, our internal disputes, our struggles of unwise ambition are not now under discussion; something more sacred is treated—the national honor, the integrity of our territory, its inviolability, of being upright and just.

What we should first desire is peace with the neighboring nation, not to give a motive for any pretext for disturbing the harmony between the two republics, which should be sisters. Hence it is indispensable that in the class of treaties or agreements now discussed there should not be given the slightest pretext for future complications, the result of which might be the alteration of that harmony which it is to the interest of both nations should always exist.

At once, without being informed of the details of the question which agitates the members of the Senate, this is seen: that the permission for the troops of the neighboring nation to cross our frontier is dangerous on account of the difficulties it may originate. It is said—one of our colleagues has affirmed it—that an indispensable requisite to the permission requested by the government is that the neighboring republic will, in its turn, permit our troops to cross its frontier; this is well, it could not be otherwise, anything else would be an unprecedented humiliation, a violation of that august right which guarantees the independence of nations among each other; and notwithstanding, even under an aspect of reciprocity, the affair is very delicate; it involves questions of national interest, it is very dangerous, as we said yesterday, and hence it is necessary to appeal to the patriotism of the citizens who compose the Senate that they may think and reflect that they are treating the dearest interest of our unfortunate and beloved country, and that all study and all meditation are impossible.

Among the Senators themselves, the pro or con of the question is naturally defended; we, regarding questions which concern alike all parties, all factions, believe that all will act in good faith; when the country is materially interested in her present and her future, as in the present case, we are all Mexicans; the bickerings which divide us disappear and the same and holy interest unites us. We do not wish to believe—we do not believe—that there are bastard interests; that some members of the Federal chamber dissent from the opinions of others is because there exists a difference of views; each one sees the question from a different standpoint; each one judges it from a different aspect; very well then, much study and thought should be given to a concession, the results of which must have a large influence in the future of Mexico.

Among the misfortunes which pursue our country like a fatal shadow should be reckoned the existence of those bands of savages which invade Sonora, Arizona, and the Gulf of California, and which sometimes trouble our neighbors. But it should be noted that when they do this, they are received as they should be; and it is natural to believe that the resistance they meet will cause them to diminish their raids; the same is not the case with Mexico, which they annoy more, and not being governed by the laws of civilization, they are a constant threat to the towns of our frontier.

From this view, both countries are interested in destroying—in driving off that plague which prevents the advancement of those regions, the rich soil of which gives them the right to the enjoyment of all the laws and all the benefits of civilization; Mexico is, perhaps, most interested in putting a stop to those raids, and on this the government should think seriously and deliberately; but for this reason the question should be dealt with in such a manner as not to injure the interests of the neighboring republic nor those of our country, which, although weak, should prove itself jealous of its independence as a nation.

Reciprocity, it is true, takes from the concession or treaty the humiliating aspect, and, nevertheless, there still remain a multitude of inconveniences, which it is not useless, but very essential, and even patriotic, to foresee.

When one nation crosses in a warlike manner the frontiers of another, there is something contrary to international rights; there is something like an exception to the rules of those rights; and in this case there is to be feared an injury to the guarantees of one or the other of the two nations.

From the moment those stipulations become consummated, the danger of a conflict is greater, and, as we said, we should avoid every shade of those conflicts between our republic and the neighbor of the North.

Up to the present, we are the real victims of the raids of the savages; the lands which they invade are in their greater part, ours, and there is foreshadowed in them great wealth—an incalculable wealth which we cannot develop owing to those remains of barbarism—those tribes which have for centuries struggled in the most senseless manner against civilization, and they have made barren some of our richest sections.

We think it cannot escape the penetration of our neighbors of the North that it is highly convenient to Mexican interests to combat, pursue, exterminate the savages; and that as our country enters upon the era of peace, the better will the government oppose the advances of savagery. If railways bring us, as it is supposed they will, a current of emigration, those deserts will become populated, and then civilization will invade the domain of the barbarians, obliging them to lay down their arms, or destroy them in case of necessity.

The neighboring republic, day by day, becomes possessed of greater elements than we have to fight the savages, and this is proven by the fact that the raids of the different tribes are made with preference upon Mexican territory.

These reflections cannot have failed to occur to the members of the Senate, who are at present discussing that trying and delicate question.

We do not know the details of the concession or agreement under discussion; in public we only hear the basis; the passage of American troops to this side of our frontier.

Once more we appeal to the patriotism of the Senators; once more we wish to remind them of their duties as Mexicans, in order that they may think of and study what they do.

JUVÉNAL.

[Inclosure 6 in No. 121.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 15, 1880.

MR. MINISTER: I have the honor to remit in copy to your excellency the communication addressed me yesterday by the secretaries of the Chamber of Senators. In it your excellency will see that the Senate has prorogued for three months, counted from the 1st of next December, the authorization granted the President in May, 1878, to permit Federal troops to leave the republic and enter American territory, and the passage of Federal troops of the United States of America into the national territory. Your excellency will also see that the prorogue has been made on the same basis as in 1878, of which I also inclose a copy with the amendments prescribed in the resolution passed by the Senate yesterday.

As in accordance with the latter, the Executive should have an understanding with the Government of the United States, which regions may be considered as deserts, for the purpose of pursuing the savages, the President proposes that all points distant at least two leagues from any encampment or settlement in either country may be considered as such.

He also proposes in virtue of his obligation to regulate the authorization granted him, that the commander (Jefe) of the forces of either of the two countries that may enter the territory of the other in pursuit of savages be obliged, upon crossing the dividing line, or before, if it should be possible, to give advice of his advance to the

nearest military commander and political authority of the country in which the pursuit is to be made.

The President being placed in a position to arrange with the United States of America this delicate question for a length of time exceeding that fixed in 1878, he only waits to learn if your excellency's government accepts the basis adopted by the Senate, and the propositions made in this note by the Executive, in order to grant the permission requested by said government.

I reiterate to your excellency the assurance of my very distinguished consideration.

JOSÉ FERNANDEZ.

OFFICE OF THE SECRETARY OF THE CHAMBER OF SENATORS OF THE CONGRESS OF THE UNION.

The Chamber of Senators in secret session to-day adopted the following resolution:

CLAUSE 1. The authorization granted to the Executive on the 28th of May, 1878, to permit the departure of Federal troops beyond the limits of the republic, and their entrance into American territory, and the passage of Federal troops of the United States of America into the national territory, is prorogued for three months, counted from the 1st of next December.

CLAUSE 2. Basis 3, of the authorization granted in 1878, remains as follows: The pursuing force that may enter foreign territory shall retire to its country as soon as it shall have defeated the force pursued or lost its trail. In no case can the forces of the two countries, respectively, establish themselves in foreign territory, nor remain in it longer than is necessary to make the pursuit of the band, whose trail it followed.

CLAUSE 3. The Executive will regulate this authorization for the better public service.

We have the honor to transcribe this to you for the information of the President of the republic, and as the result of your initiative, dated the 21st of last September.

Libertyin the constitution.

Mexico, October 14, 1880.

ENRIQUE MA RUBIO, Senator,
Secretary.

FRANCISCO G. HORNADO, Senator,
Secretary.

To the CHIEF CLERK IN CHARGE OF THE DEPARTMENT OF FOREIGN AFFAIRS.

OFFICE OF THE SECRETARIES OF THE CHAMBER OF SENATORS OF THE CONGRESS OF THE UNION. SECTION 2, SECRET BUREAU.

In the extra secret session of yesterday the Chamber of Senators passed the following resolutions:

First. The Executive is authorized to permit the departure of Federal troops beyond the limits of the republic and their entrance into American territory, and the passage of Federal troops of the United States of America into the national territory under the following bases:

I. The regular Federal troops of the two republics may reciprocally pass the dividing line when in close pursuit of a band of savage Indians.

II. The reciprocal passage of Federal troops for the pursuit of savages in the desert cannot be made except in the desert portion of the frontier of the two countries. The Executive will come to an understanding with the Government of the United States of America as to what regions may be considered deserts, for the purposes of this article.

III. The pursuing force that may enter foreign territory will retire to its country so soon as the band pursued shall have been defeated (*batido*) or its trail lost. It will also retire if a national force should present itself on the ground where the pursuit is being made and undertake to continue the pursuit. In no case can the forces of the two countries, respectively, establish themselves in foreign territory, nor remain in it longer than is necessary to make the pursuit of the band whose trail is followed.

IV. The abuses committed by the forces crossing into the territory of the other nation shall be punished according to their gravity, in conformity with its laws, by the government to which they belong, as if the abuses had been committed on its own soil, the same government also obligating itself to withdraw the responsible parties from the frontier. In case of offenses committed by the inhabitants of either country against a foreign force that may be within its limits, its government is only re-

sponsible to the other government for denial of justice in the punishment of the guilty parties.

V. This authorization can only be made use of by the Executive within the time lacking for the completion of the present Presidential term, and the arrangement which may be made in virtue of it cannot have effect beyond that date.

Second. Upon the conclusion of this business, the government will remit to the Chamber of Senators, the documents relative thereto for its information.

Which we communicate to you for its effects.

Liberty in the constitution.

Mexico, May 29, 1880.

LEONIDES TORRES, Senator,
Secretary.
J. RIVERA Y RIO, Senator,
Secretary.

To the CHIEF CLERK IN CHARGE OF THE DEPARTMENT OF FOREIGN AFFAIRS.

No. 440.

Mr. Morgan to Mr. Evarts.

No. 125.] LEGATION OF THE UNITED STATES,
Mexico, October 27, 1880. (Received November 10.)

SIR: Referring to your dispatch No. 71, received by me this day, I now inclose copy of my note to the Mexican Government, from which you will observe that your instructions have been complied with.

I am, &c.

P. H. MORGAN.

[Inclosure in No. 125.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, October 27, 1880.

SIR: My government is informed that the following named citizens of the United States, residents of Texas, viz, Filipe Burnato, Santos Hernandez, Miguel Guerrero, Manuel Guerrero, and George Cimo, have been impressed as soldiers in the Mexican army, and form a portion of the thirty-first battalion thereof.

I am instructed to demand of the Mexican Government the instant release of these men, and their being sent unmolested to their homes in Texas, or allowed to proceed, likewise without molestation, to any point in Mexico where they may have business or may desire to go, as well as that a reasonable pecuniary indemnity for the detention, annoyance, and inconvenience to which they have been thus unwarrantably subjected.

I am likewise instructed to urge upon the Mexican Government the apparent necessity of the adoption, in the interest of international peace, friendship, and good neighborhood, of such measures, and the immediate issuance of such orders to its civil and military officers on the frontier, as will prevent occurrences of a like nature in the future.

I renew to your honor the assurances of my distinguished consideration.

P. H. MORGAN.

No. 441.

Mr. Morgan to Mr. Evarts.

No. 127.] LEGATION OF THE UNITED STATES,
Mexico, November 3, 1880. (Received November 15.)

SIR: I inclose translation of a note received by me from the foreign

office, on the 27th ultimo, from which you will observe that Victoria and a number of his warriors have been killed, and a number taken prisoners.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 127.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 27, 1880.

MR. MINISTER: I have the honor to communicate to your excellency that Col. Adolfo T. Valle, under date of the 18th instant, reports from Chihuahua, by telegraph, to the department of war, that the band of savage Indians, under command of Victoria, has been completely defeated, 70 of their number being killed and as many more made prisoners, the said Victoria being among the former. He also reports that the Sub-lieutenant Zuniga had defeated another band of Indians, taking from them seven horses, and that Lieutenant Altamirano had captured Saturnino Martinez and five other Indians, famous robbers, who had been devastating the States of Chihuahua and Durango.

This occasion affords me the opportunity to renew to your excellency the assurances of my very distinguished consideration.

JOSÉ FERNANDEZ.

No. 442.

Mr. Morgan to Mr. Evarts.

No. 133.] LEGATION OF THE UNITED STATES,
Mexico, November 13, 1880. (Received November 27.)

SIR: Referring to my dispatch No. 125, and its inclosure, I now inclose translation of note addressed to me by Mr. Fernandez, from which you will observe that the Mexican Government declares that if there be any citizens of the United States who have been illegally and forcibly impressed into the Mexican Army the courts of Mexico are open to them, and that it is to those tribunals they must apply to obtain their discharge.

I also inclose copy of the reply which I made to Mr. Fernandez's note on the 5th November, in which I endeavored to show him that the course which his government seemed disposed to adopt was not only violatory of the comity of nations, but a positive violation of the treaty stipulations between the two countries. To this note I have received no reply.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 133.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 30, 1880.

MR. MINISTER: I have had the honor to receive your excellency's note dated the 27th instant, in which you state to me that your government is informed that Felipe Burnato, Santos Hernandez, Miguel Guerrero, Manuel Guerrero, and George Cimo, whom your excellency declares to be citizens of the United States of America and

residents of Texas, have been taken by impressment, and form a part of the thirty-first battalion. In your note your excellency adds that you have instructions from your government to ask of mine the immediate release of those persons, and that they be permitted to return unmolested to their homes in Texas, or to go, in like manner, to whatever part of Mexico they may desire or have business, as well as that they be reasonably indemnified for the detention, molestation, and trouble to which they have been unjustly subjected; and you conclude by stating that you are also instructed to urge upon the Mexican Government the apparent necessity of the adoption, in the interest of international peace, friendship, and good neighborhood, of such measures, and the immediate issuance of such orders to the civil and military officers of the frontier, as will prevent occurrences of a like nature in the future.

In due reply, I have the honor to state to your excellency, by direction of the President, that in Mexico, as in any other country, the tribunals are instituted to administer justice, repairing the injuries which the inhabitants of the republic receive, whether from other individuals or the authorities, and that consequently the parties in interest should make their representations to the said tribunals. Your excellency may rest assured that if they prove that they have been taken by force, and establish their foreign nationality, upon which this department can say nothing definitely, they will receive justice.

I conclude, Mr. Minister, by stating that the President will give due consideration to the suggestions contained in the final part of the note of your excellency, to whom I offer my profound respect.

JOSÉ FERNANDEZ.

[Inclosure 2 in No. 133.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, November 5, 1880.

SIR: I acknowledge receipt of your note of the 30th ultimo, in reply to the one which I had the honor to address you on the 27th ultimo, in which, acting under instructions from my government, I demanded the release of certain citizens of the United States therein named, who had been impressed into the military service of Mexico.

Your honor informs me, under direction of the President, that in Mexico, as in other countries, tribunals are instituted to administer justice and to repair injuries which the inhabitants of the republic receive, whether from individuals or the authorities.

Your honor informs me that the citizens of the United States, in whose behalf my government has instructed me to interpose, must apply to those courts for redress, and you assure me that if they prove that they have been taken by force, and establish their foreign nationality, they will receive justice.

I protest against the doctrine enunciated by your honor, that citizens of the United States impressed into the military service of Mexico are only to be released from unlawful duress by ordinary process of law emanating from the tribunals of that country. The comity of nations guarantees the inviolability of the person of a citizen or subject who finds himself within the limits of a friendly foreign country, so long as he does nothing in contravention of the laws thereof. Not only is this public principle a well recognized one, as I believe, but I think it is incorporated in the fourteenth article of the treaty between the United States and Mexico of 1831, and also in that portion of the treaty between the same powers, which is revived in the seventeenth article of the treaty of Guadalupe-Hidalgo.

If the facts, therefore, are as they are stated to be, the impressment of the parties who are the subject of this correspondence into the military service of Mexico was not only a violation of the protection which they enjoy under the comity of nations, but it was also a direct violation of the immunities which are assured to them by solemn treaty stipulations between the two governments, and it therefore becomes, of necessity, a diplomatic question between the United States and Mexico. It is the United States who are claiming from Mexico the fulfillment of her treaty obligations towards citizens of the United States, whom she is bound to protect. I cannot admit that citizens of the United States who happen to be in Mexico in the pursuit of business or pleasure may be seized at the caprice of a recruiting officer of the Mexican army, and forced to do duty as a Mexican soldier, or that, in such an event, the courts of the country are the only channel (or the proper channel) through which their release must come. Their impressment would have been an act of the Mexican Government, through its recognized officers, acting in their official character. The act committed would be a violation of the comity of nations, and (as between the United States and Mexico) a violation of treaty stipulations.

In such an event (and the event has now happened) the United States is the power upon whom the responsibility of asking for the release rests. That they should shirk this responsibility by referring them to the courts, when they may be forced from place to place or confined in barracks, and thus have the courts made inaccessible to them, even if they had the means to invoke their aid, if one was holding its sessions in the neighborhood of the place where they happened for the moment to be, is, I think, not to be expected from any government which is mindful of its obligations toward its citizens, and which owes to them its protection in whatever country they may happen to be. I call your honor's attention to the fact that the course which, under instructions from my government, I have pursued in the case of the persons who are the subjects of this correspondence, is the one which was adopted by my predecessor in the case of Emelio Baig. Baig had been impressed in the service of the Mexican army. His release was claimed by Mr. Foster on the ground that he was an American citizen. The then acting secretary for foreign affairs, Mr. Avila, ordered his release. It does not appear from the correspondence between this legation and the foreign office that there was any question raised that the application for his release was not a proper subject for diplomatic action. The question now before us is a very serious one. I have replied to your honor's note at length in the hope that further consideration may show you that both under the comity of nations and the treaties between our respective governments, the parties in behalf of whom the present application is made are entitled to relief, and that the relief should come, *ex proprio motu* from the government through whose officers the wrongs inflicted upon them have come, which officers are under immediate and absolute control; and I have called your attention to the case of Baig, in the hope that the action of the Mexican Government, founded as it was in law and reason, will be followed now, and that your honor's government will thus find itself able to comply with the first request contained in my note of the 27th ultimo, which request I now have the honor to repeat.

I renew to your honor the assurances of my distinguished consideration.

P. H. MORGAN.

No. 443.

Mr. Morgan to Mr. Evarts.

No. 140.] LEGATION OF THE UNITED STATES,
Mexico, December 6, 1880. (Received February 2, 1881.)

SIR: I inclose original and translation of a note received by me from Señor Mariscal, minister for foreign affairs, together with the document which accompanied it, from which you will observe that the governor of Chihuahua reports to the Federal authorities here that one Robert E. Martin, at the head of a band of robbers, is in the habit of crossing into Mexico from the United States, and robbing and otherwise disturbing Mexican citizens. When pursued by Mexican troops, he recrosses the Rio Grande and thus makes his escape.

Señor Mariscal requests that I may communicate to my government the desire of the Mexican Government to enter into an agreement by which when a pursuit which may hereafter be made by Mexican troops of Martin and his band is forced to cease by reason of their passage of the Rio Grande, it may be taken up by United States troops until they shall have been captured and punished.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 140.—Translation.]

Señor Mariscal to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, December 4, 1880.

Mr. MINISTER: I have the honor to remit to your excellency copy of a telegram which has been received from the governor of Chihuahua, relative to the incursions

of an American bandit, called Robert E. Martin, who for a long time has devastated the *haciendas* and towns of that State, near the frontier, taking refuge with his booty in the territory of the United States after each of his raids.

Although the proper channel through which to present these facts to the knowledge of your excellency's government is our legation in Washington, to which the proper instructions have been given, the President has seen fit, in the interests of both governments, of the establishment of the so much desired peace on the frontier, and of harmony between the inhabitants of the two sides, to apply to your excellency to the end that you may be pleased to impress upon your government the necessity of suppressing that bandit, for which purpose the Government of Mexico is desirous that the authorities of the two countries should put themselves in accord, so that when Martin passes the frontier line pursued by Mexican forces, those of the United States will continue the pursuit until they secure his arrest and punishment.

Not doubting that your excellency will co-operate in obtaining this result, I have the honor to again reiterate the assurances of my most distinguished consideration.

IGNACIO MARISCAL.

[Inclosure 2 in No 140.]

Telegram. Deposited in Chihuahua, November 24, 1880. Received in the palace the 29th of the same month and the same year at 8.38 a. m.

To the SECRETARY OF FOREIGN AFFAIRS:

The band of marauders, headed by the American bandit Robert E. Martin continues to commit robberies on the inhabitants of Janos and Ascencion, who solicit relief, and as they are exasperated at seeing their property disappear, it is to be feared that upon making the pursuit, as they say they will, they may pass the dividing line, and if they engage the robbers in a fight, it may cause a conflict.

TERRAZAS.

No. 444.

Mr. Evarts to Mr. Morgan.

No. 80.] DEPARTMENT OF STATE,
Washington, December 8, 1880.

SIR: Your dispatch of the 13th ultimo, No. 133, in relation to the case of certain citizens of the United States, who were impressed into the military service of Mexico, and who are now said to be actually serving in the Thirty-first Battalion of the army of that republic, has been received.

The grounds assumed by you in the correspondence between yourself and Mr. Fernandez, in regard to the demand for the immediate release of these citizens, following, as they do, the views expressed by the Department in its instruction of the 9th of October, are in entire accord with the position which this government assumes in relation to the unfriendly and unwarranted course of the Mexican civil and military authorities towards these citizens of the United States, and your course is approved.

The suggestion of the minister for foreign affairs, in his note to you of the 30th of October last, is to the effect that the parties thus forcibly compelled to enter the military service of a foreign power must, in order to secure their release, resort to the slow formalities of judicial procedure in the courts of the country whose civil and military officers committed the wrong. Your protest against this position, as novel as it is believed to be untenable, was apt and timely. Mr. Fernandez's views of international obligations in this regard, as expressed in his note of

the 30th of October, cannot for a moment be accepted by this government.

In addition to the precedent of Emilio Baiz's case, which you cite in your reply to the minister, several instances are found in the records of this Department in which, during the existence of our late civil war, the Mexican Government applied to this for protection to Mexicans resident in various States against demands of the local recruiting officers of the United States upon these Mexican citizens to serve in the armies of this republic. In all such cases it is found to have been the practice of this Department to bring the subject at once to the attention of the Secretary of War, and no single instance is met with in which the Mexican citizen's claim to exemption from military service in the armies of the United States was not promptly recognized and respected by this government.

As to the proof of citizenship of the persons now in question, their status as citizens of the United States was established to the satisfaction of this government before instructing you on the subject, and when that point is settled as required by the laws of the United States, international courtesy dictates that that of Mexico should hold it to be concluded. The peculiarities of Buruato's case are sufficiently explained in my No. 71. Should the men not have been already released on your receipt of this instruction, you will lose no time in pressing for their speedy discharge from the service in which they are held, and you will report the result to the Department without delay.

I am, &c.,

WM. M. EVARTS.

No. 445.

Mr. Hay to Mr. Morgan.

No. 87.] DEPARTMENT OF STATE,
Washington, December 22, 1880.

SIR: It has been observed for several years back that of the well-founded complaints which this government has been constrained to make to that of Mexico respecting the harsh or unjust enforcement of the Mexican customs regulations, the greater part are based upon proceedings against American vessels by the revenue authorities at La Paz. Indeed, so frequently is this the case, and so technical and vexatious the obstructions placed there in the way of the unhampered trade between the two countries so much to be desired, especially on the growing Pacific seaboard, that the circumstance could not fail to attract the attention of this government.

Recent instances, in the cases among others of the Dreadnaught and Newbern, are familiar to you, in which the action of the Mexican authorities has brought about complaints of international gravity. These, however, are but the more important cases. The petty exactions which are reported from time to time are, if less important, unfortunately more numerous, until it has at last come to be, in appearance, the rule of action of the local authorities to visit upon the slightest shortcomings of legitimate trade the severe penalties of ascertained crime. The pretexts of interference are occasionally sought with much ingenuity—as in the seizure of a chess-board belonging to the master of a trading vessel on the ground of its being unmanifested contraband merchandise. In short,

it has been said, by well-informed persons at La Paz, that under the local customs administration there, the risk of doing legitimate trade is as great as or even greater than that of smuggling.

The matter is rendered still more vexatious by the observed fact that the extraordinary vigilance and severity of the La Paz officials seems to be confined almost entirely to American vessels and American goods. The inclosed dispatch from Mr. Consul Turner is selected from a number of like import, to show the relaxation (if not the violation) of the existing rules, by the collector of that port, in the case of a German vessel, the Jupiter. Not long since another German vessel, the Carolina, was in like manner permitted to dispose freely of a quantity of stores, the mere presence of which on board an American vessel would probably have subjected her to fine and detention.

It is not for a moment to be supposed that these proceedings take place with the knowledge of the Mexican Government, or, if known to be of actual occurrence, that they could or would be justified on any grounds of equity or comity. The Government of Mexico has too often given unequivocal public expression of late to its desire to encourage and develop commerce with the United States, to permit the inference that the acts of the collector at La Paz, in visiting upon American vessels and goods all the rigor of which the regulations are capable, and notably relaxing their operation toward vessels of other countries, are a correct reflex of the policy of the central government.

It is desired that you should bring this subject to the attention of Señor Mariscal, in a dispassionate way, and as affecting Mexican interests more than our own. In doing so, it is not advisable to give too much prominence to the representations made by Mr. Turner, inasmuch as it has unfortunately happened in the past that the fearless and honest discharge of his duty by an American consul in Mexico has sufficed to bring upon him the resentment of the officers with whom he must deal and the baseless charge of unfriendliness. You will present the question in its general aspect, as one of large public policy rather than of individual grievances, and will treat the facts on which it rests as undisputed and readily proven.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 446.

Mr. Morgan to Mr. Evarts.

No. 144.] LEGATION OF THE UNITED STATES,
Mexico, December 25, 1880. (Received January 13, 1881.)

SIR: Complying with your instructions contained in dispatch No. 80, I addressed a note to the secretary for foreign relations on the 23d instant, a copy of which I inclose.

I now transmit translation of note this day received by me from Mr. Mariscal, from which you will perceive that Felipe Burnato, Santos Hernandez, Miguel Guerrero, and Manuel Guerrero, mentioned in your dispatch No. 71, were dismissed from the Mexican army in July of this year, and that Guadalupe George (not George Cino, as the name was transmitted in your No. 71) deserted therefrom in October last.

I reserve pressing the question of compensation for their illegal impressment and detention until I shall receive further instructions from you.

I am, sir,

P. H. MORGAN.

[Inclosure 1 in No. 144.]

Mr. Morgan to Señor Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, December 23, 1880.

SIR: Referring to my notes to Mr. Fernandez of the 27th October and 5th November, respectively, I am again instructed by my government to press upon your excellency's government the speedy discharge of the American citizens who have been, as my government has been informed, impressed into the military service of Mexico, and who are now said to be actually serving in the thirty-first batallion of the army.

In calling your excellency's attention to this important matter, I ask of the Government of Mexico to bear in mind that during the existence of the late civil war in the United States the Mexican Government applied to the Government of the United States for protection to Mexicans resident in various States against demands of the local recruiting officers of the United States upon these Mexican citizens to serve in the armies of the American Republic. In all such cases the Department of State brought the subject at once to the attention of the Secretary of War, and no single instance is met with in which the Mexican citizen's claim to exemption from military service in the armies of the United States was not promptly recognized and respected by that government.

I renew to your excellency the assurances of my distinguished consideration.

P. H. MORGAN.

[Inclosure 2 in No. 144.—Translation.]

Señor Mariscal to Mr. Morgan.

OFFICE OF THE SECRETARY OF FOREIGN RELATIONS,
Mexico, December 24, 1880.

SIR: Referring to your excellency's letters of the 23d instant, of the 27th of October, and of the 5th of last month, I have the honor to inform you that according to the statements forwarded to this office by the Secretary of War, Felipe Burnato, Santos Hernandez, Miguel Guerrero, and Manuel Guerrero were discharged from the month of July last.

As concerns Guadalupe George (not George Cino, as the name was transmitted to your excellency), he deserted in October last, possibly before the receipt in this department of your first letter.

I renew to your excellency the assurance of my most distinguished consideration.

IGNACIO MARISCAL.

No. 447.

Mr. Morgan to Mr. Evarts.

No. 159.] LEGATION OF THE UNITED STATES,
Mexico, January 28, 1881. (Received February 17.)

SIR: On the receipt of your dispatch No. 87 (December 22, 1880), I called on Mr. Mariscal and communicated to him the substance thereof. At his instance I also addressed him a note upon the matters to which it related, a copy whereof I inclose.

I endeavored, both in my interviews and in my note, to keep out of prominence the incidents which occurred at La Paz, although it was impossible for me not to mention them, but I incorporated them with other abuses which have been reported to me, and I treated the subject

as a whole and as one of general importance rather than of individual grievances.

My interview with Mr. Mariscal was of the most pleasant character, as indeed all my intercourse with him official and personal has been. He apparently appreciates the injury done to commerce by the exactions to which honest traders are subjected by the inexorable practice of the customs authorities, who so construe the Treasury regulations as to make, as I am assured, nearly every invoice subject to a fine, and I am in hopes that some means may be devised by which these enormous and vexatious exactions upon commerce may be done away with.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 159.]

Mr. Morgan to Señor Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, January 27, 1881.

SIR: I beg now to submit to your excellency in the form of a note what in substance I said to you in an interview, viz, that I have been desired by my government to bring to the notice of the government of your excellency the grievances of which citizens of the United States trading with Mexico complain they are subjected to by the customs officials of the several ports of the republic.

It has been represented to my government that it is common with Mexican customs officials to visit upon the slightest shortcoming of legitimate trade the severe penalties of ascertained crime. And it has occurred that even pretexts for interference have been sought for, without what would appear the slightest legitimate foundation, for giving annoyance and producing loss to this class of persons. For instance, in the seizure of a chess-board belonging to the master of a trading vessel, on the ground that it was unmanifested contraband merchandise.

It has also been reported, and the report has been received with great regret by my government, that the vigilance and severity of some of the customs officials seem to be particularly and invidiously exercised against American vessels and American goods.

On the 4th September last a case of goods was shipped from San Francisco to a Mr. Ramirez at La Paz, on the steamer Newbern. The shipment was accompanied by a consular invoice. Mr. Ramirez immediately acquainted the collector of the port with the facts, and requested to be allowed to take the goods upon paying the legal duties thereon. The collector not only refused his request, but, estimating the duties at $140, told him he could only have them upon paying triple duties thereon, $420. Mr. Ramirez then offered to abandon all claim to the merchandise upon the condition that he should not be troubled any further about it. This proposition the collector would not accede to, and the matter was referred to the courts, where it is now pending.

On the other hand, on the 27th September last, the German bark Jupiter arrived at the same port. Among other goods the master had twenty-four suits of men's clothing, the legal duties on which would have amounted, as I have been informed, to at least $475. He was permitted to sell them, and he was not subjected to any fine or penalty.

Another German vessel, not long since, the Carolina, was in like manner, I have been informed, permitted to dispose freely of a quantity of stores which would have been subject to confiscation, if the same rules had been applied to the goods as on the Newbern to which I have referred.

Other instances, in other ports of the republic, where the customs officials are in the constant practice of imposing ruinous fines and penalties upon persons trading with the country, are unhappily numerous.

I have been informed, for instance, that at Vera Cruz, merchants who had imported codfish, into that port had been made to pay double duties thereon, because the article had not been invoiced as "dried codfish"; also that merchants had been fined because their invoices, although stating what the goods which they imported *were*, did not state what they were *not*.

The foregoing instances, taken from many of similar character, have been selected by me, merely as illustrations of the many obstructions which citizens of the United States who are endeavoring to carry on a legitimate commerce with the citizens of Mexico are subjected to, and not with the intention of conveying the idea that the abuses complained of exist only in the places I have named, or with the view of lodging a complaint against the officers of the ports I have named.

It is not supposed that these exactions, and this invidious discrimination between American traders with Mexico, and foreigners of other nationalities engaged in trade with her, is practiced with the knowledge of your excellency's government which has often of late given public expression to its desire to encourage and develop commerce with the United States. It is rather believed by me that the acts complained of are the result of arbitrary conduct of officials in the over-zealous discharge of their duty, which the general government not only does not sanction, but which it will condemn when brought to its notice.

The question is one of large public policy rather than of individual grievances and I present it to your excellency from that point of view. It is, in fact, of as great if not greater importance to Mexico than to the United States, and as I feel confident that your excellency's government is quite as ready to protect and develop the commerce of Mexico as it is to protect the citizens of a neighboring country trading with her from invidious partiality and ruinous exactions, I am induced to believe also that your excellency's government will be able, after it has ascertained that the abuses to which I have called its attention have been found to exist, to cause the severe regulations of the custom houses to be so administered as to relieve the commerce which is so rapidly increasing in every part of the republic from the exactions and penalties which now I am informed weigh so heavily upon it.

And I renew to your excellency the assurances of my distinguished consideration.

P. H. MORGAN.

No. 448.

Mr. Evarts to Mr. Morgan.

No. 99.] DEPARTMENT OF STATE,
Washington, February 4, 1881.

SIR: Upon several occasions the chargé d' affaires *ad interim* of Mexico in this country has brought to the attention of the department the complaint, on behalf of his government, that its citizens had suffered serious injuries from the depredations of a band of robbers and thieves headed by one Robert E. Martin, whose habitation was on American territory. Your own dispatches have also referred to this subject, and it is, therefore, one with which you are already familiar.

Although this Department has unvariably taken the means within its power to prevent, if possible, the acts of the persons complained of, its efforts have not been entirely successful. And I am now in receipt of a letter from the Secretary of War, dated the 25th ultimo, inclosing a copy of a report from General Pope, commanding the Department of the Missouri, to whom the matter was referred by the War Department for appropriate action in the premises.

General Pope in turn submitted the subject to the commanding officer of the district of New Mexico for report, and he observes:

> That bands of thieves infest the whole southwest, and plunder citizens in both countries. In all probability they would select the Hatchet Mountains, and are sometimes occupied in smuggling, at others in stealing. When not so occupied they can usually be found in the lower towns on the Rio Grande and about Silver City. The military has no authority to arrest them; that pertains to the civil authorities.

And the report concludes that should the citizens of Mexico make the proper effort the band could readily be broken up, as they occupy that country at pleasure.

This government conceives that the citizens of Mexico, being equally affected with those of the United States by the operations of these outlaws, may in like manner properly take an equal share in the work of suppressing them, by pursuit and arrest when within Mexican territory, thus co-operating with the earnest efforts made and making by the citizens and authorities of the United States on this side of the frontier.

As respects the concurrent action of the United States in the premises, the civil remedy indicated seems properly one to be accomplished, so far as the co-operation of the Federal with the territorial authorities is concerned, by the appropriate action of the Department of Justice, and I have accordingly requested of the Secretary of War the reference of the matter to the Attorney-General.

Meanwhile, it seems proper to acquaint you with the actual posture of the matter, observing that the general delicacy of the subject and the difficulties in the way of prompt repressive action by the Federal Executive, make it advisable that your statements to the Mexican Government should be guarded and confined to the expression of the desire to do on our part all that good will and mutual consideration demand, rather than the assumption of any obligations on the part of this government to punish Martin and followers.

You should, however, clearly convey the impression that the efforts of this government to end these raids do not absolve the Mexican Government from the concurrent obligation to pursue and punish, if possible, the raiders when within Mexican jurisdiction.

I am, &c.,

WM. M. EVARTS.

No. 449.

Mr. Blaine to Mr. Morgan.

No. 112.] DEPARTMENT OF STATE,
Washington, March 14, 1881.

SIR: With reference to the cases of American citizens impressed into the military service of Mexico, which were reported to the Department by Mr. Schuchardt, the United States vice-consul at Piedras Negras, and in regard to which you were instructed, and have had correspondence with Mr. Mariscal, I transmit a copy of a dispatch of the 18th ultimo from Mr. Schuchardt. His suggestion that the persons or their representatives so impressed, and who afterwards died or were killed or discharged, should have a pecuniary indemnity from that government, seems to be at least worthy of consideration. It is notorious that the impressment of American seamen into the naval service of a foreign power was at one time a serious grievance, not to be acquiesced in, and raised a question upon which all parties in this country were unanimous in regarding as one of international character. Public sentiment here in regard to that subject was borne in mind during the late civil war. The number of persons of foreign birth, especially in the large cities, led to the accidental or involuntary enrollment of unnaturalized aliens in the military or naval service. These, however, as is shown by the large space in the records of the Department at the time, were at once discharged upon complaint made and in the absence of proof of their naturalization. It is hoped, therefore, that in considering this subject the Mexican Government will not only have due regard to the unlawfulness of the impressment, but to the universal and strong sentiment upon the subject which pervades this country.

* * * * * * *

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 112.]

Mr. Schuchardt to Mr. Hunter.

[Extract.]

No. 262.] CONSULATE OF THE UNITED STATES,
Piedras Negras, Mexico, February 18, 1881.

SIR: I have the honor to acknowledge the receipt of your instruction numbered 136, dated February 2, 1881, relative to the impressment into Mexican military service, of five citizens of the United States, and inclosing a copy of a letter from Mr. Minister Morgan to the honorable the Secretary of State, also a copy of a letter from Mr. Morgan to Mr. Mariscal, and the latter's reply to Mr. Morgan, all treating on the same subject; and pursuant to your instruction, to express my opinion whether it would be well to take any further action in the case.

I respectfully submit the following report to the consideration of the Department:

Mr. Minister Morgan, in his letter to Mr. Mariscal, demanding the speedy discharge of the American citizens, refers to the action of the Government of the United States during the late civil war against the demands of local recruiting officers. This involves the belief that the Mexican army is regularly recruited, and that our citizens in question were drafted by mistake, but there exists no regular recruiting to fill the places of the unfortunates who escape from or die in the Mexican army. Only the poor and friendless are taken by force to fill the ranks thinned by desertion and starvation. As it does not reflect well on company commanders that frequent desertions occur in their troop, they try to substitute the vacant places on the rolls by any one whom they think they can force into the service without responsibility. The men thus made soldiers generally go under the assumed name of some who died by bad treatment or who deserted. This, in my opinion, accounts for the difference in the name of George Cino, whose name is quoted in the roll as Guadelupe George. In order to show that these subaltern officers feel no responsibility for their arbitrary acts, and that such outrages as those committed on the five American citizens occur, and in the future may be repeated at any time, I respectfully relate a more recent case. Some time in last January, José Maria Gutierrez, a freighter from San Antonio, Texas, an American citizen of Mexican race, had unloaded his freight at Eagle Pass, Texas. and on Sunday afternoon came over to Piedras Negras to visit a public show. When he came out from the show he was surrounded by a squad of soldiers, and taken to the military quarters and made a soldier. When Gutierrez's friend spoke next day in his behalf to Captain Villareal, the commander of the troops stationed here, he was told by the captain that he needed about sixteen soldiers, and was obliged to take them where he could find them, but that if he (Gutierrez's friend) would bring him a substitute he would let Gutierrez go. As Gutierrez, however, was released on that day, I abstained from reporting the case to the Department at the time.

Mr. Mariscal in his note to Mr. Minister Morgan states that four of the American citizens had been discharged and that Guadelupe George had deserted. It is true that Felipe Buruato and Manuel Guerrero have been begged out, the former by his wife and the latter by his old mother; it is also true that George Cino or Guadelupe George deserted in October on the march of the battalion to Monterey, and was fortunate to reach Texas, where he is working now; but in regard to Mr. Mariscal's statement as to Santos Hernandez and Miguel Guerrero I respectfully beg to rectify it. Both Santos Hernandez and Miguel Guerrero have not been discharged from the military service in which they were impressed, but were only transferred from the thirty-first battalion of infantry to a cavalry force, called "colonias militares." It is safe to state that they have been discharged, but it should be added, from the thirty-first battalion of infantry (in which body I reported them as serving) into the "Colonias militares." While serving in the "colonias militares" Miguel Guerrero was killed some time this winter in a fight that troop had with Indians. Santos Hernandez, a few days after Miguel Guerrero was killed, deserted and is working now in Texas. Manuel Guerrero, who had been discharged, is now at Eagle Pass, Texas, where the Mexican consul proposed to make him a Mexican citizen; for what purpose I am unable to say.

In my opinion, in order that the Mexican Government in future hold responsible its subaltern military officers as well as the civil authorities for the consequences brought on by similar arbitrary acts against American citizens like those committed by them on the five citizens, the subjects of this correspondence, those citizens should be indemnified by the Mexican Government for their losses and sufferings; Buruato and George Cino for illegal imprisonment and detention, Miguel and Manuel Guerrero and Santos Hernandez for the loss of their property, consisting of three horses, saddles and bridles, two Winchester carbines, one pistol, all their wearing apparel, and for illegal imprisonment and detention; the old mother of Miguel Guerrero for the loss of her

support by the death of her son while in involuntary military service of Mexico. All these men are poor and depend on their daily labor, and belong to that class who need most the protection of their government.

* * * * * * *

I am, &c.,

WM. SCHUCHARDT,
Vice-Consul.

No. .450

Mr. Morgan to Mr. Blaine.

No. 183.] LEGATION OF THE UNITED STATES,
Mexico, April 1, 1881. (Received April 28.)

SIR: Your dispatch No. 112, of the 14th of March, 1881, referring to cases of American citizens impressed into the military service of Mexico, has been received.

In my correspondence with the Mexican Government in relation thereto, I endeavored to show that their impressment was not only a violation of the laws of nations, but was also a violation of the positive treaty stipulation between the Government of the United States and the Government of Mexico (see inclosures to my dispatches Nos. 125 and 133); and that the latter government is responsible for their illegal capture, detention, and enforced servitude is in my opinion free from doubt. I think also that a demand should be made for damages in their behalf. If you should agree with me in this opinion, I beg to be instructed as to what is to be the measure of damages which I am to demand.

In my instructions contained in Department dispatch No. 71 (9th of October, 1880), I was directed to demand their instant release, and "that they be sent unmolested to their homes in Texas or allowed to proceed likewise without molestation to any point in Mexico where they have business or may desire to go." I was also directed to ask "for reasonable pecuniary indemnity for the detention, annoyance, and inconvenience to which they may have been thus unwarrantably subjected."

These instructions I complied with, as you will see by reference to the inclosure in my dispatch No. 125. But I have to call your attention to the fact that the parties in interest have not stated to what extent they have been damaged, and I am not able to determine to what amount their demand should be limited, and, as the Department dispatches are silent upon this subject, I respectfully ask to be instructed thereupon before communicating any further upon the subject with the Mexican Government.

I am, &c.,

P. H. MORGAN.

No. 451.

Mr. Blaine to Mr. Morgan.

No. 124.] DEPARTMENT OF STATE,
Washington, April 28, 1881.

SIR: I forward herein a copy of a telegram, dated Santa Fé the 9th instant, which I have received with a letter from the War Department of the 19th, and in which the commanding officer of the district of New

Mexico reports Mexican troops to be operating against hostile Indians, giving the number of the regular Mexican force at El Paso, Mexico, and states that he has ordered Indian companies and detachments with cavalry to the Mexican line to co-operate, if the hostiles should be driven north. Although the telegram is sent for your personal information, its concluding statements might, possibly, be used during any informal conversation with the Mexican minister for foreign affairs upon the subject, as evidencing both a friendly consideration for the Government of Mexico and an earnestness of purpose on the part of this government to punish hostile Indians who may seek refuge on this side of the Rio Grande. Your representations, however, should be carefully guarded in order not to leave the impression on the mind of Mr. Mariscal that they implied an international agreement between the two governments to that end, but that, actuated by a desire to strengthen more and more the amicable relations existing between the two countries, your government was ever willing, in the interest of so laudable an object, to inflict punishment upon such offenders and to maintain peace, so far as may lie within its power, along the frontier.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 124.]

Mr. Crosby to Mr. Blaine.

WAR DEPARTMENT,
Washington City, April 19, 1881.

SIR: I have the honor to inclose for your information copy of a dispatch from the commanding officer, district of New Mexico, dated the 9th instant, reportingMexican troops operating against hostile Indians, and that there are 370 regular Mexican troops at El Paso, Mexico; also, that he has ordered Indian companies and detachments with cavalry to the Mexican line to co-operate if Indians are driven north.

A similar copy is furnished this day to the honorable Secretary of the Interior.

Very respectfully, &c.,

H. T. CROSBY,
Chief Clerk,
For the Secretary of War in his absence.

[Appendix to inclosure in No. 124.]

[Telegram.]

SANTA FÉ, N. MEX., *April* 9, 1881.

ASSISTANT ADJUTANT-GENERAL,
Fort Leavenworth, Kans.:

The following just received from General Hatch, dated Fort Bliss, Texas, March 8; "Inform department headquarters, Terrasas is at Carrisal with 200 men operating against hostile Indians. The garrison at El Paso, Mexico, has 370 regular Mexican troops. I have ordered Indian companies and detachments with cavalry to Mexican line, keeping out strong patrols east of Fort Cummings. If the Mexican troops drive the Indians north will make every effort to strike them."

LOUD,
Acting Assistant Adjutant-General.

No. 452.

Mr. Blaine to Mr. Morgan.

No. 133.] DEPARTMENT OF STATE,
Washington, June 1, 1881.

SIR: As the relations between the Government of the United States and that of Mexico happily grow more amicable and intimate, it is but natural that a disposition should in like manner develop itself between the citizens of the respective countries to seek new means of fostering their material interests, and that the ties which spring from commercial interchange should tend to grow and strengthen with the growing and strengthening spirit of good will which animates both peoples. That this spirit exists is one of the most evident proofs that the frank and conciliatory policy of the United States towards Mexico has borne and is bearing good fruit. It is especially visible in the rapidly extending desire on the part of the citizens of this country to take an active share in the prosecution of those industrial enterprises for which the magnificent resources of Mexico offer so broad and promising a field, and in the responsive and increasing disposition which is manifest on the part of the Mexican people to welcome such projects. No fact in the historical relations of the two great republics of the northern continent is more fraught with happy promise for both, and it is a source of especial gratification to this government that the jealousies and distrusts which have at times in the past clouded the perfect course of the mutual relations of the two governments are thus yielding to the more wholesome spirit of reciprocal frankness and confidence.

It seems to me proper at this time, when a new administration has constitutionally and peacefully come into power in Mexico, devoted to fulfilling and extending the just policy of its predecessor, to call your attention to those general precepts which, in the judgment of the President, should govern the relations between the two republics, and to bear testimony to which will be your most important duty as the diplomatic representative of the United States.

The record of the last fifteen years must have removed from the minds of the enlightened statesmen of Mexico any possibly lingering doubt touching the policy of the United States toward her sister republic. That policy is one of faithful and impartial recognition of the independence and the integrity of the Mexican nation. At this late day it needs no disclaimer on our part of the existence of even the faintest desire in the United States for territorial extension south of the Rio Grande. The boundaries of the two republics have been long settled in conformity with the best jurisdictional interests of both. The line of demarkation is not conventional merely. It is more than that. It separates a Spanish-American people from a Saxon-American people. It divides one great nation from another with distinct and natural finality. The increasing prosperity of both commonwealths can only draw into closer union the friendly feeling, the political sympathy, and the correlated interests which their history and neighborhood have created and encouraged. In all your intercourse with the Mexican Government and people it must be your chiefest endeavor correctly to reflect this firm conviction of your government.

It has been the fortunate lot of this country that long years of peace and prosperity, of constant devotion to the arts and industries which make the true greatness of a nation, have given to the United States an abundance of skilled labor, a wealth of active and competent enter-

prise, and a large accumulation of capital, for which even its own vast resources fail to give full scope for the untiring energy of its citizens. It is but natural, therefore, that a part of this great store of national vitality should seek the channels which are offered by the wonderful and scarcely developed resources of Mexico, and that American enterprise and capital should tend to find their just employment in building up the internal prosperity of that republic on like firm bases, and in opening new commercial relationship between the two countries.

It is a source of profound gratification to the Government of the United States that the political condition of Mexico is so apparently and assuredly in the path of stability, and the administration of its constitutional government so regular, that it can offer to foreign capital that just and certain protection without which the prospect even of extravagant profit will fail to tempt the extension of safe and enduring commercial and industrial enterprise. It is still more gratifying that with a full comprehension of the great political and social advantages of such a mode of developing the material resources of the country, the Government of Mexico cordially lends its influence to the spirit of welcome and encouragement with which the Mexican people seem disposed to greet the importation of wealth and enterprise in their midst. The progress now making in this direction by the national government of Mexico is but an earnest of the great good which may be accomplished when the intimate and necessary relations of the two countries and peoples are better understood than now. To conduce to this better understanding must be your constant labor. While, therefore, carefully avoiding all appearance of advocacy of any individual undertaking which citizens of the United States may desire to initiate in Mexico, you will take every opportunity which you may deem judicious to make clear the spirit and motive which control this movement in the direction of developing Mexican resources, and will impress upon the Government of Mexico the earnest wish and hope felt by the people and government of this country that these resources may be multiplied and rendered fruitful for the primary benefit of the Mexican people themselves; that the forms of orderly, constitutional, and stable government may be strengthened as domestic wealth increases and as the conservative spirit of widely distributed and permanent vested interests is more and more felt; that the administration of the Mexican finances, fostered by these healthful tendencies, may be placed upon a firm basis; that the rich sections of the great territory of the republic may be brought into closer intercommunication; in a word, that Mexico may quickly and beneficially attain the place toward which she is so manifestly tending as one of the most powerful, well-ordered, and prosperous states in the harmonious system of western republics.

In future dispatches more detailed instructions will be given you touching certain points of interest to the two governments in the direction of an enlarged reciprocal trade and interchange of commodities. It is my present design simply to acquaint you with the President's views and feeling toward Mexico and the spirit which will animate his policy.

You can read this dispatch to the minister of foreign affairs, and, if he desires, leave a copy of it with him.

I am, &c.,

JAMES G. BLAINE.

No. 453.

Mr. Morgan to Mr Blaine.

No. 208.] LEGATION OF THE UNITED STATES,
Mexico, June 15, 1881. (Received June 27.)

SIR: Accompanying my dispatch No. 159, January 28, 1881, I transmitted to you a copy of my note to Mr. Mariscal of the 27th January of the same year, in which, complying with the instructions contained in your Department dispatch No. 87, December 22, 1880, I called his attention to the discrimination to which American trade was subjected by the customs authorities at La Paz in favor of traders of other nationalities, as well as to the unjust fines which were imposed upon commercial dealers at the different ports of the republic.

In my note to Mr. Mariscal I endeavored to treat the grievences to which I was directed to call his attention from a general point of view, in the hope that, if their existence was recognized, some means might be devised which would remedy them. The instances to which I directed his attention were intended to show the existence of the evil for which a remedy was thought necessary.

I have now received a reply to my note to Mr. Mariscal, dated May 26, in which he contents himself with transmitting to me a copy of a note addressed to him by Mr. Landero, secretary of Hacienda, to whom it appears my note of the 27th January to Mr. Mariscal was referred. A translation of Mr. Mariscal's note to me I inclose. I also inclose translation of the secretary of Hacienda's note to Mr. Mariscal.

The secretary of Hacienda, in his note to Mr. Mariscal, confines himself to a discussion of the cases to which I had referred (which were merely given by me as examples), and does not touch upon the general topic which was the subject of my note. As to the complaint that fines were imposed upon American shipmasters for acts which were committed, without objection to ship-masters of other nations, he denies that the fact is as it is stated to be. He protests, on the contrary, that fines are imposed by the customs officials of the republic only upon those who violate the law, and that they are imposed upon all alike who render themselves liable to them, without any regard to the nationality of the offender.

In explanation of the case of the chess-board referred to in your dispatch to me as having been seized because it did not appear on the manifest, and to which I called Mr. Mariscal's attention in my note of the 27th January, the secretary of Hacienda says that it was seized because it was found concealed with other articles intended to be smuggled in one of the bulkheads of the vessel, and that the seizure thereof was under the circumstances justifiable.

As regards the case of Mr. Ramirez, the secretary of Hacienda declares that the information conveyed by Consul Turner to the effect that he was not permitted to abandon the goods which had been consigned to him rather than pay the fine which had been imposed upon them is not correct. Indeed he says that the goods were abandoned, and that it was because of their abandonment that they were delivered over to the courts for adjudication thereon. He also declares that the information conveyed by Consul Turner to the effect that the captain of the Germain bark Jupiter was allowed to land and sell a quantity of clothing which had neither been placed upon the ship's manifest nor covered by a consular invoice, is equally incorrect. He bases his denial upon the statement that the Jupiter, on the voyage in question, had arrived at

La Paz, in ballast from Mazatlan, and that, inasmuch as she had been searched by the custom officers at Mazatlan before sailing from that port, the goods referred to by Consul Turner could not have been aboard of her.

To the cars of the Caroline, whose captain, according to Consul Turner's report, was permitted to dispose of a quantity of stores which would have been confiscated had the same rule been applied to them which was applied to the goods shipped to Mr. Ramirez, the minister of Hacienda does not refer.

As regards the chess-board and the refusal of the customs officials to permit Mr. Ramirez to abandon the goods which had been shipped to him, these are questions of fact, alleged on one part and denied on the other, which I cannot decide.

As regards the answer made by the secretary of Hacienda respecting the bark Jupiter, it appears to me that it can scarcely be considered an answer. It certainly, it occurs to me, does not follow that because the custom-house officials at Mazatlan failed in their search of the vessel to discover certain articles of commerce on board of her, that therefore they were not on board, and that these articles were not sold at La Paz, the sole question being whether or not they were allowed to be landed and sold at that port without having been found on the ship's manifest or covered by a consular invoice. It appears to me, therefore, that the statements of Consul Turner, as to the cases of the Jupiter and the Caroline, are substantiated, not refuted, by the secretary of Hacienda's letter to Mr. Mariscal.

The secretary of Hacienda informs Mr. Mariscal that the statements which I have received from Vera Cruz, and which I communicated to Mr. Mariscal, that merchants had been made to pay a fine because although it was stated on the invoices which were sent to them what the goods they covered *were* it was not stated what they were *not*, were erroneous, but he makes no allusion whatever to the cases to which I called Mr. Mariscal's attention, and it appears to me that his denial is not an answer to the charge.

It seems to me that the notice which has been taken of my note to Mr. Mariscal is more an intimation that the matters to which it referred concerned Mexico alone and that suggestions upon the subject from third parties were not entitled to much consideration certainly that no reforms are considered by the Mexican Government as necessary in the administration of the custom-houses.

The many fines and exactions which customs officials in the different ports of the republic are permitted to impose upon every infringement, fancied or real, of the custom-house regulations—regulations which are so difficult to observe that I am informed it is next to impossible for any invoice to be made out under them which the ingenuity of the customs officials cannot find, or pick, a flaw of some sort in (and a flaw discovered a fine follows).

The ingenuity of the officers, perhaps being quickened by the fact that the fines which are imposed upon the errors which they discover never go into the general treasury, but contribute to increase the value of their positions, is a source of constant complaint from all those with whom I have conversed who have any commercial relations with the country, and is a subject which has often occupied my attention. If a remedy could be found therefor the commerce of the country would be relieved of a serious burden.

Whether a remedy could be found outside of a treaty is not for me to say, but it has frequently occurred to me that if an understanding

could be arrived at between the two governments by which invoices properly certified by the consul of the government to which goods are shipped should be taken as true (fraud always accepted), and the description of the goods therein be taken as the proper description thereof, the evil so much complained of would, in a great measure, at least, be remedied. Should it be the purpose of our government to negotiate a commercial treaty with Mexico (Mexico consenting thereto), as I have seen it suggested that it was, this question would doubtless engage the attention of the commissioners appointed to negotiate the same. If, however, there should be no such purpose, I venture to suggest whether some agreement might not be entered into between the two governments upon the subject by which the same end, in so far as the verity of invoices, properly authenticated, are concerned, might be accomplished.

I am, &c.,

P. H. MORGAN.

[Inclosure 1, in No. 208.]

Señor Mariscal to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, May 26, 1881.

SIR: In consequence of your excellency's note, dated the 27th of January last, relative to the complaints of citizens of the United States who trade with Mexico, and who affirm they have been molested by employés of the custom-houses of different ports of the republic, I have the honor to transmit to your excellency, with the present note, a copy of an official communication on this subject, dated 19th instant, which was addressed to me by the secretary of the treasury.

I renew, &c.,

IGNACIO MARISCAL.

[Inclosure 2, in No. 208.—Translation.]

Mr. Landero to Señor Mariscal.

STATE DEPARTMENT AND OFFICE OF HACIENDA AND PUBLIC CREDIT, SECTION 1st.

In relation to your communication of the 7th of February past, in which you inclosed a note addressed to you by the minister of the United States, who complained of the conduct of the employés in the maritime custom-houses toward American merchants and ships, inquiries have been instituted and particular attention has been paid to the points specified in the complaint made by the American minister in reference to the maritime custom-house of La Paz.

From the divers reports made to this department it appears that the said complaints are groundless for the following reasons:

Although it is a fact that a chess-board which belonged to the captain of a vessel was confiscated, it is not true that it was found in the cabin of the vessel; it was, with fifty-two packages, concealed in a bulkhead of the ship, and the entire lot, having been seized as contraband goods, was consigned to the judicial authorities, who condemned the said packages to be sequestrated.

It is generally understood that when contraband articles are seized the officers can make no exception of anything distrained, however insignificant its value may be.

With regard to the case of Mr. Ramirez, who received certain effects not protected by a proper consular invoice, he incurred the penalty specified by law for such an offense, and the officers were obliged to enforce it. The statement to the effect that the custom-house officials were unwilling to permit Mr. Ramirez to waive his claim is inexact, because the said gentleman, and also the firm through whose agency the merchandise came, abandoned their claim in conformity with the law, and the custom-house officers only fulfilled their duty by consigning the affair to the judicial authorities.

The statement that the captain of the bark Jupiter was permitted to land and sell clothing on which no duty had been paid, is not exact because the said bark arrived

in ballast from Mazatlan; when it anchored in that port it was searched, and when it was dispatched thence in ballast it had not on board the articles reported.

The notification given to the American minister to the effect that in Vera Cruz a fine had been imposed because certain invoices which they presented, while they contained a description of what the goods *were* did not state what they were *not*, is also incorrect.

In conclusion I desire to state that the custom-house employés entertain no prejudices against American vessels, nor against any others, nor would the government tolerate any abuses of the kind. The custom-house officials limit themselves merely to enforcing the laws, and punishing those who infringe them without regard to nationality.

This statement I have the honor to make, in reply to your above-mentioned official communication.

Liberty in the Constitution.

LANDERO.

Mexico, May 19th, 1881.

No. 454.

Mr. Blaine to Mr. Morgan.

No. 138.] DEPARTMENT OF STATE,
Washington, June 16, 1881.

SIR: In my instruction of the 1st instant and to-day, I have so clearly amplified the spirit of good will which animates this government toward that of Mexico, that I am sure no room for doubt can remain as to the sincerity of our friendship. Believing that this friendship, and the frankness which has always distinguished the policy of this country toward its neighbors, warrant the tender of amicable counsel when occasion therefor shall appear, and deeming such counsel due to our recognized impartiality, and to the position of the United States as the founder and, in some sense, the guarantor and guardian of republican principles on the American continent, it seems proper now to instruct you touching a point upon which we feel some natural concern. I refer to the question of boundaries and territorial jurisdiction pending between Mexico and Guatemala.

In the time of the Empire, the forces of Iturbide overran a large part of the territory of what now constitutes Central America, which had then recently thrown off the Spanish domination. The changing fortunes of war resulted in the withdrawal of Mexican forces from most of that region, except the important provinces of Soconusco and Chiapas, which remained under their control. Since that time the boundaries between the two countries have never been adjusted upon a satisfactory basis. Mexico, becoming a republic, did not forego claims based on the imperial policy of conquest and absorption, while Guatemala, resisting further progress of Mexican arms, and disputing, step by step, the conquests already made, has never been able to come to a decision with her more powerful neighbor concerning the relative extension of their jurisdiction in the disputed strip of territory lying between the Gulf of Tehuantepec and the Peninsula of Yucatan.

Under these circumstances, the Government of Guatemala has made a formal application to the President of the United States to lend his good offices toward the restoration of a better state of feeling between the two republics. This application is made in frank and conciliatory terms, as to the natural protector of the rights and national integrity of the republican forms of government existing so near our shores and to which we are bound by so many ties of history and of material interest. This government can do no less than give friendly and consider-

ate heed to the representations of Guatemala, even as it would be glad to do were the appeal made by Mexico, in the interest of justice and a better understanding. The events, fresh in the memory of the living generation of Mexicans, when the moral and material support of the United States, although then engaged in a desperate domestic struggle, was freely lent to avert the danger which a foreign empire threatened to the national life of the Mexican republic, afford a gratifying proof of the purity of motives and benevolence of disposition with which the United States regards all that concerns the welfare and existence of its sister republics of the continent.

It is alleged, on behalf of Guatemala, that diplomatic efforts to come to a better understanding with Mexico have proved unavailing; that under a partial and preliminary accord looking to the ascertainment of the limits in dispute, the Guatemalan surveying parties sent out to study the land, with a view to proposing a basis of definitive settlement, have been imprisoned by the Mexican authorities; that Guatemalan agents for the taking of a census of the inhabitants of the territory in question have been dealt with in like summary manner; and, in fine, that the Government of Mexico has slowly but steadly encroached upon the bordering country heretofore held by Guatemala, substituting the local authorities of Mexico for those already in possession, and so widening the area in contention.

It is not the present province of the Government of the United States to express an opinion as to the extent of either the Guatemalan or the Mexican claim to this region. It is not a self-constituted arbitrator of the destinies of either country, or of both, in this matter. It is simply the impartial friend of both, ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors. It is, above all, anxious to do any and every thing which will tend to make stronger the natural union of the republics of the continent, in the face of the tendencies of other and distant forms of government to influence the internal affairs of Spanish America. It is especially anxious, in the pursuance of this great policy, to see the Central American republics more securely united than they have been in the past in protection of their common interests, which interests are, in their outward relations, identical in principle with those of Mexico and the United States. It feels that everything which may lessen the good will and harmony so much to be desired between the Spanish American republics of the Isthmus must in the end disastrously affect their mutual well-being. The responsibility for the maintenance of this common attitude of united strength is, in the President's conception, shared by all, and rests no less upon the strong states than upon the weak.

Without, therefore, in any way prejudicing the contention between Mexico and Guatemala, but acting as the unbiased consellor of both, the President deems it his duty to set before the Government of Mexico his conviction of the danger to the principles which Mexico has so signally and successfully defended in the past, which would ensue should disrespect be shown to the boundaries which separate her from her weaker neighbors, or should the authority of force be resorted to in establishment of rights over territory which they claim, without the conceded justification of her just title thereto, and especially would the President regard as an unfriendly act toward the cherished plan of upbuilding strong republican governments in Spanish America, if Mexico, whose power and generosity should be alike signal in such a case, shall seek or permit any misunderstanding with Guatemala, when the path

toward a pacific avoidance of trouble is at once so easy and so imperative an international duty.

You are directed to seek an interview with Señor Mariscal, in which to possess him with the purport of this instruction. In doing so, your judgment and discretion may have full scope to avoid any misunderstanding on his part of the spirit of friendly counsel which prompts the President's course. Should Señor Mariscal evince a disposition to become more intimately acquainted with the President's views after your verbal exposition thereof, you are at liberty to read this dispatch to him, and should he so desire, to give him a copy.

I am, &c.,

JAMES G. BLAINE.

No. 455.

Mr. Blaine to Mr. Morgan.

No. 142.] DEPARTMENT OF STATE,
Washington, June 21, 1881.

SIR: I had hardly completed my instruction to you of the 16th instant, No. 138, when information reached me from the United States minister at the Guatemalan capital, placing in a still graver light the condition of the relations between Mexico and Guatemala, touching the possession of the territory of Soconusco. In fact, so serious is the apprehension caused in the mind of the President by these untoward reports, that I feel constrained to supplement my previous instructions to you on the subject with even more of energy and succinctness.

It appears now as though the movement on the part of Mexico was not merely to obtain possession of the disputed territory, but to precipitate hostilities with Guatemala, with the ultimate view of extending her borders by actual conquest. Large bodies of Mexican troops are said to be on their way to Soconusco, and the exigency is reported to be so alarming that plans for national defense are uppermost in the minds of President Barrios and his advisers. Frequent border raids into Guatemalan territory have inflamed the passions of the residents of the frontier country, and the imminence of a collision is very great. Of the possible consequence of war it may be premature to speak, but the information possessed by the Department intimates the probable extension of hostilities to the other Central American States and their eventual absorption into the Mexican federal system.

I cannot believe it possible that these designs can seriously enter into the policy of the Mexican Government. Of late years the American movement toward fixity of boundaries and abstention from territorial enlargement has been so marked, and so necessarily a part of the continental policy of the American republics, that any departure therefrom becomes necessarily a menace to the interests of all.

This is a matter touching which the now established policy of the Government of the United States to refrain from territorial acquisition gives it the right to use its friendly offices in discouragement of any movement on the part of neighboring states which may tend to disturb the balance of power between them. More than this, the maintenance of this honorable attitude of example involves to a large extent a moral obligation on our part, as the strong but disinterested friend of

all our sister states, to exert our influence for the preservation of the national life and integrity of any one of them against aggression, whether this may come from abroad or from another American republic.

No state in the American system has more unequivocally condemned the forcible extension of domain, at the expense of a weaker neighbor, than Mexico herself; and no state more heartily concurs in the condemnation of filibusterism in every form than the United States. It is clearly to the mutual interest of the two countries, to whose example the success of republican institutions on this continent is largely due, that their policy in this regard should be identical and unmistakable.

As long as the broadened international diplomacy of our day affords peaceable recourse to principles of equity and justice in settlement of controversies like that between Mexico and Guatemala, the outbreak of a war between them would, in the judgment of the President, involve much farther-reaching results than the mere transitory disturbance of the *entente cordiale* so much desired by the United States Government between all the American republics. Besides the transfers of territory which might follow as enforced compensation for the costs of a war, it is easy to foresee the serious complications and consequent dangers to the American system, should an opening be afforded to foreign powers to throw their influence or force into the scale in determination of the contest. Mexico herself has but too recently recovered from the effects of such a foreign constraint not to appreciate at its full force the consideration thus presented. The peaceful maintenance of the *status quo* of the American commonwealths is of the very essence of their policy of harmonious alliance for self-preservation, and is of even more importance to Mexico than to the United States.

I have adverted in my No. 138 to the desire of the United States that its neighbors should possess strong and prosperous governments, to the assurance of their tranquillity from internal disturbance and outside interference. While we wish this happy result for Mexico, we equally wish it for the other Spanish-American nations. It is no less indispensable to the welfare of Central America than of Mexico, and, by moral influence and the interposition of good offices, it is the desire and the intention of the United States to hold up the republics of Central America in their old strength and to do all that may be done toward insuring the tranquillity of their relations among themselves and their collective security as an association of allied interests, possessing in their common relationship to the outer world all of the elements of national existence. In this enlarged policy we confidently ask the co-operation of Mexico. A contrary course on her part could only be regarded as an unwise step, while any movement directly leading to the absorption, in whole or part, of her weaker neighbors would be deemed an act unfriendly to the best interests of America.

It is desired that you should make earnest but calm representation of these views of the President to the Mexican minister of foreign affairs. In addition to embodying the main points of my previous instruction, No. 138, you will make use of such temperate reasoning as will serve to show Señor Mariscal that we expect every effort to be made by his government to avert a conflict with Guatemala, by diplomatic means, or, these failing, by resort to arbitration. And you will especially intimate discreetly, but distinctly, that the good feeling between Mexico and the United States will be fortified by a frank avowal that the Mexican policy

toward the neighboring states is not one of conquest or aggrandizement but of conciliation, peace, and friendship.

I have written this instruction rather to strengthen your own hands in the execution of the delicate and responsible duty thus confided to you than with a view to its formal communication to Señor Mariscal by reading and leaving a copy of it with him. If, in your discretion, the important ends in view will be subserved by your making the minister acquainted with portions hereof, you are at liberty to do so, while regarding the instruction as a whole in a confidential light, and as supplementary to my No. 138, which you have been authorized to communicate *in extenso*, if desirable.

I am, sir, &c.,

JAMES G. BLAINE.

No. 456.

Mr. Blaine to Mr. Morgan.

No. 143.] DEPARTMENT OF STATE,
Washington, June 21, 1881.

SIR: You will observe in my instructions of the 16th instant and today, a guarded suggestion that there is a possibility of foreign complications growing out of the Soconusco dispute. For your confidential information on this point, I may observe that there is good reason to think that, if driven to extremities, Guatemala might cede her territorial rights in dispute to some European power. In view of the anxiety which several of these have shown of late to gain some footing, however slight, on the Pacific coast of the Isthmus, this is a contingency not to be overlooked in any dispassionate consideration of the question.

I am, &c.,

JAMES G. BLAINE.

No. 457.

Mr. Blaine to Mr. Morgan.

[Telegram.]

WASHINGTON, *June* 23, 1881.

Say to Mexican Government that the President very earnestly requests that any contemplated hostilities against Guatemala may be suspended at least until the views of this government can be fully communicated.

Instructions are now mailed, and United States tenders its good offices in the interest of peace.

You will co-operate with Doctor Herrera, Guatemalan minister, in all wise steps looking to peace and friendly adjustment of all troubles.

BLAINE.

No. 458.

Mr. Blaine to Mr. Morgan.

No. 144.] DEPARTMENT OF STATE,
Washington, June 23, 1881.

SIR: Your No. 183, of the 1st of April last, after referring to the recent complaints based on the impressment of American citizens into the Mexican army, requests instructions as to the amount of damages which you are to demand from the Mexican Government therefor, inasmuch as you are "not able to determine to what amount their demand should be limited."

In reply, I may observe that the Department finds equal difficulty with yourself in determining a limit within which to confine the demand for indemnity in such cases. The different personal interests involved therein, and the different amount of damage to business pursuits sustained, make the attempt to assess the indemnification by a fixed standard inequitable. The proper course seems to be for you to take the several cases, according to their circumstances and the status and character of the claimants, and advise the parties as to the amount proper to be claimed by them. The ease with which you have access to the facts of each case, joined to your own judicial training, make this course just and proper.

I am, &c.,

JAMES G. BLAINE.

No. 459.

Mr. Morgan to Mr. Blaine.

No. 217.] LEGATION OF THE UNITED STATES,
Mexico, June 29, 1881. (Received July 11.)

SIR: On the 21st instant I was called on by Mr. Sullivan, representing the Mexican National Construction Company, who informed me that the company which he represented was desirous to build a railroad bridge from some point near Laredo, in Texas, across the Rio Grande, and he asked me whether I would communicate the fact to you by telegraph and ask whether the United States would object to the proposed work. He informed me that on the part of the Mexican Government the President would give the consent necessary.

I replied to him that if Mr. Mariscal would address a note to me in that sense, I would telegraph you.

On the day following (22d) I received a confidential note from Mr. Mariscal in which he said the President had instructed him to say that, in so far as Mexico was concerned, the company might build the bridge.

A copy of his note I inclose. It is not dated, but I received it on the 22d of this month.

I accordingly telegraphed you; a copy of my telegram I inclose.

On the 28th instant I received your telegram dated the 27th June, in which you inform me that the Executive, while not assuming the right to authorize the construction of the bridge across the national boundary at Laredo, will permit it to be done, subject to the sanction of Congress and the rights of the State of Texas.

The substance of this telegram I communicated to Mr. Mariscal in a confidential note which I addressed to him on the 28th instant, a copy of which I inclose.

I have also read the telegram to Mr. James Sullivan, the representative of the railroad company at whose instance I sent the telegram, which is the occasion of this dispatch.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 217.]

Mr. Mariscal to Mr. Morgan.

[Confidential.]

MY DEAR MR. MORGAN: Mr. James Sullivan and his lawyer Mr. Luiz Mendez have informed me that you are disposed to telegraph to your government for a permission to build a draw-bridge connecting Laredo, Tex., with Fueno Laredo, Mex., if I communicate to you in a confidential manner that the Mexican Government will grant such permission on its part.

Having consulted the President, I am at liberty to tell you that the Mexican Government is ready to give the permission above mentioned.

Yours, &c.,

IGNACIO MARISCAL.

[Inclosure 2 in No. 217.—Telegram.]

Mr. Morgan to Mr. Blaine.

The Mexican National Construction Compay desire to build a railroad bridge across the Rio Grande at or near Laredo. They wish me to ask whether the United States will permit them to do so. I am authorized to say that the Mexican Government will give its consent.

P. H. MORGAN.

JULY 23, 1881.

[Inclosure 3 in No. 217.]

Mr. Morgan to Mr. Mariscal.

Confidential.] LEGATION OF THE UNITED STATES,
Mexico, June 28, 1881.

DEAR MR. MARISCAL: The day following the one upon which I received your note I telegraphed the Secretary of State that I felt authorized to say that the Mexican Government would oppose no objection to the building of a railroad bridge across the Rio Grande, or near Laredo, by the Mexican Railroad Construction Company, and I asked the secretary whether there would be any objection thereto on the part of the United States.

Last night I received a telegram from Secretary Blaine in which he informs me that the Executive, while not assuming the right to authorize the construction of a bridge across the national boundary, will permit it to be done, subject to the sanction of Congress and the rights of the State of Texas.

I am, &c.,

P. H. MORGAN.

No. 460.

Mr. Blaine to Mr. Morgan.

No. 152.] DEPARTMENT OF STATE.
Washington, July 11, 1881.

SIR: I transmit herewith a copy of a letter from the Secretary of War, of the 7th instant, relative to the death of General Servando Ca-

nales, of the army of Mexico, accompanied by a telegram addressed to the commanding officer at Fort Brown, Texas, directing that appropriate arrangements be made for assisting at the funeral ceremonies of General Canales, and expressing profound sentiments of regret at the decease of so distinguished a soldier.

You will suitably bring these facts to the knowledge of the proper authorities of the Mexican Government for their information.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 152.]

Mr. Lincoln to Mr. Blaine.

DEPARTMENT OF WAR,
Washington City, July 7, 1881. (Received July 8.)

SIR: I have the honor to transmit herewith for your information, an official copy of a telegram, dated Headquarters Department of Texas, San Antonio, Texas, June 29, 1881, addressed to the commanding officer at Fort Brown, Texas, directing that appropriate arrangements be made for assisting at the funeral ceremonies of General Servando Canales, army of Mexico, and expressing profound sentiments of regret at the decease of so distinguished a soldier.

Very respectfully, &c.,

ROBERT LINCOLN,
Secretary of War.

[Appendix to inclosure in No. 152.—Telegram.]

Adjutant-General Vincent to Commanding Officer at Fort Brown.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Texas, June 29, 1881.

Referring to your telegram reporting the death yesterday, at 5 o'clock p. m., of General Servando Canales, commanding a division of the army of Mexico, the major-general by brevet, commanding the department, desires you to convey to the proper military representative his profound sentiments of regret at the decease of so distinguished a soldier, one conspicuous in contributing to the present state of quiet and good feeling along the boundary of the two republics.

The general directs that you arrange appropriately for assisting at the funeral ceremonies, and on the day thereof that the national flag be placed at half-staff, and a salute of honor, thirteen guns, fired at the moment a given signal shall have indicated the consignment of the body to its resting place.

Please communicate to these headquarters the date of the funeral, to the end that, as an additional mark of honor and respect, the national flag may, on that day, be ordered at half-staff at all the posts within this command.

THOMAS M. VINCENT,
Adjutant-General.

No. 461.

Mr. Morgan to Mr. Blaine.

No. 232.] LEGATION OF THE UNITED STATES,
Mexico, July 12, 1881. (Received July 28.)

SIR: In conformity with the instructions contained in your dispatch No. 138 (16th June), I sought and obtained an interview with Señor Mariscal on the 9th instant.

I informed him that the Government of Guatemala had made a formal application to the President of the United States to lend his good offices towards the restoration of a better state of feeling between Guatemala and Mexico, and I possessed him, as well as I could, with the contents and terms of your dispatch, taking care to impress upon him that the suggestions therein contained were prompted by nothing but the kindest feelings on the part of the President towards both countries, and that they were made in the interest of peace and harmony between neighboring republics, in whose welfare the United States felt a natural and deep interest.

Señor Mariscal spoke quite earnestly with reference to Guatemala, insisting that it was Mexico that had cause of complaint against Guatemala, instead of Guatemala's having just cause of complaint against Mexico.

He informed me that some time since a convention had been entered into between the two nations for the purpose of fixing the boundaries thereof, and that the work was not completed because the time allowed therefor had not proved sufficient.

I asked him whether there was any imputation, on either side, of bad faith in not completing the work. He replied that there was not. I inquired of him whether it was true that parties sent out by Guatemala to study the land with a view to proposing a basis of settlement had been imprisoned by the Mexican authorities? He replied that one person had been so arrested, but that his arrest was due to the fact that he had, without permission, proceeded much further upon conceded Mexican territory than he was authorized to do, and that he had been arrested, but that, as soon as the fact of his arrest was made known to the proper authorities he was released, and that he was not in durance more than twenty-four hours.

I asked him whether Guatemala's agents for the taking of a census of the inhabitants of the territory in dispute had been also arrested and imprisoned. He replied that by the convention above alluded to, it was agreed that pending the survey which was to be made and the final settlement of the boundary between the two countries the boundary should be considered the same as that which had existed in 1874, and that a Guatemala agent who had gone on the Mexican side of that line for the purpose of taking a census of the people in that section (Mexicans) had been arrested.

In reply to the suggestion of the arbitrament of the President of the United States, he replied that whatever Mexico might be willing to accede to in the future, there was nothing at the present moment to arbitrate about. He said that Mexico had proposed to Guatemala to renew the convention for the appointment of a commission to survey the tract of country which was in dispute; that the question of the appointment of such a commission was pending, and that until that question should be decided, there was in reality no dispute to submit to an arbitrator. He also declared that if there had been any delay in the appointing of such a commission, the fault was altogether with Guatemala.

He also said that troops had been sent to the frontier as the President had announced in his message to Congress, but that they were sent there for the purpose of protecting Mexican citizens, and not with any view of making war upon Guatemala. Mr. Mariscal was very earnest in his denials of any cause of complaint on the part of Guatemala, and as to the want of any necessity of an arbitrator; so much so that I deemed it proper, in order that there might be no possible ques-

tion hereafter, either as to the letter or the spirit of your instructions, or their interpretation by me, I read to Senor Mariscal your dispatch, and offered to send him a copy thereof, which he accepted, and which I did.

I informed him that I should seek another interview with him in order that, after having carefully perused the dispatch, he might be able to give me his views again upon the subject thereof.

Mr. Herrera, the minister from Guatemala here, has frequently spoken to me, in general terms, upon the differences between his government and Mexico, and not long since he said that, practically, there was war between them, and that his country would be forced to appeal to the Government of the United States for protection. In these conversations I took the part of a listener, at the same time that I felt naturally interested in the recital of the wrongs of which he complained, and which, if they existed, were calculated to breed trouble between the two countries; for no one, at least no one who wishes for the success of republican institutions, can look upon any disturbance between the several republics of our continent without concern.

I am, &c.,

P. H. MORGAN.

No. 462.

Mr. Morgan to Mr. Blaine.

No. 240.] UNITED STATES LEGATION,
Mexico, July 19, 1881. (Rec'd Aug. 4th.)

SIR: I had another interview of Señor Mariscal on the 15th instant, at the department of foreign affairs, upon the subject of the differences between Mexico and Guatemala.

I informed him that since our last interview, an account of which I gave you in my dispatch No. 232, 12th instant, I had received other dispatches from you from which it would appear that great interest was felt at Washington upon the subject of the unhappy disputes between the two governments in question, and I had felt it to be my duty, before receiving his formal answer to the proffer made a few days since by the President of the United States, to act as mediator between them, to make some further suggestions to him with reference thereto. Señor Mariscal manifested something of excitement I thought, and interrupted me by repeating the complaints which Mexico had, as he said, just grounds to make against Guatemala of her want of fair dealing, and in fact duplicity, in pretending to negotiate a convention with him for the appointment of commissioners to survey the strip of territory which was in dispute, with the view of finally settling the boundaries between the two countries, while she had been secretly attempting to obtain the interference of the United States in their disputes, thus rendering the appointment of a commission unnecessary. He insisted upon it that it was Guatemala that had committed acts of aggression upon Mexico instead of Mexico upon Guatemala. He cited as a fact that it had been agreed between the two countries, when the convention which had been entered into between them for the appointment of a commission to survey the territory in dispute (the convention which expired by limitation without having accomplished its work) that pending the settlement of the boundary question, the line of demarkation should be at a certain

point, and that not long since, Guatemalian troops had gone beyond that point, had planted the Guatemalian flag upon territory which was conceded to be Mexican, and had demolished certain monuments which had been erected thereon.

He spoke a great deal about the President of Guatemala, and the condition of the government of that country. But to this I paid little attention, as I had not gone to him to discuss either the conduct of the one or the condition of the other. As soon as the opportunity presented itself I said I had been informed that Mexico had sent a large body of troops to the Guatemalian frontier, and I asked him if my information was correct? He replied that some troops had been sent there, but that the number was not large, with orders to retake possession of that portion of the territory which had been occupied by the Guatemalian troops, and to rebuild the monuments which had been destroyed. (These monuments, he afterwards informed me, were a number of crosses standing on pedestals of stone, but not erected as marking the boundary between the countries.) I said to him, suppose the Mexican troops find troops from Guatemala on the disputed ground, and these latter deny the right of the Mexican troops to enter thereupon, what will be the result? He replied that the Mexican troops would then endeavor to take possession.

I remarked to him that all this only confirmed the information which my government had received, viz: that an angry feeling, to say the least of it, existed between Mexico and Guatemala, which angry feeling might at any time result in war, and that it was with the view of avoiding such a calamity that the President of the United States as the common friend of both parties would be willing to accept the position of mediator between them. He replied he did not think that the time for mediation had arrived; that a proposition for appointing a commission to survey the territory in dispute was then pending and until that was disposed of, he did not see what could be done; that Mexico had been insulted by Guatemala, and that before any further negotiations were entered upon, matters should be replaced in their former position.

Thereupon I said, I had called upon him in the expectation that he would declare that Mexico entertained no hostile purpose against Guatemala and I regretted to find myself mistaken, it being apparent to me that as Mexico had sent troops to occupy a disputed territory, if Guatemala had also sent troops there, the two armies were facing each other and a conflict might ensue at any moment; that this was a state of things which the United States could only look upon as a calamity, which it was their duty, if possible, to prevent.

He repeated that Mexico had been insulted by Guatemala, and asked "what is she to do?" I answered at once, submit the question of insult as well as the matters of interest which are in dispute between the two countries, to the arbitration of a common friend. I then directed his attention to the condition of affairs which would in all probability result from any open act of hostility on the part of either country; that one act of hostility would probably result in war, and that whatever might be the proximate cause of the war, or whatever might be the present purpose of Mexico to confine her efforts to maintaining what she claimed was the admitted boundary of her territory, there was no telling when a war was once commenced, where it would end, and that a war once begun between Mexico and Guatemala would almost of necessity resolve itself on the part of Mexico in one of conquest, for, I said, the result thereof could scarcely be doubtful; that Mexico would insist upon

Guatemala's paying the expenses of the war; that as she would not have the means of doing this, a portion of her territory would be taken from her, and that thus a movement would be inaugurated which would possibly result in the attempted absorption of all the republics, as far as the Isthmus of Panama, by the Republic of Mexico; that this raised the question far above the consideration of the individual interests of Mexico and Guatemala; That the preservation of all the republics on the continent in their present integrity of territory and under their present form of government was of the first importance, and that the United States could not look upon any act on the part of either of them which might result in breaking them up, or reducing their present territorial limits with anything but disfavor.

In evidence of the interest which the United States felt upon this subject, I reminded him of the position assumed by them towards France, then one of the most powerful empires of Europe, when a great portion of Mexico was in the power of French troops and when but for the intervention of the United States (and this at a moment when they had only just emerged from a struggle upon which their life had been at issue—a struggle which had taxed their resources to the utmost to enable them to maintain a war which had lasted for years and which had been waged upon a scale of enormous proportions) and without which action on their part it is possible that not only Mexico but all the territory south of it, as far as the Isthmus of Panama, would have become a French dependency—a result which the United States were prepared to take up arms, even in her then exhausted condition, against the French empire to prevent.

I called his attention to the fact that this was a question in which Mexico was as largely interested as any of the republics of Central America; that the Government of the United States and the people of the United States were opposed to filibusterism in any of its forms, but that it would be a bad example for Mexico to set to the world if she were to set about conquering neighboring territory, and that this example I hoped she would be slow to give.

I endeavored to impress upon him the fact that Mexico had now sufficient territory to support in comfort and happiness a population of one hundred millions of people; that the small territory of Guatemala would add only a trifle to that which Mexico already possessed, and looking at the question under discussion from the standpoint of her own interest, it was evident to me that the course which it seemed to me she was prepared to pursue could do her no good, and might do her a great deal of harm.

I also suggested to him the evil consequences which would probably result from the mere fact of a state of war upon the many and vast schemes of public improvement which were in progress of construction as well as in contemplation—schemes which, if carried out, would connect all of her territory, and make every portion thereof accessible, as well as give to her the means of communication with the United States by safe and rapid methods of transportation, all of which would certainly be disturbed, if they were not suspended by a state of war; that the money which had been, up to the present moment, spent upon these works had come from the United States; that our people were ready and willing to furnish all that might be required to complete them, and that they felt therefore a natural interest that the sums which they had already expended should not be lost, as well as that their future undertakings should not be embarrassed by war.

I urged upon him that a war between any two of the North American

republics would be a reproach upon republican institutions which would not fail to be made against them by those whose interest it was to oppose our form of government; that from this point of view, the question was one of importance to the entire North American continent, and that when our common interests were threatened in this direction it was, I thought, the duty of the United States to interpose their good offices to prevent it; that as the United States were the pioneers upon this continent of republican institutions, they were justified in offering their advice when they saw that a war was imminent between either of the republics thereon, and, that their position and disinterestedness seemed to render it only proper that their advice should not be lightly rejected. I assured him that the suggestions of which I was the interpreter were prompted alike from the purest feelings of friendship which the President entertained for both Mexico and Guatemala as well as from his desire to see that the integrity of the two nations should not be impaired; that in the present advanced state of public opinion diplomacy should first be exhausted, and after that arbitration, before war should even be thought of, and that I therefore earnestly hoped he would, in the reply which he had informed me he was preparing, admit the justice of the position I had assumed and signify the assent of President Gonzalez to the offer made by the President.

This is the substance of my remarks. My words, tone, and manner were as conciliatory as I could make them, although I left, I think, no room for doubt as to my earnestness, or the views which I was instructed to present.

Señor Mariscal replied that the present purpose of Mexico was to cause the Guatemalan troops to evacuate the territory which they had, in the opinion of the Mexican Government, occupied without authority and to replace the "monuments," as he called them, in the state in which they were prior to their demolition. This done he would then be ready to renew negotiations for the purpose of appointing a commission to survey the territory in dispute in order that the question of boundary might be finally settled. He denied that Mexico had committed any act of aggression upon Guatemala, and distinctly disavowed any intention on the part of Mexico to use her troops for the purpose of conquering any portion of the territory belonging to Guatemala, and stated that of this disavowal I might inform you. Thereupon I took leave of him.

In the mean while nearly a fortnight has elapsed since I first brought the matter to Señor Mariscal's attention, and he has not furnished me with the written reply which he stated he would prepare, although I said to him in my last interview that I was anxious to forward it by this mail.

I do not feel justified in waiting for it before informing you of what has occurred up to date.

I am, sir, &c.,

P. H. MORGAN.

No. 463.

Mr. Blaine to Mr. Morgan.

No. 156.] DEPARTMENT OF STATE,
Washington, July 27, 1881.

SIR: I forward herewith for your information a copy of a petition addressed to the Hon. S. B. Maxey, a Senator of the United States from

Texas, by whom it has been referred to this Department, in which the petitioners, American citizens residents of that State, set forth that certain persons living in the United States and Mexico are exerting what influence they possess to have the "zona libre" of Mexico extended so as to embrace within its limits El Paso, Mexico.

The petitioners clearly indicate the injuries which are naturally to be apprehended in case of the extension of the "zona libre," and which point to interests of national, state, and private importance, likely to be seriously affected thereby.

You will, therefore, take such steps as you properly can, in bringing these facts to the knowledge of the Mexican Government, as will prevent, if possible, the extension feared. Your proceedings in this regard should be discreet, however, and you are requested to report your action to the Department for its information.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 156.]

Citizens of Texas to Senator Maxey.

PARIS, TEXAS, *July* 19, 1881.

HONORABLE SIR: Having been credibly informed that certain persons engaged in merchandising and trading on this frontier, some living in the United States and some living in Mexico, are using every effort and influence they can command to have the "zona libre" of Mexico extended so as to include El Paso, Mexico, therefore we, citizens of the United States and Texas, respectfully petition your excellency to use your influence and authority in the name of the State, to prevent El Paso, Mexico, being made a point in the said "zona libre" for the following reasons:

First. It would cause, if not compel, merchants doing business at El Paso, Texas, to remove all their goods, wares, and merchandise from El Paso, Texas, to El Paso, Mexico, which would decrease the taxable personal property now in Texas to nothing comparatively; would destroy the values of real estate in El Paso, Texas, and would also injure the town of El Paso, Texas, as a railroad, commercial, and business center, dwarf our commerce, and well-nigh ruin our merchants, if they chose to remain after the said "zona libre" had been established at El Paso, Mexico.

Secondly. It would increase smuggling from Mexico into the United States, particularly of cattle, cigars, tobacco, and liquors, and other articles of commerce, of exchange, and trade, thus injuring, if not almost destroying, the business of merchandising and trading at El Paso, Texas.

Thirdly. It is hostile in interest to the United States and Texas.

We therefore respectfully request your excellency to take such steps to prevent this extension of the "zona libre" proposed, as will save us from loss and unjust discrimination.

With great respect, your most obedient servants,

J. F. HARRISON.
M. S. HILLS,
Agent Cambell's Addition to El Paso, Tex.
C. Q. STANTON.
J. R. CURRIE.
C. R. MUSHER,
President State National Bank.
A. BLACKEE,
Representative 79th District State Legislature.
NOAH F. FLOOD,
Attorney at Law, El Paso, Tex.
J. A. BUCKLER,
Attorney at Law.
JOHN BAILEY,
Attorney.
T. A. FALNEY,
Judge Twentieth Judicial District of Texas.
JOSEPH MAGOFFIN,
Acting Mayor El Paso, Tex.

No. 464.

Mr. Morgan to Mr. Blaine.

No. 242.] LEGATION OF THE UNITED STATES,
Mexico, July 30, 1881. (Received August 19.)

SIR: Before adjourning, Congress passed an act authorizing the President, during its recess, to grant such concessions for the construction of railroads and other works of public improvement as he might deem proper with or without subventions.

Exercising the authority thus conferred upon him, the President, on the 7th June last, granted a concession to Mr. John B. Frisbie, authorizing him to construct and operate a railroad and telegraph line from the city of Mexico to the Rio Grande at some point 25 leagues distant from and between Piedras Negras and New Laredo, or the same distance from and between Piedras Negras and El Paso del Norte, with permission to build branch lines to some point on the Gulf of Mexico, between Matamoras and Tampico, as well as to some point on the Pacific coast between Mazatlan and Zahuatanejo.

In all of its features this concession is identical with the concession made to the Mexican Meridian Railroad Company.

On the same day (7th June) he granted a concession to Mr. Francis De Gress, representing the International Railway Company, to construct and operate, for the term of ninety-nine years, a railroad and telegraph line, from a point on the Rio Grande between Laredo and Reynosa, running south, passing by San Fernando and Santanda Jeminez, by Tula to San Luis Potosi, with the additional obligation of constructing branch lines to Matamoras and to Barra de Jesus Maria, should that port be opened to commerce. The company is authorized to change the direction of the main line before reaching "Mesa Central," to Papantla y Mezantla, terminating at Vera Cruz, with branches to Soto la Marina, Tampico, Tuxpam, and Tecolutla or Nautla.

On the 13th June he signed a contract with Mr. de Prida and Ignacio Pambo, as the representatives of the Texas, Topolovampo and Pacific Railroad and Telegraph Company, authorizing them to construct a railroad from Topolovampo, in the State of Sinaloa, to Piedras Negras in the State of Coahuila; from a convenient point on the Topolovampo road, on the Cordilleras, to Alamos in the State of Sonora; from a convenient point on the Topolovampo and Cordilleras road to Mazatlan in the State of Sinaloa; from a convenient point on the Cordilleras and Piedras Negras road to Presidio del Norte in the State of Chihuahua.

To this company a subvention of $5,000 per kilometer of constructed road, after the same shall have been accepted by the Secretary of Fomento, is to be paid except as regards the branch line to Presidio del Norte, for which no subvention is to be given.

He has also granted a concession to General Grant (May 4) representing the Oceania Telegraphic communication between the United States, Mexico, Central and South America; the line to run from the United States to Cuba, from Cuba to Yucatan, or to any other point on the Mexican coast, Tampico, Vera Cruz, or Coatzacoalcos excepted, and from Yucatan, across Mexican territory, to Guatemala, and to the Pacific coast as well as to the city of Mexico. To this company no subvention is given.

On the 12th July he granted a concession to Manual Payno, representing the "Compania del Ferrocarril Interoceanio de la Sierra Madre

y Tierra Caliente," to construct a railroad starting at some convenient point between Nautla and Tampico on the Gulf of Mexico to the capital, with a branch to Cuernavaca, terminating on the Pacific coast between Chacahua and Marnata. The work is to be commenced within one year and finished within ten years from the promulgation of the contract. To this concession no subsidy is attached.

To the Frisbie, the cable and the Payno companies no subventions have been granted.

To the Topolovampo Company a subvention of $5,000 per kilometer has been granted.

To the De Gress concession $8,000 per kilometer has been granted.

All the companies are Mexican companies, and are to submit whatever differences which may arise in regard to every question to Mexican tribunals, without appeal, even in case of denial of justice.

I have not sent you a copy and translation of these concessions because in all of their essential features they are identical with those of other concessions, copies of which you have. Besides, they have not received the sanction of Congress.

In my dispatches Nos. 26, of June 7, 1880, and 106, September 21, I had occasion to express an opinion with regard to the necessity of congressional sanction to the validity of contracts made by the President even with authority conferred upon him to that end. My mind remains unchanged. I know that the opinion therein expressed by me was not received with favor by those who were energetic in obtaining subscriptions to build the roads to which I referred; but I have observed that as soon as Congress assembled, a ratification of the concessions was immediately asked for.

I make the same remarks in reference to the concessions now under consideration; Congress will ratify them, provided the President does not change his mind between now and the time when their ratification will be asked for; but until they are ratified, they are not, in my opinion, worth spending any money upon.

There is an advantage in the Frisbie, Topolovampo, Payno, and DeGress concessions over the Central and Palmer concessions, which I deem it proper to call your attention to. It is, that while the two latter companies were forced to commence laying their tracks at Mexico, the others may commence work where they like. The advantage consists in this: steel rails delivered at Vera Cruz cost about $40 per ton. The transportation from Vera Cruz to Mexico costs $30 per ton. Landed in Mexico the rails cost, therefore, $70 per ton. Other material is about in the same proportion. It follows that the company which has the privilege of commencing work at any seaport, has an advantage in the cost of material of about 75 per cent.

I am, &c.,

P. H. MORGAN.

No. 465.

Mr. Morgan to Mr. Blaine.

No. 245.] LEGATION OF THE UNITED STATES,
Mexico, August 4, 1881. (Received August 19.)

SIR: On the 27th of July I addressed a note to Señor Mariscal and inclosed to him copy of the letter addressed to you by the honorable

the Secretary of War, as also a copy of a telegram addressed to the commanding officer at Fort Brown, relating the proceedings had by that officer on the occasion of the death of General Servando Canales. All in obedience to the instructions contained in your dispatch No. 152, July 11, 1881.

A copy of my note I inclose. I also inclose translation of Señor Mariscal's reply, in which he expresses the satisfaction with which the President has learned of the said proceedings.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 245.]

Mr. Morgan to Señor Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, July 27, 1881.

SIR: I am instructed to bring to the knowledge of the Mexican Government the proceedings had by the commanding officer of the United States troops at Fort Brown on the occasion of the much regretted death of General Servando Canales.

In conformity with said instructions I now inclose to your excellency copy of a letter addressed to the Secretary of State by the Secretary of War, as also a copy of a telegram addressed to the commanding officer of Fort Brown.

I renew, &c.,

P. H. MORGAN.

[Inclosure 2 in No. 245.—Translation.]

Señor Mariscal to Mr. Morgan.

DEPARTMENT FOREIGN AFFAIRS,
Mexico, July 29, 1881.

MR. MINISTER: I have received your excellency's note of the 27th instant, in which, complying with the instructions of your government, you inclosed a copy of a letter addressed to the Secretary of State by the Secretary of War, and a telegram addressed by the adjutant-general of the Department of Texas to the commanding officer at Fort Brown relating to the death of General Servando Canales.

In reply I have to say to your excellency that the President has read with great interest the aforesaid document, and sincerely acknowledges the demonstration made in honor of the deceased General Canales by the military commandant at Fort Brown.

I renew, &c.,

IGNACIO MARISCAL.

No. 466.

Mr. Blaine to Mr. Morgan.

No. 158.] DEPARTMENT OF STATE,
Washington, August 5, 1881.

SIR: Adverting to my instruction of the 27th ultimo, concerning the expected movement of the Mexican Government toward the extension of the limits of the "zona libre" so as to include the town of El Paso, Mexico, I have now to forward herewith, for your information, and as throwing additional light upon this important subject, a copy of a letter from his excellency the governor of Texas, of the 26th ultimo, and of one inclosed therewith from Captain Caldwell, of the Texas frontier police force, in relation to the matter.

The petition referred to in the letter of Governor Roberts is omitted for the reason that it is identical with the one which accompanied my instruction mentioned.

I am, sir, &c.,

JAMES G. BLAINE.

[Inclosure in No. 158.]

Governor Roberts to Mr. Blaine.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, July 26, 1881. (Received August 1.)

SIR: I have the honor to present to you a petition of the citizens of El Paso, Texas, and a letter from Capt. Neal Caldwell of our frontier police force, giving assurance of the respectability of the petitioners, with reasons for their action in the premises.

You will see from the petition and letter that the aid of our government is sought to prevent the establishment of the *zona libre*, or free belt, along the western side of the Rio Grande opposite El Paso, in Texas. Several railroads are conveying to El Paso, and it bids fair to become a great central distributing city of the interior of the continent.

The anticipated action of making a free district or belt of 30 or 40 miles, within which goods and merchandise are admitted and disposed of free of duties, will be a death-blow to the commercial prosperity of El Paso and other Texas towns on the upper Rio Grande, and will also be an injury to the revenue of the United States. The goods brought from any other country outside of the United States will be stored and sold in the free belt, in preference to being stored and sold in Texas towns.

I am not fully aware of what policy it is that prompts this proceeding on the part of Mexico, and having no means or right of negotiating on the subject, I beg leave to refer the matter to you, trusting that through the general government our interests in that regard will be protected as far as practicable.

Respectfully, &c.,

O. M. ROBERTS,
Governor.

[Appendix to inclosure in No. 158.]

Captain Caldwell to Governor Roberts.

ADJUTANT-GENERAL'S OFFICE,
Austin, Texas, July 22, 1881.

SIR: The petition of certain citizens of El Paso County, Texas, protesting against the extension of the "zona libre" to include the town of El Paso, Mexico, has had my attention.

For your information I would respectfully state that I am personally acquainted with several of the signers of the petition and know them to be respectable citizens of the town of El Paso, Texas.

I am also personally acquainted with the operation and effect of the "zona libre" on the commerce of citizens on the American side of the Rio Grande River, and I am of the opinion that the extension of it to include the town of El Paso, Mexico, would be most disastrous to trade on the American side of the river, for the reason that if the "zona libre" should be extended as apprehended, the merchants of El Paso Mexico, could order goods from any foreign country, have them shipped through the United States *under bond*, and have them delivered within the "zona libre" without having paid any duty, except the export duty to the country from which the goods were shipped, thereby being enabled to undersell the merchants on the American side of the river (who are compelled to pay revenue duties to our government), which would ruin the trade of the town of El Paso, Texas, which, with its great railroad facilities soon to be established, should be an important commercial point within our State.

I have, &c.,

NEAL CALDWELL,
Captain and Quartermaster, Frontier Battalion.

No. 467.

Mr. Morgan to Mr. Blaine.

No. 247.] LEGATION OF THE UNITED STATES,
Mexico, August 5, 1881. (Received August 19.)

SIR: I transmit herewith copy and translation of a note of 30th July from Señor Mariscal, as well as of the "memoranda" made by him of our interview of the 9th July.

Mr. Mariscal, at the same time, sent me a copy of Mr. Matias Romero's "Refutacion de las Inculpaciones hechas al C. Matias Romero pal el Gobierno de Guatemala." Also copy of "Bosquejo Historico de la Agregacion a Mexico de Chiapas y Soconusco"—a collection of official documents. "Question de Limitas entre Mexico y Guatemala;" "Chiapas y Soconusco, con motivo de la question de limites entre Mexico y Guatemala," and a small pamphlet upon the same subject by Juan N. de Pereda.

The two first are enormous volumes; I do not send them to you as I am not requested to do so, and because I suppose they are in the library of the State Department.

Señor Mariscal's "memoranda" agrees, I think, substantially with the report of the interview I had of him on the 9th July. You will observe that he does not mention our second interview (July 15).

It is evident from Señor Mariscal's "memoranda" that Mexico is in no humor at present to acquiesce to any proposition to submit her dispute with Guatemala to an arbitration, and also, I think, that I was justified in saying to him that both countries occupied a hostile position towards each other, which might at any moment resolve itself into a state of war, and therefore that they should be willing to have their difficulties adjusted by a common friend.

Some time ago, as you are aware, Colombia proposed to the republics south of the Rio Grande that an international congress should be held with power to enter into a compact by which all matters of dispute arising between any two or more of them should be submitted to arbitration, the arbitrator to be the President of the United States.

Señor Mariscal has acknowledged the receipt of this proposition and has declared that the President would take it into consideration; but the "Diario Oficial" has lately declared that the Mexican Government would not accept the proposition. This declaration, the editor says, is not the decision of the government, but I suppose no one can doubt the source from whence the editor derived his inspiration.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 247.—Translation.]

Mr. Mariscal to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, July 30, 1881.

MY DEAR MR. MORGAN: In the interview which we had on the 9th of the current month, I had the honor of intimating to you that I would prepare a memorandum which would express with greater precision the reply I gave you upon the important question which occupied us, and would also add some observations which it was impossible for me to explain at the moment, relative to the contents of the note from the Department of State of your government which you had read to me.

I have completed my memorandum and inclose you a copy, accompanying it with several articles published in Mexico relative to the question of boundaries between this country and Guatemala.

I avail myself, &c.,

IGNACIO MARISCAL.

[Inclosure 2 in No. 247.—Translation.]

Señor Mariscal to Mr. Morgan.

MEMORANDA.

On the 9th of the current month the honorable minister of the United States having requested a special interview with the undersigned minister of foreign relations, on a subject of great importance, came personally to the department and in a full and unreserved conversation explained the friendly sentiments entertained by his government toward Mexico, referring at the same time to the note of the honorable Secretary of State, Mr. Blaine, a copy of which he had given to the undersigned some days previously, and in which this friendly spirit was most decidedly manifested.

In continuation, he added that in the matter he was about to present his government disclaimed all intention of officious interference and had no other interest in view than that arising from a desire for the maintenance of that peace and harmony between neighboring and friendly republics which was essential to the good repute and prosperity of republican institutions, as to the nations which had adopted such institutions; and the people who had first planted republicanism on this continent could not otherwise than feel a deep interest in its successful and permanent establishment among the nations of the New World. His government, however, did not assume on such grounds to interfere in the domestic affairs or mutual relations of the other American republics, but confining itself to sincere good wishes for their welfare, it would make no pretensions to advance their interests otherwise than by its own example, and, where a proper occasion might present itself or circumstances appear to invite it, to offer a word of friendly counsel, disclaiming all selfish or interested purpose whatever, and trusting that it would be received in the same spirit in which it was offered.

When Mr. Morgan perceived that the undersigned had been fully impressed with the sincerity of the sentiments expressed in behalf of his government, he added these words: "All that I have said to your excellency you will find better expressed, and the business to which it is applicable more clearly set forth in the note of instructions from my government which I will read to you."

He then proceeded to read the note sent him by the honorable Mr. Blaine, dated June 16 ultimo, informing him that the Government of Guatemala had formally applied to the Government of the United States, soliciting its friendly intervention for the purpose of re-establishing the good understanding between the two republics which had been interrupted by the pending question of disputed boundaries.

After the reading was concluded, Mr. Morgan offered a copy of the note to the undersigned, who expressed himself pleased to receive it. He then added that if the Mexican Government would agree that the question of boundaries between itself and Guatemala should be referred to arbitration, he believed the Government of the United States would act as arbitrator and that its decision would undoubtedly be both just and impartial, as it could have no other interest in the matter than the wish to assure peace and a better understanding between Mexico and her southern neighbor.

Mr. Morgan then went on discussing the question from various standpoints, enlarging upon the evils of war and observing that Mexico, even if victorious in a war with Guatemala, as from her decided superiority in the elements of power she undoubtedly would be, she must nevertheless suffer very seriously. In all probability her present promising movement in the direction or material improvement would be paralyzed and still worse results might be anticipated from the evil example of two sister republics having resorted to force to settle their difficulties.

The undersigned replied that he was fully convinced the Government of the United States had been actuated in this matter by the most friendly and disinterested motives, but that it had been misled by misrepresentation of the question by Guatemala. He would overlook for the present certain errors in the statement of historical facts as well as of some events of more recent date, appearing in the note of the honorable Secretary of State, errors attributable without doubt to the partial representations of the Guatemalan Government, and the fact that the history of Mexico is not generally known, as he proposed to himself without delay to prepare a memorandum in which that which has passed at this interview shall be more clearly presented the errors alluded to rectified, and certain ideas expressed by the honorable Secretary of State

more fully and carefully considered. He limited himself for the time to showing that at no period has the claim which Mexico maintains to the territory in dispute between her and Guatemala been considered as founded on force or conquest, an assertion which can be clearly demonstrated at a more opportune moment.

The complaints of the Guatemalans therefore are not sincere, and the government of General Barrios well knows how very different the facts are from the representations it has made to the government at Washington.

Without any previous consultation with his excellency the President, he could assure Mr. Morgan that the friendly offers of his government were highly appreciated by Mexico, nor was there any reason whatever to apprehend an appeal to force for the settlement of this controversy with Guatemala, in view of the fact that for many years it had been discussed peacefully and patiently and it had always been the policy of Mexico to bring it to a friendly and satisfactory termination. The recent events of which the Guatemalan Government has complained have been matters of discussion in which it has not attempted to reply to the arguments advanced by Mexico, the later notes from this government remaining unanswered. Their tactics have consisted in avoiding argument and relying on delays and evasions.

The question as it stands at present awaits the report of a commission of engineers, appointed jointly by the two governments for the purpose of studying the frontier. These appointments were made by virtue of a convention suggested by Mexico, in which it was stipulated that there should be a suspension of the negotiations upon the question of the boundary, while the said commission should reconnoiter the frontier and establish certain points by astronomical observations, which might serve as bases for further discussion.

The time fixed by this convention has expired before the commissioners have concluded their work, and Mexico, always anxious to bring about a fair and conscientious settlement, is endeavoring to renew the convention in order that the reconnaissance may be completed, as it seems impossible to discuss the question intelligently or to arrive at any satisfactory terms of agreement without a fuller knowledge of the ground.

This will demonstrate two things to Mr. Morgan:

1st. That the Mexican Government strongly desires a just and peaceful solution of the controversy.

2d. That it is impossible to tell at present whether this question, or any branch of it, is in a proper condition to be submitted to arbitration. Respecting that phase of the controversy which involves a question of the rights of Mexico to the State of Chiapas with the department or district of Soconusco, which it has held in possession for so many years, the Government of Mexico has repeatedly declared that it cannot honorably entertain any discussion.

The pretensions of Guatemala which it is willing to discuss, and on account of which the mapping and reconnoitering of the frontier has been undertaken, are those especially relating to the boundaries of Chiapas and Soconusco, on the side of Guatemala, and even this portion of the question could not now be submitted to arbitration because the information necessary for its proper decision is still lacking.

Mexico, however, is far from refusing positively all proposals for arbitration, but it does not consider it advisable at present for the reasons expressed, and will reserve the right to determine whether or not it might accept such proposals at some future time, on certain points in regard to which arbitration might appear to be admissible.

Aside from these considerations, and without making any formal proposition to that effect, Mexico would be very glad indeed to accept the United States in the character of an arbitrator in its disputes with Guatemala, having the fullest confidence in the justice and impartiality of this mutual friend of the two parties.

The interview ended with promises from Mr. Morgan to send a copy of the note which he had read, and on the part of the undersigned to prepare this memorandum which, in addition to the foregoing, will embrace some observations touching the contents of the note alluded to.

An examination of this important note, a copy of which was sent to the Deparment the same day, I was impressed with the earnest desire, evidenced by the writer, to give assurance of the disinterested and friendly intentions of his nation. He uses the following words:

"Events still fresh in the memory of the present generation of Mexicans, and occurring at a period when the United States, although herself engaged in a tremendous civil war, freely lent her moral and material assistance to avert a danger from a foreign empire which menaced the existence of the Mexican Republic, should afford satisfactory evidence of the friendly disposition with which the United States regards all that concerns the welfare and existence of her sister republic on this continent."

Indeed, Mexico can never forget that which the living generation of Mexicans experienced during the period to which the Hon. Mr. Blaine refers, when her people, exhausted, discouraged, and alone, struggled against the power of a foreign potentate, assisted by a misguided faction of her own population the United States did generously extend her moral support with such unmistakable evidence of popular sympa-

thy that, had the circumstances been different, Mexico would have received such other support as would have terminated her struggle some years earlier.

In the same dispatch we are told that the forces of the Emperor Iturbide, having occupied a great portion of the territory of Central America, were constrained by a change in the fortunes of war to abandon all, even Soconusco and Chiapas, and that after Mexico had adopted republican institutions, she still persisted in claims to territory founded on the imperial policy of conquest and absorption.

In this statement several historical inaccurracies are apparent, one especially which must be attributed to misinformation or an imperfect acquaintance with Mexican history.

Even during the reign of Iturbide it was not by conquest, but in accordance with the free will and wishes of the inhabitants of Chiapas and Soconusco, that they were united to Mexico, as was equally the case with all the States of Central America, except San Salvador.

Afterward, availing themselves of the same liberty, these States withdrew from Mexico, and with Guatemala formed a republic. Chiapas and Soconusco did not take part in this movement, but, as Mexico had also become a republic, they repeated their adherence to her and remained incorporated with her government. It not being possible here to give a full historical account of these events, it may be sufficient to note the fact that several able and well-studied publications have appeared in relation to the persistent and reiterated pretensions of Guatemala, and showing clearly the right which, from the beginning, Mexico had acquired to this portion of her territory, founded not upon conquest, but upon the free will of its inhabitants. Among the published documents affording unanswerable evidence on these points may be noted those written respectively by Señor Don Matthias Romero and Don Manuel Larrianzar, gentlemen well acquainted with everything relating to Chiapas and Soconusco; Señor Larrianzar being a native of Chiapas and Señor Romero having lived in Soconusco and having been obliged to abandon his property there, it having been ruined by Guatemalan invasions.

But without reference to the contents of these publications, a proper understanding of the inaccuracy of the Guatemalan statement of this question may be obtained from the very able and exhaustive dispatch, with its accompanying proofs, which Señor La Fragua, as minister of foreign relations, directed to the Guatemalan minister in this capital on the 9th of October, 1875.

This dispatch, which was printed and published, triumphantly vindicates the original rights of Mexico to Chiapas and Soconusco, now assured beyond controversy by a possession of forty years' duration.

This dispatch, which it might be supposed would have elicited a serious reply from the representative of Guatemala, still remains unanswered, a tacit acknowledgment that it is unanswerable. It requires but a brief *résumé* of the points exhibited in this length dispatch to prove that the titles of Mexico have not been derived from absorption and conquest, as the calumniators of this republic may have induced Mr. Blaine to believe.

The concluding portion of the document alluded to has the following:

"Summing up all that has been presented in this note, the following points are demonstrated:

"1st. Chiapas was a province possessing equal rights with the others composing the captaincy-general of Guatemala.

"2d. Chiapas, on the 3d of September, 1821, seceded voluntarily from Guatemala and united herself with Mexico.

"3d. Chiapas, on the 12th of September, 1824, united herself again with the Mexican States by the free vote of a majority of her inhabitants. The election, which resulted in a large majority in favor of Mexico, took place when there was no Mexican force anywhere within the territory.

"4th. Soconusco in 1821 was a portion of the province of Chiapas, and as such united herself to the Mexican Empire.

"5th. Soconusco in 1821 was a portion of the province of Chiapas, and by her free vote united herself to Mexico on the 3d of May.

"6th. The act passed on the 24th of July, 1824, in Tachapula was revolutionary and illegal.

"7th. Central America recognized the supreme junta of Chiapas and agreed to respect its determination."

Without copying the whole *résumé*, enough has been cited to convince any one that the Mexican Government does not base its original claim to Chiapas and Soconusco on the right of conquest.

In regard to recent events, there are four points of complaint urged against Mexico which the Government of Guatemala has made available in presenting its case to the United States.

1st. That diplomacy has been unavailing in bringing about an agreement with Mexico.

2d. That there was a preliminary convention and some steps taken to ascertain what were the true boundaries, but the commissioners appointed by Guatemala and sent to reconnoiter the ground for the purpose of obtaining a basis for a definite agreement had been thrown into prison by the Mexican authorities.

3d. That the agents of Guatemala charged with taking a census in the territory in question had been treated in the same manner.

4th. That the Mexican Government had been encroaching, cautiously but constantly, on the border territory which had formerly been under the jurisdiction of Guatemala, ousting her local officers and substituting those of Mexico in their stead, thus stretching her authority over the disputed area.

We will reply to these charges in their proper order.

I. The efforts to settle this question of boundaries diplomatically have invariably been initiated by Mexico. In 1832 the Mexican Government sent to Guatemala, as envoy extraordinary and minister plenipotentiary, Señor Don Manuel Diez de Bonilla; and in 1853 it sent Señor Don Juan N. de Pereda in the same character, without, however, obtaining any satisfactory result. Señor Pereda remained in Guatemala until 1858. In the frequent conferences which he had with Señor Don Manuel Pavon, then the Guatemalan minister of foreign relations, that gentleman constantly declined to enter into any treaty on the subject of boundaries, saying that Guatemala had proposed in the negotiations pending with Mexico to recognize simply the *statu quo* of the boundary lines between the two countries without any alteration whatever.

At length Señor Pereda was constrained to suspend official relations with the Guatemalan, Government on account of its persistent refusal to treat on this question of boundaries, and because in an ungracious and offensive manner it declined at his instance to send to the interior certain political emigrants from Mexico who were conspiring against the peace of that republic.

There was no further attempt to negotiate on the boundary question until October, 1873, when Señor Lafragua, minister of foreign relations, directed a note to Señor Garcia Granados, chargé d'affaires for Guatemala, urging the necessity of a final disposition of that question. In effect, he invited the government of that republic to name a plenipotentiary authorized to open negotiations at this capital.

Señor Uriarte, the new Mexican minister from Guatemala, replied, after a delay of several months (in July, 1874), and after making inquiry by letter, of Senor Lafragua if he would accept the proposed invitation, declared that he was clothed with full powers to enter upon the negotiations.

On the 21st of August, Señor Uriarte presented a memorandum to serve as a basis for the discussion. After various conferences Senor Lafragua replied to the memorandum in a note dated October 9, 1875, which was accompanied by the project of a treaty to arrange the boundaries between the two republics. This important note, of which we have spoken, has never been answered, as previously stated.

In July, 1877, negotiations were renewed by Señor Vallarta, as plenipotentiary on the part of Mexico, and Senor Uriarte, minister of Guatemala. The result was the convention of the 7th of December of the same year.

II. Reference is made to this convention in the note of the Hon. Mr. Blaine.

By this convention, as has been before indicated, a mixed commission was created, composed of mixed and Guatemalan engineers, who were charged with the survey and mapping of the disputed districts, and the fixing of certain points astronomically for the purpose of furnishing some reliable data and throwing more light upon the question, continuing their operations during the discussion of the subject between the two republics.

In the tenth article it was stipulated that during the suspension of negotiations both the contracting parties should repect and exact respect for "actual possession," neither making nor permitting any movement whatever in regard to boundaries, and suppressing every act of hostility, either proceeding from the authorities or the citizens of the respective countries.

The commissioners met in Tapachula on the 18th of November, 1878, and commenced operations. On the 26th of January, 1880, three engineers of the Guatemalan party accompanied by several natives appeared in the vicinity of Cuilco Viejo, a town of Soconusco, and set up a cross. The local authorities supposed that this meant a movement of the landmark Pinabete, recognized as a boundary between the two republics, and which was situated eight leagues more to the north—the people of Tacaná pertaining to Guatemala having done the same thing several years before.

Under this impression, they interrogated the engineers, who, failing to give any satisfactory explanation of their action or to exhibit any papers by which their true character might be understood, were, in consequence, arrested by the said authorities and afterward sent to Tapachula. Here they were immediately set at liberty by the political chief, who also gave them full satisfaction for their detention. This is the

only instance in which Guatemala can complain of the arrest of her commissioners, and it would seem in this case that ample satisfaction had been tendered.

At the time the Mexican Government believed that the local authorities had acted under an erroneous impression, but subsequent acts of the Guatemalan Government have justified the surmise that this was actually an attempt to remove the boundary

III. A similar attempt made some time previously had occasioned the arrest of the Guatemalan agents to whom we have alluded. In December, 1880, a commission composed of the alcalde of Tacaná, and four other individuals went for the ostensible purpose of taking a census of the occupants of some ranches which, although a league distant from the town of Cuilco Viejo, were considered as included within its corporate limits. Although they went under the pretense of taking a census, their real object was to exercise some act of jurisdiction which might be used as evidence that these ranches belonged to Guatemala. It may be remarked that the inhabitants of Tacaná, of whose alcalde we are speaking, were the same people who moved the boundary mark of Pinabete some time before, which, if it had been permitted to remain, would have included the said ranches within the jurisdiction of Guatemala. And we may further note that they had located this landmark in the same spot where the engineers had erected their cross.

These agents spoken of, being in the act of violating an agreement by which they were bound to respect "actual possession" were therefore properly arrested and arraigned before the district judge, that they might be tried in conformity with the provisions of Mexican law.

The minister of Guatemala made reclamations in this case, insisting that these ranches did actually belong to his country.

In the reply which was given, dated the 27th of January, ultimo, the inaccuracy of his assertions was clearly demonstrated; by the authority of the official map recognized by Guatemala itself, it was evident that the said ranches were located within the provisional limits of Mexico, and that they belonged to this republic.

In refutation of the charges against the Mexican authorities, made in the note of Señor Herrera, it can be shown by recent events that the abuses complained of are all chargeable to the Guatemalan authorities.

As Señor Herrera had based the rights of his country to the places indicated, upon the fact that certain auxiliary alcaldes had been appointed by the authority of Sabinal, a town of Guatemala, the undersigned notified him that these appointments had been made for the first time, while the stipulations of the convention were still in force, which bound the two countries mutually to respect the *statu quo* in regard to boundaries, and that for the rest the fact only proved that Guatemala had violated her faith, pledged by the articles of said convention.

Señor Herrera confined his answer to saying that he would communicate the contents of this note to his government, and up to date it has remained without further reply.

IV. The charges against Mexico under this heading, to the effect that she has been generally and vaguely encroaching upon Guatemalan territory, are not only entirely false, but singularly reckless.

There exists a map of Soconusco projected by Don José C. Ibarra, very carefully planned, which may be seen by reading the geographical and statistical notices of that department which appear upon the margin. Upon this map are marked in red lines the old boundaries, and with green those which appear to have been recognized more recently. The intervening space between these lines indicates the encroachments made by Guatemala, and finally in a marginal note the dates at which these advances were made have been distinctly specified.

Latterly these encroachments have continued, and the archives of the department of foreign relations are filled with the proceedings to which they have given rise from 1870 to the present day.

Without, perhaps, being the most notable, yet we may call attention to the invasion which had for its object the destruction of the property of Señor Don Mathias Romero in Soconusco, an event to which we have already alluded. Señor Romero is well known in Washington, where he resided for some years as the representative of Mexico.

Notwithstanding the moderation and prudence which distinguish his character, he could not escape the outrages of an invasion, in which certain natives of Guatemala, by order of one of the officials of that State, entered his domain lying within Mexican territory, destroying his property, making prisoner of one of his dependents and ill-treating others.

In November, 1875, he presented his complaint to the Guatemalan Government, but up to date has received neither acknowledgment nor redress.

In the same month and year the engineer Don Alexander Prieto, secretary of the Mexican legation at Guatemala, made a reconnaissance of the frontier under instructions from Señor Garza, then our minister near that government. He traveled and made the reconnaissance in company with Señor General Barrios, President of Guate-

mala (as we are informed by Señor Garza in a letter to Señor Lafragua). The governor of Chiapas, in office 26th of November, 1875, was also in company.

The result of this visit was a topographical sketch prepared by Prieto, which is preserved in the department, and which from the fact of its having been prepared under the inspection of President Barrios himself, and for other reasons, should be regarded with suspicion by Guatemala. In this sketch the line of the actually existing boundary is laid down, as are also the points which were in dispute. This line, therefore, should indicate the *statu quo* intended to be observed by the convention of 1877.

It will appear, then, from the notes of the Guatemalan minister himself, that his government, so far from having respected these stipulations, has violated them in Ponintana, Las Chicharras, Cuilco Viejo and other points.

The same government has gone so far as to justify the acts of the alcalde Meoño, who attempted to assassinate a Mexican surveyor and set fire to ranchos on Mexican soil. It has done more; in December of the past year it sent a force or permitted it to be placed under the orders of the prefect of San Marcos (a department of Guatemala), which invaded our territory and destroyed the boundary mark of Pinabete (the same that was destroyed by the inhabitants of Tacaná, and which was afterwards replaced. The said prefect then proceeded to hoist the Guatemalan flag precisely on the spot near Cuilco Viejo where the mysterious cross had been planted by the Guatemalan engineers.

Remonstrances against such proceedings having been made to Guatemala, that government refused to make any explanations to our minister, upon the pretext that the affair should be settled in Mexico, as Señor Loaerza had no instructions to receive the explanations.

The minister of foreign relations, Señor Montrefor, feeling himself embarrassed when our representative sent him a copy of a letter from the undersigned, expressing great surprise at his conduct, replied that the occurrences in question had taken place on Guatemalan territory, without advancing any reasons for his statement, and forgetting that the undersigned in his unanswered note of 27th of January ultimo had demonstrated the contrary.

In the mean time (since December 31, 1879) the terms of the convention of 7th of December, 1877, had expired before the scientific commission had completed its work. The Mexican Government then proposed to Guatemala that the convention should be renewed, extending the agreement for a sufficient time to accomplish the desired object, determining at the same time that its engineers should continue on the frontier as they have done in spite of the fact that the Guatemalan engineers had been withdrawn by their government, and that without giving Mexico notice of their removal.

The President of Guatemala, however, has personally informed our minister that he was willing to renew the convention and had sent instructions to this effect to Señor Herrera, the Guatemalan minister at Mexico.

Nevertheless, Señor Herrera has for several months considered himself without instructions that would enable him to negotiate, and alleges that those sent him were not sufficiently explicit. At this date (July 11), when Señor Herrera called on the undersigned to speak of the friendly offers of the United States, he was asked if Guatemala had yet sent the promised instructions to her minister; he intimated that he had them now as he had wished.

This conduct of his government, insincere and apparently incomprehensible, now finds its explanation in the approaches which the President of Guatemala has through his representative made to the Government of the United States.

President Barrios, if we may judge from the facts, has hoped to gain time by applying to a friendly government, complaining of imaginary injuries on the part of Mexico, and giving a false coloring to her conduct while he was begging for friendly assistance.

In this application, however, it appears that he has failed to make any reference to the fact that at the solicitation of Mexico there was a pending negotiation for the renewal of the convention for the continuance of the reconnaissance and study of the frontier—a work which has been recognized and proclaimed by both governments to be absolutely indispensable to enable them to fix the international boundaries, whether by diplomatic negotiations or any other peaceful means.

The omissions and misstatements of General Barrios's government in its representations to the President of the United States, as well as the rest of his conduct in relation to this question of boundaries with Mexico, characterize his policy in this matter as entirely wanting in sincerity and frankness.

All of which clearly indicates that the Government of Guatemala has no wish to settle this question unless from some secure vantage ground (which it hopes perhaps to attain) by which it may realize all its pretensions, and it would appear meanwhile that it is disposed to stop at nothing which might promise to subserve its ends in this direction, assuming new obligations without any intention of fulfilling them, and evading all responsibilities by fresh intrigues and subterfuges. The facts briefly noted

in this writing, in connection with others which we have not been able to present, authorize the suspicion that this government in question in applying to that of the United States did not propose to itself (as might superficially appear) to find an arbitrator to settle the question of boundaries.

It is sufficiently obvious that Mexico could not under any circumstances submit her rights in Chiapas and Soconusco to arbitrament, as these States have for many years belonged to the Mexican Union and form an integral portion of the republic.

It is equally impossible properly to arrange the boundary line between this State and Guatemala, without the preliminary knowledge of the ground in controversy, whoever might be the arbitrator that should undertake it.

The real object, therefore, in this apparent call for arbitration, can be nothing more than to gain time, as on other occasions, to continue the petty encroachments as heretofore, and to weaken the action of the Mexican Government to the condition of the simple defense of its own national territory.

The undersigned, for the purpose of preserving a record of that which occurred in his interview with Mr. Morgan and the observations suggested by the note of the Hon. Mr. Blaine, has prepared this memorandum, and in evidence thereof affixes his signature thereto.

IGNACIO MARISCAL.

MEXICO, *July* 25, 1881.

No. 468.

Mr. Morgan to Mr. Blaine.

No. 252.] LEGATION OF THE UNITED STATES,
Mexico, August 11, 1881. (Received August 25.)

SIR: In your dispatch No. 144 (June 23, 1881)—which relates to the impressment of several parties, said to be citizens of the United States, in the Mexican army, and which are referred to in your previous dispatches No. 71, October 9, 1880, and No. 112, March 14, and in my dispatches No. 125, October 27, 1880; No. 133, November 13, 1880; and No. 144, December 25, 1880; you express the opinion that the proper course for me to pursue with regard to presenting a claim for compensation for their illegal impressment would seem to be that I should take the several cases, according to their circumstances and the status and character of the claimants, and advise the parties as to the amount proper to be claimed by them. You add that the ease with which I have access to the facts of each case makes such a course just and proper.

The only knowledge I possess of the facts of the cases is derived from these copies of the reports to you of Consul Schuchardt (254 and 262) which have accompanied your dispatches No. 71, October 9, 1880, and No. 112, March 14, 1881. From them I can discover very little as to circumstances, status and character, and residence of the injured parties. Assuming the facts to be as stated by Mr. Schuchardt (and I do not question them) they were illegally and improperly used, and are entitled to be compensated, not only, in my opinion, for the losses which they may have sustained, but for the outrage of which they were the victims.

To obtain a knowledge of all the facts and circumstances, I have addressed a note to Mr. Schuchardt, which I inclose. I send it to you that you may forward it, should you deem proper, and because it will reach him sooner via the United States than if I were to trust it to the ordinary post.

I have to call your attention to the fact that so far no claim has ever been presented on the part of the impressed persons, nor has any complaint been made by them. I submit whether this is a prerequisite to making a demand in their name.

In considering the question, I also submit whether Mr. Felipe Burnato is entitled to the interposition on behalf of the United States. He appears to have been born at Menclora, Mexico. On the 1st of November, 1872, in the district court for the county of Maverick, Texas, he declared his intention to become a citizen of the United States. It does not appear that he completed his citizenship. He was arrested at Piedras Negras, about the 1st November, 1879, charged with a violation of the Mexican revenue laws, and sentenced, as appears from the affidavit of his wife attached to Mr. Schuchardt's report No. 254, to five years' imprisonment in the military service at Piedras Negras. That he served in the Army, however, is not denied, as you will observe by reference to Señor Mariscal's note to me of the 24th December, 1880, inclosed in my dispatch No. 144, December 25, 1880, and his case is therefore disembarrassed of that qusetion.

Upon this point you say in your dispatch No. 71, October 9, 1880, that Mr. Burnato's citizenship should be brought up by the Mexican Government. I am to suggest that for fourteen years he had been a permanent resident of the United States, of which he had declared his intention to become a citizen, and that he has thus been under the protection of that government, its laws and treaties, and that it would be ungenerous for the Mexican Government to insist, under the circumstances, in making any unfavorable distinction in his case. I have not been able to discover any evidence upon the point of his residence, except what is to be found in the affidavit of his wife, made on the 5th May, and she does not say that he was a resident of Eagle Pass, or of the United States, at the time of his arrest, or how long before that event he had gone over to Piedras Negras. In respect, therefore, of Felipe Burnato, it appears to me two preliminary questions arise:

1st. Is he a citizen of the United States, and therefore entitled to protection?

2d. If he be a citizen of the United States, and he was condemned by a competent Mexican tribunal to a punishment not excessive or unusual for a violation of a Mexican law, will the United States interfere in his behalf?

As I feel persuaded that the first objection which will be opposed to any demand which may be made in his behalf as well as against all the others who are the subject of this correspondence, I have endeavored to fortify myself upon them, as well as upon all the other facts connected therewith (to the extent that my judicial training permits), in my letter to Consul Schuchardt; and I have addressed myself to him rather than to the parties, because he knows exactly their places of residence, and will see to it that my questions are answered.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 252.]

Mr. Morgan to Mr. Schuchardt.

UNITED STATES LEGATION,
Mexico, August 10, 1881.

SIR: I have been instructed by the State Department to present the claims of Felipe Burnato, Santos Hernandez, Miguel Guerrero, and George Cinio to the Mexican Government for damages caused to them by reason of their having been impressed into the military service of Mexico.

In order that I may be properly acquainted with all the facts connected with the case of each, I desire to be informed: in respect to Felipe Burnato. He appears to have been born at Menclora, Mexico.

1. On the 1st of November, 1872, he made declaration of his intention to become a citizen of the United States. This declaration was made before the district court of the county of Maverick, Texas. Did he ever complete this act of citizenship? If so, when? Send me copy, properly certified, of the declaration, as well as of the judgment of naturalization, if the latter exists.

2. Inform me where Felipe Burnato resided, from the time he made his declaration of intention to become a citizen of the United States, up to the date of his arrest by the Mexican authorities at Piedras Negras (1st November, 1879). Was his residence in the State of Texas continuous?

3. What was his occupation about the 1st November, 1879?

4. If he was in business of any sort on his own account at that time, what was that business worth to him per annum?

5. If he was a laborer, what wages was he receiving?

6. In your report to Mr. Assistant Secretary Hunter (No. 254, August 15, 1880) you say that Burnato was apprehended at Piedras Negras by custom-house guards for smuggling bottles of beer from Eagle Pass to Piedras Negras, and that for this violation of the revenue laws he was sentenced by Mr. E. Baz, the administrator of the custom-house at that point, to "five years service as a soldier in the thirty-first battalion of the regular Mexican army." In the affidavit made by his wife on the 5th May 1880 (attached to your report), she says that he was sentenced "to five years confinement" in the military prison at Piedras Negras.

I should be pleased to know whether his punishment was changed from imprisonment to military service or *vice versa*, and, if so, when the change was made.

7. He appears to have been arrested about the 1st November, 1879. His wife's affidavit was made on the 5th May, 1880, six months after the arrest. Was this the first intimation you had of his arrest? Was the affidavit of his wife the first step taken towards effecting his release? Can she explain why such a time elapsed between her husband's arrest and any action on his behalf being taken?

As regards Santos Hernandez:

1. Where was he born?

2. If he was born in Mexico was he ever naturalized a citizen of the United States? If so, where and when?

3. In his affidavit made on the 25th May, 1881 (annexed to your report), Mr. J. W. Barnet declares that in the year 1861 Santos Hernandez was a soldier in the Army of the United States, and that he believes him to be a *bona fide* resident (he does not say citizen) of the United States.

4. J. W. Barnet, in his note to you (without date), states that one Benito Troquillo knows that Santos Hernandez was a soldier in Captain Barnet's Company of the First United States Texas Volunteers. If so, he should have his "discharge." Can you procure it? And if not can he account for its loss?

5. What was the date of his impressment in the Mexican army? In your dispatch No. 262, February 18, 1881, to Mr. Assistant Secretary Hunter, you say that he escaped therefrom. Inform me when he effected his escape?

As regards Miguel and Manuel Guerrero:

In your dispatch (No. 254) you say that they had lived nearly their whole life a San Antonio, Tex. You annex the affidavit of Jesus Samora (20th April, 1880), in which he declares that *Manuel* Guerrero was born at Bexar County, Texas. Nothing, however, is said with reference to the citizenship of Miguel. Can you furnish me with evidence upon this point?

2. Miguel Guerrero, you say, in your dispatch No. 262, was killed. Can you inform me when he was killed? I have been informed that he was discharged in 1880.

3. Manuel Guerrero, you say (262), was discharged. Let me know the date thereof. I am informed that it was in June, 1880.

As regards Santos Hernandez, Miguel Guerrero, and Manuel Guerrero:

1. It appears from your dispatch No. 254 that they were journeying together (in company with Josefa Hernandez) when they were impressed at Las Vacas. I presume, therefore, that they were in the same condition of life. What was that condition? If they were engaged in any regular business, inform me what that business was, and what profit they could—each of them—reasonably expect to make therefrom? If they were laborers, let me know what wages their labor commanded per month.

2. In your dispatch (No. 262) you state that they were despoiled of their property, viz, three horses, saddles and bridles, two Winchester carbines, one pistol, and their wearing apparel. Please inform me as to the value of this property.

As regards George Cinio:

1. Inform me when he was arrested, as detailed in your dispatch (No. 254).

2. You say that he was a soldier in the United States Army. When did he enlist? To what company and regiment was he attached? When was he discharged? Can he produce his certificate of discharge; if not, how can he prove these facts?

3. What was his occupation when he was impressed into the Mexican service? What wages was he earning? What wages does he earn now?

Please also inform me of the condition of the mother of Miguel and Manuel Guerrero, as regards her means and ability to support herself.

In the discussion which it is probable will take place between Señor Mariscal and myself upon the claims which I have been instructed to present, all the allegations connected therewith will, no doubt, be denied. You will therefore see how important it is that I should be possessed in advance of all the evidence which could be reasonably expected to entitle our fellow-citizens to reparation from the Mexican Government for the unjustifiable injuries which they have received at its hands and I confidently rely upon your coöperation to that end.

I am, &c.,

P. H. MORGAN.

No. 469.

Mr. Morgan to Mr. Blaine.

No. 253.] LEGATION OF THE UNITED STATES,
Mexico, August 11, 1881.

SIR: Complying with the instructions contained in your disprtch No. 150, June 29, I addressed a note to Señor Mariscal, on the 7th instant, in which I endeavored to point out to him the importance the United States attached to their having a recognized consular agent at Santa Cruz Point.

Thinking that I might fortify my application in a personal interview, I called at the foreign office on yesterday afternoon (10th instant), where I saw him.

I do not inclose a copy of my note to him, nor shall I now give the substance of my conversation with him upon the subject. This will be done when I receive his reply to my note. I allude to the matter now merely as an introduction to a conversation which I had with him upon an entirely different subject, and to explain to you how it happened the conversation occurred.

As soon as I had concluded what I had to say upon the subject which had sent me to him, I rose to take my leave. Whereupon Señor Mariscal inquired of me whether I had forwarded to you the documents relating to Guatemala which accompanied his note to me of the 30th July, 1881. I replied that I had not. In the first place, I said, one of them was too large to send through the post. In the second place, that I supposed they were already in the library of the State Department. In the third place, that they could only be of value to you at the present moment in case Mexico should agree with Guatemala that the differences between them should be submitted to arbitration, the arbitrator to be the President of the United States, and that as Mexico did not seem inclined, I regretted to see, to do this, it was unnecessary that I should burthen my mail with so much matter.

Señor Mariscal commenced at once to speak of the conduct of Guatemala towards Mexico and the bad treatment Mexico had received at her hands, reiterating what he had said to me in our former interviews upon the subject, all of which I have reported to you. He appears to entertain a very bad opinion of the President of Guatemala, and to think that his appeal to the United States has a purpose beyond the settlement of the boundary between the two countries. He said, for instance, he had been informed that you had expressed an opinion favorable to the consolidation of the Central American republics into one government; that the President of Guatemala was favorable to such a project; that he would like, in such an event, to become the President of the new nation,

and that he was endeavoring to obtain the influence of the United States to further his ambition in that direction. He seems impressed with the idea that General Barrios is Mexico's enemy, and that it would not be well to have his power increased.

I replied that I could not speak as to what your views were upon the question of a consolidation of these republics into one; that I had been informed of a project of the kind which had been set on foot some time ago, to which the President of each of the republics were all agreed, and that nothing, I was told, had prevented its accomplishment save the fact that each of them insisted upon being named President of the country which was to be formed; I could, however, assure him that neither you nor the President had any views on the matter which were unfriendly to Mexico.

I took advantage of the occasion to again expose to him your views, as they are expressed in your dispatches to me upon the subject, of the differences between Mexico and Guatemala, and I said to him that while I felt sure there was nothing in your dispatch, of which I had furnished him a copy, which could be tortured into an expression of unfriendliness towards this country, I hoped that nothing I had said in either of the interviews I had had with him had left any such impression upon his mind. He said, certainly not. I said to him that the great interest the United States felt in the matter was that there should be peace between the republics of this continent; that it was apparent to me that Mexico and Guatemala were occupying a hostile attitude towards each other, which might at any moment result in a war, and that this should, it seemed to me, be avoided if possible, and that it was not only possible to avoid it, but easy to do so.

I repeated to him that a war between the two countries would probably result in the conquest of Guatemala, but that such an event might bring forth bitter fruit; that I understood the policy of the Government of the United States was to keep all the boundaries of the different republics on the continent intact, and that the other republics have as great an interest in the maintenance of this principle, as well as policy, as we had, and, that we hoped Mexico agreed with us upon this point, and that she would not set the example to us of conquering the territory of her neighbor who happened to be weaker than she is.

I alluded to the suggestion contained in your dispatch No. 142, June 21, 1881, to the effect that Guatemala if pushed to the wall might attempt to sell her rights to some other nation. He asked me what nation—the United States? I answered, not the United States, but to some European nation. He laughed at the idea, but when I suggested to him that there might be more in this than he seemed to think there was, he said if such a thing were to happen Mexico would defend herself, and that in case of need the United States would come to her assistance; to which I replied that I did not doubt the people of the United States would rather join Mexico in a war to prevent any European nation from obtaining a foothold on her border than to see a foot of territory added to Mexico by conquest. (I may add that on one occasion my colleague from Guatemala suggested the same possibility with regard to selling the right to Soconusco to some power—the United States or to a European government. I replied that while I was not authorized to speak upon the subject, I might, however, on my own account say that the United States did not want the territory, and that they would not be well pleased to see it attached to the possessions of a European power.)

Señor Mariscal said that he would not say that Mexico would altogether refuse the arbitration proposed, but that there were some points

of difference between the two countries which could not, under any circumstances, be submitted to question. He said, for instance, that Guatemala pretended to a title to the whole of the State of Chiapas, and that as Mexico held that territory first by conquest and secondly by the expressed will of the inhabitants thereof, and had been in possession thereof for more than forty years, she would not now give it up or even admit that there was any question as to her title thereto. I at once replied that the first and most important question was that Mexico should acknowledge that there were differences between her and Guatemala, and then that she should consent to submit those differences to an arbitrator. He asked me, what would be the course to pursue in that direction? I replied that I was not authorized to make any formal proposition to him upon that point, but I thought I was able to indicate to him a mode of procedure which would accomplish the object in view and restore peace and quiet to the two countries. He asked me to do so, and I said, in substance:

1st. Mexico and Guatemala admit that there are differences between them.

2d. They agree with each other that these differences shall be submitted to arbitration.

3d. They agree that the President of the United States shall be the arbitrator.

4th. The President of the United States accepts the position.

5th. The President of the United States then notifies Guatemala and Mexico that he is prepared to listen to their complaints against and demands upon each other.

6th. Guatemala prefers hers (indeed she would occupy as it were the position of plaintiff in a suit; Mexico that of a defendant). In it she claims that she has been despoiled of her territory of Chiapas, and that it should be returned to her.

7th. Mexico answers and says that Chiapas belongs to her by conquest, by the vote of the inhabitants thereof, by an uninterrupted possession of nearly half a century, and that her title thereto cannot now be questioned; but that there is a question as to the proper boundary between the two countries, which they are willing to submit to arbitration. If these facts were as stated, there could be little danger in submitting them to the appreciation of any candid man, and that if the President of the United States were satisfied of their correctness he would probably say to Guatemala that Chiapas was out of the question, and that the inquiry would have to be reduced to the question of boundary, and, in this regard, what was in reality the southern boundary of Chiapas.

8th. That Guatemala would, of course, submit to his decision upon that point.

9th. That if the representatives of the two countries charged with the presentation of their case before him could not agree as to where the boundary should be, Mexico would appoint a commissioner, Guatemala one, and the President of the United States would appoint a third, whose duty it would be to run what they considered to be a true line, which would show what in their opinion should be the boundary between the two countries, any two of the commissioners to be competent to do the work in case the third one should fail to co-operate with them; that they might make a unanimous report, or a majority and minority report, or a separate report.

10th. That when this report was made the President of the United States would notify the parties in interest and advise them that he

would hear them upon the subject at such a time as would suit their convenience.

11th. That after having heard them, the President would then determine where the boundary line between the two countries should be located, and that thus their trouble would be at an end.

In the meanwhile I said there was to be no act of hostility on either side.

Señor Mariscal appeared greatly interested in the subject. Indeed, I left him not without hope on my part if the suggestions I made him as above set forth were submitted as a proposition they would be accepted.

I had written nearly this much when I received a visit from Mr. Herrera, the minister from Guatemala. He is exceedingly anxious upon this subject. He has, he tells me, received instructions from his government to endeavor to come to an understanding with Señor Mariscal upon the subject of a commission which has been so long pending between them. I said that while I had no advice to give him, inasmuch as he did not think he would accomplish anything in the way of the appointing a commission, I should, were I in his place, wait until the question of submitting the differences between the two countries to arbitration should be finally decided before saying anything further upon the subject. He said he would. I then told him that I had had an interview with Señor Mariscal on yesterday, and, without telling him of the suggestions I had made, I told him how I thought the matter should be managed, in substance as I stated it to Señor Mariscal. Mr. Herrera agreed with me. I then said to him that I fancied the great difficulty in the way was Chiapas, and I said to him almost in these terms: "Suppose Mexico would agree to the arbitration upon the condition verbally assented to between the representatives of the two governments, although not expressed in the written proposition; that upon the question of title to Chiapas the President of the United States was to decide that Chiapas belonged to Mexico, and therefore was not to be considered in the arbitration, would Guatemala consent thereto?" He replied in the affirmative. He said that it was a question of pride with his country, that he did not believe a judgment could be rendered in her favor thereon, and still they could not, of their own accord, give it up; but that if the United States were to say that Guatemala had no title now to Chiapas, the decision would be acquiesced in.

It occurs to me, therefore, that as the principal objection on the part of Mexico to submit to an arbitration is Chiapas, if Guatemala would consent in advance that a judgment should be rendered against her upon that point, an agreement to submit the other differences which exist between the two countries to arbitration could be arrived at.

I am, sir, &c.,

P. H. MORGAN.

No. 470.

Mr. Blaine to Mr. Morgan.

No. 163.] DEPARTMENT OF STATE,
Washington, August 18, 1881.

SIR: Referring to instructions Nos. 156 and 158 of the 27th ultimo and 5th instant, respectively, relative to the extension of the "zona libre," I now transmit, for your further information, a copy of a letter

of the 8th of this month from Senator Coke, of Texas, in which he presents certain considerations against the extension feared. The petition accompanying the letter of Mr. Coke, being identical with the one heretofore sent to you, has, for that reason, been omitted.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 163.]

Senator Coke to Mr Blaine.

WACO, TEX., *August* 8, 1881.

SIR: The inclosed statement from citizens of Texas will explain itself, and is respectfully commended to your attention. The subject is an important one not only to Texas but to the whole country. The creation of the "zona libre" on the west bank of the Rio Grande has had the effect to destroy local American commerce on that river, to diminish greatly customs revenues, to promote smuggling, and, by attracting there large numbers of bad men who engage in that unlawful business, to add greatly to the lawlessness of that border. Heretofore the "zona libre" has been confined to the Lower Rio Grande. Its extension will surely subject the country on the Upper Rio Grande to the same evils which for years have afflicted the lower country, and which for a time were so grave as seriously to threaten a rupture between the United States and the Republic of Mexico.

I am fully aware of the difficulty attending an interference with what appears on the surface to be a measure of domestic Mexican policy, and the delicacy, in view of the great interests, present and prospective, dependent upon cordial relations between the United States and Mexico, with which the subject must be treated, yet I believe that without offense to Mexico such representations may be made by our government to the Government of Mexico on this subject as will place in a clear light the injustice to our government and people of the obnoxious measure and thereby prevent its adoption, if the intention now exists or may likely be formed of adopting it.

Knowing that you will give the subject the attention its great importance demands,

I am, &c., your obedient servant,

RICHARD COKE.

No. 471.

Mr. Morgan to Mr. Blaine.

No. 258.] LEGATION OF THE UNITED STATES,
Mexico, August 24, 1881. (Received September 9.)

SIR: During the last session of Congress agents of the Franco-Egyptian Bank of Paris submitted a proposition by which said bank should be permitted to establish a branch at this capital, to be entitled "Banco Nacional Mexicano."

The proposition failed in the senate, although it was supposed to be favored by the President.

During the recess of Congress, the parties in interest applied themselves vigorously to obtaining a concession from the President. They have succeeded, and the "Diario Oficial" of yesterday publishes the contract. I inclose copy of the same. I have not translated it, as the synopsis which I have made will sufficiently enlighten you as to its prominent features.

The bank is to be located in Mexico, with authority to establish branches and agencies in the principal mercantile centers of the Re-

public. Its capital is to be from $6,000,000 to $20,000,000; but it may commence operations when it shall have $3,000,000 paid in, in Mexican or foreign coin, or its equivalent in bullion.

For each million of dollars of capital paid in, or its equivalent in bullion, the bank is authorized to issue three millions in paper; the notes to be of the denomination of $1, $2, $5, $10, $50, $100, $500, $1,000 payable to bearer.

The notes are to be signed by one of the directors of the bank, by the manager of the same, and by one of the government superintendents. They are to bear the seal of the bank, and a revenue stamp of one-half cent on all notes of $1 to $50, and of one cent on notes of $1,000.

No notes are to be issued until they have been registered by the government directors (two in number), whose duty it shall be not only to register the notes of the bank, but also to verify the deposits as regards its correspondence with the amount of notes issued, without giving them the right, however, to interfere with the private business of the bank.

The bills of the bank are to be received at those points where the bank has an agency by the federal officials as current money. They may also be received in payment of State taxes, with the consent of the governors of the States, and the secretary of hacienda.

The bank (art. 8) agrees to open an account with the treasury, in accordance with the separate contract entered into by it with the secretary of hacienda. In consideration whereof the government obliges itself during the whole term of the concession (thirty years) not to receive the notes of any other bank established, or which may be hereafter established, nor any other paper money, with the exception of the notes issued by the "National Monte de Piedad."

Once each month (and oftener if necessary) an inspection of the bank is to be made by the government directors in the presence of the chief accounting officer of the treasury.

The ordinary business of the government is to be transacted through the bank, at the rate of one-fourth per cent. on each transaction; and in exchange, the current market rates. The government has the option of intrusting the bank with such of its negotiations as cannot be conducted by its own officials.

Everything being equal, the bank shall be preferred in all negotiations of a banking character. To accomplish which the government is to inform the bank of the most favorable conditions which may be offered to it in every transaction, with liberty to the bank to undertake it on the same terms, its decision to be made known within ten days from notification thereof.

The capital of the bank, whatever may be the amount thereof, as well as its bonds, shall during the period of the concession—30 years—be free from every species of taxes, ordinary or extraordinary, now in existence or which may hereafter be created, with the exception of patent rights, predial and stamp duties; the stamp duties are modified, however, as provided for in the article which fixes the amounts to be affixed to its bills.

The bank is authorized to export free of duty silver and gold shipped in payment of dividends to foreign shareholders.

In case of war or interior disturbance (trastorno) no property, real or personal, of the bank is liable to seizure, and still less to confiscation, nor is its capital, deposits, assets, property which may be in its depots, bills, books, or bills receivable, nor shall it be liable to any extraordinary contributions, nor shall its employés be liable to military service;

and the government pledges itself, as far as it may be in its power, to give to the bank every assistance, to the end that under all circumstances the bank may be entirely separated from politics, and to inspire the confidence of the community that their rights and interests will be properly protected.

All property deposited with the bank as security, if not redeemed in accordance with the contract of the depositors (pledgers), may be sold by auction fifteen days after the obligations thereon have fallen due.

The "Banco Nacional Mexicano" is to be a Mexican corporation, subject alone to Mexican laws; its rights and privileges cannot be transferred to any foreign government; and no diplomatic intervention is to be allowed under any circumstances in its affairs.

The bank is to go in operation within six months from the publication of the contract.

Within three months thereof $50,000 is to be deposited in the "Monte de Piedad," as security for the carrying out of the contract.

By the special contract entered into between the bank and the government, the bank is to open a credit in favor of the government of from $200,000 to $400,000 per month, the amount never to exceed in one year $4,000,000. The interest to be paid shall never be less than 4 nor more than 6 per cent.

For many days past the press of the metropolis has been writing about this contract and calling for its publication. It has come at last to light, and seems to justify the assertion of one of the papers that it is likely to prove one of the plagues of Mexico.

There is no security whatever for the compliance on the part of the bank with the provisions of its concession, beyond the insignificant deposit of $50,000 which is to be made with the "Monte de Piedad."

It has the power to issue $60,000,000 in paper. None of its assets are liable to taxation. Its bills, except those of the "Monte de Piedad," is the only paper money which the government can receive, and its issues are to be received wherever a branch of the bank exists.

The government is obliged to give it the preference in all business transactions in which it proposes to engage.

There is nothing to prevent the country from being flooded with its notes, and nothing whatever to guarantee the bill-holders beyond the required one dollar in coin for every three of paper which it may issue.

As for the deposit of twenty, or six, or even three millions of dollars in coin or bullion, it is safe to say that it will never be made. Whatever sum the bank may require for the monthly inspection can easily be obtained for a day.

These are only a few of the objections which suggest themselves to the scheme. Others of equal importance are apparent. For instance, the bank will, naturally, issue as many bills as the law allows (and more, too, should their interest require it). These bills will never be at anything like par. They cannot be, under the constitution, a legal tender; as they are to be received in all the public offices, customs duties will be paid with them, and they will be purchased at greatly reduced rates. In point of fact the government will see very little of any other currency. It will attempt to pay its current expenses with it; its engagements to the railroad companies will be paid with it. The money which it borrows from the bank will be the currency of the bank. It will attempt to pay its troops with it; in fact, it will have nothing else to pay with. And all this, it occurs to me, will only bring on trouble. The notes, as you will observe, are only a legal tender to the government, and it cannot refuse them.

Some time ago I had a conversation with Señor Mariscal upon this subject. It was a short time after Congress adjourned, and when, as I had been informed, the agents of the bank had commenced to press the President to grant their concession. I endeavored, on that occasion, to point out to him the objectionable features of the scheme. I went so far as to assert that if the Government of Mexico desired the establishing of a bank in this city, capital in any required amount could be obtained from the United States, and a bank established upon the basis of our national banks, its notes secured by a deposit of United States bonds.

Señor Mariscal appeared greatly in favor of the suggestion and said he would speak to the President upon the subject. My purpose in making this suggestion was to get this business, if possible, in American hands. American money is being spent here in large sums. I thought some of it should find its way back in the shape of exchange. I considered that such an institution would greatly favor the extension of commercial intercourse between the two countries. I did not make my conversation with him the subject of a dispatch, as it was of an entirely casual character, and I did not think it worth while to say anything about it until the Franco-Egyptian plan had been finally disposed of. As to the proposition of the bank, I endeavored to obtain a copy of it, but could not. The opposition to it in the cabinet was, I have been told, very serious, particularly from the secretary of hacienda. Its strongest advocate was the President. I am assured that one of the arguments used in favor of the scheme was that it would counterbalance in some sort the influence of the United States in the country.

The proposition has still to receive the approval of Congress which meets on the 16th of next month. It will be violently opposed, but if the President insists upon its approval, he will be obeyed.

I am, &c.,

P. H. MORGAN.

No. 472.

Mr. Morgan to Mr. Blaine.

[Extract.]

No. 259.] LEGATION OF THE UNITED STATES,
Mexico, August 25, 1881. (Received September 9.)

SIR: * * * On the 17th instant * * * called on me. He was going for a few days to Orizaba, and had come to give me good-bye. He asked me very abruptly whether Mexico had made any answer to the profer of arbitration made by the President of the United States to act as arbitrator between Mexico and Guatemala. He informed me that I had received a dispatch from you upon the subject; that a copy of that dispatch had been given to Señor Mariscal, and that the Mexican Government was furious. I asked him from whom he had obtained all this information; he shrugged his shoulders and replied that I could answer yes or no. To which I replied that it was not necessary I should answer at all. He endeavored to renew the conversation but I would not permit it.

In the afternoon I called on Señor Mariscal. I told him of the inter-

view I had had with * * * and expressed my surprise that he should be informed of any negotiations which might be pending between us. * * * He replied at once that * * * must have obtained his information from Mr. Herrera. He, however, admitted that he had spoken to him upon the subject, but only in a general way.

In my opinion * * * has been employed by * * * to frighten Mr. Herrera, and he has succeeded in doing so, and he was sent to me for the purpose of ascertaining, if possible, to what lengths the United States would go in preserving the peace between the two countries.

The following day (18th instant) Mr. Herrera called on me and informed me that the Guatemalan minister at Washington had written him that you had stated to him that in case Mexico refused the proposed arbitration and attempted to harm Guatemala, the United States would protect her by force if necessary.

As I have before stated to you, I have on several occasions, when Mr. Herrera has spoken to me upon the question now pending between his country and Mexico, said to him that if I were in his place I would keep away from Señor Mariscal as much as possible until Mexico should decide positively whether to accept the mediation of the United States or not. He always replied that he would.

On the evening of the 19th instant Mr. Herrera called at my residence. He had just had an interview with Señor Mariscal. He told me that Señor Mariscal had said to him that it was impossible to settle their disputes by arbitration; that Guatemala claimed the whole of Chiapas and that even if he, Señor Mariscal, and the President were willing to give it up (which they were not) they would not be permitted to do so; that the only way the matter could be settled was by war; that the application of Guatemala to the United States for their intervention was an insult; that Mexico would not accept it, even if her refusal should result in a war with that country. At the same time he said Mr. Herrera need not fancy that such an event was at all probable, inasmuch as the United States had too great an interest in Mexico to jeopardize it by taking up Guatemala's defense, where she had no interest.

Mr. Herrera then said that he appreciated the difficulty which presented itself to Mexico's submitting the questions at issue to an arbitration, and he inquired of Señor Mariscal whether it would not be possible for them to arrive at an understanding upon a different basis, viz, that Guatemala should cede all her claim to Chiapas and Soconusco, upon Mexico paying an indemnity to Guatemala therefor.

Señor Mariscal replied, after some reflection, that that might be possible, although he would give no positive answer, but he said arbitration was not to be discussed, repeating that he preferred war with the United States to that.

In my opinion Mr. Herrera made a mistake when he sought an interview with Señor Mariscal, and he made a greater one when he allowed himself to make the above proposition. Señor Mariscal, when he told him his suggestions might be entertained, said so only that negotiations might be resumed between them. Mexico has no money with which to purchase anything. If she had she would not purchase territory from Guatemala. When she wants it, she will take it. And I submit to your better judgment whether, if the negotiations upon this subject are to be continued, Mr. Herrera should not be advised to allow them to take their course, for you will, I think, readily perceive that if I make a proposition to the effect that the differences between the two countries

be submitted to arbitration, and he makes a proposition to sell Guatemala's rights, we are playing at cross purposes.

In my dispatch No. 253 (August 11, 1881) I expressed the hope that the Mexican Government would accept a proposition for mediation if made something in the form of the one I suggested. It is apparent that if they can resume direct negotiations with Guatemala they will do so.

It is very certain that Señor Mariscal's conversation with Mr. Herrera (as the latter reported it) was in tone and matter very different from the one he held with me. It would indicate that Señor Mariscal had changed his mind since our interview, or that he had been instructed differently, and tend to confirm the suggestions of * * * that Mexico was "very angry," and gives good ground to fear that if the United States should now retire from the negotiation and leave Guatemala to herself, there will soon be nothing left of that already very small republic.

I am, &c.,

P. H. MORGAN.

No. 473.

Mr. Morgan to Mr. Blaine.

No. 260.] LEGATION OF THE UNITED STATES,
Mexico, August 25, 1881. (Received September 9.)

SIR: Referring to your dispatch No. 156 (July 29, 1881), and its inclosure, regarding the proposed extension of the "zona libre" as far as El Paso, Mexico, I have to report that on yesterday I saw one of the senators from Chihuahua and asked him some questions thereon. He informed me that the matter had been discussed between one of the officials of that state and the president, but that no conclusion had been arrived at.

This morning I called on Señor Mariscal and inquired of him whether there was any truth in the report. He replied that a petition to that effect had been presented to the government, but that it had not been acted upon. Indeed, he said, the extension could only be made by act of Congress. I inquired of him whether the present "zona" had not been established without the consent of congress? He replied that it had, but that it had received the approbation of that department of the government; that in the instance now before us the president would not recommend it, and that there was no likelihood of its passing.

I am, &c.,

P. H. MORGAN.

No. 474.

Mr. Blaine to Mr. Morgan

No. 167.] DEPARTMENT OF STATE,
Washington, August 31, 1881.

SIR: I transmit herewith, for your information, a copy of a letter of the 20th instant, addressed to the Secretary of the Interior by General John C. Frémont, governor of Arizona Territory, in relation to Indian troubles in that Territory and in the states of Sonora and Chihuahua, in the republic of Mexico, by Indians on both sides of the border, with

suggestions for co-operative action in future to overcome the causes of complaint.

It is desired that you bring the subject presented in Governor Frémont's communication to the attention of the Mexican Government on some occasion which you shalll deem suitable, and in such manner as your well-known discretion will suggest, not as a formal proposition, but as an expression of opinion and practical suggestion from a man whose history, position, and character eminently qualify him to justly estimate the grave difficulties that surround the problem of the border Indians.

I am, &c.,

JAMES G. BLAINE.

Governor Frémont to Mr. Kirkwood.

NEW YORK, *August* 20, 1881.

SIR: In continuation of my letter of this morning, especially directed to the disturbances from the neighborhood of Tombstone, Ariz., I desire further to ask your attention to the subject of the Indians of that Territory.

I desire to ask you particularly to notice how singularly adapted to Indian warfare are the Territories of New Mexico and Arizona, specially the latter. This is seamed in its entire length and breadth with mountain ridges from several to nine and ten thousand feet; brush-covered, or wooded, sometimes masses of broken rock. This may be held to characterize the face of Arizona, New Mexico, Sonora, and Chihuahua all of which are infested by Indians.

The central part of this great area bears on all the old maps the name of *Apacheria*, indicating the numbers and affiliations of this tribe. They have been always at war with whites, generally with success. These Indians are especially good afoot, and fine horsemen; good shots and well armed, and knowing the country they have many advantages as the condition of New Mexico shows.

One of their great strongholds is the chain of the Sierra Madre Mountains of Sonora and Chihuahua. To reduce them to such order as would insure the safety of settlers would require a disproportionately large force from both governments.

My object in bringing these facts to your attention is to suggest that, as both republics are interested in settling this Indian question, and protecting the mutual interests which are growing up between them, some arrangement might be made by the two governments to use the peninsula of Lower California as a place into which to gather the whole of the Apache tribes.

Formerly, Catholic missionaries, who crossed the gulf to it, found the gulf-shore well populated with Indians who raised grains and fruits of many kinds, and it is abundantly able to support the additional population suggested. The peninsula is about 700 miles long, and only about 150 miles in breadth at its northern end on our boundary line. A few alternating posts on either side of the line would effectually bar all egress by the Indians.

Within these confines the Indians could be required and taught to work, and be in time self-supporting, as other citizens. The few inhabitants already on the peninsula could be easily protected.

I understand that a grant was made some years ago, by the Mexican Government, for purposes of colonization of the greater part if not all the unoccupied part of the peninsula, and that the grant is in the hands of an American company. Under some arrangement by the two governments this grant might be utilized for the purpose indicated. The making of such a grant by the Government of Mexico shows a disposition to have it occupied.

I make this suggestion because to me it presents some mode to end the loss of valuable lives, and the continual indefinite expense which is being encountered by the government.

I am, &c.,

J. C. FRÉMONT,
Governor of Arizona Territory.

No. 475.

Mr. Morgan to Mr. Blaine.

No. 268.] LEGATION OF THE UNITED STATES,
Mexico, September 1, 1881. (Received September 15.)

SIR: The Nacional, a newspaper published in this city, is a semi-official journal. It is said to be owned by a nephew of the secretary of Hacienda. Referring you to my dispatches No. 254, August 13, and No. 258, August 24, I call your attention to the inclosed article taken from the above-named paper of the 25th instant, and to the translation of that portion thereof which I have deemed worth your consideration. I do this in support of the statements contained in my dispatch No. 254 regarding the jealousy which is felt here against the employment of American capital, and the fears which are entertained of American influence.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 268.—Translation of extract from El Nacional, of August 25, 1881.]

Weak and scanty will be all praise that may be addressed to the executive for this concession. First of all we applaud the protection that is given to European capital, which is the one we require and which will be most efficacious to arrest the influence of the American element. We have been calling for a long time for this protection, the only one that can save us from the serious complications that threaten us. Under the shade of the bank European capitalists will come to our country and most useful enterprise will be established. Our commercial equilibrium, threatened by the bare-faced invasion of some most dangerous jobbers, will thus be re-established with solidity. European interests will come and be in consequence the salvation of our nationality. The more there are nations interested in our independence and our prosperity, the better shall we be able to tread with sure steps in the easy path of progress.

No. 476.

Mr. Hitt to Mr. Morgan.

No. 174.] DEPARTMENT OF STATE,
Washington, September 15, 1881.

SIR: I have to acknowledge the receipt of your dispatch No. 260, of the 25th ultimo, reporting that in an interview with the Mexican minister for foreign affairs it was ascertained that there was, in the present instance, no likelihood of an extension of the "zona libre," and to express the satisfaction with which this intelligence has been received. Without manifesting too great an interest in the subject, you might say, in any informal conversation with Mr. Mariscal, that the assurances contained in your dispatch relative to "zona libre" had been received with evident satisfaction by your government.

I am, &c.,

ROBERT R. HITT,
Acting Secretary.

No. 477.

Mr. Morgan to Mr. Blaine.

No. 273.] LEGATION OF THE UNITED STATES,
Mexico, September 22, 1881. (Received October 7.)

SIR: On yesterday I sent you a telegram as follows:

The President's annual message is considered threatening toward Guatemala. It announces that Mexican troops have arrived at the frontier State and that others will soon join them.

Confirmatory of the threatening character of the message, I inclose an editorial taken from the Monitor Republicano of the 20th instant, and a translation of that portion thereof which relates to the subject before us, from which you will observe that the editor is of the opinion that the President's words give reason to believe that a declaration of war is imminent.

Referring, now, to your dispatch No. 164 (August 24, 1881), in which I am instructed to continue to transmit promptly, as events progress, all information on the pending difficulties between those two countries, I have to report that from the date of my dispatch No. 259 (August 25, 1881) up to last evening I have not had any conversation whatever with Señor Herrera, the Guatemalan minister; indeed, in that interval I had seen him but once, and that was at a ball which he gave on the 15th instant in commemoration of the anniversary of his country's independence. I had declined his invitation on account of the President's illness. At his earnest instance, however, and as the news had reached here that the President had been sitting up and had gone to Long Branch, I went to the ball for a few moments. It is well, perhaps, that I did so, as my absence might have been misinterpreted.

Neither had I had any conversation with Señor Mariscal upon the subject until yesterday. Although I had seen him several times in the meanwhile he carefully abstained from alluding to it.

Yesterday evening (21st), however, Mr. Herrera called on me. He directed my attention to the President's message, and particularly to that portion of it which refers to Guatemala, and which was the subject of my telegram. He appeared to be quite concerned about it. He informed me that Señor Mariscal had at his (Mr. Herrera's) house on the night of the 15th spoken with several persons upon the difficulties which were pending between Mexico and Guatemala; that the President of the United States had proffered his services as mediator between them; that the proffer had been declined. (One of the guests of Mr. Herrera had told me the same thing only a short while before.) I was careful not to say anything beyond assuring Mr. Herrera that the United States would view with concernment any trouble between the two countries, and that they would use every amicable means to prevent it. I did not, however, deem it imprudent to mention to him that I had informed you of the message by telegraph.

Later in the evening I received Señor Mariscal's visit. He came in while the minister from Germany was with me. The German minister was speaking to me upon the subject of the pending difficulties between Mexico and Guatemala, and the proposed intervention of the United States, and had stated that Mexico was very angry thereat, when Señor Mariscal came in, to whom I told the subject of the pending conversation.

The German minister soon left, and after a few moments' conversation upon other subjects, Señor Mariscal said: "And so you were

speaking of the Guatemala question when I came in?" I said, "Yes." He asked me whether I had seen the President's message. I replied that I had read that "Napoleonic" document. He inquired of me why I characterized it thus. I replied because its warlike tone, as well as its manner, reminded me of the speeches which that Emperor was in the habit of delivering, or causing to be delivered, from the throne, when he considered himself, in some sort, the master of Europe. He asked me if I really thought it was so. I answered, "To such an extent that I had said to the minister from Guatemala, not long before he came in, who had spoken to me on the subject, that it would perhaps have been better if he had kept the money which his ball had cost to purchase powder with." Señor Mariscal then repeated a great deal of what he had said to me in our former interviews concerning the grievances which Mexico had against Guatemala, adding that he proposed to send to congress, with his department report, a copy of your dispatch No. 138 (June 16, 1881), as well as his memorandum to me in reply thereto.

Alluding to your dispatch I said to him that when he came in I was explaining, in reply to a remark of the German minister, that it was understood that the President of the United States had offered his mediation, and that he had proposed to take up the question as to whether Soconusco and Chiapas belonged of right to Mexico, which had angered the Mexican Government and people; that the President of the United States had not, through me at least, made any such proposition. I then took occasion to call Señor Mariscal's attention to the fact that there was not a press in Mexico (except the official journal) which did not contain almost every day something offensive to the people of the United States, a circumstance which I told him I regretted very much, as it had a tendency to engender a bad state of feeling on both sides of the line, and that it was, I thought, particularly to be regretted in view of the friendly and sympathetic tone of the assurances contained in those of your dispatches, which, under instructions, I had read to him. I cited to him particularly the Nacional, a paper which was owned and published, I had been informed, by a nephew of the minister of Hacienda (secretary of the treasury). Señor Mariscal was obliged to admit, with some reservation, the truth of my observations, and said, in regard to the Nacional, that he would take occasion to speak to the editor and caution him upon the subject.

I particularly directed his attention to the warnings which were daily uttered against the granting of concessions, &c., to Americans, and the baneful influences which, it was said, American enterprise would exercise upon Mexican interests, material and political, threatening as it did the national existence. In the same connection I mentioned as an instance of these warnings the articles which were constantly appearing in the daily papers upon the subject of the branch of the Franco-Egyptian bank here to the effect that the assent of Congress to the contract celebrated between the President and the directors thereof, should be given, upon the ground that it would do a great deal toward counterbalancing American commercial influence in the country, and I inquired of him how it was possible that the expenditure of, I might say, hundreds of millions of American money in Mexico, giving, as it did, employment to many thousands of its citizens, could be any detriment to the country. In respect of the Franco-Egyptian bank, I called his attention to the suggestion which I had made to him upon the subject, to the effect that I believed if the Government of Mexico desired to establish a bank here, one could be organized with American capital upon the basis of our own national banks; and I asked him which should be con-

sidered the safer institution, the one whose circulation was secured by United States bonds, or one whose circulation had, practically, no security; the one whose circulation did not exceed the amount of the security therefor, or the one whose circulation exceeded by three to one the amount of its nominal coin deposits; the one which would bring $20,000,000 of bonds of the United States—more than equivalent to that sum in gold—into the country, or the one which would be enabled to take at least $60,000,000 in coin out of it.

I pointed out to him what in my opinion were the inconveniences and losses which would result to the government in case the proposed bank was chartered. I called his attention to the fact that the capital of the bank was fixed (the limit) at $20,000,000; that it was authorized to issue thereon $60,000,000 in paper; that although it was proposed that no issue of paper should be permitted beyond three for one of coin in hand, we all knew how temporary such a security was, and how easily such a requirement of law could be avoided; that while the paper of the bank was not to be a legal tender from individual to individual, it was to be a legal tender as from individuals to the government; that consequently all debts due to the government might be paid in that currency, while the creditors of the government could exact payment in coin, which they would certainly do in case the notes of the bank were at a discount, as I did not doubt they would be in a very short time after they were issued.

As an example of the loss which would occur to the government in such a contingency, I cited the case of a Vera Cruz merchant who should receive a consignment of goods, the duties upon which would amount to $100,000. (It does not require much of a cargo to pay that amount of duties.) He may pay in notes of the bank. Should these notes be at a discount of 10 per cent. the merchant will only pay $90,000. The government owes him, later, a like sum. When it pays him he will exact coin. The loss on both sides to the government is apparent. The public officers, the army as well, I said to him, would be paid in currency. I asked did he think, if the currency should be at a discount, that payment therein would be received with thanks by the soldiers, particularly when they saw ordinary creditors of the government, including subventions amounting to some $4,000,000, annually paid in silver?

In respect of the advantage which it had been suggested would result from the credit which the government had of $4,000,000, I suggested that the money thus loaned would be in paper, and I asked what trouble it would give the bank to issue that amount of notes? And again I asked whether fostering such an institution would prove wise or a successful precaution against the encroachment of American commerce, or whether it did not occur to him, as it did to me, that it was likely to result in financial distress to the country, as well as give rise to political complications. I said it was difficult for me to understand what motive the press had in thus attempting to warp the judgment of the people, as well as the government, against us, in the face of past events, and notwithstanding the assurances which the Mexican Government had received of our friendship and sympathy.

I called his attention to the fact that the government appeared to share these ideas with the press, citing the fact, in evidence thereof, that it had recently gone to the expense of contracting for the emigration to Mexico of some one hundred Italian families, to whom a considerable tract of land had been given, calling his attention to the fact that Americans could come into the country as easily as Italians (or any

other Europeans) could, and that when here they would be, probably, the equals of the others.

Going back to the Guatemala question, I stated that the President of the United States, when he consented to have it suggested to Mexico that he would act as arbitrator between the two countries, had been actuated by the purest feelings of friendship for both nations, and in the interest of a public peace, which, once disturbed, might result in consequences little dreamed of by either party. Laughingly, I said that if the Mexican appetite for conquest had been excited, it was probably fortunate for us that Guatemala and not Texas was the meat it craved.

This is the substance of what occurred, although I do not pretend that the points touched upon are given chronologically.

Señor Mariscal reiterated that if there should be a war with Gautemala it would be Gautemala's fault. He admitted that the course pursued by the United States was friendly in its character, although he persisted in saying that the facts of the case had been misrepresented by Guatemala to you.

We parted on the best of terms, but he left me more than ever convinced that nothing would prevent a war between the two countries unless a positive position is taken by the United States, and I venture to suggest that unless the government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it that what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation.

I am, sir, &c.,

P. H. MORGAN.

[Inclosure in No. 273.—Translation from Monitor Republicano, September 20, 1881.]

Another dark passage in the President's message is the one in which he refers to the diplomatic relations between Mexico and the republic of Guatemala. These are his words:

"With regard to Guatemala, it is painful to have to say that an equally favorable disposition is not observed in the course of the government of that country; on the contrary, there appears to be a certain interest revealed on its part in preserving indefinitely the same vagueness and uncertainty in its relations with Mexico as regards the international boundaries between the two countries. The Executive, notwithstanding, will make every effort to clear up a situation which is pregnant with evil for our country as well as for Guatemala. If, in pursuing these efforts, the intervention of Congress should become necessary, I shall not fail to ask for it in proper season."

The words with which the President treats the Guatemala question are terrible; they indicate that certain of our relations with that republic are very tightly drawn, and in truth, unless the official documents and acts of the Government of Guatemala show, as the President says they do, a special desire on its part to continue in its uncertain attitude toward this nation, it may be said that the sentence above quoted from General Gonzalez's message is a bold one.

It is a clear and explicit accusation against the Government of Guatemala, expressed in very harsh terms for a document such as a presidential message.

The public in general were not aware that matters had proceeded so far between the Mexican and Guatemalan Governments, and all methods of conciliation must have been very nearly exhausted when the chief of the nation speaks in such terms as these, in the face of the nation, to Congress.

The answer of the president of the chamber to the paragraph which we have copied upon the Guatemala question indicates in a greater degree the hostile feelings which exist between the two governments. He said:

"It is with still greater pain that the Congress of the Union has learned that the Government of Guatemala has not manifested a disposition similar to that evinced by

the United States to adjust its relations with our country, appearing, as it does, to wish to maintain in its present uncertainty the question of our national boundary.

"The members of both chambers hope that if in truth the cause of the attitude of the government is the want of a recognized boundary between the two countries, this state of affairs will cease so soon as the scientific commission named to this end by the Mexican Government, will have completed its labors, and that an amicable convention may end a question which has been so much debated, and which may result, if prolonged, in great evils to fraternal nations, which should be avoided.

"In the meanwhile the representatives of the nation approve of the efforts which the Executive has made to obtain an honorable solution of so delicate a question, and it may rest assured that in this matter, as well as in the maintenance of the dignity and rights of the republic against all comers, it will have the support of the legislative power."

In our opinion this is a grave and delicate question; it is proper under all circumstances to guard and defend everything required by the national honor; it is proper also to bring to an end this question of boundary, which has for such a length of time agitated the two countries, but this should be done with the circumspection and prudence which a matter of such a nature demands.

The words of the President to the chamber has made us believe that we were near to a declaration of war; that is to say, that the methods of conciliation had been exhausted.

When diplomatic reserve shall permit, the republic will have the right to know what has taken place, for that which has been done in this direction looks toward the breaking up of the friendly relations between the two nations who have always traveled together in the best harmony.

We have no data upon which to express an opinion upon this grave emergency; we follow day by day the current of political events, and without a doubt, notwithstanding something has transpired with reference to this matter, we were far from believing that there was a threatened difficulty between Mexico and Guatemala; for the same reason, without more information upon the subject than we have gathered from the few words of the President, we can neither judge nor venture an opinion; we must wait for events; we must wait also for some word which the Diario Official may think proper to say, to throw some light upon this question, which is the most important one as regards our diplomatic relations.

No. 478.

Mr. Morgan to Mr. Blaine.

No. 287.] LEGATION OF THE UNITED STATES,
Mexico, October 6, 1881. (Received October 20.)

SIR: I had a visit this morning from Mr. Herrera, the Guatemalan minister. He informed me that on the 4th instant he had had an interview of Señor Mariscal. I inquired of him with what purpose he had called on the secretary for foreign affairs. He replied that he had been instructed so to do by his government to ask the meaning of the large armed force which Mexico was concentrating upon the Guatemala frontier. He informed me that Señor Mariscal had replied that there were some troops in that vicinity and that others were on their way there; that their object was to protect the Mexican frontier from invasion, and to recover possession of the Mexican territory which Guatemala had taken some months ago. The number of Mexican troops, he said, amounted to about 3,000. Mr. Herrera says there are about 4,000.

I inquired of Mr. Herrera whether Guatemala had any troops in the neighborhood of the district which Señor Mariscal said it was the intention of Mexico to take possession of. He said there were. I asked "if the Mexican troops attempt to take possession of the territory in question will the Guatemalan troops resist?" He replied that they certainly would.

Mr. Herrera spoke long and earnestly about the differences between the two countries, and of his last interview with Señor Mariscal. The

first was only a repetition of what I have heretofore reported to you, and of the last I have given you the substance.

I have seen Señor Mariscal several times since my last dispatch to you upon this subject, but he has never alluded to it. His official report thereon will soon be published. I understand that he proposes to publish the copy of your dispatch to me No. 138, a copy of which, under your direction, I left with him, as well as his reply thereto.

I am, sir, &c.,

P. H. MORGAN.

No. 479.

Mr. Hunter to Mr. Morgan.

No. 179.] DEPARTMENT OF STATE,
Washington, October 8, 1881.

SIR: Adverting to your dispatch of June 15 last, No. 208, communicating the response of the Mexican Government to the complaint relative to the unjust discrimination to which American trade is subjected in different ports of that republic, I have now to forward herewith, for your information, a copy of a dispatch of August 20 last, from the consul of the United States at La Paz, respecting the case of Mr. Ramirez and those of the German barks Jupiter and Carolina. Mr. Turner having been advised of the purport of your dispatch, the inclosed is his response.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure in No. 179.]

Mr. Turner to Mr. Hunter.

No. 183.] UNITED STATES CONSULATE AT LA PAZ, MEXICO,
August 20, 1881. (Received October 4.)

SIR: Referring to dispatch from the Department of State, No. 88, dated July 20, 1881, in reference to the answer made by the Mexican Minister of Hacienda to Mr. Morgan's note relative to the case of Mr. Ramirez, and to the German barks Jupiter and Carolina, I have only to say that the answer of the minister of hacienda is exactly what might have been expected from him. Long experience has shown that the policy of the Mexican Government is to deny all such charges, and in no case to make reparation for abuses committed by its officers.

The case of Mr. Ramirez was nothing less than robbery and is so considered by those acquainted with the circumstances. The "visitador," Don Juan Llanios, and the collector, Mr. Pena, induced the consignee to withhold the addition to the manifest which he had the right to make, by promising to collect simple duties only, and then imposed triple duties for the lack of the addition which they had induced him to withhold. The goods have been sold by order of the minister of hacienda, and did not sell for enough to pay the duties.

As to the German barks Jupiter and Carolina, the statements I made in regard to their sales of goods are correct, notwithstanding the denial of the minister of hacienda. These things were all done openly, and can be proved, but I imagine that all the proof in the world would have no effect upon the minister of hacienda, who I have no doubt is as well convinced of the truth of my statement as I am.

I was on board of the Jupiter and saw the master sell clothing, and he told me that he sold twenty-four suits, and I have no doubt but that he told me the truth.

An experience of nearly twenty years on the western coast of Mexico has convinced

me that the Mexican Government has done in the past, and is now doing, all it dare do to discourage trade with the United States, its professions to the contrary notwithstanding, and no complaint of Americans will have any effect upon Mexico. The remedy lies with the United States, and until that government exacts fair play for its citizens they will not get it, as I fear the capitalists who are now investing their money so freely in mines and railroads in Mexico will find to their cost within a few years.

I am, &c.,

DAVID TURNER,
Consul.

No. 480.

Mr. Morgan to Mr. Blaine.

No. 297.] LEGATION OF THE UNITED STATES,
Mexico, November 2, 1881. (Received November 17.)

SIR: Complying with instructions contained in your dispatch No. 164, August 24 last, that I should transmit promptly, as events progressed, all information on the pending difficulties between Mexico and Guatemala, I have now to report that a few days since I received the visit of Señor Herrera, the Guatemalan minister. He had lately had an interview with President Gonzalez, and he expressed himself to me as not being at all satisfied therewith. He appears to believe that hostilities will soon break out between the two countries. Although I have on several occasions lately seen Señor Mariscal, he has never mentioned the subject to me.

The only person at all connected with the government with whom I have had any conversation upon the matter, since my last dispatch relating thereto, No. 289, October 20, is Mr. Fernandez, the "oficial mayor" of the foreign office. Meeting him casually one morning in front of my dwelling, I requested him to send me a duplicate copy of Señor Mariscal's report to Congress, which I inclosed to you in my dispatch No. 291, October 25. He introduced the subject of Guatemala, but spoke in very general terms. I said to him that I saw with great pain that a conflict between that country and Mexico was imminent, that I felt the United States had done everything in their power to prevent it, and that on my part I had endeavored to carry out my instructions in that direction. More than all, I said, I was grieved to see that my government's intentions in the matter had been misinterpreted, for whereas it had never had any object beyond wishing to keep the peace on this continent between two neighboring republics, its kindly offer at mediation had been received as an officious interference in a matter which did not concern it, if not as a menace, and that until the subject should be mentioned to me by Señor Mariscal, in the absence of further instructions from you, I could say nothing further. Pleasantly, I said my great concernment in the matter was that, as the appetite is said to grow upon what it feeds upon, after Mexico had disposed of Guatemala, she would not be satisfied until she had eaten Texas. I spoke thus to Señor Fernandez believing that he would report our conversation to Señor Mariscal, and in the hope that that gentleman would when the occasion presented itself introduce the subject, and thus give me another opportunity to present to him your views.

Several opportunities have occurred since then, but he has kept silent.

The subject is on every tongue. It is constantly discussed by the press, and I feel it my duty to say that nothing has occurred since I have been here which has excited so much bad feeling against us as

this proffer of arbitration. Say what I may to the contrary, it is considered as a menace. Every one I meet speaks to me upon the subject. To all I have held the same language, viz, that the United States had no other object in suggesting an arbitration beyond wishing to make a war between Mexico and Guatemala unnecessary, and that as regards Mexico, it would be, I considered it, deeply to be lamented if she set the example of acquiring territory by conquest, and this course I shall continue to follow until otherwise instructed.

The Trait d'Union of this morning publishes a paragraph to the effect that Mexico has 5,000 soldiers on the frontier of Guatemala, and that Guatemala also has a considerable number of troops there. The article and translation thereof I inclose.

I am, sir, &c.,

P. H. MORGAN.

[Inclosure in No. 297.—Translation from the Le Trait d'Union, November 1, 1881.]

The Mexican Government has, it appears, been assured that 5,000 soldiers are already on the Guatemala frontier. The Guatemalan Government is also sending a considerable number of troops of the line upon her frontier.

No. 481.

Mr. Morgan to Mr. Blaine.

No. 304.] MEXICO, *November* 9, 1881. (Received November 25.)

SIR: I had a visit this morning from the Guatemalan minister. He brought with him two newspapers containing articles upon the subject of the differences between Mexico and Guatemala, in both of which the action of the United States Government was sharply criticised. As they are of the same character with those which I have on several occasions forwarded to you, I do not consider it necessary to inclose them in this dispatch.

Señor Herrera informed me that he had had an interview with Señor Mariscal since the interview which I informed you in my dispatch No. 297 (November 2, 1881) he had had with President Gonzalez. I called his attention to a paragraph which I had seen in the Trait d'Union newspaper a few days ago, to the effect that the difficulties between Mexico and Guatemala were in fair way of being amicably and honorably adjusted. He said that there was no truth in the statement. He, however, in the course of conversation, said that there was a proposition pending by which Guatemala was to receive a certain sum of money from Mexico and a portion of territory adjoining, as I understood him, British Honduras, and that this agreed upon, surveyors were to be appointed upon whose report a boundary line between the two countries was to be established. I inquired of Señor Herrera whether this did not show that negotiations were going on between him and Señor Mariscal. His answer was evasive. I said to him I thought it was proper I should know precisely how he was acting, as I considered it only due to my government that it should be informed of what was going on.

I called his attention to the fact that great offense had been taken by the Mexican Government and the people at the offer of mediation

which had been suggested by the United States, and I said it appeared to me, if Guatemala was in earnest in asking for friendly assistance, she should not do anything until that proffered assistance had been definitely acted upon. At all events, I said to him that I should inform you of the negotiations which were being carried on between them.

I am, &c.,

P. H. MORGAN.

No. 482.

Mr. Blaine to Mr. Morgan.

No. 198.] DEPARTMENT OF STATE,
Washington, November 28, 1881.

SIR: Referring to your correspondence with this Department since its instruction tendering the good offices of the Government of the United States in aid of the amicable settlement of the differences between Mexico and Guatemala, I have to remark that it would be a matter of the gravest disappointment if I found myself compelled to agree with you in the conclusion which you seem to have reached in your last dispatch.

Reporting in your No. 273, of September 22, 1881, your most recent conversation with Señor Mariscal, the Mexican secretary for foreign affairs, you say:

> I venture to suggest that, unless the government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation.

"To leave the matter where it is," you must perceive, is simply impossible, for it will not remain there. The friendly relations of the United States and Mexico would certainly not be promoted by the refusal of the good offices of this government, tendered in a spirit of the most cordial regard both for the interests and honor of Mexico, and suggested only by the earnest desire to prevent a war useless in its purpose, deplorable in its means, and dangerous to the best interests of all the Central American republics in its consequences. To put aside such an amicable intervention as an unfriendly intrusion, or to treat it as I regret to see the Mexican secretary for foreign affairs seems disposed, as a partisan manifestation on behalf of claims which we have not examined and interests which we totally misunderstand, can certainly not contribute "to the increasing of the cordial relations which you know it is so much our desire to cultivate with Mexico."

But, more than this, "to leave the matter where it is" is to leave Mexico and Guatemala confronting each other in armed hostility, with the certainty that irritation and anger on the one side and extreme apprehension on the other will develop some untoward incident leading to actual collision. In such event no successful resistance can be anticipated on the part of Guatemala. Whether the claims of Mexico be moderate or extravagant, whether the cession of territory be confined to the present alleged boundary lines or be extended to meet the necessities of a war indemnity, there would be another lamentable demonstration on this continent of the so-called right of conquest, the

general disturbance of the friendly relations of the American republics, and the postponement for an indefinite period of that sympathy of feeling, that community of purpose, and that unity of interest, upon the development of which depends the future prosperity of these countries.

The Republic of Guatemala, one of those American republics in whose fortunes the United States naturally feel a friendly interest, communicated to this government that there existed between it and Mexico certain differences which, after much diplomatic consultation, had failed to reach a satisfactory settlement. Recognizing the relation of the United States to all the republics of this continent, aware of the friendly services which this government has never failed to render to Mexico, and presuming not unnaturally that Mexico would receive our amicable counsel with cordiality and confidence, the Government of Guatemala asked our good offices with that power for the purpose of inducing it to submit to an impartial arbitration those differences upon which they had been unable to agree.

To refuse such a request would not only have been a violation of international courtesy to Guatemala, but an indication of a want of confidence in the purposes and character of the Mexican Government which we could not and did not entertain.

In tendering our good offices, the Mexican Government was distinctly informed that the United States—

> Is not a self-constituted arbitrator of the destinies of either country or of both in this matter. It is simply the impartial friend of both, ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors.

Before this instruction could have reached you, information was received that large bodies of Mexican troops had been ordered to the frontier in dispute. You were therefore directed to urge upon the Mexican Government the propriety of abstaining from all such hostile demonstration in order to afford opportunity for the friendly solution of the differences between the two governments. It is unnecessary now to repeat the reasons which you were instructed to submit to the consideration of the Mexican Government, and which were stated in the most earnest and friendly spirit, and which were communicated by you to the Mexican secretary for foreign affairs with entire fidelity.

I now learn from your dispatches that our information was correct; that Mexican troops have been ordered to the disputed boundary line, and that, while the Mexican Government does not absolutely reject a possible future arbitration, it is unwilling to postpone its own action to further discussion, and does not receive the good offices of this government in the spirit in which they have been tendered. The United States does not pretend to direct the policy of Mexico, nor has it made any pretension to decide in advance upon the merits of the controversy between Mexico and Guatemala. The Mexican Government is of course free to decline our counsel, however friendly. But it is necessary that we should know distinctly what the Mexican Government has decided. It is useless, and from your dispatches I infer it would be irritating, to keep before the Government of Mexico the offer of friendly intervention, while, on the other hand, it would not be just to Guatemala to hold that government in suspense as to whether there was a possibility of the acceptance of the amicable mediation which we have offered.

You will, therefore, upon the receipt of this instruction, ask for an interview with the secretary for foreign affairs. You will press upon his reconsideration the views which you have already submitted to him; assure him of the earnestness with which this government desires a

peaceful solution of the existing differences, and inform him of our profound regret and disappointment that the tender of our good offices has not been received in the spirit in which it was made. You will, if he affords you the opportunity, endeavor to enforce the practicability of the solution which you suggested both to himself and the Guatemalan minister, by which the arbitration could be limited to the question of boundary without involving the title to the province of Chiapas.

If the Government of Mexico should be disposed to accept an arbitration, limited in its points of settlement as M. Herrera, the Guatemalan minister indicated would be acceptable to his government, you will ask the assurance of the Mexican Government that pending the discussions necessary to perfect such an arrangement all hostile demonstration should be avoided, and if possible that the Mexican troops should be withdrawn from the immediate vicinity of the disputed boundary. But this latter request you will not insist upon, if it should be an obstacle to obtaining the consent of Mexico to a limited arbitration.

Should the Mexican Government, however, decide that it was not consistent with its views to accept a friendly intervention in the differences between itself and Guatemala, you will inform the secretary for foreign affairs that you accept this decision as undoubtedly within the right of Mexico to make. You will express the very deep and sincere regret which this government will feel if it shall find the powerful Republic of Mexico unwilling to join the Government of the United States in maintaining and establishing the principle of friendly arbitration for international differences on the continent of America. Mexico and the United States, acting in cordial harmony, can induce all the other independent governments of North and South America to aid in fixing this policy of peace for all the future disputes between the nations of the western hemisphere. And it would be a marked and impressive precedent, if, in a dispute with a weaker neighbor, Mexico should frankly consent to a friendly arbitration of all existing differences.

You will further say to Mr. Mariscal that you are expressly instructed to call his attention to an expression of opinion which you have reported in your dispatch No. 253 of 11th of August, 1881, as follows:

> He, Señor Mariscal, appears to entertain a very bad opinion of the President of Guatemala, and to think that his appeal to the United States has a purpose beyond the settlement of the boundary between the two countries. He said, for instance, he had been informed that you had expressed an opinion favorable to the consolidation of the Central American republics into one government; that the President of Guatemala was favorable to such a project; that he would like, in such an event, to become the President of the new nation, and that he was endeavoring to obtain the influence of the United States to further his ambition in that direction. He seems impressed with the idea that General Barrios is Mexico's enemy, and that it would not be well to have his power increased.

Of course the Government of the United States has no information as to the personal ambitions of General Barrios, and it would deem any inquiry into or consideration of such a subject both unworthy and improper in any discussion of the great interests which concern the people of Central America, and their relation to the kindred republics of this continent. I am unwilling to believe, and, if compelled to believe, would deeply regret, that any such consideration could affect the temper or thought of the Mexican Government in determining its policy towards the republics of Central America.

But in reference to the union of the Central American republics under one Federal Government, the United States is ready to avow that no subject appeals more strongly to its sympathy nor more decid-

edly to its judgment. Nor is this a new policy. For many years this government has urged upon the Central American States the importance of such an union to the creation of a well-ordered and constitutionally governed republic, and our ministers have been instructed to impress this upon the individual governments to which they have been accredited, and to the Central American statesmen with whom they have been associated. And we have always cherished the belief that in this effort we had the sincere sympathy and cordial co-operation of the Mexican Government. Under the conviction that the future of the people of Central America was absolutely dependent upon the establishment of a Federal Government which would give strength abroad and maintain peace at home, our chief motive in the recent communications to Mexico was to prevent the diminution, either political or territorial, of any one of these States, or the disturbance of their exterior relations, in order that, trusting to the joint aid and friendship of Mexico and the United States, they might be encouraged to persist in their effort to establish a government which would both, for their advantage and ours, represent their combined wealth, intelligence, and character.

If this government is expected to infer from the language of Señor Mariscal that the prospect of such a result is not agreeable to the policy of Mexico, and that the interest which the United States have always manifested in its consummation renders unwelcome the friendly intervention which we have offered, I can only say that it deepens the regret with which we will learn the decision of the Mexican Government, and compels me to declare that the Government of the United States will consider a hostile demonstration against Guatemala for the avowed purpose, or with the certain result of weakening her power in such an effort, as an act not in consonance with the position and character of Mexico, not in harmony with the friendly relations existing between us, and injurious to the best interests of all the republics of this continent.

The Government of the United States has the sincerest sympathy and the profoundest interest in the prosperity of the Spanish republics of America, and is influenced by no selfish considerations in its earnest efforts to prevent war between them. This country will continue its policy of peace even if it cannot have the great aid which the co-operation of Mexico would assure; and it will hope, at no distant day, to see such concord and co-operation between all the nations of America as will render war impossible.

You will leave with Mr. Mariscal a copy of this dispatch.

I am, sir, your obedient servant,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF MEXICO AT WASHINGTON.

No. 483.

Señor Navarro to Mr. Evarts.

[Translation.]

LEGATION OF MEXICO,
New York, November 15, 1880. (Received November 17.)

MR. SECRETARY: I have the honor herewith to inclose a copy of a note addressed by the governor of the State of Chihuahua to the de-

partment of foreign relations of Mexico, with which note was inclosed a petition from the attorney of the colonists of Ascension, in which it is stated that the inhabitants of that settlement continue to suffer from the depredations committed by the band of American thieves under the leadership of the notorious outlaw Robert E. Martin.

These documents, together with those which I transmitted as inclosures to my note of the 18th of October last, will serve to enable the Department of State to adopt such measures as it may think proper for the apprehension and punishment of that band, which has become a terror to the inhabitants of those districts.

I have, &c.,

JUAN N. NAVARRO.

[Inclosure.]

The governor of Chihuahua to the minister for foreign affairs.

CHIHUAHUA, *September* 14, 1880.

The citizen Juan M. Zuloaga, the lawful attorney of the colonists of Ascension, as he has shown by a duly executed power of attorney bearing date of August 30, 1880, has addressed a petition to me, of which I have the honor herewith to transmit to you a copy.

You will thereby see that the inhabitants of that infant colony continue to suffer from the depredations committed by the bands of American thieves who are led by the notorious outlaw Robert E. Martin, who has been acquitted and set at liberty by the district judge of this State.

As the statements therein made are well known to be true, I beg that you will be pleased to request the President of the Republic to instruct our representative at Washington to address the Government of the United States asking that the aforesaid outlaw may be arrested and puuished for the crimes which he is committing, for, if this is not done, the result will be that the inhabitants of the colony, who now number more than 200, will be forced to abandon it, which would be a most unfortunate thing, inasmuch as one of the surest means to prevent the depredations of Indians is the increase of population on the frontier.

[Subinclosure.]

Juan M. Zuloaga to the governor of Chihuahua.

SAN ANDRES, *August* 30, 1880.

Citizen governor of the State of Chihuahua:

I, Juan M. Zuloaga, representing the settlers of Ascension Valley, have the honor to set forth the following facts:

Being actuated by the most earnest desire for the prosperity of the colony which I represent, and taking into consideration the outrages which have recently been committed on that desert frontier, as is shown by the communication of the municipal board of that settlement, which I herewith inclose for your information, it is impossible longer to remain indifferent to the scandalous deeds which are constantly perpetrated by Texan outlaws, who, with entire impunity and in considerable numbers, commit unheard-of and premeditated outrages, not only against the colony, but also the neighboring villages, to such an extent that, if the unblushing boldness of these bad men is not speedily checked, the germ of licentiousness will become developed, and the consequence will unquestionably be the absolute demoralization of these unhappy districts, or, what is still more probable, the total ruin of all the inhabitants, for they have already lost all their horses, and the greater part of their neat cattle, and it may verily easily happen that, being discouraged by their terrible situation, they may be forced to abandon their homes, although such a step would entail a great sacrifice upon them, for the establishment of that which has cost them dear, they having been obliged, not only to establish it at their own expense but to undergo many long and weary labors, hardships, and privations, during which they have been constantly harassed by Indians and bands of Texan marauders, both of whom inhabit

the wild regions of the North American frontier. The Texans referred to now possess in those vast solitudes large numbers of cattle which have been stolen from the farmers of this State.

Such is the situation, Mr. Governor, and the people of Ascension and Janos, being unable to remedy the evil, appeal to you for protection, for if this is not extended to them, a future lies before them which is very far removed from that peace and tranquility to which every community should aspire.

In the district of Mosquitos, which is the limit of the United States territory, seven dead bodies of Mexicans were recently found, who had been basely murdered by the Texans. The perpetrators of this horrible crime, as is invariably the case, escaped scot free.

At Carrizalillo, which is within the territory of the United States, one of these outlaws was found with 200 head of cattle, and in consequence of the armed conflicts which occurred, first at Agua del Perro, with the colonists of Ascension, and afterwards at San Simon with the people of Janos, that individual drove his cattle to unknown localities, and at once resolved to put himself at the head of a band of outlaws in order to carry on the business of cattle stealing. Such is the situation of those districts, and their only hope is that the supreme government will lend them its timely aid.

If the outlaw Martin, who is the leader of these Texans, had not been unjustly acquitted, we should now be at peace; though Martin was arrested by order of the government, he was protected by the district judge, and we, whose blood is now being shed, are to-day suffering the fatal consequences of that protection.

What I ask is but justice, and I solemnly declare that I am not actuated by malice.

JUAN M. ZULOAGA.

No. 484.

Señor Navarro to Mr. Evarts.

[Translation.]

LEGATION OF MEXICO,
New York, November 16, 1880. (Received November 22.)

MR. SECRETARY: The governor of the State of Tamaulipas informed the department of foreign relations of Mexico, on the 25th of September last, that the public officers and a portion of the population of the town of Laredo, Tex., had fired a great many shots toward the Mexican bank of the Rio Grande, on account of the escape of some prisoners from the jail of that place.

An act of the same nature, which took place on the 25th of April last, on the Mexican bank of that river, on the occasion of the escape of some Mexican deserters, induced the representative of the United States Government to call the attention of the Mexican Government to the matter, in doing which he remarked that, inasmuch as firing from one side of a boundary line to the other with intent to kill was an aggressive and discourteous act, he felt sure that, in view of the cordial relations then, as now, existing between the two countries, the Government of Mexico would hasten to express its disapprobation of the conduct of the Mexican officers and soldiers, and to issue suitable orders for the prevention of similar acts in future. My government thereupon hastened to disapprove the conduct of the Mexican officers and soldiers, and the war department at once issued the most positive orders to all the troops garrisoning the Mexican frontier, forbidding them to fire across the boundary, of which the United States minister to Mexico was informed, my government thinking that the surest way to the realization of the desires and purposes entertained by the governments of both republics for

the strengthening of their friendly relations is the prompt execution of reciprocal justice.

I feel certain, Mr. Secretary, that you entertain the sentiments manifested in the case to which I have referred both by the representative of the United States Government and by the Government of Mexico, and this renders it unnecessary for me to dwell upon the necessity that exists for the military and civil authorities on the American frontier strictly to forbid the troops and the people to fire in the direction of the Mexican bank of the Rio Grande.

I avail, &c.,

JUAN N. NAVARRO.

No. 485.

Señor Navarro to Mr. Evarts.

[Translation.]

LEGATION OF MEXICO,
New York, November 30, 1880. (Received December 4.)

MR. SECRETARY: The progressive development of the commerce between Mexico and the United States, which has made itself very notably felt during these past few years, and the constant desire of my government to draw closer day by day the friendly relations which now unite the two republics, involve, as a consequence, the necessity of introducing some changes in the treaties of navigation and commerce concluded by Mexico, and which should contain stipulations in harmony with the legitimate interests of both countries.

To this end the secretary of [foreign] relations of Mexico has addressed to me the communication, a copy of which I have the honor to inclose herewith, for the purpose of denouncing in due form to the government of the United States the treaty of navigation and commerce of the 5th of April, 1831, as lapsed and not subsisting after the passage of one year from the date of this notification, which is made in virtue of the stipulation expressed in the first part of the thirty-fourth article of the said treaty, and in the seventeenth article of that of the 2d of February, 1848, which confirmed it.

Your Department being animated as it is by the same sentiments which move this legation to endeavor to do all which may redound to the benefit of the interests of Mexico and the United States, I permit myself to expect your worthy co-operation, and assent to the termination of the treaty of commerce and navigation to which this note alludes, at the close of the 30th day of November in the coming year 1881.

Awaiting the reply of your Department in order to transmit it to my government, I am honored in repeating to you, &c.,

JUAN N. NAVARRO.

[Inclosure.—Translation.]

Señor Fernandez to Señor Navarro.

SECRETARYSHIP OF STATE AND OFFICE OF FOREIGN RELATIONS,
Mexico, November 9, 1880.

It having been shown by experience lasting for half a century, so far as this country is concerned, that it is expedient to introduce certain modifications in the treaties of navigation and commerce concluded by Mexico which should be in harmony with

the interests of both the contracting parties, the President, resting on the stipulations contained in the first paragraph of the thirty-fourth article of the treaty of April 5, 1831, and in the seventeenth article of the treaty of February 2, 1848, both concluded with the United States of America, has ordered that there be denounced to the Government of Washington, as I now formally do through the medium of your legation, the aforesaid treaty of navigation and commerce of April 5, 1831, as annulled and not subsisting after the lapse of one year counting from the day whereon your legation shall make the corresponding notification to the Department of State, to which end you may inclose the present dispatch with your note or annex thereto a copy hereof.

I protest to you my particular esteem.

JOSÉ FERNANDEZ.

No. 486

Mr. Evarts to Señor Navarro.

DEPARTMENT OF STATE,
Washington, December 3, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 18th October* with inclosures, in which are detailed the circumstances under which fresh outrages are said to have been perpetratedy recently upon the property of citizens of Mexico in the State of Chihuahua by persons belonging to a marauding band headed by one Robert E. Martin, whose habitation is alleged to be in American territory.

In reply I have to express my deep regret that such depredatory acts should have been committed upon your countrymen by persons from this side of the line, and I shall, therefore, lose no time in bringing the matter to the attention of the competent authorities of this government with a view to their adopting such forcible measures as will, if possible, destroy and break up such a band, whose raids and acts are a constant source of annoyance to the peace and prosperity of both governments.

Accept, &c.,

WM. M. EVARTS.

No. 487.

Mr. Evarts to Señor Navarro.

DEPARTMENT OF STATE,
Washington, December 6, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, in which, by direction of your government, you have informed me that it is the desire of Mexico that the treaty of navigation and commerce of the 5th of April, 1831, between it and the United States, shall be terminated after the 30th day of November, 1881.

Taking due note of such circumstances, I offer to you, &c.,

WM. M. EVARTS.

No. 488.

Mr. Hay to Señor Navarro.

DEPARTMENT OF STATE,
Washington, December 22, 1880.

SIR: Adverting to your note of the 28th of August last,† I have now

* For note referred to, see Foreign Relations 1880, p. 789.
† For note referred to, see Foreign Relations 1880, page 786.

the honor to inclose, for the information of your government, a copy of a letter recently received from his excellency the governor of Texas, with its accompaniment, touching the complaint of the governor of the State of Chihuahua, respecting one Robert Martin and others, accused of committing outrages on both frontiers.

Accept, &c.,

JOHN HAY,
Acting Secretary.

[Inclosure.]

Mr. Roberts to Mr. Evarts.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, November 29, 1880. (Received December 6, 1880.)

SIR: I have received a letter from your office, of 11th of September last, about depredations committed by a band of robbers, which was said to be operating on both sides of the Rio Grande, headed by Robert Martin. I received another also of 3d instant, referring to the same matter.

Upon getting the first letter, I set about finding out about the grounds of complaint by having the adjutant-general of this State, Hon. John B. Jones, to communicate with Capt. George Baylor of our frontier force at Ysleta, near El Paso. For sometime he was engaged with the United States troops in pursuing Victorio and his band of Indians, and could not give this subject his attention. Upon returning to his camp at Ysleta, he made what search and inquiry he could, and reported the result to the adjutant-general of the State, General John B. Jones, a copy of which report I herewith respectfully forward to you.

I beg leave to add that Capt. George Baylor is an officer of considerable military experience, and a gentleman of fine intelligence and good character, and was placed in command of our frontier force in that distant region on that account. He has heretofore co-operated with the Mexican authorities, civil and military, in the suppression of any marauding parties on the Rio Grande, and has made an express arrangement with said authorities for that purpose. All that any of said officers in that portion of the country have to do to get his efficient aid at any time is to call on him and give him the proper information. We have no State force so near the Rio Grande at any other point. But the same arrangement can be made with any of our officers of the frontier force by simply asking their co-operation at any time.

The officers and men of our frontier force, denominated frontier battalion and special police force, are made by law peace officers of the State, with power to execute criminal process and make arrests as other peace officers, and their principal use now is to arrest criminals who flee to the frontier. But it must be recollected that they must have legal authority to make arrests of criminals the same as any other peace officers. I hardly think that the Mexican authorities understand that. That police force of ours have no more right to arrest the so-called band of robbers without legal authority than a sheriff and his posse would have under like circumstances.

I can say truly, however, that we are using that force most efficiently in arresting criminals of all sorts found on our extensive frontier, and with them will give any practicable aid in our power to break up bands of thieves and robbers that infest the borders of Texas and Mexico.

Respectfully, yours, &c.,

O. M. ROBERTS,
Governor.

[Appendix to inclosure.]

Captain Baylor to General Jones.

HEADQUARTERS COMPANY A, FRONTIER BATTALION,
Ysleta, November 20, 1880.

SIR: Your letter in regard to depredations committed on citizens of Mexico by bands of robbers in Sierra la Hache, received, and should have been answered sooner, but came during my absence after Victorio, and since I have been trying to learn something definite in regard to the matter.

The man Martin was sentenced here by Judge Allen Blacker to serve a term of five years in the penitentiary for highway robbery, and escaped from the guard afterwards with some eight other prisoners, and has been living in Mexico ever since, moving from one town to another in the northern portion of Chihuahua, in Conception, Janos, and thereabouts, and I think, with a mixed band of white men and Mexicans, has been stealing cattle and horses in Carraletas, Casas Grandes, and that section, and running them into Arizona and New Mexico.

There are no mountains named La Hache in Texas between here and Presidio del Norte that I know of, except the Sierra La Capara is sometimes so called, 25 or 30 miles southeast of San Lucero, in Mexico, but I was there when with General Tarasas in September last, and there was no sign of any band being there. I am satisfied his band of men are the same who stole cattle from Carraletas and were followed by men sent out by George B. Zimpleman and four or five of them killed. I have written to the sheriff of Pima County, at Tucson, Arizona, about the matter, and may hear something from him.

Yours, &c.,

GEO. H. BAYLOR,
Captain, Commanding Company A.

No. 489.

Señor Navarro to Mr. Evarts.

[Translation.]

LEGATION OF MEXICO,
New York, December 27, 1880. (Received December 30.)

Mr. SECRETARY: The department of foreign relations of Mexico has received a telegram from the governor of the State of Chihuahua, bearing date of the 24th of November last, and stating that the band of thieves which is led by the outlaw Robert E. Martin continues to commit robberies at Janos and Ascension, the residents of which ask for speedy protection; and it is to be feared that, being exasperated at the loss of their property, they may themselves undertake to pursue and punish the outlaws, in doing which they may be obliged to cross the boundary line, which may give rise to a conflict.

I have received instructions from my government to transmit the foregoing information to your Department, and to beg you, at the same time, to be pleased to cause the proper American authorities to be instructed to make arrangements with those of Mexico, with a view to combined action for the capture of this band of thieves, who, by frequently crossing the boundary line, have so long succeeded in eluding the vigilance of the authorities of both countries, and have become the terror of those districts.

Well knowing the good intentions of the Department of State, as well as the spirit which actuates the authorities of the State of Texas in regard to the repression of lawlessness and the establishment of tranquillity on both frontiers, I do not doubt that the combined action of the forces of the two countries will put an end to the evils in question.

I have, &c.,

JUAN N. NAVARRO.

No. 490.

Mr. Evarts to Señor Navarro.

DEPARTMENT OF STATE,
Washington, January 3, 1881.

SIR: Referring to your two notes of the 28th of August and 18th of October last, concerning the complaint of your government in regard to

the acts of a band headed by one Robert E. Martin, I have the honor and pleasure of informing you that the Secretary of the Interior, under date of the 28th ultimo, advises this Department that the governor of the Territory of Arizona has been instructed to investigate the complaint so far as to the hiding place of Martin being within that Territory, and that should he be found within that jurisdiction the authorities there are to take such measures as may be within their power to break up any band of robbers led by him and to preserve peace upon the frontier between the two countries.

Accept, &c.,

WM. M. EVARTS.

No. 491.

Mr. Evarts to Señor Navarro.

DEPARTMENT OF STATE,
Washington, January 14, 1881.

SIR: I have the honor to acknowledge the receipt of your two notes, dated, respectively, November 15 last and the 27th ultimo, in which further complaints are made against a band of thieves, headed by one Robert E. Martin, whose depredations upon citizens of Mexico this government seriously regrets and hopes to prevent.

To this end copies of your notes have been forwarded to his excellency the governor of Texas, with a request that whatever measures may lie within his excellency's power for the arrest and punishment of the guilty persons may not be spared, as well to protect our interests as those of Mexico, which have suffered by their acts, by the arrest and punishment of the guilty parties.

Accept, &c.,

WM. M. EVARTS.

No. 492.

Mr. Evarts to Señor Navarro.

DEPARTMENT OF STATE,
Washington, January 29, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 16th of November last, complaining of the acts of public officers and a portion of the populace of the town of Laredo, Tex., whose shots, fired at escaping prisoners from the jail at that place, crossed the Rio Grande and landed on Mexican territory.

In reply, while expressing my regret that such occurrences should have happened, I have the pleasure to inform you that the necessary steps have been taken through the competent authorities of this government, with a view to the effectual stopping, if possible, of such practices, and to the maintenance of the cordial relations now happily uniting the two governments.

I avail, &c.,

WM. M. EVARTS.

No. 493.

Señor Navarro to Mr. Evarts.

[Translation.]

LEGATION OF MEXICO,
New York, February 10, 1881. (Received February 15.)

Mr. SECRETARY: I have the honor herewith to inclose a copy of a note which the department of foreign relations has addressed to me, instructing me to give notice to the Government of the United States (as I hereby do) of its intention to terminate the convention of July 10, 1868, concerning naturalization and citizenship, at the expiration of the twelve months mentioned in article 5 of said convention.

I avail myself, &c.,

JUAN N. NAVARRO.

[Inclosure.—Translation.]

Señor Mariscal to Señor Navarro.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, January 11, 1881.

As the President desires to conclude a new treaty with the Government of the United States, in relation to naturalization and citizenship, that may be more in accord with the laws of mexico than is the convention which was concluded July 10, 1868, he desires that, in accordance with article 5 of that instrument, you should notify the United States Government of the desire of this government for its termination at the expiration of the twelve months mentioned in the aforesaid article.

You will consequently be pleased to send a copy of this note to the honorable Secretary of State, and to inform this department of the date of such communication.

I renew, &c.,

MARISCAL.

No. 494.

Mr. Evarts to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, February 19, 1881.

SIR: I had the honor to receive upon the 15th instant the note of Mr. Navarro, the chargé d'affaires *ad interim* of Mexico, bearing date the 10th of the present month, in which, by direction of his government, he has informed me that it is the desire of Mexico that the treaty between it and the United States of July 10, 1868, concerning naturalization and citizenship, shall be terminated at the expiration of the twelve months, as provided for in article 5 of such convention.

Observing that due note has been taken of this announcement, I take the present occasion to offer, &c.

WM. M. EVARTS.

No. 495.

The President of the United States to the President of Mexico.

[Telegram.]

WASHINGTON, *March* 5, 1881.

The President of the United States sends to the President of the Republic of Mexico the cordial congratulations of the government and

people of this country upon the successful completion, by submarine cable, of connections between the telegraph systems of the two countries.

It must be a great satisfaction to your distinguished predecessor as well as yourself to see so beneficent a fruit from the wise policy of your successive administration.

No. 496.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, April 13, 1881. (Received April 14.)

Mr. SECRETARY: Referring to the communications of this legation of August 28, and December 27, 1880, and in order that the Department of State may be informed with regard to some facts of great importance to the security of the border districts of Sonora and Arizona, I inclose an extract from the reports recently received in relation to the matter by this legation.

In a dispatch recently addressed to the undersigned by the department of foreign relations of Mexico, the undersigned is instructed to call the attention of the Department of State to the importance of adopting, as speedily as possible, measures for the repression of robbery in the region in question, inasmuch as such repression will doubtless have a beneficial influence upon trade between the two republics as well as upon the relations between the inhabitants of the frontier districts.

In obeying these instructions I have the honor, &c.,

M. DE ZAMACONA.

[Inclosure.—Extract from report made to Mexican legation.]

The Arizona newspapers, in various articles published on the 20th, 22d, and 24th of February last, call the attention of the United States Government to the frequency with which depredations are being repeated in the State of Sonora, by bands of outlaws organized on the soil of the United States. The governor of Arizona Territory has sent a petition to Congress, asking that measures may be taken for the preservation of peace and order on the frontier, and suggesting that a force of 100 men be raised at once, to be stationed there.

The Arizona Daily Star of February 24 says that not a day passes without the commission of some new depredations; that on that very day (the 24th) news had been received of the theft of 85 head of cattle from the lands belonging to the Atchison, Topeka and Santa Fé Railroad, which was supposed to have been committed by one "Billy the Kid," a prisoner who had broken jail in New Mexico.

These bands of desperadoes steal cattle from the American side of the boundary line, and sell them in Sonora and Chihuahua; they then steal other animals in those States, which they sell in Arizona and New Mexico.

Mr. D. J. M. Elias, a resident of San Pedro, in the State of Sonora, has preferred a complaint through the consul of Mexico at Tucson, and this complaint has been published in the Fronterizo. It refers to the thefts and outrages of which Mexicans residing in Sonora are victims, and the writer begs that his complaint may be transmitted to the legation of Mexico at Washington, to the end that the United States Government may be asked to remedy the evils which he describes.

The Daily Arizona Journal published an article on the 31st ultimo in relation to the depredations in Sonora, which contains the following passage:

The thieves and desperadoes who rendevous on the American side of the line have become unendurable. They are described as being worse than the Apaches in the heyday of their career. The citizens appeal to Americans who are coming in this way to

properly represent the matter to their government and intercede in their behalf. * * * Is it possible that within the boundaries of the best organized government on the planet, a few outlaws, the whole number probably not exceeding 100, can band together, defy the civil authorities, and, while taking advantage of the security our soil affords, reach out and paralyze the industries of a neighboring State? Are there no means in the hands of our authorities by which these outrages can be checked? Cannot the marshal summon a posse and throttle these ruffians?

It is hinted that there is no provision for the payment of the officers for such work, but can there be a doubt that Congress would promptly meet such a contingency with a special appropriation?

The good name of the country is at stake—a paramount consideration; but far more even than this hangs upon the proper settlement of this question. Sonora is rapidly filling up with Americans. The advantages to be derived from commercial and social intercourse between the two countries have been acknowledged and elaborated by our most prominent citizens and statesmen.

Our territory has an immediate personal interest in the question. We want their trade and they want our goods. The chances are all in our favor, with proper treatment; but because of the wholesale spoliation that has been perpetrated by these border ruffians, the people of that portion of Sonora are growing suspicious.

No. 497.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, April 19, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in further relation to the outrages committed by outlaws along the frontier districts in Mexico from the Territory of Arizona, and suggesting in the interest of peace and prosperity between the governments of the United States and Mexico that measures be speedily taken for the suppression of the depredators.

Accordingly, I have the pleasure to inform you that a copy of your note has been communicated to the Secretary of the Interior, for his information and such future action as he and the authorities of the Territory of Arizona may be able to pursue to the desired end.

Accept, &c.,

JAMES G. BLAINE.

No. 498.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, April 19, 1881. (Received April 21.)

Mr. SECRETARY: Although the undersigned is aware of and deplores the peculiar circumstances which disturb social order in the districts bordering on the Rio Grande, and to which the Department of State refers in the note with which it was pleased to honor this legation under date of the 15th instant, he nevertheless deems it his duty to inform the United States Government of certain facts which are of common occurrence in that region, and which are of such a nature that they are well calculated to stimulate the zeal of the governments of both repub-

lics in using the power at their disposal to afford greater security to the inhabitants of the border, as well as an administration of justice more in accordance with the existing laws and treaties.

The Mexican consul at El Paso informed this legation in the early part of this month that, on the 28th ultimo, a Texan gendarme (constable?), named James Gillett, crossed with a companion from the village of La Isleta to Zaragoza, Mexico, and arrested an American citizen who had resided there for several months, and who was charged with complicity in a murder. The accused was brought to this side of the line without any form of extradition, and the Department of State will see, by the inclosed extract from the El Paso Times, by what a savage proceeding he was deprived of life.

The consul who sends this intelligence says that he will soon send this legation the documentary evidence collected by the Mexican authorities in the town where the capture took place, for the purpose of showing that it was carried into effect without any of the formalities prescribed by the extradition treaty between Mexico and the United States. I was unwilling, however, to delay sending this communication until the receipt of that evidence, since the inclosed article from the Times clearly shows the arbitrary manner in which the alleged murderer was arrested, and because, if any considerable time were allowed to pass, difficulties might arise as regards the apprehension and punishment of the parties who have claimed, in this instance, to punish one crime by committing another, which is condemned both by common justice and by international law.

I entertain the confident hope that the Department of State will make use of the foregoing information, and that it will endeavor to amplify it by such means as are at its disposal, and by taking measures to cause the Texan police to respect the requirements of the extradition treaty.

I have, &c.,

M. DE ZAMACONA.

[Inclosure.—Extract from the El Paso Times of April 8, 1881.]

CONKLIN'S MURDER AVENGED.

Captain Giliett, who a few week ago arrested Onofrio Baca, one of the assassins of Conklin, of the Socorro Sun, several miles down the river on the Mexican side, delivered up his prisoner, and the following from the Las Vegas Gazette shows how the people afterwards got away with the brute:

"Onofrio Baca, the principal in the murder of A. M. Conklin, editor of the Socorro Sun, and the news of whose capture was given in the Gazette yesterday morning, was brought to Socorro and there taken in hand by the vigilantes and strung up to the cross-beams of the gate in the court-house yard until he was dead. Baca was captured by Texas Rangers in Old Mexico. They took him without warrant, and brought him across the border. Once on American soil, he was safe enough. He was brought up to San Marcial and detained there until night. His wife met him at San Marcial, and with the certain knowledge of the doom hanging over the prisoner the meeting was very affecting. About twenty of the friends of Baca from Socorro went down to meet him at San Marcial. As they were passed down they thought money unnecessary, but in coming back the conductor demanded fare, and not having cash they were fired out of the caboose. Baca was brought upon a freight, arriving at Socorro near midnight. He was taken to the jail, but the vigilantes gathered in force and hung him."

No. 499.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, April 28, 1881.

SIR: Referring to my note of the 19th instant in reply to yours of the 13th relative to the depredations upon citizens of Mexico by outlaws, presumed to have their lurking place in Arizona Territory, I have now the honor and the pleasure to inform you that the Secretary of the Interior advises me that he has requested, by his letter of the 21st instant, the governor of that Territory to exert all means within his power to suppress such disturbances and to maintain quiet on the frontier.

Accept, &c.,

JAMES G. BLAINE.

No. 500.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, May 3, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 19th ultimo, relative to the employment of the power of both governments to impart greater security to the inhabitants on the border between the United States and Mexico.

In reply, I have the honor to state that this government will heartily co-operate for the purpose with that of the Mexican Republic. The case of Captain Gillett of the Texan military service, to which you refer, strongly illustrates the necessity for such co-operation. The act of that officer in abducting from Mexico, without judicial warrant, a person charged with crime seems not to be excusable. This Department has written to the governor of Texas upon the subject, and has suggested that such orders be issued to the commander of their military force as may be practicable to prevent abuses.

Accept, &c.,

JAMES G. BLAINE.

No. 501.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, May 24, 1881. (Received May 25.)

Mr. SECRETARY: An incident which has been reported to me by the Mexican consul at El Paso (the correctness of whose report is corroborated by the inclosed document) induces me to call the attention of your department to the note which I had the honor to address to it on the 16th day of March, 1880, pointing out some of the causes to which, in

the opinion of this legation, the depredations committed by the savages on the frontier are due, and particularly referring to the location of some Indian reservations, to the permits granted to the Indians to make extended raids beyond the limits of said reservations, and to the reception which they usually meet with on their return from committing ruinous depredations.

The Department of State will observe that those permits are still granted, and that it is believed by the officers belonging to the local police of Texas that the savages who are permitted to leave the reservations situated near the State of Chihuahua are about to select that portion of Mexico as the scene of their forays.

The laudable interest which has recently been manifested by the Department of State in behalf of the improvement of the condition of the frontier districts on both sides of the Rio Grande induces me to hope that it will take energetic measures to remedy the evils referred to in the reports which I have the honor herewith to inclose.

I avail, &c.,

M. DE ZAMACONA.

[Inclosure.]

Captain Baylor to Consul Escobar.

HEADQUARTERS COMPANY A, TEXAS RANGERS,
Marsh Ranch, May 10, 1881.

DEAR SIR: Your note of 7th instant just received, and in reply I would say that I received a letter from commanding officer at Bliss, inclosing letter from officer commanding at Fort Stanton, saying that permission had been given six Mescalero Apaches to go and look for some of their tribe who had been absent from the reservation for some time and who were supposed to be somewhere between the Quitman Mountains and the mouth of the Pecos River. They had permission to be absent from their reservation sixty days, and as the scope of country they are authorized to travel over is nearly 500 miles, they will very likely cross into Chihuahua and depredate on the people there, as has been their custom for years past.

They left on foot; but no one acquainted with Apaches will doubt their riding back, and likely with a drove of horses also. The commanding officer requested me to notify parties in the country mentioned that the Indians were out, and to look out for them and to punish them if they committed any outrages. He also intimated that it was not altogether from choice that he gave them permission to be absent, but that the Indians said they intended to go anyhow, and he thought it best to put them on their good behavior when out. I think the people of Chihuahua and Texas, as well as New Mexico and Arizona, can testify that that question is settled and debatable. I am very sorry I have no copy of the letter to send you, as the one furnished me was sent to the adjutant-general of Texas, for his action. One Congressman had a law passed, prohibiting either officers of the United States Army or Indian agents giving permission to Indians to come into Texas, but the officers were unaware of such a law and the Indians don't regard it. If I had known that the information had not been sent to Col. Joachin Terrazas, I should have posted him myself, and Don Roman Aranda also.

I learned that ten or twelve Indians afoot crossed the stage road between Quitman Cañon some two weeks ago, going towards the springs back of Eagle Mountain. These are, no doubt, the Indians, as they were afoot. I think they are looking for the Indians I fought in the Sierra Diablo last January. I think you can get copy of letter sent me from commanding officer at Fort Bliss. If General Terrazas should get after these and they cross into Texas at the Basque Bonito, I would like to have notice so that I could intercept them at Crow Springs or the Sierra Guadalupe, and I hope the general will follow them into Texas, as I am quite sure the government of Texas would not object.

Very respectfully,

GEORGE W. BAYLOR.

No. 502.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, June 6, 1881. (Received June 7.)

Mr. SECRETARY: The Government of Mexico has sent the two inclosed documents to this legation, with instructions to communicate them to the Department of State. Both have reference to the frequency and magnitude of the thefts committed in the frontier State of Chihuahua by outlaws from Texas, who usually find shelter and a market for their plunder on this side of the boundary line.

The interviews which I have had, since the advent of the present administration, at the Department of State, and some of the communications with which I have recently been honored by the said Department, have convinced me that the Government of the United States realizes the situation of some districts borderng on the Rio Grande, in respect to security for life and property, and that it is disposed to use all the means at its command for the repression of lawlessness; at the same time the facts convince me that the measures which have thus far been taken to that end have not had such an effect as could be desired, and that it is necessary to repeat or add force to them in order that they may prove efficient.

The Government of Mexico, in instructing me to call the attention of the Department of State to the insecurity of the property of stock-raisers in Chihuahua, and to the desirability of vigorous action against Texan cattle-thieves, reminds me that the United States Government has, for a long time, acted upon the principle that it is the duty of a nation to prevent the organization, on its soil, of expeditions whose object is the commission of depredations in a neighboring country, and that, on this basis, certain measures were adopted which are no longer in force, the design of which was to promote the welfare of the two republics and to strengthen fraternal relations between them.

The inclosed documents show up the evil in two aspects, since they refer not only to the robberies committed in Mexico by outlaws having their residence in the United States, but to the dangers to which the owners of the stolen property are exposed when they cross to this side of the Rio Grande, in the hope of recovering it.

The murder of the two young men Jáuregui and Sanchez, which is referred to in one of the inclosed documents, shows the ferocity and audacity of the frontier outlaws, and also (which is a still more serious matter) the apathy of the judicial authorities after they had been made aware of that crime.

The authorities of Chihuahua point out (and with reason) one fact which is deserving of the attention of the Department of State. This is, that when cattle are driven, in the way of lawful trade, from one republic to the other, this fact never escapes the notice of the frontier custom-houses, while the large numbers of cattle stolen in Mexico and driven to Texas go almost unnoticed.

I have written this note without waiting for the full and authentic details of the investigation which is now being held in Chihuahua, and to which allusion is made in the inclosures, because prompt action may be a condition of success in the measures which I hope the Department

of State will cause to be taken in order to facilitate the recovery of the cattle mentioned in the aforesaid documents and in order to strengthen the tenure of property and to impart vigor to the action of the courts on the frontier.

I have, &c.,

M. DE ZAMACONA.

[Inclosure 1—Translation.]

Governor Terrazas to the minister for foreign affairs.

No. 125.] CHIHUAHUA, *April* 28, 1881.

The political chief of the district of Bravos, in a communication numbered 66, and bearing date of the 11th instant, writes to the secretary of this government as follows:

"I have this day addressed the following communication to the second judge of the circuit criminal court of this district:

"The citizens Inocencio Ochoa and Juan José Sanchez have appeared before me and declared that for some days past certain Texans have been stealing from this township cattle belonging to them and to other citizens of Mexico, and that they have positive knowledge that the thieves secretly drive said cattle to a place called Rancho de Santa Teresa, where they kill some and rebrand others.

"And as such disorders call for severe punishment and full indemnity, I bring this matter to your notice, although it is my intention hereafter to report it to the proper superior authorities, and to adopt such measures as may appear suitable, in pursuance of the request of the parties interested. I inform you of this matter, that you may be pleased to hold a proper investigation, the result of which you will send to me for such legal action as may be deemed necessary.

"And I have the honor to transmit the foregoing to you, that you may be pleased to report the matter to the citizen governor, and that he may be pleased, if he shall think proper, to adopt such measures as may be at his command for the prevention of such scandalous proceedings. To this end I shall promptly transmit the result of the inquiry which has been ordered when said inquiry shall have been concluded by the competent judicial authorities."

I have the honor to transmit the foregoing to you for your information, asking, moreover (although I shall send the result of the judicial inquiry in question to the secretary of your government, as soon as I receive it), that you will be pleased to obtain from the citizen President of the republic the adoption of suitable measures for the prevention of the thefts which are now so frequently suffered by our citizens at the hands of certain adventurers from the United States of the North, for this government fears that if these abuses are not corrected, they may give rise to a serious international conflict, since it would not be strange if the citizens of Mexico, seeing that they are robbed of the fruit of their labor, which it has cost them many years of toil to get, should cross over into the territory of that nation, in which case even this government might be unable to prevent such a conflict in due time.

By the inclosed copy of a communication which I have received from our consul at Franklin, and by a slip from the "Progresista," a newspaper published at Paso, you will see that two young men, named Gilberto Jáuregui, and José Sanchez, were treacherously murdered by some Americans while endeavoring to recover some cattle which had been stolen from them, and that the authorities did not cause the arrest and punishment of the murderers. To this fact I beg leave to call the attention of the supreme government.

It is to be remarked that when any cattle are sold by their owners, and driven out of the State, custom-house officers are there in abundance for the purpose of collecting the duties, but when large numbers are driven off by thieves, this goes unnoticed, and the aforesaid officers seem not to have the slightest knowledge of what is taking place.

Liberty and constitution.

LUIS TERRAZAS.

[Inclosure 2—Translation.]

Messrs. Herrera and Gonzalez to the governor of Chihuahua.

CHIHUAHUA, *May* 2, 1881.

We, the undersigned, Herrera and Gonzalez, respectfully appear before the chief magistrate, whom we have the honor to address, and declare that we have certain

knowledge, having been informed by trustworthy persons who have lately passed through the vicinity of San Vicente, that at a place called San Simon, and others near there, all of them being near to the boundary line between Mexico and the United States of North America, there is a considerable number of cattle from our estate "Providencia." The aforesaid persons say that while on North American soil they counted, at various small ranches, more than 400 head of cattle bearing the brand of our aforesaid estate Providencia, which cattle rightfully belong to us, we never having sold or transferred them, but they having been stolen from our pastures. We are, therefore, obliged to bring this matter to your notice, you being the governor of the State, for the prevention of the evils that would arise from a conflict between the American authorities and the keepers of the cattle, who claim the stolen animals wherever they may be found. Moreover, in behalf of the property on the estates of the frontier, we earnestly beg you to be pleased to order that proper means be used to enable us to recover the cattle which belong to us, but which are now in the United States of the North, before they shall be killed by the parties who stole them.

We think it proper for us to state that we also have knowledge that cattle belonging to other Mexican citizens are likewise held by thieves in the United States. The undersigned, therefore, not only in their own behalf, but in that of others, respectfully ask that measures may be adopted, without delay, for the recovery of the cattle thus stolen.

Feeling confidence in the energy and sense of justice of the high officer to whom we apply, we again offer him the assurance of our highest respect.

HERRERA AND GONZALEZ.

No. 503.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, June 27, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 24th ultimo, relative to the raids into Mexico from the United States by certain reservation Indians who were granted permission to go in search of some of their missing tribe.

A copy of your note has been communicated for the information of the Secretary of the Interior, who has been asked to adopt all proper and needful precautions against similar recurrences.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 504.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, July 5, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 6th ultimo, relative to the complaint of the Mexican Government regarding cattle-stealing from Mexico by bands of thieves domiciled in Texas, and to inform you that this Department will do all that lies within its power towards checking these thefts.

To that end I have addressed both the Secretary of the Interior and the governor of the State of Texas in the matter, furnishing them with copies of your note, and requesting that such measures as may lie within their respective jurisdictions may be promptly and energetically adopted to correct and prevent any abuses which may be found to exist.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 505.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, July 18, 1881.

Mr. SECRETARY: Referring to the communication which I had the honor to address to your Department under date of the 24th of May last, I now inclose an article from the El Paso Times, which was sent me by the Mexican consul at that place, and in which the decided opinion is expressed that the Indians who were permitted to leave their reservation, and to whom I referred in my aforesaid note, entered the State of Chihuahua, as it was feared they would do, where they have committed various outrages, among them the murder of the American engineers of the Central Railway and the robbery of a stage, on which latter occasion they killed one of the drivers and took an American passenger prisoner, who, according to statements published in the Washington and New York papers, has since been put to death by the savages.

The article which I inclose, and the note with which it was sent to me, contain the very obvious suggestion that the booty obtained by the murders, among which are some very conspicuous articles, may facilitate their identification on their return to the reservations where they in all probability belong. This fact induces me to send this information without delay, in the hope that the Department of State will be pleased to make use of it, and to take such measures as may be in its power in order to put a stop to the practice of granting leaves of absence to the Indians on the reservations, concerning which I have, in the name of my government, presented complaints which are being most fully justified by the facts.

I renew to you, Mr. Secretary, the assurances of my highest consideration.

M. DE ZAMACONA.

[Inclosure.—Extract from the El Paso Times of July 8, 1881.]

DEVILS' DEEDS—APACHES AGAIN ON THE WAR PATH IN CHIHUAHUA—THEY KILL FIVE ENGINEERS OF THE MEXICAN CENTRAL RAILROAD—THEY ALSO ATTACK THE CHIHUAHUA STAGE—ONE DRIVER KILLED AND A PASSENGER CAPTURED—THE ESCAPE OF THE OTHER DRIVER AND PASSENGERS.

Last Friday morning Mr. W. P. Shields and a small party left this city for Chihuahua, by private conveyance, taking the more direct road over the sand-hills. They were intending to inspect some mining property along the line of the Mexican Central Railroad. Sunday morning they abruptly returned to the city with the news that five men had been killed by the Indians about 40 miles below the city. When about that distance out of town they met two Mexicans, who were very much frightened. They reported discovering the bodies a short distance ahead, and warned Mr. Shields's party to return. They went on, however, until they reached the scene of the massacre, and a terrible sight presented itself to their eyes. Four partially decomposed bodies lay strewn about, and one in an ambulance, which had been nearly consumed by fire. The party were very apprehensive of the return of the Indians, and after securing some letters, &c., from the bodies, made haste to return to this city. The letters evidently belonged to employés of the Mexican Central engineer corps, and they were turned over to Colonel Vaughn, chief engineer of that road.

Governor Anthony notified Lieutenant-Colonel Gallardo, who at once departed for the scene with a detachment of cavalry, accompanied by five Americans whom Gov-

ernor Anthony sent out to identify and bury the bodies, locate the scene, and take possession of the effects. While the people were anxiously awaiting further details, rumors of different parties being with the engineers were rife, and fears were especially entertained that Messrs. Upham and Slade, who were expected to return shortly, were among the unfortunate party.

Monday noon a coach on the new stage line arrived in the city. The passengers were besieged for news of the massacre. Mr. A. R. Hammond, of the new line, was interviewed by a reporter, and stated that at San José they were informed of the presence of Indians in the vicinity, and that a small party had been hovering about the road. As there were several passengers on the coach, however, and all well armed, they proceeded on their journey, taking the precaution to keep their arms in their hands, and be ready at any moment for an encounter. A short distance this side of Lucero, they thought they saw Indians lurking, and, whipping up the horses, they fired several volleys at the supposed Indians. But the fire not being returned, it is supposed that they were only imaginary red-skins. They came on to the city without further incident. It is now known, however, that at about that point, two hours afterwards, the Chihuahua stage was attacked. Mr. Hammond reported also that he was bringing some stock along for the new stage line, and that, the night before, while it was being herded, the Indians had run off eleven head.

While waiting for further news of the disaster, popular excitement was thrown into fever heat by the receipt, by Governor Anthony, of a letter from Mr. Slade, which, though assuring him of the safety of himself and Mr. Upham, conveyed the startling intelligence that the Chihuahua stage had been attacked, the driver killed, and one of the passengers taken prisoner by the Apaches. Governor Anthony at once repaired to Fort Bliss, and urged upon the military authorities the necessity of prompt measures for the rescue of the prisoner and the cutting off of the Indians at Quitman Cañon should they attempt to cross the river in that vicinity, as it was thought was their intention. Captain Brinkerhoff replied that he would have to receive orders, but would probably be able to send out a detachment the following morning. This, however, he was unable to do, as the detail was not received until Wednesday. The troops leave to-day for the Sacramento Mountains, where they will catch any of the Mescalero Apaches who may be either going to or returning from Mexico. The detail consists of Lieutenant Guilfoyle with twenty men, and the band of scouts under Frank Bennett, chief scout.

The Mexican military authorities, however, upon receiving notice of this last outrage, promptly responded, and Monday afternoon a detachment of Mexican soldiers left for the vicinity of the Guadalupe Mountains.

Messrs. Upham and Slade arrived in the city Monday evening, very much fatigued by their journey. They brought the following details of the attack upon the stage:

They were traveling from Chihuahua to this place by private conveyance, little dreaming of danger lurking on the road. On reaching San José they were notified to look out, as Indians had been seen in the vicinity. Somewhat surprised, though not much alarmed, they proceeded to Lucero, arriving there about six o'clock Sunday morning. Here they met Mr. A. V. Comstock, of California, who narrated a most thrilling story. Mr. Comstock, who is visiting the mines in this part of the country, in the interest of J. W. Mackey, the bonanza king, is a brother of the famous discoverer of the Comstock lode. He and Mr. Thos. K. Pugh, of Ohio, were the only passengers on the Chihuahua stage, which left this place Friday night. The coach had two drivers, and everything went well until Sunday morning about three o'clock. The second driver was driving at the time, the first driver being asleep in the boot. At this time, and when within about six miles of Lucero, the lead mules became frightened at something invisible to the driver and stopped. The sudden stopping awakened the first driver who asked what was the matter. The second driver replied, "Nothing, I guess," and cracked his whip. Immediately a volley of rifle balls were discharged at the driver from a distance of several rods in front of the stage, which killed him instantly and shot the lead mules. The wounded and frightened animals wheeled shortly off to the right and turned about half around. Upon hearing the discharge of firearms, the first driver knew well whence it came, and slipping down from the boot, he thrust his head in at the stage door and saying hurriedly, "Get out, Indians," was off. Mr. Comstock discharged one shot in the direction of the Indians and leaped out. He went off some distance from the road and then bethought himself that Pugh did not immediately follow him out of the stage, but that he seemed to be fumbling about the coach, either dazed or in search of his pistol. This recollection came to him momentarily and in a confused way. He then heard four or five shots and supposed poor Pugh was done for. Not knowing anything about the country, he was undecided which way to take, but judging from the time they had traveled since leaving the last station, he thought another station ought to be near at hand, so, keeping off the road, he continued in the direction in which the coach was traveling and in a short time reached Lucero. Shortly afterwards the first driver came in. In a couple of hours Messrs. Slade and Upham came along, traveling in the opposite direction. Upon hear-

ing the story these two gentlemen sent the driver towards Carrizal, where troops were stationed, with the information. The driver met an officer with a small detachment of troops on the road. Upon learning the news, the officer dispatched one of his men to Carrizal, with instructions to risk killing the animal he rode, in order to reach there as soon as possible. The driver then returned to Lucero, and was there when Messrs. Slade and Upham left.

After sending the messenger for troops, these gentlemen and Mr. Comstock very cautiously approached the scene of the disaster and beheld a terrible sight. The coach had been set on fire, the ruins of which were still smoldering when the party reached the spot. The ground was strewn with papers and letters and various other articles. The second driver and two mules lay dead, the Indians having captured the other two mules.

The body of Pugh was nowhere to be seen. A careful examination was made of the vicinity and it was found that the scene of the attack was an open level plain, without brush or any natural place of concealment. The Indians had dug pits alongside the road, wherein they had concealed themselves and awaited the coming of the coach. From the number of the pits it was judged there were twelve Indians, and it was evident they had awaited the coach quite a while from the packed appearance of the freshly-stirred earth and the smoked cigarettes lying about. Upon gathering up the letters, papers, and other effects lying about, a sheet of paper was discovered standing on edge and leaning against a small bush. It was discovered to be a letter originally written by Mr. Ugarte, of Paso del Norte, but on the back of the sheet, which had been left blank, was written the following sad story:

"Messrs. McMANUS AND SONS, *Chihuahua, Mexico:*

"Pay to bearer one hundred dollars. Draw on State National Bank, El Paso, Texas. I am a prisoner.

"THOS. K. PUGH.

"Apaches have got me. Hurry after me."

Across the writing was the word "Notice" in large letters. It is supposed that Pugh had been bound, while the Indians were going through the mail-bags, and as they tore open the letters they threw them on the ground. The wind was blowing from the east at the time, and this sheet was fortunately blown to where Pugh lay. Thus we are enabled to surmise what will be his terrible fate. As mercy is an unknown element in the composition of the Apache, we can only believe his lot will be to endure the most horrible torture known to a fiendish race.

Among the litter about the coach was quite an amount of Mexican paper money which they had torn in pieces; several papers and photographs belonging to Mr. Pugh. These latter were mutilated and cut, as if they had been human beings, and it afforded the devils as much pleasure as they probably anticipated in the slow death to which they have devoted their most unhappy victim. In the stage were also several hundred yards of ribbon, some of it very costly, the blocks on which it had been wound being found amongst the *débris*. It was known that considerable silver and American greenbacks were on the coach, but none of it can be found. It is therefore concluded that the Indians have carried this off, and together with the ribbon it may yet prove the means of their capture. Thomas Key Pugh was the son of ex-Senator Pugh, of Ohio, also son-in-law of ex-Governor Hendricks, of Indiana.

Mr. Slade immediately returned to Lucero and obtained a courier whom he dispatched to this place with the news, and the courier reached here Monday morning, as stated above. Mr. Slade brought with him, to mail upon reaching El Paso, a letter from Mr. Comstock to his wife in San Francisco.

Tuesday afternoon the party returned who went out to identify the bodies of the engineers. They buried the bodies, made a map of the spot, collected such effects of the murdered men as were obtainable, and returned.

From Mr. Upham we learned such of the particulars of this massacre as are presented. The party consisted of Guy Leavitt, leveler; L. W. Fordham, rodman; George Wallace and Charles H. Grew, chainmen, and Charles Haines, teamster. They left the engineers' camp at Almos de Pena on the 28th of June at 5 o'clock in the morning, to come to work on the upper end of the Mexican Central Railroad. They were well armed with revolvers and rifles, but evidently apprehended no danger. As near as can be learned, they were attacked Thursday night or Friday morning. They were, no doubt, taken by surprise. The body of Grew was found half burned in the ambulance at the side of the road. The rest escaped the first fire. The bodies of Leavitt, Fordham, and Wallace were found side by side about 200 yards from the wagon, where they probably made a stand against their pursuers. Haines succeeded in getting nearly a quarter of a mile from the scene, and was ascending a hill when overtaken. Wallace, after he fell, mortally wounded, took out his pocket-book and buried it in the sand at his feet. The Indians coming up dashed his brains out. The pocket-book was found, as were other letters and papers belonging to the murdered men, which were turned over to Colonel Vaughn, chief

engineer. Here also there was strewn about considerable mutilated Mexican paper money, but no silver or American money. This indicates that they were Indians belonging to the United States and intended returning to this country.

If our Indian agents only use proper vigilance, they can identify this band when they return to their reservation. This is the same band that attacked the stage, where they obtained the colored ribbons. As they will most probably bedeck themselves with the ribbon, it will prove a means of their capture. It is estimated that there were about ten Indians in this fight.

Commandante Leon, of the Mexican custom-house, has received a letter from Colonel Gailardo dated at Luno, Colorado, on the 5th, stating that the party of Americans who accompanied him from here last Sunday found over $900 belonging to the engineer party. He also sent in several letters belonging to the murdered men, and says he has gone towards Lucero, following the trail of the Indians.

The scene of the stage disaster is 26 miles south of east from the scene of the engineers' massacre. At Lucero two roads branch, both leading to Paso del Norte. That taken by the engineers was the one across the sand-hills and is the more westerly and more direct, it also being near the projected line of the Mexican Central Railroad. The one on which the stage was attacked is the regular stage road and went more easterly toward the Rio Grande at Guadalupe, whence it follows up the river to Paso del Norte, thus avoiding the dreadful sand-hills. The distance from the scene of the last catastrophe to the river near Quitman, whence the Indians are supposed to be going, is about 100 miles.

There are now three bodies of Mexican troops out after the Apaches; the one under Colonel Gailardo in person, which left Sunday over the sand-hills and is following the trail; one which left Carrizal the same day, coming this way and expected to meet Colonel Gailardo, and the detachment sent out from here Monday afternoon to intercept the redskins in the Guadalupes.

Should the Apaches cross the river near Quitman they might meet with a reception from Colonel Baylor and his rangers, who are in that vicinity, and escaping all these the United States troops and scouts will have a chance to run across them going to the Mescalero reservation. So the chances for the escape of the red devils are somewhat limited.

No. 506.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, July 25, 1881.

Mr. SECRETARY: In amplification of my note of the 19th of April last, and referring to that of the Department of State of May 3, both of which had reference to the abuses frequently committed by Texas police officers, who cross the frontier and exercise jurisdiction in Mexico, I now have to inform you that this legation has recently been advised that similar abuses are again being committed at various points on the line which separates Mexico from the United States.

According to reports received from the custom-house at Palominas, Mexico, and from the Mexican consul at Tucson, a sheriff, accompanied by three men, crossed the dividing line on the 3d of February last (having come from Tombstone, Ariz.) and, without complying with the formalities prescribed by the extradition treaty, captured a fugitive criminal and returned with him to Arizona.

In view of these facts, the Government of Mexico has instructed me to present a formal demand for the punishment of the officers who shall be found to have been guilty of such irregularities, and to state, in its behalf, that the desire on its part, to secure the adoption of penal and repressive measures, is inspired not only by a sentiment of wounded national dignity, but by solicitude for the re-establishment of respect

for law and treaty in the frontier districts of both countries, this being a matter in which both republics are equally interested.

I reiterate to you, &c.,

M. DE ZAMACONA.

No. 507.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, July 26, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant accompanied by an extract from the El Paso Times, of the 8th of the present month, relative to certain United States reservation Indians who have committed depredations and murder in Mexico, while on leave of absence.

I have communicated a copy of your note and of its accompaniment to the Secretary of the Interior for his information and for such action as he may properly cause to be taken in the matter.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 508.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, August 2, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, in relation to the crossing into Mexico from Tombstone, Ariz. of a sheriff and three persons who captured a fugitive criminal and returned with him to the United States. You consequently point to this as a violation of law and treaty obligation and ask that the guilty parties may be properly punished.

In reply I have the pleasure to inform you that a copy of your note has been communicated to the Secretary of the Interior, who has been asked to direct that proper measures be taken by the Territortal authorities for the punishment of any guilty parties and for the future maintenance of law and treaty obligations in such matters.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 509.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 8, 1881.

Mr. SECRETARY: The newspapers of to-day publish two dispatches, which the Department of State will find in the inclosed slips, and which

refer to the alarming increase in the depredations of the Apache, Mescalero and Navajo Indians in the frontier districts between Mexico and the United States. I call the attention of the department to these dispatches, not so much on account of the testimony which they bear in relation to the magnitude of the evil, as on account of the fact that, while they point out the causes, they also furnish proof of the statements made by this legation in its notes of March 16, 1880, and of May 24 and July 18, 1881, touching the results to which the location and management of certain Indian reservations lead.

These results are felt in a peculiar manner in Mexico, as the Department will see by another dispatch which appeared in the papers on Saturday last, and which I likewise inclose. It is therein stated that the Mexican Government has been obliged to organize military operations on a large scale against the Indians who cross the frontier and devastate certain districts of the neighboring republic.

I flatter myself with the hope that the Department of State will be pleased to utilize the information contained in these dispatches, and to cause such measures to be taken by the proper authorities as the case demands, the necessity of which I had the honor to point out as long ago as during the spring of 1880, in my aforesaid note of March 16.

I reiterate, &c.,

M. DE ZAMACONA.

[Inclosure 1.—Extract from the National Republican, August 8, 1881.]

WITH THE RED SKINS—THE SITUATION SAID TO BE SERIOUS—WHAT GENERAL HATCH SAYS ABOUT IT.

CHICAGO, *August* 7.

A Times special from Santa Fé, N. Mex., dated Saturday, says:

"General Edward Hatch, accompanied by Lieutenant Steadman and Major Henry, left this afternoon for Fort Craig to personally direct the movements of the troops now out after the renegade Apaches from the Mescalero Agency, where depredations have already been reported.

"General Hatch thinks the situation serious as the Navajoes are very restless and chafing under an agent, Galen Eastman, whom they hate. General Hatch informed the Times correspondent that he had sent five companies of cavalry and about 40 Indian scouts against the Apaches. The rest of the Ninth Cavalry is on active duty in the Blue Mountains in Utah, and the infantry garrison at Forts Wingate, Stanton, and Bliss must be left intact to keep the agency Indians in check.

"The Mescaleros, of whom there seemed to be at first about 30, must have been joined by some Navajoes and probably by some Navesbalds from Chihuahua. Their recent victory over a party of citizens, and the capture of 30 head of horses from the latter give the Indians an advantage which may induce some more of the Navajoes to join them. However, Guilfoyle's Indian scouts and a company of the Ninth Cavalry have already struck their trail, and news of a fight is hourly expected. Another party of Indians stampeded and captured 8 horses from a Mexican train on the Jornado Del Muerto, while still another party captured all the horses of Warner & McConkey's stage line to the Black Range, 20 in number, and wounded the two herders. Thus far eight Indians have fallen in the raid.

"The Mescalero Indian Agency is to blame for all of this, as it is favorably situated as a starting point for raids and a secure haven of refuge when the Indians are too closely pressed. For six months last year the Mescaleros were disarmed and kept prisoners by the military and were kept quiet. As soon as the military are withdrawn they commence their deviltry, slipping off by twos and threes, combining at some place of rendezvous, committing murders and depredations, scattering and doubling on their trails, and by-and-by appearing within the agency limits as good Indians.

"More troops are needed, and until the Indians are entirely disarmed and dismounted no peace can be expected."

LAS VEGAS, N. MEX., *August* 7.

A dispatch to the Gazette says Nane, with 50 renegade Apaches, crossed the line of the Atchison, Topeka and Santa Fé Railroad, near Eagle Station, on Friday, in the direction of Argha Mountains, near where Lieutenant Guilfoyle had his first brush with the band.

[Inclosure 2.—Extract from the Critic, August 6, 1881.]

FROM THE MEXICAN CAPITAL.—WAR OF EXTERMINATION AGAINST INDIAN DEPREDATORS.

CITY OF MEXICO, *August* 6.

* * * * * * *

General Boquet has left the city for Chihuahua to assume command of the troops in that district. His orders from the government are understood to be to collect and combine such of the scattered forces of that State as can be got quickly together and carry on a war of extermination against Indian marauders who have crossed the border, and who are reported as devastating the country.

No. 510.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 8, 1881.

Mr. SECRETARY: The consul of Mexico in Arizona recently advised this legation of the hanging of certain Mexicans near Willcox, stating that the competent authorities had made no investigation such as the case demanded, and did not seem disposed to bring the guilty parties to justice.

As the sheriff of Pima County, according to the consul's report, had taken some cognizance of the matter, the consul was recommended to procure some information, if possible, from that officer. The result has been the note of which I inclose a copy.

The aforesaid sheriff therein states that a number of persons, usurping the functions of the proper authorities, declared the Mexicans in question to be thieves, and thereupon hung one and retained the other in custody. The whereabouts of the latter is as yet unknown.

The most remarkable feature of the communication to which I allude is that the officer from whom it emanates justifies the outrage referred to, considering it as beneficial and necessary.

I should insult the Department of State by pointing out the absurd and alarming character of such a view of the case, and the necessity of not permitting said view to impair the guarantees that should be enjoyed by Mexican citizens residing in Arizona, according to the general principles of law, and to the treaties between Mexico and the United States.

I therefore confine myself to requesting the Department to be pleased to urge the competent authorities, through the proper channels, carefully to investigate the case to which this note has reference (and of which it appears that the civil officers of Arizona already have knowledge), to the end that the parties who shall be found guilty may be punished as they deserve.

Be pleased to accept, &c.,

M. DE ZAMACONA.

[Inclosure.]

The Sheriff of Pima County to the Mexican consul at Tucson.

JUNE 30, 1881.

In reply to your communication of May 27, 1881, I have the honor to send you the following report:

A large number of horses and mules was stolen on the 15th of March, 1881, from the ranches on the Gila River, in the neighborhood of Safford and Solomonsville, in Graham County. The owners of the stolen animals, to the number of about twenty, two-thirds of whom were natives of Mexico, followed the trail and pursued the thieves. They succeeded in capturing José Ordoña and Rafael Salcido, who had d sposed of the animals and were returning to the Gila River. José Ordoña, who was recognized as a horse and cattle thief, was hung by the pursuing party, and Salcido was compelled to go with them and show them where they had hidden the animals. He took them to the valley of San Simon, and almost all the animals were found through the information given by him. The party returned to the Gila River, bringing Salcido with them, and I have as yet received no positive information as to what they did with him. I think, however, that I shall be able to give you positive information in a few days.

The southeastern portion of the Territory has been under the control of the worst and most desperate class of outlaws, both American and Mexican, and an example was needed in order to put an end to so deplorable a state of affairs. I do not know of a single instance in which an innocent person has been hung or killed by good and law-abiding citizens.

R. H. PAUL.

No. 511.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 15, 1881.

Mr. SECRETARY: I have the honor to bring to the knowledge of your Department an article taken from the "Daily Arizona Citizen" and a telegram coming from the Mexican consul at Tucson, both of which refer to the injuries which are being caused to the citizens of Mexico by organized bands of cattle-thieves from this side of the frontier.

The matter has been the occasion of certain representations of the said consul to General Willcox, Major Biddle, and Marshal Evans. The latter told him that he was awaiting orders from Washington touching the means of undertaking the pursuit of the marauders.

I trust that in view of this intelligence your Department will be pleased to take prompt and efficacious steps which may result in checking the evil which gives occasion to this note, and which is daily assuming greater proportions.

I have the honor, Mr. Secretary, &c.,

M. DE ZAMACONA.

[Inclosure 1.—Telegram.]

Señor Morales to Señor de Zamacona.

TUCSON, ARIZ., *August* 12.

Outrages continue. Yesterday cow-boys attacked Mexicans at Ochoville. One wounded; one horse killed and all they possessed stolen.

V. MORALES.

[Inclosure 2.—Extract from the Daily Arizona Citizen, of August 1, 1881.]

AN INTERRUPTED BREAKFAST—A PARTY OF MEXICANS BESET WITH COW-BOYS AND ROBBED OF $4,000 AND MULES—FOUR OF THE MEXICANS MISSING.

Report comes to us of a fresh outrage perpetrated by the cow-boys in Sonora. Early last Monday morning a party of sixteen Mexicans from the interior of Sonora, on their way to this Territory to purchase goods, and carrying $4,000 for that purpose, stopped at a curve in the road at Los Animas, near Fronteras, to prepare their frugal breakfast. While busily engaged preparing their tortillas, they were saluted with music of twenty rifles fired by cow-boys, who lay in ambush awaiting them. The Mexicans took this as an invitation to leave, and did not stand on the order of their going, but left all their mules and pack-saddles, in which they carried their money for the purchase of goods. When they stopped running they were at Fronteras, and their party was four short.

The missing men are supposed to have been killed. The citizens of Babispe and troops are after the cow-boys, and are disposed to take summary vengeance if they overtake them.

No. 512.

Mr. Hitt to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, August 16, 1881.

SIR: Adverting to your complaint of the 25th of July last, relative to the crossing into Mexico of a sheriff and party, and the capturing of a fugitive criminal who was brought back into this country, I have now the honor to inform you that the Acting Secretary of the Interior has advised this Department, under date of the 9th instant, that the governor of Arizona Territory had been instructed to investigate the subject, and to take all proper measures for the punishment of any guilty persons, and for preservation of peace along the frontier.

Accept, sir, &c.,

R. R. HITT,
Acting Secretary.

No. 513.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 18, 1881.

Mr. SECRETARY: The consul of Mexico in Arizona has recently sent me a report, accompanied by corroborative documents, among which are official dispatches from the governor of Sonora and the prefect of the district of Arispe, in that State, stating that a caravan composed of sixteen Mexican residents of Babispe and Bacerac, who were on their way to Arizona Territory, was attacked, in the Sarampion Cañon, three miles from the boundary line between the two republics, by a large number of outlaws from this side of the frontier, who robbed the parties composing it of $2,500 in money, and of more than twenty animals. Nine persons, moreover, of those who had belonged to the caravan were missing.

A few days afterwards a train of wagons belonging to Mexicans and Americans was robbed at a place called Soldier Holes, 25 miles from Tombstone, on which occasion it is noteworthy that the property of the Americans was respected, the thieves driving off none but the animals which belonged to the Mexican teamsters. A recital of the incident will be found in the inclosed slip, which is taken from the Tombstone Daily Nugget.

It is far from being my purpose to occupy the attention of the Department of State with a detail of the crimes which it is the duty of the local frontier police to investigate and repress; yet the repetition of cases similar to those just recounted, and the usual inefficient action, not to say inaction, of the local authorities in regard thereto, compel me to bring the matter to the notice of the Federal Government, since the interest which it feels in the improvement of the condition of the frontier districts has just been made manifest by the instructions transmitted by the Secretary of the Interior to the governor of Arizona, which were communicated to me by the Interior Department with its note of the 6th instant.

It would be well if those instructions could be supplemented by an urgent recommendation to that officer to use all the activity and rigor that are allowed by law against the outlaws known as cow-boys, who have rendered property in live stock so insecure on both sides of the frontier.

I take pleasure in reiterating to you, Mr. Secretary, the assurances of my consideration.

M. DE ZAMACONA.

[Inclosure from the Daily Nugget, August 9, 1881.]

ANOTHER OUTRAGE.

About the middle of last week a train of teamsters, comprising both Mexicans and Americans engaged in hauling lumber from Moses' mill in Chiricahuas, camped at the well-known watering place, Soldier Holes, some 25 miles from this place, and in the morning the cattle belonging to the Mexicans were missing. During the night some parties unknown, but supposed to be cow-boys, rounded the stock up and drove them off. It is supposed that they were American thieves, from the fact that the oxen belonging to the American teamsters were not disturbed, and the feeling against all Mexicans has been very intense since the Fronteras killing. The Mexicans were afraid to follow the trail, fearing that they would be killed in case they attempted to recover their property.

No. 514.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 18, 1881.

Mr. SECRETARY: With much gratification this legation has learned of the instructions which have been given to the governor of Arizona to investigate the abuses complained of to your Department in my note of the 25th of July last, to the end of procuring the punishment of the guilty parties, and for maintaining, if possible, order and peace in that part of the frontier. The note which under to-day's date I address to your Department concerning the recent crimes committed by organized

parties of evil-doers from this side of the boundary line, and of which several Mexican residents of the State of Sonora have been the victims, will amply show your Department how well founded are the instructions given to the governor of Arizona, and how gratifying it will be if they can be carried into effect.

I repeat to you, Mr. Secretary, upon this occasion, the assurances of my deepest consideration.

M. DE ZAMACONA.

No. 515.

Señor de Zamacona to Mr. Blaine.

[Translation.]

LEGATION OF MEXICO,
Washington, August 18, 1881.

Mr. SECRETARY: Referring to former communications in which I have spoken of the permits given to the Indians to quit the reservations to which they belong, and of the deplorable effect which such a practice has produced in the security of the frontier States of Mexico, I have the honor to call the attention of your Department to the inclosed extract from a report made by the agent at Mescaleros Agency, wherein proof is seen not only of the fact of leave being given in one case, but also that it had been granted for the specific purpose that the Indians in question might cross into Mexico. The agent adds that subsequently, and in virtue of military operations, these Indians were driven towards the south, and gathered until they formed a party of 70, which has committed its usual depredations.

The governor of the State of Chihuahua, within whose jurisdiction the sanguinary rapacity of the Apaches has recently been strikingly manifested, asserts moreover with reference to the testimony of officers belonging to the garrison of Fort Bliss, that from the reservation of San Carlos there have been allowed to cross into Mexico 40 Indians and 30 squaws who have committed innumerable murders and robberies in that State.

I permit myself to repeat, in view of these facts, the observations which, in my previous dispatches on this subject, I have had the honor to present to the attention of your Department, and I urge upon it anew the necessity of putting a stop to the practice referred to in this note, a practice of whose pernicious consequences the frontier States of Mexico are unceasingly complaining.

I repeat to you, Mr. Secretary, the assurances of my distinguished consideration.

M. DE ZAMACONA.

[Inclosure.—Extract from National Republican of August 16, 1881.]

THE APACHE INDIAN OUTBREAK.

A report has been received at the Interior Department from United States Indian agent Llewellyn, at the Mescalero Agency, New Mexico, relative to the recent depredations committed by the party of Mescalero Apache Indians now on the war-path. Concerning the cause of this outbreak Agent Llewellyn writes, under date of July 28:

"It seems that some few months since a lieutenant of the Army, then stationed here, gave a written permit to three Indians at this agency *to go to Old Mexico* and bring back a party of their friends who they claimed had left at the time of the Victoria troubles. This party was due home three weeks ago, and at that time attempted to come in, but were chased and driven into the mountains 30 miles from the agency to the south. Since that time they have made, according to the statement of one of the packers for the scouts, three ineffectual efforts to get into the agency, being prevented each time by the scouts and soldiers. Finding that they could not return to the agency, as they had been led to believe they could, they concluded to go on the war-path. I learn, on good authority, that there are about 70 Indians in this party. The Indians here feel badly that their friends could not be permitted to return, but all unite in telling me that they will remain quiet and show the Great Father that their hearts are good."

No. 516.

Mr. Blaine to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, August 29, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant in reference to the proceedings of a mob near Willcox, Pima County, Arizona, which resulted in the hanging of one man and the mysterious disappearance of another, who was held a prisoner in the hands of those engaged in the outrage, and I also acknowledge the receipt of your notes of the 15th and 18th instant, respectively, both referring to cases of plunder by marauding bands, unfortunately so common to both sides of the border between the two republics.

Replying to these several notes I do myself the honor to state for your information, and for that of the government you so worthily represent, that I have addressed a letter to the governor of Arizona, inclosing a copy of each of the notes in question and requesting him to institute an investigation, under the direction of the United States district attorney or such other Federal officer as he, the governor, might deem proper to select, into all the facts and circumstances of the affair in Pima County, and urging upon his excellency at the same time the importance of using every available means within the power of the territorial executive authorities to have the instigators and perpetrators of the outrage discovered and brought to trial.

In this same communication Governor Frémont was requested and earnestly urged to adopt such measures as, in his judgment, might prove most effective in promoting increased vigilance on the part of the local authorities of the border counties of Arizona, with a view to the suppression of these lawless raiding parties who appear to be organized on each side of the boundary line for purposes of robbery and indiscriminate plunder.

The fact is too well authenticated to be unknown to the Mexican Government, as it is well known to this, that these bands are generally, if not altogether, made up of Mexicans and Americans who give themselves no care as to the nationality of their comrades in crime, and entertain a common disregard for the laws of either country.

While these conditions exist it is only by corresponding vigilance of the authorities on either side of the line that a suppression of these marauding bands can be hoped for. I can give you the assurance that no effort will be spared by this government which may give promise of that result.

I will lose no time in acquainting you with the proceedings of Governor Frémont in regard to the Pima County occurrences, when he shall have made the results known to the Department.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 517.

Mr. Hitt to Señor de Zamacona.

DEPARTMENT OF STATE,
Washington, September 27, 1881.

SIR: Adverting to your note of July 25 last concerning the alleged illegal arrest in Mexico of a fugitive criminal from Arizona, I have now the honor to inclose for your information a copy of a letter from the acting governor of the Territory of Arizona, of August 26 last, in which it is stated that the proper steps would be taken to ascertain the facts of the complaint.

Adding that the inclosed communication has been received with a letter from the Secretary of the Interior, of the 14th instant, I profit by this occasion to renew to you, sir, the assurance of my highest consideration.

ROBERT R. HITT.
Acting Secretary.

[Inclosure.]

Mr. Gosper to Mr. Bell.

EXECUTIVE DEPARTMENT, TERRITORY OF ARIZONA,
August 26, 1881.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing copy of a note from the minister of Mexico calling attention to the violation of the treaty between the United States and Mexico, in that a sheriff of one of the counties of this Territory had crossed the boundary line and arrested a fugitive criminal and took him from Mexican territory without complying with the formalities of the extradition treaty. In answer, would say that the proper steps shall be taken to ascertain the facts of the case.

I have, &c.,

JOHN J. GOSPER,
Acting Governor.

THE NETHERLANDS.

No. 518.

Mr. Birney to Mr. Blaine.

[Extract.]

No. 178.] LEGATION OF THE UNITED STATES,
The Hague, April 4, 1881. (Received April 19.)

SIR: * * * During my residence here, while making historical investigations, I have ascertained two facts that I think of sufficient value to have a place upon the records of the Department of State. One is that the flag of the United States received the first formal salute from an official of the Dutch Republic. The other is that the first republic that sent an ambassador to the United States was the Dutch Republic, and he was accredited before the declaration of peace.*

I will take this opportunity to give some details of the appointment and reception of the Dutch ambassador, and make the saluting of the flag the subject of another dispatch.

For the facts in regard to the ambassador I am much indebted to the "*Vaderlandsche Historie*," vols. 13 and 14, published in Amsterdam in 1794. It is to be remembered that at that time the Netherlands, consisting of several provinces or states, represented in the legislative body, known as the "Staats General," was a republic.

In the year 1782, John Adams, who, as, a commissioner with Franklin and Jay, had been at Paris for some time to negotiate the treaty with Great Britain that was signed September 3, 1783, visited the Netherlands and spent some time at the Hague. He came for the purpose of effecting a loan in behalf of the United States and succeeded in obtaining one of 5,000,000 florins. While here he did much by personal intercourse with leading men to excite a desire for commercial intercourse with the United States. In the state archives I saw an outline draft of a treaty in the handwriting of John Adams, though, if I mistake not, at the time he was first here he was not commissioned to execute a treaty. It is, however, substantially the same as that signed on the 8th of October, 1783. When he returned to Paris, he left American interests in charge of a Mr. Dumas, an educated Frenchman, who had been his secretary.†

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* NOTE BY THE DEPARTMENT OF STATE.—While Mr. van Berckel was the first minister accredited by a republic to the United States, Mr. Conrad Alexander Gerard was the first minister received. Mr. Gerard presented his credentials to the President of Congress as minister plenipotentiary of France July 14, and had his public reception by Congress August 6, 1778. He signed, at Paris February 6, 1778, with Franklin, Deane, and Lee, the treaties of alliance and of amity and commerce between the United States and France. Mr. van Berckel was admitted to an audience by Congress October 31, 1783.

† It is deserving of note that the copy of the treaty above referred to, on file in the archives here, shows that the version in English is only signed by John Adams, and the Dutch version only by Dutch plenipotentiaries, and it has been so published in the Dutch books. This oversight would not be tolerated in a modern diplomat. He could at least have it in a neutral language.

When it reached the Congress of the United States the question arose whether it could be ratified, as neither version was sufficiently signed.

Mr Madison in his report of the debates of Congress under date January 23, 1783, speaking of the report of the committee to whom the treaty had been referred, says: "Both the committee and Congress were exceedingly chagrined at the extreme incor-

The first movement in favor of sending a minister plenipotentiary came from the city of Dadrecht. It was promoted on the ground of commercial advantages and as an acknowledgment of courtesies received. The Staats General readily acceded to the plan and announced that it was designed to send a plenipotentiary for the purpose of cultivating good relations between the two republics, and to settle questions of commerce and of "sailing matters." It was concluded that the expenses should be chargeable to the War Department. The yearly salary was fixed at 20,000 florins, and for outfit and traveling expenses, 24,000 florins were allowed, together with 12 florins per day from that date until the salary commenced running.

There was a general concurrence of expression in favor of Mr. Pièter Johan van Berckel as the most approved man for the mission. He had been a judge as well as burgomaster of Amsterdam, and was brother of the burgomaster of Rotterdam. It was said of him that he was a native Netherlander; that he ardently maintained the greatness of his vaderland; that he was one who had not been spoiled through pride of position, and that neither himself nor family was controlled by any man; that he had a good many ways suited for success in the new part of the world, and to obtain the favorable regard of a growing people; and that also he understood commercial business.

The Staats General ordered that the government man-of-war, the Overissel, commander Captain Riemersma, should be in readiness for the conveyance of Minister van Berckel and his *suite*. The committee of the navy advised the high officers in charge of the preparation that it would be safer, as well as more respectful to the new republic, to send with the minister a convoy of war ships. In accordance with the suggestion, the man-of-war, the Erf Prius, of fifty guns, under the command of Captain Aberson, together with a frigate of thirty-six guns, the Briel, under Captain Bols, and the brigantine, the Windhame, under Lieutenant Coverts, accompanied the minister's ship to North America to secure for him a safe voyage and to add dignity to his mission and to the country that sent him.

When taking his leave of the Staats General he delivered a parting address, which seems greatly to have pleased the Netherlanders. Here it may be remarked that at the period mentioned ministers from abroad when arriving and home ministers when setting off were received in open session of the Staats General, and this was also the usage in the United States until the Constitution was adopted.

The spirit of Mr. van Berckel's address may be inferred from some of its leading ideas, thus substantially expressed:

HIGH AND MIGHTY SEIGNEURS: I cannot deny that the commission with which you have intrusted me gives me great pleasure. It will afford me opportunity to look at a people who are commencing to grow, and who are in the eye of all Europe, and for the founders of whose government every free Netherlander feels the greatest sym-

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rectness of the American copy of this national act, and it was privately talked of as necessary to admonish Mr. Adams therof, and to direct him to procure with the concurrence of the other party a more correct and perspicuous copy. The secretary asked the direction of Congress whether both columns or the American only ought to be inserted. In general, the members seemed to disapprove of the mode used."

On the 29th of the same month the errors of the American copy were severely criticised, and Mr. Fitzsimmons proposed to have a revision, and called upon the committee to give some explanation. Mr. Madison, as chairman of the committee, said that besides the incomplete signing, "the inaccuracies and errors consisted of misspelling, foreign idioms, and foreign words, obscurity of the sense, and there would be no objection if Congress were disposed to instruct Mr. Adams to substitute a more correct counterpart in the American language." Mr. Adams was then a younger man than when he became President.

pathy—a government organized much like that which our forefathers have bequeathed to us.

These people have shown bravery enough to fight against the greatest power of the earth and have also sacrificed their blood and their treasure to gain their independence. It will be pleasant to me to make known your good feelings to them and to do al in my power to bring closer the friendship of the two republics and to build up the commerce of the two countries. I think that such a mission, sent by order of your highnesses will be received with open arms by a people who have shown since the commencement of the war for independence a feeling to be in close alliance with the government of your highnesses.

In concluding his address, he said:

The fact that I am first selected to go to the new-born among the independent states of high rank—one with which all the nations of Europe are seeking to make treaties—will not blind me from looking carefully to the duties of the new career now opened to me. Setting off in a new way, with no precedents to guide me, I must look diligently to my work.

Gentlemen, it is not strange, therefore, that sometimes I fear I will not be able to meet your expectations. The only thing that can make me easy is this: It is to have your good wishes. My firm resolve is to do all I can to make my mission result in benefit to my vaderland and to secure for commercial citizens all the gains that can be derived. May this new opportunity enable us to recover some of the loss lately experienced.

The portrait of the minister represents him as wearing the gray wig in fashion at that time, with cue pendant, ruffles of lace, and full diplomatic costume.

During the latter part of the summer of 1783, Mr. Pieter Johan van Berckel sailed, attended by the fleet of war ships, and arrived safely at Philadelphia. Before he reached port, news had arrived in America of the signing of the treaty of peace at Paris between the United States and Great Britain. He gave notice of his arrival to the presiding officers of Congress, which was then in session at Princeton, N. J., and asked to be informed when his reception would take place. The last of the month was appointed, at Princeton, a place the historian describes as not much known, but at which Congress was sitting temporarily. The day before the time appointed, Mr. van Berckel set off in his own coach, attended by his *suite*. When within four miles of Princeton, a company of the Life Guards of Washington met him and escorted him to town, where General Lincoln, Acting Secretary of War, and some prominent members of Congress, received him in the name of Congress and conducted him to the house of the minister of the gospel, which had been made ready for his accommodation. Soon after the presiding officer of Congress called upon him. The next day [October 31, 1783] he drove to the house of Congress in his coach. General Washington, the Minister of Finance, other gentlemen of high position, and ladies of distinction were present to witness the ceremony and to show respect to the first minister from Netherlands.

When the minister was presented to Congress, he addressed the body in the Dutch language. It is stated that although few present understood him clearly, yet that his manner was so pleasant that the impression he made was very good. His exordium was in this strain:

GENTLEMEN AND MEMBERS OF CONGRESS: Before I make known the duty with which my masters have honored me, allow me to express on this occasion the very great happiness it gives me, not only to be allowed to come before these honorable members, but also to see in the persons of these same honorable members the brave people upon whom the present generation looks with such great admiration, a people who will always be looked upon as model lovers of their country, and whose services can only be rewarded in Heaven. While the whole of Europe is looking upon your undertaking, my masters have felt special sympathy when they remembered the dangers and trials their own forefathers had before they were able to throw off the burden that had so long kept them down. They knew more than other people the value of independence, and could well understand your wishes. They were happy in

all your successes with true love for your country, and rejoice in the result which has crowned your labor.

He continued in this agreeable style for some time, and concluded by saying:

For myself I shall try, without secret ways and with that true uprightness which best shows the character of a true republican, to gain the confidence and friendship of your members and the respect of the entire American nation.

When Mr. van Berckel closed he delivered his credentials to Mr. Boudinots as chairman of the body. The book at this stage gives an engraved picture of the minister in the attitude of addressing Congress. While speaking, his chapeau is held under his left arm, and the members are in the continental costume.

Mr. Boudinots in behalf of Congress made an appropriate reply. After this presentation there was a dinner given by order of Congress to the Netherlands minister. Washington, Boudinots, Greene, Wayne, officials of the government, and others were present. On the two following days, Washington and Boudinots each invited the minister to dine, and in great style, as it is stated. Very soon after Mr. van Berckel reciprocated these compliments by giving a grand dinner to officials and the members of Congress.

As confirming this account of the excitement which the arrival of a foreign minister at that time made, I find, by turning to the Madison Papers, that in a letter written by Mr. Madison to Edmund Randolph, and dated, "Princeton, August 30, 1783," he makes this remark:

During this contest among the rival seats, we are kept in the most awkward situation that can be imagined, and it is the more so, as we every moment expect the Dutch ambassador.

In another letter to Mr. Randolph, dated October 13, 1783, Mr. Madison says:

Mr. van Berckel arrived a few days since. Congress are in a charming situation to receive him, being in an obscure village, undetermined where they will spend the winter, and without a minister of foreign affairs.

As indicating the style which the minister from the Dutch Republic thought would accord with the demands of his position, another letter of Mr. Madison to the same gentleman may be quoted. He says:

In answer to the comment in your last letter on the reception of a minister from the economical republic to which we are allied, it will suffice to inform you that, in pursuance of a commission from him, six elegant horses are provided for his coach, as was to have been one of the best houses in the most fashionable part of the city. Wherever commerce prevails, there will be an inequality of wealth, and wherever the latter does, a simplicity of manners must decline.

Mr. van Berckel continued to serve the Netherlands as minister plenipotentiary for four years, after which he made his residence in Newark, N. J., until 1800, when he died.

Some two years ago I collated the facts in regard to Mr. van Berckel at the solicitation of a member of the Historical Society of New York. I have no knowledge of their having been published.

I am, &c.,

JAMES BIRNEY.

No. 519.

Mr. Birney to Mr. Blaine.

No. 179.] LEGATION OF THE UNITED STATES,
The Hague, April 11, 1881. (Received April 23.)

SIR: Until a recent date, it had been accepted as historically true that the first salute to the flag of the stars and stripes of the Republic of the United States of America was given by the French. This opinion was sustained by the authority of Rear-Admiral Preble, of the United States Navy, and his belief was founded upon an entry in the diary of a surgeon on board of a United States ship, who stated that on the 14th February, 1788, the ship saluted a French ship, which returned the salute by nine guns.

A prospectus has been sent me of a new book just published by Rear-Admiral Preble, entitled "A history of the flag of the United States of America," but not having seen the work itself I have not learned whether he has recognized the facts herein to be recited. A member of the Historical Society of New York, in a magazine article, about three years ago, called attention to my letter to Governor Prescott, and alluded to the conflict between the facts related by me as to priority, and the one given by Admiral Preble, but the attention of the admiral may not have been called to it. If his recent book avows no alteration of opinion as to when the first salute was given, it is so far defective.

As the fact as to when, where, and by whom the flag of the United States was first saluted by an official of a foreign government is regarded by many of historical importance, and as I have been able to find, in the royal library of the Netherlands, at the Hague, material which clearly shows that the flag of the Republic of the United States was formally saluted by the guns of the forts upon an island of the West Indies, by an order deliberately given by the Dutch governor thereof, on the 16th of November, 1776, I deem it proper to place on record the proofs of the fact that they may be preserved for the convenient reference of any who may be interested.

Soon after taking charge of this legation a letter was sent to me, written by Mr. B. F. Prescott, then secretary of state, since governor of New Hampshire, in which he says:

> DEAR SIR: I inclose an article which I prepared for a newspaper in this city. I made a statement in the October number, 1874, of the Historical and Genealogical Register, published in Boston, that John de Graef was the first foreign magistrate to salute the stars and stripes. Commodore Preble, United States Navy, subsequently quotes from the diary of Dr. Ezra Green in proof that the French admiral referred to in the article above was the first person to salute the stars and stripes.
>
> It is a matter of some historic importance, and I write this note to ask you to aid me, if you can, in ascertaining the precise date of De Graef's salute. He was recalled by the home government, as appears in the correspondence, on complaint of the English Government.
>
> A transaction of that importance is no doubt recorded in the archives of the Dutch Government soon after the Declaration of Independence, and possibly the very day of the salute, evidence of which I greatly desire.

The facts disclosed in the article to which Governor Prescott refers are these:

> In the representatives hall of the State of New Hampshire, is a portrait somewhat peculiar in its appearance, not only in the style of the painting, but in the dress and position. This portrait represents Hon. John de Graef, governor of Saint Eustatius, one of the Dutch West India Islands, from about 1770 to 1780. It is said that he was the first foreign magistrate who saluted the stars and stripes after independence was declared in 1776, and as such it makes him a very important personage in our history as a nation.

Dr. Ezra Green, in his diary, while he was surgeon on the Continential ship-of-war Ranger, from November 1, 1777, to September 28, 1778, on Friday, February 13, 1788, says: "Set sail for Quiberon Bay, Mr. Williams and brother on board; in company with us, brig Independence; anchored in the bay about six in the evening; four ships of the line, besides frigates in the bay. Saturday, February 14, very squally weather; came to sail at 4 o'clock p. m.; saluted the French admiral and received nine guns in return. This is the first salute paid the American flag.

It was upon this entry of the surgeon that Rear-Admiral Preble gave the credit of the first salute to the French admiral.

On the 9th of June, 1837, Governor Isaac Hill, of New Hampshire, sent the following message to the legislature of that State:

To the senate and house of representatives:

From Mr. F. W. Cragin, a native of this State, and now a resident of Surinam, in South America, I have received the portrait of John de Graef, esq., formerly governor of one of the Dutch West India Islands, called St. Eustatius, intended as a present to the State. This gentleman is said to have been the first foreign magistrate who officially acknowledged American independence, after it was declared in 1776, returning the salute of the national ship which bore the official dispatches announcing that fact. The painting represents de Graef in his official dress and as holding the American dispatches in his hand. The letter herewith communicated from Paul Cragin, jr., esq., brother of the donor, presents a more full description. The portrait is at the disposal of the legislature.

The legislature accepted the present, and by a public resolution thanked the donor. Governor Prescott adds: "The portrait is authentic and historic, and we think no other State in the Union possesses it."

In the letter of Paul Cragin, jr., there is the following statement to the governor, dated at Nashua, June 2, 1837:

SIR: I transmit to you a portrait which my brother F. W. Cragin, residing in Surinam, South America, ordered to be taken for the purpose of presenting it to his native State. It is the portrait of John de Graef, who was, between the years 1770 and 1780, commander of one of the Dutch West India Islands, called St. Eustatius; his office was the same as governor, but his title commander. The painting was taken from one in possession of his grandson then in Surinam, since removed to Barbadoes.

My brother writes: "The history given by this gentleman, and what made it interesting to me, was briefly this: On declaring their independence the Americans sent dispatches to the several countries and governments; many were interrupted by the English, and the vessel that carried the dispatches to Holland was taken and carried into Liverpool; but the Andromeda that sailed for St. Eustatius arrived safely, making a short voyage. She came to, and made the island with the star-spangled banner waving at mast-head, a sight entirely new and strange to St. Eustatius. The commander of the island, Hon. John de Graef, on learning the object of this visit and the determination of the Americans, ordered a national salute to be fired from his guns in answer to the one fired by the Andromeda, and he was said to be the first foreigner who saluted the nation's flag. The commander of the British forces, then in the West Indies (I think General Ross), sent a complaint to the King of England who again complained to the King of Holland, then styled Prince of Orange, that the Dutch as neighbors and in good faith ought not to salute the rebel flag."

After receiving the request of Mr. Prescott, I made examination at the Royal Library at the Hague, with the aid of its accomplished librarian. I searched the books published soon after the period referred to. In an old book entitled "*Netherlandsche Jaerboken*," or Dutch annals, containing cotemporaneous accounts of "remarkable histories that occurred in the United Provinces, or in the countries of the States General," the style by which the Republic of the Netherlands was then known, I found the information I sought in complete and satisfactory shape. It is undisputably shown that on or about the 16th of November, 1776, Johannes de Graef, governor by appointment of the Staats General of the Netherlands, of the Dutch Island of St. Eustatius of the West Indies, did, after due consideration and consultation, order to be fired from the guns of the forts a full salute to the new flag of thirteen stripes of the American colonies.

This history sets forth on account of rumors reaching the neighboring English Island of St. Christopher that ammunition and goods were furnished to the rebels of the American colonies by the inhabitants of St. Eustatius, and that a salute had been given to a vessel bearing the flag of the Continental Congress, by direction of the authorities of that island. Christer Greathead, the governor of the English island addressed a letter of remonstrance to Johannes de Graef, complaining especially that a vessel bearing a flag with thirteen stripes, belonging as he said to the rebels of the American colonies, had been saluted with honor shots. This letter of remonstrance was written on the 17th of December, 1776.

Johannes de Graef, on the 23d December, 1776, replied to the English governor, as the historian says, in a "sedate and manly manner." As to the salute he wrote:

In regard to the reception given by the forts of the island, under my commandment, I flatter myself that if my masters exact it, I shall be able to give such an account as will be satisfactory.

To this letter the governor of the English island made a reply on the 26th of December, same year, and when referring to the salute of the American flag, he uses the following language:

The impartial world will judge between us, whether those honor shots, answered on purpose by a Dutch fort to a rebellious brigantine called the Andrew Doria, with a flag known to the commander of that fort as the flag of His Majesty's rebellious subjects, is or is not a partiality in favor of these rebels and a public offense done to His Majesty's flag.

The English governor in order to have a solid foundation for his complaint and the report he intended to make to the home government then had depositions taken of witnesses who were present at the time of the salute. They gave the date and the circumstances. One of the affidavits is made by a young man who was born on the island of Barbadoes, was the son of a merchant there, and was sent by his father to be educated at Princeton, N. J. He was first sent to Philadelphia and placed under the care of Messrs. James & Dunker, merchants in that city. These guardians soon confided him to the care of Rev. Dr. John Witherspoon, who was president of the college, and not long after chosen as a member of the Continental Congress from the province of New Jersey.

When he had been at Princeton for three years, having been sent from Barbadoes in the year 1773, he was allowed by his guardians to come to Philadelphia to spend there the vacation of the fall of 1776. While he was there and when taking a walk one evening with his schoolfellow, George West, of Carolina, they were suddenly impressed by sailors and compelled to go on board a brigantine, equipped by Continentals, called the Andrew Doria, and put into service. The vessel was commanded by Captain Robinson, was mounted with fourteen double fortified four-pounders, with fourteen or sixteen swivel guns, manned by a hundred men or thereabouts, and was then lying in the Delaware River at Gloucester, about four miles from Philadelphia. He states that the vessel reached St. Eustatius about the middle of November, that she saluted the fort of Orange with thirteen shots, and that after a small pause the salute was answered from the fort, the brigantine during the time of the salute and the answer to it having the flag of the Continental Congress flying.

The name of this witness was John Trottman. He is confirmed by James Fraser, who deposed that he learned when on shore that the captain of the fort at first hesitated to return the salute, and went to

the governor to receive his orders, and then answered the salute. These witnesses were sustained by the affidavits of John Dean and John Spicer.

Christer Greathead, governor of the English island, having obtained these affidavits sent the entire correspondence with the papers containing the proofs to Lord George Germain, secretary of the King at London, with a letter of explanation. Then Sir Knight York, ambassador extraordinary and plenipotentiary of His Majesty the King, February 21, 1777, addressed a complaining and menacing communication to the Staats General of the Netherlands demanding satisfaction.

The Dutch Republic referred this letter to its minister of foreign affairs. On the 26th March, 1777, Count von Welderen, envoy extraordinary and plenipotentiary of the Dutch Republic, replied, in an address to the King of England, saying that while his government felt obliged to complain of the reproachful and menacing tone of the memoir sent them, the facts would be inquired into, and for that purpose orders had been issued to Johannes de Graef, governor of St. Eustatius, requiring him to return home and render an account of his conduct.

On the 11th of May, 1777, the King replied through his secretary of state, the Duke of Suffoik, and expressed his satisfaction that prompt measures had been taken for adjusting the difficulty.

The further examination of the correspondence and the doings of the Staats General show that when the summons reached Johannes de Graef requiring him to come to Holland, he pleaded to be excused on account of the distance and the inevitable sea-sickness that always afflicted him severely. He was, however, required to obey the summons and come. But, as it consumed then many weeks to make the trip, so much time had been spent before he reached Holland in 1778, before matters were in readiness to arraign him before the authorities of the republic, the independence of the colonies was being so generally recognized by the governments of Europe that all necessity for pressing the case had vanished. It may be surmised that the apparent pressure was only to avoid a breach with England. De Graef soon after asked for promotion by title, which it was intended to bestow, but before it was conferred he died.

It is to be noticed that both Mr. Prescott in his article, and Paul Cragin in his letter to Governor Hill, speak of Holland as having a king. At the time referred to, viz, 1776, Holland was a republic, had been for some years previous, and was for some years afterwards.

It is also to be observed that the name of the ship is erroneously spoken of as "Andromeda." It was "Andrew Doria." This was a name well known at that time.

I will append hereto the translations from the "*Nederlandsche Jacrbooken*," which consist of remarks by the historian, letters between the Dutch and English governor, the affidavits of witnesses, and the correspondence between the officials of the governments of England and of the Staats-General, as printed from the manuscript I sent to Governor Prescott, all of which are to be regarded as incorporated in and as a part of this communication.

I am, &c.,

JAMES BIRNEY.

No. 520.

Mr. Birney to Mr. Blaine.

No. 187.] LEGATION OF THE UNITED STATES,
The Hague, July 14, 1881. (Received July 28.)

SIR: I have the honor to state, that soon after receiving your No. 177,* bearing date June 24, 1881, in which you set forth the policy of the Government of the United States in view of the possibility that negotiations might be initiated to obtain the consensus of the great powers of Europe to approve a joint guaranty of the neutrality of the interoceanic canal now projected across the Isthmus of Panama, I had an interview with his excellency Baron van Lynden van Sandenburg, the minister of foreign affairs.

That he might be thoroughly advised as to the position of the United States, I first requested him to read the greater portion of your dispatch, as well as an extract from the inaugural address of the President, alluding to the same subject. During conversation, I learned from the minister that the Government of the Netherlands has not yet been approached from any quarter with suggestion of such a guaranty as referred to above.

He assured me that should there be any proposal of the kind, the Government of the Netherlands would not be unmindful of the interests of the United States, and would not be disposed to be a party to any arrangement which could in any degree be prejudicial to that good will and harmony heretofore characterizing the relations of the two governments.

Although your dispatch intimated no necessity of speedy action, yet in view of my prospective absence for two months I thought it judicious now to learn thus much.

I am, &c.,

JAMES BIRNEY.

PERU.

No. 521.

Mr. Evarts to Mr. Christiancy.

No. 109.] DEPARTMENT OF STATE,
Washington, November 27, 1880.

SIR: I subjoin the text of a telegram which was sent to Mr. Osborn, envoy extraordinary and minister plenipotentiary of the United States at Santiago, by this Department on the 19th instant:

You are authorized to unite with your colleagues in pressing upon Chili the adoption of the measures agreed upon in a diplomatic conference at Lima for securing the lives and property of neutrals when Lima is attacked. This authority is to be used only in case these measures are approved by Christiancy and yourself as within neutral policy and this concurrent representation seems to you useful. You are also authorized to join in asking a direct answer from Chili, if in your judgment the requirement is justified by the situation. Telegraph your action.

I am, sir, &c.,

WM. M. EVARTS.

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*See Mr. Blaine's instructions to Mr. Lowell, No. 187 of June 24, page 537.

No. 522.

Mr. Christiancy to Mr. Evarts.

No. 230.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 22, 1881. (Received February 15.)

SIR: Lima was quietly surrendered to the Chilian forces on the 17th instant. I wished and intended to have given you a detailed account of the events and causes which have led to this result. But on the 15th instant, at 2 o'clock p. m., I went with the whole diplomatic corps to Miraflores, some 5 miles (in a direct line) from Lima, to receive from President Piérola his answer to the terms offered by the Chilian general, Baquedano, through the committee of our diplomatic corps, on the morning of that day (said committee consisting of Mr. Pinto, our dean, and the French and English ministers, who had that morning arranged an armistice to last until 12 o'clock that night for the purpose of getting the answer of Piérola). We found Piérola and his staff at breakfast in a large house at Miraflores, and were waiting for him to come out, and some of his officers were just coming out from the table, when a single heavy gun was heard, and in less than a minute the battle opened along the whole lines, and at a distance of but about 80 rods south of us, the shot, even from the small-arms, pattering thick and fast upon the buildings around us, and the air being filled with flying shells exploding all around us. It is not yet fully known who fired the first gun, but it is, I think, quite evident that both the Chilian commander and Piérola were equally taken by surprise, and the probability is that it was the unauthorized act of some subaltern officer.

The diplomatic corps fled to the rear towards Lima for their lives, and got somewhat scattered, some of them reaching the railroad train (which had taken us out), some distance to the north of the train, and some, like myself, endeavoring to strike the railroad ahead of the train, but being cut off by walls and ditches, were compelled to walk a devious course back to Lima. I was one of the latter unfortunate class, was under the shells of the Chilian fleet and army, falling thick around me, for two hours before I could get out of range, climbing smooth perpendicular walls between fields and around chacras and old buildings, wading water-courses, and traveling some 8 miles to get 4 miles ahead, until my muscular powers were thoroughly exhausted; finding on my return some 600 to 700 refugees, women and children, in the legation, who had sought asylum there, and before 9 o'clock at night over 1,200, which increased next day and night to over 1,500 of all nationalities, and all this while more than half the time I was unable to stand upon my feet from the fatigue.

I have just got rid of the refugees, but the strain upon my muscular powers has been such that even yet I cannot walk or stand for half the time, and yet I am constantly besieged with complaints from Americans, Swiss, and Colombians against depredations upon their persons or property from the Chilian soldiery, which I endeavor to get redressed as well as I can. I am therefore in no condition to give you a detailed statement of events at present, but shall do so as soon as I can.

I will only say here that, from all the reports I hear from every quarter, the Chilians killed all the Peruvian wounded they found upon the field. They deliberately burned Chorillos, after all necessity for such outrages had ended. They did the same with Barranca and Miraflores; and since all the fighting has been over they have burned sugar planta-

tions with standing cane upon them. They have robbed, as I am informed, some haciendas belonging to Colombian citizens, under the protection of this legation, and I fear, also, some belonging to Americans, most of which is doubtless due to the special pains taken by Mr. Montjoy to cause the Chilian officers to believe that I was acting in bad faith towards them, and some of it from the inordinate desire of my colleague in Chili to make himself popular with the government there by assenting and giving currency to the false and vindictive attacks of the Chilian press against me, as I know the basest and most vindictive attacks of their press come from an intimate and familiar friend of my colleague.

The Chilians have, as yet, behaved remarkably well in Lima, and thus far respected their promise to protect life and property; and I must do their officers the justice to say, I think they intend to enforce order in the city and to treat the inhabitants kindly.

Piérola, who constitutes the only recognized government of Peru, was last heard of at Canta, some fifty miles northeast of Lima. He is at present supposed to intend to arouse the interior to arms. But he has no money or arms, and, I think, would have acted more wisely if he had remained here. The Chilians, I feel quite sure, would have treated him kindly, and recognized him as the only government with which they could treat for peace. I think they would be glad to have him return for that purpose. I am quite unable to write you further to-day, as I am scarcely able to be out of bed.

I have, &c.,

I. P. CHRISTIANCY.

No. 523.

Mr. Evarts to Mr. Christiancy.

No. 119.] DEPARTMENT OF STATE,
Washington, January 25, 1881.

SIR: I regret that a report which has been communicated to the Department obliges me to request that you will make a strong representation in the premises to the Peruvian Government, should you find on inquiry that the report is well founded. This report is that the Peruvians have made use, during the present war with Chili, of "boats containing explosive materials" which have "in some instances been sent adrift *on the chance* of their being fallen in with by some of the Chilian blockading squadron." How far the case of the launch to which you refer in your No. 183, which was loaded with concealed dynamite, comes within the description of cases mentioned, the Department has not the requisite data to determine.

It is sufficiently obvious that this practice must be fraught with danger to neutral vessels entitled to protection under the law of nations, and that in case American vessels are injured thereby, this government can do no less than hold the Government of Peru responsible for any damage which may be thus occasioned.

There is no disposition on the part of this government to act in anywise nor in any spirit which may be construed as unnecessarily critical of the methods whereby Peru seeks to protect her life or territory against any enemy whatsoever; but it will appear, I think, to the high

sense of propriety which has in times past distinguished the councils of the Peruvian Government, and which without doubt still abides therein, that in case it is ascertained that means and ways so dangerous to neutrals as those adverted to have been for any reason suffered to be adopted by her forces, or any part of them, they should be at once checked, not only for the benefit of Peru, but in the interest of a wise and chivalrous warfare, which should constantly afford to neutral powers the highest possible consideration.

It is understood that the British minister at Lima may be instructed to make like representations on the part of his government.

I am, &c.,

WM. M. EVARTS.

No. 524.

Mr. Christiancy to Mr. Evarts.

No. 237.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 2, 1881. (Received March 2.)

SIR: I had intended before this time to have sent you a connected and intelligible account of the military operations which culminated in the taking of Lima by the military forces of Chili, and of the correspondence of the diplomatic corps, first with the Government of Chili (through their colleagues in Santiago), and, second, with the general-in-chief of the Chilian forces prior to the battles of the 13th and 15th ultimo, but several causes have prevented me thus far from performing this duty.

1st. I have been ill most of the time since the battle of Miraflores, on the 15th ultimo, in which I was caught, and from which I made my brilliant advance upon Lima, and have been in the hands of a physician until to-day.

2d. I have not been able to get from the dean of the diplomatic corps (Mr. Pinto, minister from Salvador) copies of the diplomatic correspondence above referred to. My clerk has just got the originals and is making copies and translations.

3d. A part of the documents to which I wished to refer (with many other papers relating to the war and the conferences at Arica, which might be necessary to refer to in future correspondence) was sent to the Lackawanna for safe-keeping, until it should be known whether Lima was to be sacked and burned; and this vessel left Callao a week ago for Chimbote, and has not yet returned.

I must, therefore, confine myself to the briefest possible explanation and the most pressing exigencies of the present situation. Lima, through its alcalde (mayor), representing the municipal government, having on the 16th ultimo surrendered at discretion, on the promise of protection to life and property, on condition that their entry should not be opposed and that they should not be fired upon. There was great danger that this last condition would not be complied with and it would not have been but for the Urban Guard, composed entirely of neutrals (who, at the invitation of the Peruvian Government, had for eight or ten days before the first battle protected the city from disorder, but just before the first battle had been discharged by the government, because they had inadvertently stopped one of the ministers of the government in the street

at night). On Sunday, the 16th, the Peruvian army, having been beaten the day before at Miraflores, was completely disbanded, and Lima was filled with them, many of them still retaining their arms, all without organization or officers. They were all negroes, Indians, mulattoes, cholos, and mixed bloods of the lowest order (as there had been no white men in the ranks of the Peruvian army, except in the reserve, consisting of white men from Lima and Callao).

These disbanded soldiers, who had been forced into the army against their will, and were now thrown upon the world as outcasts, who had no place to go to, and no means of supplying themselves with food, and were really suffering from hunger, deserved, as I thought, pity and sympathy. But late in the afternoon (of the 16th) we began—I say "we," for there were at that time in the legation and under my protection some 1,550 women and children—we began to hear firing and cries of rage and of distress along the streets, as if pandemonium itself had suddenly burst up, as with an earthquake shock, along all the streets in the city.

It was soon evident that a concerted and general, though disorderly and riotous, attack was being made upon the poor inoffensive Chinese, their shops and houses, where food was sold in small quantities; but the attack was not confined to these, it extended to almost all the pulperias, or small shops, where food and liquor were sold.

Immediate death by the rifle-shot was the penalty of resistance, and the poor Chinese almost everywhere met the same penalty without resistance. Louder and louder, as the night drew on, and louder and more pervading, horrible, and bewildering as the night progressed, became the mingled cries of vengeance and distress, and louder and ever increasing the roar of rifle-shots along the streets, until their continuous roll resembled that of a regular battle. By 10 o'clock the flames of burning buildings in various parts of the city began to illuminate the skies, and still further to terrify the hearts of the already terrified inhabitants with the prospect of a general conflagration.

Several large buildings were burned to the ground; but, thanks to the mud or clay and reeds which compose most of the buildings of Lima, a fire can spread but slowly, and its spread was checked after several valuable buildings had been burned, among them several large and valuable Chinese stores along the principal streets.

It was a night, or rather a nightmare, of chaos and unutterable horrors, a "triste noche" which defies all analysis or detail of description. But towards the dawn it began to become evident that the demon of chaos and disorder had begun to lose his force; his powers were becoming weak by sheer force of over-exertion; phrenzy had yielded to exhaustion. The Peruvian citizens, however, whose soldiers these rioters had been, were in no position to put them down, and though many of the native citizens of Lima of the better class would have rejoiced to see the reign of terror ended, they seemed utterly paralyzed, as these men were so lately their defenders.

It was now the dawn of day, and the Chilian forces were to enter at 2 o'clock p. m. If these disorderly elements were not subdued before that time there was every reason to fear that some and probably many of them, under the influence of liquor, would fire upon the Chilian forces, and Lima would then be laid in ashes.

But at the terrible moment, when all seemed lost, before the morning sun rose over the Andes a new star of hope made its appearance upon the horizon. Through all the chaotic horrors of the night an element of order, guided by intelligence, had been doing its work, and barbarism and brutality were destined to feel the force of civilization

and intelligence, with an intelligent purpose to enforce order. Though comparatively few in number, the Urban Guard through all the horrors of the preceding night, had been organizing, and with the dawn of day quietly but resolutely took the streets "still as the breeze, but dreadful as the storm." A few of them had pistols, others policemen's clubs. As they came in contact with the armed rabble, often ten or fifteen to their one, they demanded their arms and their surrender. If any one refused this demand he was at once shot or knocked down and killed. The rabble at once realized that here was a power they could not resist. They threw down their arms and fled to their dens or hiding places. A few of the Urban Guards and great numbers of the rioters were killed. This process was still going on at 2 o'clock, p. m., on the 17th. The Chilian commander, learning this, waited for the entry of his forces for some two hours more, by which time order was restored, and all danger of firing upon his troops was over, when he sent in some 3,000 of his best disciplined men, who quietly entered without noise or demonstration of any kind, and Lima was saved from destruction. All neutrals and many of the Peruvians felt a sense of relief upon the entry of the Chilian forces, and, as to neutrals, I think they dread the departure of the Chilian forces as much as they dreaded their entrance; as in case of their departure the neutrals will be subjected to the prejudices, the passions, and the hatred of the Peruvians of the lower orders.

Since that time much of the rest of the army has marched quietly through Lima and encamped outside. General Saavedra is the chief civil governor of Lima under Chilian power, and seems to be doing all in his power to preserve order. Still many horrible outrages have occurred—rapes and murders—probably in spite of the utmost vigilance of the governor, but which would not have happened from a civilized soldiery. And if Chili chooses to employ savages as soldiers she must be held responsible before the world for all such excesses as would not have been likely to have been committed by a civilized soldiery under proper discipline. In the mean time the Chilian commanders are greatly embarrassed by their victory, as they can find no Peruvian government with which they can treat for peace. Piérola, at last advices, was at Tarma, still bent upon pursuing the war, though he has no army, no arms, and no financial resources, and if he insists upon continuing the war will ruin Peru without benefiting himself. He is now, however, inclined to treat under the mediation of the diplomatic corps. But the Chilian authorities, as long ago as the 14th, before the battle of Miraflores, plainly declared to our corps its determination to admit no mediation; and the diplomatic corps will not probably intervene against the will of Chili.

It is now 3 o'clock p. m., and at 5 or 6 p. m. I am expecting a diplomatic meeting to take into consideration a letter of Piérola. If he is not disposed to treat for peace on reasonable terms, I think a provisional government will be installed here, consisting of the municipal authorities and the notables of the vicinity, by whom a treaty of peace will be negotiated, subject to the approval of Congress, which in that event will be convened at the earliest possible moment.

FEBRUARY 4, 1881.—Nothing new has occurred since writing the above.

The neutrals here, who saved the city from destruction by putting down the disbanded Peruvian soldiary, dread the hostility of the Peruvians when the moment comes for the evacuation of Lima by the Chilian forces.

They fear that the "foreigners" will then be accused of having aided the Chilians to take possession of Lima, and that the vengeance of the

lower classes, at least, will be directed against *them* for the very action which saved the city from destruction.

In the mean time it is a most ominous fact that the general-in-chief of the Chilian forces is constantly harping upon what he calls the treachery of the Peruvians in opening the battle of Miraflores during the armistice which had been agreed upon, and this for the purpose apparently of justifying extreme measures of retaliation. The effort seems to be, on the part of the Chilians, to fix upon Piérola the preconceived design of violating the armistice, and in this view the Actualidad of the 31st ultimo contains an article setting forth what purports to be a telegram from a Mr. "Velazco" (some irresponsible person) to the prefect of Callao, stating, on the authority of a report by the Miraflores Railroad that the Peruvians were about to attack, &c. (a copy of which telegram, and the article in the paper, I inclose, with a translation). In reference to this I wish to say, first, that I doubt the authenticity of any such telegram. No Peruvian speaks of that railroad as the Miraflores Railroad. but always as the Chosrillos Railroad. Second, if the dispatch be genuine, it only purports to be a report by the railroad, for which the commander of the Peruvian forces was in no way responsible; and was probably the natural inference of the reporter (whoever he was) from the close and increasing proximity of the lines of the respective armies.

The whole diplomatic corps were witnesses to the utter surprise on the part of Piérola and his staff at the opening of the battle, and all saw the confusion, the surprise, &c., "mounting in hot haste" of Piérola and his staff at the sound of the guns. From all that can be learned, thus far, the surprise was equally great on the part of General Baquedano and his staff. But from the best information I can thus far obtain, it would seem (that though Baquedano had reserved the right to complete the movement of his forces already commenced), the Puruvian forces did not understand that he was at liberty to move up into their very faces, or into their lines, as this would be to make the armistice a farce; and I am inclined to believe that the movement of the Chilians upon the Peruvian lines was such as to induce the latter to believe an immediate attack was intended, and that thus provoked some Peruvians, without proper authority, fired the first gun.

But I will not undertake to decide so grave a question without further evidence. One thing is, I think, entirely clear, that the great mass of the Chilian soldiery came here under the belief that they should be gratified by the sacking and plunder of Lima, and that the general-in-chief, who naturally seeks to retain the good will of his soldiery, may feel a little cramped by the terms of surrender which he accorded at the instance of neutrals, and may therefore not be strongly averse to indulging the general understanding and wish of his soldiers upon any pretext which might excuse it, seems to me not wholly improbable, though I shall be slow to credit this until the event shall demonstrate it; and I hope there may be nothing to afford even the pretext for such indulgence.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in Mr. Christiancy's 237.—Translation.]

THE PERIFIDY OF MIRAFLORES.

CALLAO, *January* 31, 1881.

Editors La Actualidad:

In the account of the battle of Miraflores, given by you in No 78 of your paper, you state that in the Chilian general staff, at first, the rupture of hostility on the part of

Miraflores, the 15th instant, was attributed to the hastiness of some inexpert and nervous Peruvian chief, but that afterwards light was thrown over the subject, and it was discovered that the responsibility of what occurred there rested on the Peruvian dictator. Closing your article, you say that the part of the veil which shadowed over the mysterious tragedy of Miraflores and which the hands of contemporaries did not raise, will be raised by the hands of history.

My purpose, Mr. Editor, is to contribute for my part to that task of serious investigation, communicating to you a document which fully confirms your assurance, and discloses clearly the preconceived treacherous blow which cost so many valuable lives of the Chilian army, and covered with mourning the most respectable homes of the Peruvian capital. That document is the following telegram sent from the palace to the commander-in-chief of Calloa, at 1 p. m., the 15th instant, one hour before the firing commenced.

[Telegram from palace.]

"Mr. PREFECT: From the railroad of Miraflores they communicate *that within a few moments the combat will commence. The line formed, only wait orders to fire. Much enthusiasm.*

"VELAZCO.

"A true copy:

"D. CARRAZCO ALBANO,
"*Secretary-General.*

"Yours, &c.,
(Signed thus:)

* * *"

As it is seen, at 1 p. m., the hour in which the armistice agreed upon the same morning was in all its vigor, and the conquerors of Chorillos were completely careless, in the Peruvian camp of Miraflores one of the most treacherous attacks, and one of which there is no record in history, was preparing, and *the line formed only waited orders to fire* on a credulous and confiding enemy.

As it is seen, an hour before the battle commenced, the army of the Peruvian dictator was ready to fire, and that violent breach of military agreement produced *much enthusiasm* in the ranks of its infractors, instead of serious disquiet.

This is a shameful discovery for the authors of the scandal and specially mortifying to South American soldiers, a discovery which we could leave aside, without commentary, in the archives of human misery, should it not involve lessons, which the directors of the Chilian army should avail themselves of, and the dignity of foreign representatives in Peru should not stand between.

The Chilian military authority will know, doubtless, what is to be hoped of the word and loyalty of a chief who laid for his generous adversary the nameless ambuscade of Miraflores.

The foreign diplomatic corps for its part, remembering the compromising part which they were obliged to perform in the conclusion of the armistice, and the audacious and brutal farce of which its members were the object, making them go to Miraflores in the moments in which, as it resulted in the telegram we publish to-day, the attack was preparing, will no doubt assume a resolute attitude towards the government which used towards them such unjustifiable proceedings.

The faith of the arrangements insolently violated and the stream of Chilian and Peruvian blood shed without object demand an exemplary punishment.

No. 525.

Mr. Evarts to Mr. Christiancy.

No. 123.] DEPARTMENT OF STATE,
Washington, February 10, 1881.

SIR: I have this moment received from Mr. Garcia, the Peruvian chargé d'affaires in the United States, the following telegraphic dispatch, which came by the way of Jamaica:

After two desperate battles, we have evacuated Lima and Callao, to remove pretexts for outrages by the enemy.

The government has retreated to the interior, determined to resist to the last extremity, but without refusing to treat upon bearable (tolerable) bases.
Mr. Christiancy has no instructions.
Arbitration by foreign neutral powers would be the best and most efficacious.
PIÉROLA.

The Chilian minister informed me to-day that he has no information whatever but the public announcement of the occupation of Lima. I am also without any dispatch or telegram from yourself or Mr. Osborn, giving me any information of the recent important results of the war, such as have been publicly reported. Under these circumstances, and in view of the telegram above quoted, I find it necessary to desire you to press upon the Government of Peru, and on such Chilian authorities as you may have access to, the earnest desire of this government to bring about a peace without unnecessary delay and upon reasonable and honorable terms, compatible with the true welfare of all the belligerents, and so as to be lasting.

You will urge the desire of this government with that pressure which appears to you admissible under all the circumstances, and proper to the gravity of the occasion.

I am, &c.,

WM. M. EVARTS.

No. 526.

Mr. Christiancy to Mr. Evarts.

No. 240.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 15, 1881. (Received March 18.)

SIR: I have the honor to inclose to you the copy of a letter of October 5, 1880, written by Mr. Valderrama, secretary of foreign relations, of Chili, to the French minister at Santiago, in reference to the protection of neutral property in the contemplated expedition upon Lima and Callao; also a translation of the same.

Also a copy and translation of a letter of Mr. Pinto (minister of Salvador), the dean of the diplomatic corps in Lima, to the general-in-chief of the Chilian forces, dated December 28th last.

Also a letter of General Baquedano, in reply to last above, dated December 30, 1880.

Also a letter of January 1, 1881, from Mr. Pinto, the dean of our diplomatic corps, to General Baquedano, in reply to his last above, with translation.

Also a copy of a letter of General Baquedano in reply to the last above, dated January 6, 1881, with a translation.

Also a copy of a letter from General Baquedano to the dean of the diplomatic corps, dated Chorillos, 15th January, at 11 p. m., with translation.

No. $\frac{4}{240}$ (above) embodies the principles which I had the honor to submit to the diplomatic corps, on the day of its date, in the shape of a simple declaration of principles adopted by the corps, and stated in a slightly different form in the letter.

I have included all the above that you may have a full view of the correspondence in reference to the transactions alluded to; but the most important of all, in reference to the numerous claims likely to be presented against Chili by American, Swiss, and Colombian citizens,

is the above No. $\frac{1}{240}$. This was written to the French minister in Chili, in answer to a letter of his, in behalf of *all* neutrals here; and the answer No. $\frac{1}{240}$ applies equally to *all*. It was sent by the French minister in Chili to his colleague here and presented to and read before our diplomatic corps, as it was no doubt intended to be.

It will be seen it adopts the very plan of protecting neutral property which had been already adopted by us, and this plan we continued, not only in Lima, but in Chorillos, Miraflores, and everywhere else in Peru; and we trusted and believed that this plan would prove effectual, and that the neutral property, having the placards with the certificates and flag referred to, would be respected by the Chilian forces; at least, that such property would not be deliberately taken or destroyed *without* military necessity. Of course we did not expect such protection against the risks of battle, or those naturally incident to the taking of a town by bombardment or storm, while any resistance was kept up in such town. But, even in such cases, we did think we had a right to rely upon the promise of the Chilian Government, that such property should not be deliberately taken or destroyed, after all resistance and all fighting had ceased, and especially one, two, or three days after, when all necessity for its taking or destruction had ceased.

Now, it clearly appears from the official report of General Baquedano, that all fighting, even in Chorillos, had ceased, and that his victory then was complete at 2 o'clock p. m. of the 13th of January (see extract from that report, here inclosed, and referred to in the margin). And yet that "the towns of Chorillos and Barranco, as a consequence of their resistance, were destroyed and burned." Now, the fact, as I am informed from all quarters, is, that there was no fighting at Barranco (a village intermediate between Chorillos and Miraflores), and that no fire of any importance occurred until about 5 or 6 o'clock p. m. in Chorillos; that at about the hour last mentioned, the most densely built part of the town was deliberately set on fire by the soldiery, and every living inhabitant in the town—of whom there were many who had remained—having been killed, most of them were piled up in the houses and burned with them. But a large portion of the best houses in the town, many of them owned by neutrals (some American, some Swiss, and, I think, some Colombian, among the rest), were deliberately burned the next day, and some of them two days after, after having been robbed of their furniture (most of it of the most costly kind), which was sent on board the Chilian fleet, before the torches or hand-grenades were applied to the houses; and these very houses had upon them the flags and placards agreed upon with the Chilian Government.

And when I state what I am on all hands informed, is the fact, though I do not personally know it, that the house sometimes occupied by the minister of Brazil and that of the Brazilian consulate, were spared (a fact which shows the alliance between Brazil and Chili, explaining the reason why the Argentine Republic had been kept quiet during this war), and that a guard was sent to protect the house sometimes occupied by the French minister, who had a friend upon the Chilian general's staff, it will be hard to resist the conviction that the burning of the rest of the town was deliberate, and after all necessity for such destruction had ceased.

As to Barranco, where there had been no fighting, the British minister, who went out with our dean and the French minister to see General Baquedano, on the morning of the 15th (two days after the first battle and before the second) informed me that as he passed Barranco the Chilian soldiers were engaged in deliberately burning the town.

The same thing, as I am informed and believe, took place at Miraflores, inhabited largely by neutrals, among whom were several American and Swiss, who had the proper flags and placards up. A part of the town was burned the night after the battle of the afternoon of the 15th; but some of the best buildings one and two days after.

Now, it is precisely upon this ground that the robbery and destruction were deliberately committed, after all necessity or excuse for such acts had ceased, that many claims have already been filed by American and Swiss citizens in this legation. These claims I have not yet forwarded to Mr. Osborn in Chili, believing it best, first to submit, as I now do to you, the substantial facts upon which all of them must rest, and to take your instructions whether to send them first to your Department, or to Mr. Osborn.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 240.—Translation.]

Señor Valderrama to the French minister to Chili.

SANTIAGO, *October* 5, 1880.

SIR: After the conference which I had the honor to hold with your excellency yesterday, and during which your excellency signified to me the warm interest which you feel that the Government of Chili should adopt efficacious measures to guard the persons and interests of neutrals in the event that the proposed expedition of the Chilian forces on Lima should be realized, I have been commissioned by his excellency the President, to address a special note to the general-in-chief of the army of operations, in order to satisfy, as far as possible, the wishes expressed by your excellency. In fulfillment of it, I address this day a note to the general-in-chief, in which I bring to his knowledge:

1st. That the government wishes that neutral persons and their interests be carefully respected during the military operations against Lima and Callao.

2. That in order to make such respect practicable, to hear the indications which the honorable dean of the diplomatic corps may make, and to attend all those which without embarrassing in any way the action of our forces may tend to guarantee neutral persons and their property.

3. I also tell him that your excellency has indicated to me, in order to have neutral persons and their interests easily certified to, the former will hold a certificate of the legation of which he is a citizen or subject, and the latter will have, besides the flag of its nation, a placard, authorized by the seal and signature of the legation, fixed in a visible place on the property.

The government feels confident that the general-in-chief will take special care in harmonizing the important interests of neutrals, with those corresponding to Chili, as belligerent.

I improve this opportunity to reiterate to your excellency the sentiments of high and distinguished consideration with which I am, &c.,

MELQUIADES VALDERRAMA.

[Inclosure 2 in No. 240.—Translation.]

Señor Pinto to General Baquedano.

LEGATION OF SALVADOR,
Lima, December 28, 1880.

Mr. GENERAL-IN-CHIEF: The diplomatic corps accredited in Lima, anxious about the perils to which the important and valuble interests confided to their care may be subjected, on account of the struggle which soon is to take place at the doors of the city, has agreed that the undersigned, as the dean of the corps, would place himself in immediate communication with your excellency, thus following also the indication from the cabinet of Santiago, with the object of providing in common accord the means which may be adopted to diminish, as much as possible, the risks and perils to which the foreign colonies may be exposed.

The attention of neutral governments has, for some time back, been directed to the disentanglement of the present war, and to the possible eventualities which, in all cases, may affect the conditions of its numerous citizens, and whose interests can be reckoned at hundreds of millions.

With this motive, for the legitimate purpose of securing due protection to such valuable interests, the governments which have legations established in Santiago prescribed to those legations in advance to make such efforts with the Government of Chili as may tend better to reach that end, and the security of our compatriots without embarrassing the military action of the belligerents.

In accord with those precautions our colleagues at Santiago, after an understanding with the Government of Chili, which gave its best attention to those observations have solicited our indications as to the measures which, according to our judgment, would be more efficacious for the object proposed. In consequence we have drawn and forwarded to them the annexed scheme, a copy of which we inclose, which has met the express and implicit approbation of all our governments.

The cabinet of Santiago, supposing that, perhaps, in certain cases, military operations would prevent the complete application of the measures proposed, has preferred not to bind itself with, but to adopt definitely only a part of the project referred to, promising, as to the other part of the same project, to send orders to the commander-in-chief of the expedition with the view that said commander will have an understanding with the diplomatic corps, represented by its dean, in relation to those measures which circumstances will permit to adopt for their most ample fulfillment.

I am now placed under the circumstances to propose to your excellency the commencement of those relations of reciprocal intelligence, which place us in a relation for me to fulfill the duties of my position under the present circumstances, and on the part of your excellency to accomplish the orders of your government, being both able to concur, through our agreement, to attenuate and lessen the horrors inherent to the war, and recognizing, in that manner, the age of civilization which we now enjoy.

As far as it concerns us, we have endeavored that all foreigners be provided with a certificate showing their nationality, allowing them to fix, in a visible place on their domicile or house of commerce, a placard with their national colors, authorized by their respective legations or consulate general. This placard and the national flag which most of them will hoist will be sufficient proof. Besides, we have established certain private localities, which will be recognized by special signs and held by persons duly authorized by us, which will be the deposits of goods of our respective citizens, and asylums for their families, when these should feel themselves in better security there. In order that your excellency may have a better judgment of this I annex to the present a plan of Lima, in which the legations, the asylums and deposits of goods, and foreign houses of commerce, are shown, upon which we wish to call the attention and care of your excellency by reason of their special nationality. Your excellency will find also, in the same plan, the houses of every one of the members of the American congress of jurists in Lima, whose existence in Lima is well known by the cabinet of Santiago, and whose title and duties are evidently worthy of special consideration.

As to the indications which we think it our duty to make to your excellency, they could evidently not differ from the programme already proposed to the Government of Chili, and which, as before stated, has received the approval of our governments. For the rest, we have always understood that the measures which your excellency will adopt, will be according to the legitimate exigencies of the war and the security of the army under your command.

Among those measures, there is one, above all, which the diplomatic corps allows itself to recommend specially to the consideration of your excellency. It is that in relation to the entry of the troops, in the case that by consequence of events, the city of Lima should capitulate or cease to be defended. In such case, in fact, the entry in mass, of numerous troops, without necessity, would occasion great inconvenience. For that reason, besides consulting the way to obviate inconveniences, we think there would be positive advantages, in the successive entries of the troops, and that such entry should be made only by a number sufficient to guarantee its occupation.

This is a measure we have no doubt has already occurred to your excellency, as others proper for the occasion, which will tend to avoid unnecessary evils, to humanize the war, and to reduce its destructive action to the limits prescribed by the rights of nations and Christian civilization, under which guard modern nations are ennobled and dignified.

As to the rest, promoting this communication for mutual intelligence, I think that I have only anticipated your excellency's ideas in the same sense, since through them we prevent as much as possible the horrors of the war, and avoid prejudice to the neutrals resident in these countries, and perhaps their unnecessary ruin—which might give room to grave complications—and at the same time avoid the criticism, more or less severe, on the countries engaged in the struggle by other nations of the world which are contemplating them.

I improve this occasion, Mr. General-in-Chief, to offer to your excellency the assurance of my high consideration.

J. DE T. PINTO.

[Inclosure 3 in No. 240.—Translation.]

General Baquedano to Señor Pinto.

LURIN, *December* 30, 1880.

I had the honor to receive the note dated 28th instant, in which your excellency, as the dean of the diplomatic corps, resident in Lima, has been pleased to address me, with the view to establish correspondence between us, in order to avoid as much as possible the damages which may be suffered by neutrals in their persons and property by the operations which the army under my command may realize in defeating the army defending that capital.

It is very satisfactory to me to say to your excellency, in answer to the note above mentioned, that it is with pleasure I initiate those relations, and that should your excellency wish, either to communicate with me personally or by written letters, you will always find me disposed to receive with kindness all those suggestions which tend to lessen as far as possible the wrongs and evils of the war.

I will do, in that light, all in my power, if the army of the enemy do not make of the city of Lima the base of its defense.

But, if the contrary takes place, and I should be obliged to take it by assault, your excellency will understand that it could not be possible for me, either to give a term before commencing hostilities against that capital, or limit the consequences of that combat and the occupation by main force, as your excellency and myself wish it. In that case the city will forcibly be subdued to the rules of war and suffer all its rigorous consequences.

Wishing that the relations initiated by this note may efficaciously tend to the humane views which have influenced your excellency in addressing your excellency's note to me, I improve this grateful opportunity to offer to your excellency the assurance of my highest consideration.

MANUEL BAQUEDANO.

[Inclosure 4 in No. 240.—Translation.]

Señor Pinto to General Baquedano.

LEGATION OF SALVADOR,
Lima, January 1, 1881.

Mr. GENERAL-IN-CHIEF: I had the honor to receive the answer your excellency has been pleased to give to my letter of the 28th December last, the contents of which were immediately placed before the diplomatic corps for their knowledge.

My colleagues accept with pleasure the assurances which your excellency has transmitted. They could not but conceive doubts on your excellency's answer referring to the principal part of my note, that part which refers to the entrance of troops into Lima. This part involves great importance in the opinion of our governments, expressly approved by many of them, and we must, therefore, insist again and solicit of your excellency to let us know in a precise manner if your intention is, as we understand it, to let but a limited number of selected force enter the city in the particular case that it should not be taken by storm.

It must have come to the knowledge of your excellency the rumors given by the press of Chili relative to the sacking of Lima, notwithstanding that we understand this is not the idea of the Government of Chili, proper only to past ages, we cannot leave aside and must take into consideration that the suggestions thrown to the public might have raised in the minds of soldiers tendencies against which special precautions are necessary.

We are placed now under the necessity to point them out to your excellency, not doubting, however, that you are willing to adopt them in order to prevent unnecessary wrongs, and cover your responsibility before your own country and the opinion of the world.

We do not deny that, in the event of the city of Lima being taken by main force, it would be impossible to limit the entrance of troops, nor for the city to avoid undergo-

ing all the rigorous eventualities of the war. Nevertheless, we cannot, and we ought not, to reckon among those eventualities the plunder of this city. Your excellency knows well that the laws of war, as they are now accepted by Christian civilization, condemn the plundering of private property, as also attacking defenseless and non-combatant persons, even in the case of a city being taken by assault. Our ideas agree generally on that point, and your excellency will readily understand that it could not be possible for us to remain indifferent at witnessing scenes condemned by the unanimous opinion of the countries we represent.

The diplomatic corps is grateful to your excellency for the frank deference with which your excellency accepted the relations it initiated, and hope they will not prove fruitless towards the noble purpose of humanizing the war, saving, as much as possible, large neutral interests not involved in it, and the reputation before universal public opinion of the people who sustain it.

Having thus fulfilled the commission received from my colleagues, it remains for me to renew to your excellency the assurance of my high consideration.

JORGE DE T. PINTO.

[Inclosure 5 in No. 240.—Translation.]

General Baquedano to Señor Pinto.

No. 423.] LURIN, *January* 6, 1881.

Mr. MINISTER: I have this moment received your excellency's note, dated the 1st instant, in which your excellency asks if, in the event that the city of Lima opposes no resistance against the force of my command, I will occupy it only with a select force? In the contrary case, which is that of resistance, your excellency and honorable colleagues of the diplomatic corps condemn plunder, and wish to have security that my troops will not perform such acts.

In answer to that letter my duty is merely to declare to your excellency that the purpose of my government and my own is clearly stipulated in my note of December 30 last.

Your excellency may understand that the passionate declarations of the press of both belligerent countries cannot be the subject of official discussion. Consequently your excellency will allow me not to refer to the suggestion I found in the note of your excellency as to the instigation of plunder which your excellency has thought to have found in the press of my country.

As to the rest, your excellency may rest assured that my firm intention is to humanize the war and prevent unnecessary wrongs to undefended inhabitants in accord with the progress of the civilization of this century.

But to this only my promise must be limited, because the future means which I may adopt will depend upon circumstances which I cannot foresee nor your excellency stipulate, because they will necessarily correspond with the attitude the army of the enemy may assume.

I improve this opportunity to reiterate to your excellency the assurance of the high consideration with which I subscribe myself your excellency's obedient servant.

MANUEL BAQUEDANO.

[Inclosure 6 in No. 240.—Translation.]

General Baquedano to Señor Pinto.

CHORILLOS, *January* 15, 1881—11 p. m.

Mr. DEAN: Your excellency knows that in consequence of the initiative voluntarily taken by the honorable diplomatic corps to cease hostilities against that city I have not carried into effect this morning the attack prepared against the forces of the Peruvian army defending Miraflores.

Your excellency knows, and the honorable ministers of France and England also know, that I, during the conference which we had to-day, refused to prolong the term asked from me in order to interpose their good offices near the Government of Peru with the same pacific view; but that at last yielding to the repeated entreaties of your excellency and of your honorable colleagues, and as a proof of special deference to neutrals, I consented to wait for the answer which your excellency was to give to me until midnight of this day.

Well, the army of the enemy, whose chiefs were to know the arrangements made by

the honorable diplomatic corps and to have received proper orders, opened fire to-day at 2.20 p. m. upon the undersigned, his chief of the general staff and aids who reconnoitered the field to see the situation of our troops.

This treachery of the enemy obliges me to hasten the operations under my care, and, in consequence, I address myself to your excellency craving to communicate to your honorable colleagues the resolution I made to bombard to-morrow, if I think it opportune, the city of Lima, until I obtain its unconditional surrender.

With sentiments of distinguished consideration, I subscribe myself, your obedient servant,

MANUEL BAQUEDANO.

[Inclosure 7 in No. 240.—Translation La Actualidad, Lima, February 4, 1881.]

Extract from General Baquedano's report to his government, dated January 16, 1881.

* * * At nine our victory was complete in Chorillos and on the fortified hills extending to the south; but about 8,000 men which remained there still continued to resist. With these forces a second battle took place. It was necessary to drive them out from each one of the streets and houses of the town and from the heights, which they held. This obstinate combat lasted until 2 o'clock p. m., at which hour the battle was over, with a victory which gave us possession of the enemy's entire line and of the towns of Chorillos and Barranco, which as a consequence of their resistance were burned and destroyed.

No. 527.

Mr. Christiancy to Mr. Evarts.

No. 242.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 16, 1881. (Received March 18.)

SIR: Referring to my dispatches Nos. 230 and 232 in reference to the question of peace, and with what Peruvian Government it is to be made, I have the honor to state that though, in many respects, the condition of things remains substantially the same as when those dispatches were written, yet some slight progress has been made toward a solution.

1st. The Chilian authorities here, even before the last battle, had declared that upon the question of peace they should decline the mediation of any other nation, and since they have been in Lima they have declared that they would not accept even the good offices of any neutral government, nor those of their diplomatic representatives here, and that they will only treat with the Peruvian Government.

2d. While for some time after their entrance into Lima they professed to be ready to treat with Piérola as the only recognized government of Peru, yet, after the letter of Piérola, or rather his secretary-general, to the diplomatic corps, dated the 20th January, 1881, had been published (I think by Piérola in some paper in Peru), a copy of which, with a translation, will accompany my next dispatch, No. 243, the Chilian authorities here have declared that they would not recognize Piérola as the Government of Peru nor treat with him until that letter should be withdrawn. And efforts have been made to initiate another Peruvian Government under the auspices of the "notables" at and near Lima. But none of the various parties seem to have men of sufficiently commanding influence to secure the general popular support, and none of them to be willing to incur the hazard of assuming powers of government while Piérola remains as dictator and does not resign.

In the mean time the Peruvian judicial officers, having been invited to enter upon the exercise of their jurisdiction, which they have declined

to do, martial law, which is certainly better than no law, has been proclaimed in Lima, Callao, and the surrounding country in possession of the Chilian forces; their courts-martial adjudicating summarily and giving only verbal decrees and judgments, which are promptly executed by their military authorities. And I am glad to be able to testify that the Chilian officials have conducted themselves with great propriety and fidelity in the preservation of the peace and good order of the city of Lima.

Several outrages, rapes, robberies, &c., it is true, have been committed by individuals of the lower classes of their soldiery, but for which, as I am informed, the offenders have been severely punished as soon as they could be discovered.

Piérola remains at Tarma, and sometimes at Jauja, beyond the first range of Andes, the Chilians having control of the whole of the Callao, Lima and Oroya Railroad to Chicla, its present termination.

Several Peruvian missions have been sent to confer with him, with the sanction of the Chilian authorities, and though he was, at first, averse to any attempt at negotiation, yet, since then, finding himself without funds or arms, and utterly unable to carry on the war, he, nearly a week since, resolved to negotiate for peace, and for that purpose appointed three plenipotentiaries resident in Lima, and the necessary instructions were given them. But one of these commissioners has declined to accept, and this produces another delay of about a week.

But the two other commissioners have had informal conferences with the Chilian authorities, who, as I am informed, do not refuse to treat with Piérola, provided the letter in question shall be withdrawn.

The terms will, of course, be such as Chili chooses to dictate, a capitulation or surrender at discretion on the part of Peru, which is utterly prostrate, and, from the Andes to the sea, virtually in their possession and completely under the control of Chili.

But Chili has, by this last supreme effort, also exhausted herself, and could not continue to contest much longer, except as she can contrive to live upon Peru, and make her bear the expenses, which she is now attempting to do, having just sent an expedition of some 6,000 men to the region of Trujillo, probably for the purpose of levying contributions and destroying property which does not pay them. They have also established a commission here to levy upon the inhabitants of Lima and Callao a forced contribution, and it is understood the lists are now being made out. The decree or bando for this does not expressly exempt even neutrals, though it is the opinion of the diplomatic corps generally that neutrals are not intended to be included. We shall soon see; and if neutrals shall be included there will probably be an energetic protest from the diplomatic corps.

It is evident that Chili means to leave Peru in a condition which shall not render her a dangerous neighbor hereafter. She will now probably demand the cession, not only of Tarapaca, but of the province of Moquehua, including Arica and Tacna, thus depriving Peru of most of her nitrate deposits and many of her guano-beds. And, judging from the tone of the Chilian paper in Lima (the Actualidad), there is some reason for supposing that Chili is now endeavoring to instigate the government of Ecuador to seize upon the northern portion of Peru, a part of which once belonged to Ecuador; and I should not be surprised if Brazil, taking advantage of this opportunity, should take possession of a large portion of Northeastern Peru (the best portion of it, but now held by the wild Indians), and that by these several means the most important portions of Peru should be partitioned among her neighbors, a result

which, should it take place, will not be calculated for the preservation of peace in any of these countries.

I have, &c.,

I. P. CHRISTIANCY.

No. 528.

Mr. Christiancy to Mr. Evarts.

No. 243.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 19, 1881. (Received March 18.)

SIR: I have the honor to inclose the copy (and translation) of a letter from Aurelio García y García, secretary-general of Piérola, to the dean of the diplomatic corps resident in Lima, dated Canta, January 20, 1881. This is the letter which the Chilian officers and representatives here insist shall be withdrawn before they will consent to treat with Piérola as the Government of Peru.

Now, though the Chilian authorities have not, so far as I know, specified the particular part of this letter to which they object, yet I am inclined to believe it must be that part which charges the Chilians with having treacherously opened the battle in defiance of the armistice which had been agreed upon, as I am inclined to believe that all the other charges contained in the letter are true, and that they could not be successfully denied by the Chilian authorities. It is quite true, I think, from the universal reports which I have heard, that the towns of Chorillos, Barranco, and Miraflores were wantonly and unnecessarily burned after all resistance had ceased, and that Barranco never resisted at all. I think also that it is entirely true that the Chilians murdered upon the field of battle, on the 13th, at least such wounded soldiers as they found upon the field from which the Peruvians had retired. They may or may not have excepted Peruvian *officers*, but the general report from Chilian officers, as given to me from officers * * who have conversed with them, is that as a rule they killed on the field all the Peruvian wounded who fell into their hands, with the occasional exception, possibly, of Peruvian *officers*.

I know that when at Arica, in September, the Chilian governor of the place informed me that in taking Arica they took no wounded Peruvian soldiers there, and from all I could learn from all sources the same was substantially the fact at the battle of Tacna, with very slight exceptions. It may be, and I hope it is, true that after the battle of Miraflores, when the Chilians knew the Peruvians were totally defeated and disbanded, they may have saved some of the Peruvian wounded found upon the field; but all their reports thus far have shown a greater number of Peruvians killed than wounded, which tends strongly to show the truth of the reports that the wounded Peruvians found upon the field were put out of their sufferings in the shortest possible manner. In making these statements I do not profess to speak upon my own knowledge, but upon the best information I can obtain, which I hope, for the honor of humanity, may turn out to be untrue.

What the letter says of the Chilian navy forming a line of battle in front of Miraflores and the advance of the Chilian army on the 15th after the armistice is, from the best information I can obtain, substantially true. It is at least quite certain that the Chilian army continued

after the armistice to extend its left wing around and near the right wing of the Peruvian army, and these, at least, to approach much nearer to the latter; but whether the rest of their line advanced nearer is not so clear, though I think the weight of evidence, judging from all sources of information, is that they did advance in several parts of their line nearer to the Peruvian line.

But the great question is, whether the right to do this was or was not reserved by General Baquedano in granting the armistice. He claims that it was, while Piérola, through his secretary, in the letter in question, appears to ignore any such condition, and assumes that the battle was opened by the Chilians. Upon this point (who fired the first gun and thus opened the battle), while I and the rest of the diplomatic corps, being at Piérola's headquarters in Miraflores when the battle opened, supposed the attack had been commenced by the Chilians, yet, subsequent information has gone far to satisfy me that the first gun was fired from the side of the Peruvians; probably the unauthorized act of some subordinate officer, provoked by seeing General Baquedano and his staff reconnoitering within a few hundred yards of their front, and probably also seeing the advance of the Chilian army near the right of the Peruvian positions.

But that General Baquedano believed that he had reserved the right to make these movements and this reconnoissance there can be scarcely room for doubt, as he was himself with his staff in the most exposed position when the firing commenced, and lost his horse, and was compelled to hasten to the rear and to bring up the troops who, like himself, had been thrown off their guard by the armistice.

On the other hand, I was, with all the diplomatic corps, an eye-witness to the utter surprise and astonishment, not to say terror, of Piérola and his staff, at the sudden and, to them and to us, unexpected opening of the battle; and I have not the slightest reason to doubt that they were relying in good faith upon the armistice, and believed at the time that it had been violated by the Chilians, and that the battle had been opened by them. Whether he learned the contrary during or after the battle I cannot say. As he was some little distance in the rear and fled when his forces were routed, I am inclined to think he had not learned the fact (that his own forces first opened fire) at the time when this letter of the 20th January was written.

The whole merits, therefore, in my view, turn upon the question what were really the terms of the armistice? This was arranged with General Baquedano, *verbally*, by the committee of the diplomatic corps (consisting of the dean and the ministers of France and England).

It is greatly to be regretted that in so grave a matter the terms had not been put in writing to avoid misconception and misconstruction. The letter of the secretary-general of Piérola, above referred to, gives what Piérola claims to have been the terms as communicated to him verbally. The Chilian secretary of war writing, or rather telegraphing, to his government on the 16th January, simply says, "A committee of the diplomatic corps, composed of the ministers of England, France, and Salvador, came yesterday to this camp at the request of the Supreme Chief of Peru, and an armistice was arranged between them and the Chilian commander-in-chief, to expire at 12 o'clock of the same night." Here no conditions are mentioned.

General Baquedano, in reporting the same transaction to his government on the 16th, simply says of the armistice:

> After mature deliberation, I promised not to open fire that day, and to wait their reply until 12 o'clock at night; as this kind of armistice involved no other compromise, I continued making my preparations for the combat.

Now, aside from these official declarations, I learn verbally from Mr. St. John, the British minister, that General Baquedano, in assenting to the armistice, did reserve the right to complete the movement already begun of massing his artillery on his left (the right of the Peruvian line), and he sometimes states it as a right to complete any movement already began; but so far as I can learn, this was the only movement so begun. Now, whether this condition (whatever it was) was fully explained to and understood by Piérola I think there is some room for doubt, though I am far from charging or believing that the French and English ministers or the dean of the corps purposely withheld from Piérola these conditions. Yet, in the haste and excitement incident to their conference with him, I can readily see that there was much room for misapprehension, and that Piérola may not have had the same full apprehension of these conditions that General Baquedano had.

This is all I can, with propriety, say of this affair until further authentic information shall be obtained.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 243.—Translation.]

Señor Garcia to Señor Pinto.

SECRETARY-GENERAL,
Canta, January 20, 1881.

After the battle of Chorillos of the 13th instant, between the part of the national army defending that line and the invading forces of Chili, his excellency the Supreme Chief of the republic ordered the retreat of the army on the positions of Miraflores, which were also the camp of the Lima reserve.

The morning of the 14th instant a Chilian flag of truce, accompanying Col. Miguel Iglesias, commander-in-chief of the first division of the Peruvian army, and who was made a prisoner during the battle of the previous day, made their appearance towards the right front of our line. Their object was to ask a pass for Colonel Iglesias, who, under word of honor, came on a mission from General Baquedano to the Supreme Chief. This being granted, Colonel Iglesias made known to his excellency the object of his mission, which was to ascertain if, on the part of the Government of Peru, propositions of peace would be heard. The affirmative answer of his excellency led to an open field for any negotiation, he specifying moreover that those propositions could either be made by writing or verbally, by a negotiator duly authorized. With that frank answer Colonel Iglesias went back to the camp of the enemy.

Two hours afterwards a second flag of truce was seen by our advanced guards, and with it the Chilian chief, Señor Guillermo Lira Errazuris, who was introduced into the general staff of his excellency the Supreme Chief. The undersigned, who was ordered to communicate with the Chilian chief referred to, heard his proposition, which was to disoccupy immediately the positions of Miraflores in order to be occupied by the Chilian army; this was demanded as a previous and indispensable condition before commencing the discussion.

Miraflores being the support of our right wing and the dominant point of that second line of defense, such pretension was equivalent to exacting a complete victory without exertion or loss of any kind.

Similar observations and many others pertinent to the occasion, which I omit to state to avoid confusion, were not sufficient to modify in the least the ideas of the Chilian commissioner, whose intentions were evidently directed to his single object, going so far as to reject the proposition of a short armistice, which I stated as a means for discussion, free from the natural excitement of the recent contest which we had just sustained and in face of the new one which we now found imminent. In view of the impossibility of an agreement, we ended this fictitious negotiation for peace.

It was then when the friendly mediation of the honorable diplomatic corps accredited to Peru begun, initiated by a commission chosen from among them and composed of the honorable ministers Spencer St. John and De Vorges, who asked his excellency if Peru would accept their friendly mediation which they proposed, and offering at the same time to go to the camp of the enemy for that purpose.

Such worthy and benevolent proceeding will always be cause of gratitude from the people and Government of Peru.

The facility of communication, and afterwards that of going to the Chilian camp, which those honorable ministers, in representation of all their colleagues, have had are too well known to your excellency to mention them here.

But it is indispensable to remember, because it is for the prestige of those representatives, for that of the friendly nations to Peru, in which name they acted, and for military honor, which is uniform in all the civilized nations of the world, that negotiations of peace were opened under the friendly intervention of the diplomatic corps. His excellency receiving word through your excellency and the honorable ministers of Great Britain and France, Messrs. Spencer St. John and De Vorges, of the assurance given by the Chilian General Baquedano, and accepted by him in the same form, that no act of hostility would be practiced until 12 o'clock of the night of Saturday, the 15th, the time which said general limited to receive an answer to the propositions of peace, and which declaration, according to the rules of war, constituted a true armistice.

Notwithstanding such solemn agreement, the Chilian navy, composed of 14 ships, formed a line of attack in front of Miraflores from the morning of the 15th, and the army on the other hand advanced in line of battle in front of our line, shortening the distance to some 1,800 meters, placing conveniently its artillery, and taking advantageous positions which they could not have taken without great sacrifice.

Of all these movements, which infringed what had been agreed upon, his excellency the Supreme Chief received constant notice, in the presence of Admiral Sterling, of the British fleet in the Pacific; Admiral Du Petit Thouars, of the French fleet; the commander of the corvette Christoval Colon, chief of the Italian fleet, and another commander of an English vessel, all of whom went there to offer their humane and friendly action; but as all this took place in the rooms inhabited by his excellency the Supreme Chief, in the presence of all the members of the diplomatic corps, it was impossible to the loyalty of the Supreme Chief to admit that, under such exceptional circumstances, an act of perfidy was intended to be realized which could hardly occur even among the half-savage tribes of Africa or Araucania.

While this was happening, his excellency, as also your excellency, the admirals and commanders, who at that moment were in his company, received as first notice the fire which simultaneously broke out at 1.30 p. m.* from the Chilian army and navy upon Miraflores, and on our right wing, beginning thus the battle of Saturday, 15th, which treacherous origin was witnessed, with imminent peril of their lives, by your honorable colleagues, the admirals and commanders already named, as also the naval officers of the United States, France, Great Britain, and Italy, who were added to our general staff.

The soldiers of a nation who, like those of Chili, have, with many of our chiefs and officers prisoners, coolly and cowardly shot them, assassinating on the battle-field the helpless wounded, and totally burning, after their occupation, the towns of Chorillos, Barranco, and Miraflores, and following the fatal logic of barbarism, were bound to disregard all moral respect and military agreement.

The object of the present letter, which I have been ordered to address to your excellency, is to leave an official record of the authenticity of those facts, craving your excellency to give a copy of it to each of your honorable colleagues, for all of whom this is intended.

I remain, &c.,

AURELIO G. Y GARCÍA.

No. 529

Mr. Christiancy to Mr. Evarts.

No. 245.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 25, 1881. (Received April 5.)

SIR: Referring to my dispatch No. 242, I have the honor to inform you that since then the Chilian authorities here have definitely determined not to treat with Piérola, at present the only recognized Government of Peru, recognized by all the other governments who have representatives here, and by Chili herself by treating with him at Arica.

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*The actual time was 2.20 p. m.—I. P. C.

A movement has therefore been initiated among some of the leading citizens of Lima and Callao, and encouraged by the Chilian authorities, to establish a new government in opposition to that of Piérola (who is still at Tarma or Jauja). And at a meeting of 110 of those citizens a Mr. Francisco García Calderon was, by a fair majority of that meeting, declared to constitute, to use their own language, the "unipersonal government" of Peru.

At a superficial glance this would seem to be an attempt to get rid of one dictatorship clearly adopted by the people of the whole Peruvian Republic, and recognized by foreign governments, including Chili, for a new dictatorship, adopted by the majority of a self-constituted meeting of 110 men of Lima and Callao, and recognized as yet by nobody else except Chili. In this aspect merely it would, of course, be simply ludicrous.

But the intention, as professed by this new "unipersonal government" and by the Chilian newspaper here (for no Peruvian paper is allowed to be published here) is that this movement for the establishment of a new government shall be submitted in some form to the people of Peru; that an appeal shall be made to the people, who shall be invited to sanction this government until a Congress can be called together to ratify it or to establish another in some form. And, of course, if the people of Peru choose to ratify or concur in this or any other form of government, it must then be considered legitimate and acknowledged as such. But Chili does not intend to accept any treaty as final without its ratification by a Peruvian Congress, though she may, in the mean time, agree upon a provisional treaty with this merely provisional government, only to be submitted to and ratified by a Congress.

The friends of this new movement profess to have two objects in view: First (which no one doubts their desire to attain), to secure a peace with Chili; and, second, by this appeal to the people to get back to a constitutional government under the constitution in force before the dictatorship; but this last object many appear to doubt. Owing to the difficulty of communication, it will take some time, I should say nearly or quite two months, to get here an authentic expression of the will of the people in all parts of Peru in any fair and regular way. In the mean time the Chilian army will probably continue in Peru, living upon the country.

If the appeal to the people succeeds in securing the popular support, peace (upon such terms as Chili may choose to dictate) will probably be the result.

But if, as I fear may happen, the people of only a part of Peru may approve, and those of any considerable portion should still adhere to Piérola, the result would be likely to prove calamitous indeed to Peru, producing a civil war in addition to the war with Chili.

It is the opinion (or, I would rather say, the strong suspicion) of many that this result is what is desired by Chili, and that her efforts are intended to produce it for the purpose of enabling her to demand a larger cession of territory, if not to give her an excuse for seizing the whole of Peru.

The main ground for this opinion, or suspicion, is, that Chili refused to recognize or treat with Piérola, the only recognized government, after he had consented to treat and appointed his commissioners; but, until shown by further developments, I am not ready to attribute to them the design of attempting the permanent conquest of the whole of Peru, though there are some Peruvians and many foreign residents who

would prefer this result as best calculated to give the country a more stable government.

In the proposed appeal to the people by the new provisional or proposed provisional government, I think it probable that the portion of Peru west of the Andes will ratify the movement, as much of it has already been overrun by the Chilian forces, and the people clearly see that the Peruvian Government, whether the new, or the old, is, and will be for a long time, powerless to afford protection; and that peace, therefore, is absolutely essential.

But that portion of Peru east of the western range of the Andes, the best, but least peopled, part of Peru, the people have felt less of the evils and none of the ravages of the war. Piérola is among them; and if, now that Chili has refused to treat with him, he should conclude to attempt to sustain his own government, or induce the people to refuse the recognition of a new one, the worst consequences are likely to follow. He has, it is true, scarcely any arms or munitions, and no funds to purchase them or means to get them into the interior, if he could purchase any amount of them. Nothing more than a guerrilla warfare, could, therefore, be carried on; but this would be sufficient to ruin Peru, and justify Chili in the use of the harshest measures.

I am informed by General Adams, from La Paz February 6th, that the Bolivians do not take it for granted that the war is over; that they are just now importing arms through the Argentine Republic, and he thinks the war likely to continue. It may be that Piérola may make his way south and join with Bolivia to prolong the war; but this is not my opinion. I am strongly inclined to think that when Bolivia comes to understand fully the inability of Peru to take a principal part in the war, she will make a separate peace.

I have, &c.,

I. P. CHRISTIANCY.

No. 530.

Mr. Christiancy to Mr. Blaine.

No. 251.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 8, 1881. (Received April 5.)

SIR: Referring to your dispatch No. 119, I have the honor to reply—

1st. That if any danger to neutral vessels ever existed from Peruvian boats "containing explosive materials" being "sent adrift on the chance of their falling in with some of the Chilian blockading squadron," that danger had all passed some days before your dispatch was written, as you will have discovered from my dispatches; the Chilians having the entire possession of the Peruvian coast, and there being no further opposition to them along the entire coast of Peru.

2d. I know of no Government of Peru to whom I could present a remonstrance, except to Piérola, who is in the interior beyond the first range of the Andes at Jauja, and has not, so far as I am yet informed, appointed any minister of foreign relations with whom I can correspond.

3d. I will say that there never has been any real danger to neutral vessels from the cause mentioned, so far as I know or have been in-

formed. But three instances have occurred during the war (so far as I have ever heard) which could by any possible latitude of construction come within the grounds of complaint mentioned. The first was the case of the Loa, mentioned in my dispatch No. 183, which occurred in the bay of Callao far within the blockading lines, where no neutral vessel (except naval) had any right to come, and where for months they had not attempted to come; and the neutral naval vessels within the bay or near it, not being, like the Chilian vessels, likely to seek to take prizes, and knowing that both belligerents equally were using all the stratagems in their power to injure each other, and being on the alert for these, were in no danger of being caught in the trap set by either.

No complaint was ever made or suggested to me on behalf of any merchant vessel of the United States, nor of any of our naval vessels, on this score.

The only other cases which have come to the knowledge of the public, in which the Peruvians had put concealed dynamite in any boat or launch, was in the case of the blowing up of the Chilian naval vessel, the Covadonga. This took place in the harbor of Chancay, and in the following manner: The captain of the port had a very fine and attractive row-boat, in which he had formerly been accustomed to go out to the vessels anchoring there. In this boat it seems there had, just before the destruction of the Covadonga, been concealed a large quantity of dynamite between the outer and inner skin of the boat. The boat was then anchored or fastened to the shore. The Covadonga came in and destroyed several other row-boats and launches or sunk them; but this one being so fine a boat and so attractive the officers of the Covadonga could not resist the temptation of taking it for their own use. They therefore sent in a small boat for the purpose of taking her, and the seamen in the Chilian boat fearing some *ruse de guerre* passed their oars all around and under her before venturing to seize her, but finding nothing they took her and rowed her to the Covadonga, when ropes were put into the rings of this boat and they began to hoist her up by the aid of the ship's davits; at this moment the explosion took place, sinking the Covadonga.

Surely here was no danger of any neutral vessel, merchant or naval, being caught in the trap, as none of them would have ventured to seize upon the boat recognized as that of the captain of the port.

There was one other case in which the Peruvians sent out a launch with dynamite in the port of Callao, toward the Chilian fleet, which blew up before reaching the fleet. This created no danger to the neutral naval vessels, and no merchant vessels were in the port or allowed to be there.

I have, &c.,

I. P. CHRISTIANCY.

No. 531.

Mr. Christiancy to Mr. Blaine.

No. 253.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 8, 1881. (Received April 5.)

SIR: In reply to your dispatch No. 123 I have the honor to state that I believe the telegram of Piérola therein stated to be entirely correct, though I had no knowledge that he had sent it.

It is quite true, as you state, I had not informed you by telegraph of the taking of Lima by the Chilian forces, &c. There were several reasons why I did not telegraph: 1st. There is no telegraph line from here, the nearest being Panama, and the next nearest from Arica by way of Valparaiso and Europe. 2d. I have never been furnished with a cipher, and my dispatch, therefore, would be public. 3d. My experience in telegraphing, or attempting to do so, has not been favorable, as I telegraphed you from Arica (via Europe) on the 28th October last, the result of the conferences there, and again sent one to same effect by mail to Panama to be telegraphed to you from there, in the early part of November, and have to this day received no acknowledgment of the receipt of either, and I am in doubt whether either has been received. These were both sent without expense to the United States. 4th. I knew that by the ordinary channel of telegraphy from Chili to Europe you would hear all I could telegraph as soon as I could send a dispatch, and this without cost to our Government. 5th. I was careful to keep you informed by my dispatches by mail of all that had taken place, never neglecting a single mail, and long before this you must have received those dispatches, though not till after your dispatch No. 123 was written.

I have not been unmindful of the desire of my government expressed by you, in which I fully participate, to bring about a peace between the belligerents "upon reasonable and honorable terms compatible with the true welfare of all the belligerents, and so as to be lasting." But I find little room for any efforts of mine in the face of the repeated declarations of the Chilian authorities here that they will not admit the mediation or even the good offices of any other government or of its representatives here in any arrangement for peace.

Under such circumstances you will readily perceive that I need more specific instructions before I can press upon the Chilian authorities any definite terms of peace.

On the other hand, Piérola, the only government yet recognized by Peru and by all foreign representatives here, is in the interior, at Jauja, willing and anxious to treat for peace—as I know from his letter to a friend here, shown to me some days since. But the Chilian authorities here have declared, as I have already informed you, that they will not recognize him as the Government of Peru, nor treat with him as such.

If I can see any opening where my efforts can be of any avail for peace, I shall not lose the opportunity.

For a further explanation of this matter, I refer you to my next dispatch.

I have, &c.,

I. P. CHRISTIANCY.

No. 532.

Mr. Christiancy to Mr. Blaine.

No. 254.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 9, 1881. (Received April 5.)

SIR: I have the honor to inclose to you the copy of a circular, addressed by Piérola, through his chief secretary, García y García, to all the members of the diplomatic corps here, dated Jauja, March 1, 1881, together with an English translation of the same.

I need not comment upon this except to say that, with the exception of its complaint of the mere paper blockades, it is, in my opinion, as well founded in fact as papers of this kind can be expected to be, and not very materially variant from the actual truth.

I understand from report (though I have not seen the decree) that Piérola has issued a decree for the election of a congress on the first of May next, to meet at Ayacucho on the third day of June next.

I understand also, from general public report, that the Chilian authorities here declare, not only that they will not recognize Piérola as the Government of Peru, nor treat with him, but that they will not recognize a congress called together by him, or elected under his decree. I hope this is not true, since, under present circumstances, it authorizes a more or less strong suspicion that they are seeking to produce or continue such a state of chaos as to afford a pretext for the general spoliation of not only all public property of Peru, but the private property of her individual citizens.

The attempt to form a new Peruvian Government here in opposition to that of Piérola, described in my dispatch No. 245, seems from present appearances to have utterly failed. Mr. F. G. Calderon found great difficulty in getting proper ministers to hold offices under him; but when he finally thought he had got this arranged, he, for the first time, as it would seem, began to inquire how far his Chilian friends meant to allow his government to govern.

He requested that the Chilian army should be withdrawn from the city of Lima, that he should be allowed to occupy the government palace and raise over it the Peruvian flag, and that he should be allowed to control the custom-house and the collection of duties, &c., all of which was refused; whereupon, as I understand, his proposed ministers refused to act, and he himself was disposed to decline the task of forming a government. It is now again reported that he has not finally given up the attempt, but as yet nothing definite has resulted.

During the time that these efforts to form a new government were in progress, and while they promised success, the movements previously set on foot by the Chilian authorities for levying war contributions were allowed to rest without any step taken for their enforcement. But as soon as the attempt to form the new government had apparently failed, viz, on the 5th instant, General Saavedra, at present commander-in-chief of the Chilian forces, issued the bando (decree) of the last-named date, a copy of which, with translation, I herewith inclose.

And on the 7th instant he issued the further decree for the collection of $1,000,000 for the month of February, being $20,000 from each of the fifty persons named, of which I also inclose a copy, with a translation.

I call your special attention to the penalty imposed by this decree for non-payment at the day—the destruction of property of the delinquent to three times the amount.

According to the information I have received, and which I think trustworthy, many of the persons named will be able, without much suffering, to raise the $20,000, but many of them will not, as in some cases it is all that the man is worth, and in some much more than he is worth.

In some cases the only property the man owns consists of houses and lots in the city of Lima or in Callao, with furniture, &c. To destroy these by fire would endanger the whole city, neutrals and natives suffering alike. It may be otherwise destroyed.

But this wanton destructiou of private property seems to me to verge very closely upon a violation of that humane law of modern warfare

which forbids making war upon unarmed, non-resisting private citizens, or upon their individual property. And though the laws of war seem yet to permit the levying of war contributions, I would suggest that, according to the best and most approved practice of the civilized nations of to-day, that right should only be exercised upon municipalities or other governmental divisions of a country, leaving the local authorities (who much better know the ability of their respective citizens) to apportion the burden.

I had the honor to call your attention to this point in my dispatch of September 17 last, No. 194, in hopes that I might receive some instructions upon it, but as yet I have not had a word in reply.

You will permit me further to suggest, whether if an invading army can levy its contributions directly upon private persons and destroy their property for non-payment, that humane rule of modern warfare which forbids making war upon, seizing, or destroying private property without any offer or idea of compensation, cannot at any moment be set aside by merely changing the *name* of the operation to that of "*contribution.*" For instance, the commander of the invading force going to a hacienda or sugar estate says to the owner, "I want $100,000 out of your property for the support of my army or the expenses of the war; the laws of modern warfare do not permit me directly to seize it or to destroy it, without giving you compensation or promising such compensation in future. But I can demand it as a 'war contribution,' without any idea of compensation, and destroy all your property as a penalty for non-payment of that contribution."

It is respectfully suggested that the distinction between these two modes of proceeding is a very thin and not a very tangible one. (See Woolsey's introduction to the study of international law, section 130.)

It is right, I think, in connection with the decree of General Saavedra of March 7, above referred to (No. $\frac{3}{2}\frac{3}{5}\frac{4}{4}$), to remark that an influential portion of *the most* influential portion of the Chilian press is very bitter and abusive toward General Baquedano for not having sacked and burned Lima; and how far the severe measures now proposed for collection of the war contributions may have been produced by the influence of that press (an influence which prevented any desire for peace at Arica) I do not know, but leave you to draw your own inference.

It is right also that I should inform you that, from public rumor (which, I think, is generally credited by the diplomatic corps, though I have seen nothing official to warrant the belief), it is generally believed here that the Chilian authorities here intend to carry away with them to Chili not only all warlike material and machinery (of which no one can complain) but all the paintings, statuary, and libraries belonging Peru and to the municipality of Lima. As to the last, it is sincerely to be hoped that the Chilian Government may not dim the luster of their victory by acts so repugnant to the sentiments of modern civilization; and for one, unless otherwise instructed, I shall be ready to join with the diplomatic corps in an earnest protest against such barbarism.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 254.—Translation.]

Señor García to Mr. Christiancy.

CIRCULAR.

JAUJA, *March* 1, 1881.

SIR: The war which the Republic of Chili has waged against those of Peru and Bolivia during nearly two years carries with it a complete perturbation of the principles of international law, which, either by tacit consent or by the solemn stipulations of treaties, regulate the action of States in their common relations.

Without dwelling for the present upon the origin, sufficiently elucidated already, of this war, which knows no other cause than the sordid interest of our gratuitous provokers and adversaries, it becomes my duty, now that extraordinary occurrences have created an exceptional situation in the capital of the republic, to call the attention of those nations friendly to Peru to the antecedents which, during the course of the struggle, have marked such irregularities, and the development of which, tenaciously sought by Chili, is the only cause of the agitation in which the South Pacific States still live.

The blockade of our port of Iquique, established by the same squadron which brought the declaration of war against Peru, made by Chili, on the 4th of April, 1879, was the beginning of hostilities against this country.

This act of premeditated surprise was the answer to the friendly steps being at that moment taken in Santiago by our extraordinary mission charged with the re-establishment of harmony between Bolivia and Chili, which had been interrupted by the warlike occupation of the Bolivian port of Autofogasta, consummated on the 14th of February antecedent.

In order to justify its aggressive action, much has been said on the part of the Government of Chili in regard to the treaty of alliance entered into years ago between the Republics of Peru and Bolivia, but it is sufficient to read that document of mutual preservation to become convinced that it involves no hostile intention towards any specified nation, nor much less does it bind them to make common cause in the complications wherein one or the other nation might find itself entangled; each one, on the contrary, reserving to itself the right of declaring when the *causus fœderis* had arrived, an emergency in regard to which Peru had certainly advanced no opinion whatever.

Solemnly bound as is Chili to the treaty of Paris, which abolished the so-called paper blockades, or those of mere notification, nothing in that undertaking has stopped her, and her vessels after many months of useless delay in Iquique, employed themselves in cruising in various belts of our coast, blockading, by means of simple notifications, ports which they had not naval forces sufficient to close, and which they consequently only visited occasionally.

Private property out of the pale of military operations, the object of the greatest respect in the struggles of modern times, and one of the most precious triumphs of the civilization of to-day, has been, during the contest we sustain, that which has suffered the most frequent and disastrous blows from the land and naval forces of Chili, wheresoever these have presented themselves.

The useless and intentional destruction by fire of Pisagua, Tacna, Mollendo, Chorillos, Barranco, Miraflores, Ancon, Chancay, San Nicolas, Palo Seco, and many other towns and flourishing industrial establishments, as well as the removal and embarkation from all of them of merchandise and household furniture, belonging to natives and foreigners, in full view of all who happened to be present at these different places, bear undeniable testimony to the truth of my assertions.

Unarmed and unprepared as was Peru to sustain a war so carried on, it is not strange that, wanting in a navy sufficient to oppose that of the enemy, the latter, domineering over our extended coast, should with impunity carry his troops and ships wheresoever he might propose to hostilize us. The natural consequence of such military movements could not be other than the unmolested occupation of the unprotected seaboard valleys and towns, or that occupation facilitated as a result of battles, wherein always, and for the same reasons, we fought with inferior forces upon our side.

If, after the advantages gained by Chili, there had at any time followed the enunciation of the motives impelling her to go to war, and of the redress she expected to claim in order to put an end to it, it is beyond doubt she would have evidenced a respect for the customs established between nations who go to war to obtain the legitimate satisfaction of grievances or reparation of wounded interests, and we, listening to her proposals, and bringing them to the light of a calm discussion, would have put a decorous end to the irreparable losses and disasters which the belligerents of to-day will forever lament.

But, far from this, every military advance of Chili in our territory was the signal for new armaments and increase in her expeditionary forces, while in the Congress of Chili and in her press it was that of unreserved propaganda of the annihilation and extermination of Peru.

This plan, reprobated by Christianity, and which will appear to the right minded impossible to conceive, is nevertheless to all appearances that which presents itself to us to-day.

Intentionally, and so as not to set forth in this tranquil document the bitterness overflowing the heart of every patriot, I omit the details—moreover, well known—of the manner in which Chili presented herself in the Arica conferences, and of the intentions there revealed by her plenipotentiaries, or to mention the pretended negotiations of Miraflores. History, with her impartial criterion, will judge both events.

The Chilian Government, consistent with its already manifested designs for completing the ruin of Peru, it has been her most constant endeavor, since the occupation of Lima and Callao on the 17th of January last, to promote all kinds of internal dissensions. With this object it has established in the former city a semi-official newspaper, which, issuing from the government printing-office, has occupied itself since its inauguration in spreading abroad all kinds of imposture, in defaming our public men, discrediting the principles governing society, and artfully endeavoring to prove the non-existence of a government, notwithstanding the fact that that of his excellency the Supreme Chief has the obedience of the entire nation, without excepting a single village.

These artful wiles, aimed against the sovereignty of Peru, did not at first possess the gravity they have later attained, since, although the work of well-known authors, they had until now no official character.

After the occupation of Lima, and it being in consequence thereof impossible to treat directly with the honorable diplomatic corps resident in that capital, the government accredited as its confidential agent near that body Dr. Don Manuel Yrigoyen, whose only duty was to continue the mediation by that corps, and accepted in Miraflores on the 14th of January last.

The interposition of the friendly powers, at the same time that it consulted the decorum of the belligerents, was a sure guarantee of justice and exactness in the solution of the pending conflict, but the peremptory declaration made by the Chilian agents that they would in no case admit that interposition, a resistance impossible of any worthy explanation, although it clearly showed the true views of Chili in the present war, frustrated that efficient mode of solution.

His excellency the Supreme Chief, wishing nevertheless to do away with even the remotest pretext under which our enemies might shelter themselves in order to carry on the war, named plenipotentiaries, fully authorized to negotiate directly a peace with those whom the Government of Chili might see fit to designate with like object.

The conciliatory efforts of our ministers, Doctors D. Antonio Arenas and D. Lino Alarco, have been entirely sterile. Messrs. Vergara and Altamirano, who state that they possess full powers to negotiate a peace as representatives of Chili, declared that "refusing to treat with his excellency the Supreme Chief they considered themselves as carrying out their instructions, which ordered them not to treat save with a government solidly sustained by the national will." General Baquedano had also replied to our envoys that Colonel Don Francisco Vergara and Don Eulogio Altamirano were the plenipotentiaries named by the Republic of Chili to treat with those who might be designated *by the government which Peru might desire to give herself.* We have here, therefore, the commander-in-chief of the Chilian army and the plenipotentiaries of the nation constituted as deciders and arbitrators of the legitimacy of the government of Peru. We have here the fact, new in the annals of the political relations between peoples, of the refusal to admit by a stranger as a national government that which the whole country recognizes as such, and in order that the deformity may be the more monstrous life and impulse are given, beneath the shadow of the Chilian flag, to meetings whose strength lies there alone, establishing thereby an odious protectorate that will always be repudiated by the Peruvian people, whatever the depths of their misfortunes, and in spite of the terrible martial law with which the semi-official organ at the same time threatens public manifestations tending to defend the autonomy and independence of the nation, however tranquil they may be.

I leave to the profound sagacity of your excellency the appreciation of events which you yourself have witnessed, and the truth of which is perfectly known to you.

The authority of his excellency the Supreme Chief having been derived from the confidence which the people of Peru have deposited in him, and which they still maintain, strengthening it daily by new proofs of adhesion, he will maintain unshaken that authority nntil he can deposit it in the hands of the national representatives, laying it down before the assembly elected by the people, which will soon meet, in accordance with the supreme decree of this date, so that it may also freely deliberate upon the future destinies of the country, in view of the situation created by the causes to which I have referred.

Be pleased, your excellency, to place these facts before the Government of the United States of North America, so worthily represented by your excellency near the Government of Peru.

With sentiments of the highest consideration and esteem, I am, &c.,

AURELIO GARCÍA Y GARCÍA.

[Inclosure 2 in No. 254.—Translation.]

Decree or bando of General Saavedra (at present commander-in-chief) of the 5th of March, 1881.

No. 496.

Having seen the foregoing note of the minister of war in the field,
I decree:

1st. There shall be established in the city of Lima an office of "Collector of the contributions of war," whose functions and obligations are as follows:

1st. To take under its charge and inventory the property and things of every kind which the public buildings and establishments (of which the army has taken possession) may contain, as well as all articles of a warlike character.

2d. To point out and take note of all that pertains to the public administration and which may not yet be in possession of the army, for the purpose of providing the proper measures in reference thereto.

3d. To ascertain and take accurate note of all things which have been remitted to Chili, its destination, and the party sending the same.

4th. To inquire what remittances may be properly made to Chili, and to effectuate those that shall be determined upon, specifying the kinds, with all the details and a proper valuation, directing them to the proper parties, as shall be determined upon.

5th. To propose the contributions which are to be collected for the maintenance of the army, and in general for all the expenses which the miltary occupation occasions.

6th. To collect the contributions which shall be decreed, and to deposit them in the commissariat of the army.

7th. To represent the supervision which may be decreed in any of the public establishments or institutions, in the administration of funds.

2d. This office may establish branch offices outside of Lima, with the same object, at other points occupied by the army, previous approval being obtained.

3d. The chief of the office shall propose the rest of the employés and their salaries and a regulation which comprehends the proceedings to be had to fulfill the objects of this office.

4th. Don Alvaro Francisco Alvarado is named chief of the office for the collection of contributions of war, with the salary and compensation which he now has as an officer of the general intendencia of the army and navy in active service.

Let it be recorded and published, and let an account be given to the supreme government for its approbation.

C. SAAVEDRA.

[Inclosure 3 in No. 254.—Translation from Actualidad, March 7, 1881.]

THE CONTRIBUTION OF WAR, ONE MILLION MONTHLY.—LIST OF THOSE WHO MUST PAY FOR MONTH OF FEBRUARY.

CORNELIO SAAVEDRA, general of brigade and in chief of the army of operations of the republic of Chili.

Whereas, having in view the execution of article 3 of the decree of the 9th of February last, and the note of the minister of war of the 5th of the present month,
I decree:

1st. That the department of Lima and Callao shall pay monthly the sum of one million of pesos in silver, or its equivalent in current money, according to the exchange of the time, to meet the expenses of the army of occupation.

2d. The million for the month of February last shall be paid by the persons mentioned below, each of whom shall contribute twenty thousand pesos in coin for his quota.

[Here follow fifty names for 20,000 pesos each.]

3d. The space of eight days is conceded from this date for the persons designated in the foregoing article to present themselves to complete the payment of the quota, fixed at twenty thousand pesos, in coin, assigned to each, into the office charged with the collection of the war contributions ordered by the decree of the 5th of the present month.

4th. If any of the persons named shall not pay his quota within the time fixed, proceedings shall be taken to destroy, for the present, of the property of the delinquent at least three times the value, without prejudice to the right of personal compulsion.

5th. The chief of the general staff, Col. Don Pedro Lagos, is charged with the exe-

cution of this decree, and to this end the chief of the office of collection shall give an account on the same day of the term fixed by article 3 of the persons who have failed to make such payment.

6th. From this date no person of Peruvian nationality can absent himself from Lima or Callao without a passport previously issued from the general staff, under the penalty to the infractors of being tried before a military tribunal. This article does not apply to those who travel only between said two cities.

Let it be recorded and published. To the end that this decree shall be brought to the knowledge of all, it shall be published by proclaiming the same in public and fixing it up in hand-bills in the most public places of this city and Callao, it being the intention that this publication shall have the effect of a personal notice.

Given at the palace of government in Lima on the 7th of March, 1881.

CORNELIO SAAVEDRA.

No. 533.

Mr. Christiancy to Mr. Blaine.

No. 256.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 16, 1881. (Received April 11.)

SIR: Referring to my dispatch No. 254 (last paragraph), I have the honor to inform you that since that I have ascertained that, even before that letter was written, the whole of the public library known as "Biblioteca de San Pedro," in Lima, belonging to the Government of Peru, and the largest and most valuable in South America, had already been taken by the Chilians and put on board the fleet to be sent to Chili.

And before and since that dispatch they have, as I am informed, also taken from the exposition grounds and buildings belonging to the Benevolent Society of Lima all the paintings and pictures in the buildings on those grounds, all the collection of animals (a menagerie of them), and everything of value that could be taken; the laboratory and the appurtenances of the School of Medicine, amounting to over half a million of dollars, and everything that could be moved from the School of Arts in Lima, consisting of models, machinery, &c., for teaching in the arts and sciences and in the various trades. This School of Arts belonged to the Government of Peru.

For myself, I look upon this as a violation of the rules of civilized warfare, which calls for an earnest protest on behalf of all civilized nations; and I have been in favor of such protest being made by the diplomatic corps here. I am satisfied that the large majority of the corps would join in it; but there are some who, while agreeing that it is contrary to the modern principles of warfare, yet, for reasons of policy, think it not best to make the protest, lest it might prejudice the Chilian Government against neutrals here.

A meeting of the diplomatic corps was held yesterday at my suggestion, made the day before. But I was taken sick the night before and was totally unable to attend; and I understand no action was taken by the corps upon this point.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—If I thought the failure of protest could in any manner operate as an acquiescence in the propriety of such acts on the part of Chili, I should protest against them, though I might stand alone. But as I am not accredited to Chili, I do not suppose that my neglect to protest can be construed into an approval by my government.

I. P. C.

No. 534.

Mr. Christiancy to Mr. Baine.

[Extract.]

No. 257.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 16, 1881. (Received April 11.)

SIR: Referring to my dispatch No. 254, in reference to the attempt to form a new government of Peru, under the auspices of the Chilian authorities, I have the honor now further to inform you that the attempt, though for a time apparently abandoned, has since been persisted in; and on the 12th instant that new government was installed at the small hamlet (too small to be called a village) of Magdalena, about 3 miles from Lima, which has been declared neutral territory; and that the provisional president, Francisco García Calderon, has appointed Aurelio Denegri president of the council and minister of finance, Manuel Velarde minister of government and public works, José Miguel Velez minister of justice and public worship, and M. M. Galvez minister of foreign relations.

* * * * * * *

As Piérola still claims to be the Government of Peru, the great question for me and other ministers here to decide is that of recognition, all having heretofore recognized Piérola. My own view is that I cannot recognize this new professional government until it shall appear to be a government of Peru, instead of Lima and Callao; in short, without instructions from you, I cannot recognize it until satisfied from a vote of the people or clear acquiescence the larger portion of the people seem to have adopted it, nor until it shall show some evidence of the power to sustain itself as the Government of Peru.

If, for instance, Piérola holds one half of Peru and Calderon the other, I could not recognize the latter, unless so instructed by the Department.

I am just informed that this new provisional government, with the aid of a committee of the diplomatic corps, have made an arrangement by which a little time is given for the payment of the $1,000,000 due on the 14th on their paying $200,000 to-day, and that the penalty for non-payment is not to be enforced by the proposed destruction of property. But I cannot give you the particulars with certainty, as I am unable to go out.

I have, &c.,

I. P. CHRISTIANCY.

No. 535.

Mr. Christiancy to Mr. Blaine.

No. 261.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 21, 1881. (Received April 16.)

SIR: Referring to my dispatches Nos. 253 and 259, I have now the honor further to inform you, in further answer to your dispatch No. 123, that as the Chilian authorities here had constantly declared their fixed determination not to accept the arbitration, mediation, or even the good offices of any other government in bringing about a peace with Peru and Bolivia, I could see no door open by which I could approach the Chilian authorities here, without appearing to be officiously

impertinent and intermeddling. Nevertheless, on the 16th instant, hearing that General Saavedra and Mr. Altamirano (the last of whom seemed to be the representative of the Chilian Government here in matters not strictly military) were to leave on that day for Chili, I left on that day with Mr. Vergara, the Chilian secretary of war at the palace, to be shown to Mr. Altamirano, before he should leave, a copy of so much of your dispatch No. 123 as reads as follows:

> I find it necessary to desire you to press upon the Government of Peru, and on such Chilian authorities as you may have access to, the earnest desire of this government to bring about a peace without unnecessary delay, and upon reasonable and honorable terms compatible with the true welfare of all the belligerents, so as to be lasting.

I thought it well that Mr. Altamirano should take this or the knowledge of this with him to the Government of Chili. But I did not think it wise to go any further at this moment, or without further instructions from your Department, as it appears to me quite evident that the Chilian Government have determined to make Peru drink the last dregs in the cup of national humiliation, in any peace she will be ready to grant, and that nothing short of active intervention of the United States, or some foreign power or powers, can defeat the determination. And, though it is not for the interest of the United States or any other neutral power thus to humiliate Peru, yet in view of the traditional policy of the United States it would not be possible for me thus to intervene between the three belligerents, towards whom our government entertains equally friendly sentiments. I could only be warranted in doing so by the express directions of my government.

Please see my next dispatch, No. 262, in answer to your No. 129.

I have, &c.,

I. P. CHRISTIANCY.

No. 536.

Mr. Christiancy to Mr. Blaine.

No. 263.] LEGATON OF THE UNITED STATES,
Lima, Peru, March 22, 1881. (Received April 16.)

SIR: Referring to my dispatches Nos. 254 and 256, I have the honor to say that when those dispatches were written I had only received the facts by general public report. I now inclose to you the letter of Señor Manuel de Odriozola, the director of the Biblioteca Nacional del Peru, dated March 10, but received only on the 19th, showing the spoliation of that library by the Chilian authorities, together with a translation of the same.

Referring to my dispatch No. 256, in which I stated the value of the laboratory, &c., of the School of Medicine taken by the Chilian authorities at $500,000, I have now to say that I think the value was overstated. I now understand that the laboratory was purchased in Paris for 600,000 francs. I cannot get reliable official evidence in these matters. But the fact of the laboratory having been taken by the Chilian forces (whatever may have been its value) is beyond doubt.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 263.—Translation.]

Señor Odriozola to Mr. Christiancy.

LIMA, *March* 10, 1881.

The undersigned, director of the national library of Peru, has the honor to address himself to your excellency, in order that you may bring to the knowledge of your government the fact of the crime against civilization committed by the Chilian authorities in Lima.

To take as their property libraries, archives, cabinets of science and anatomy, and others which symbolize the intellectual progress of a nation, or help to facilitate its development, is to restore to war a character of barbarism foreign to the civilization of the age and the practices of Christian and enlightened belligerents, and to the universally recognized principles of right.

The Library of Lima was founded in 1822, a few months after the declaration of independence, and was considered by all the literary travelers who have visited it as the best among the libraries of Latin America. Being enriched through the protection of subsequent governments, and the gifts of private persons, it had, at the close of 1880, very nearly 50,000 printed volumes (not reckoning duplicate editions), and over 800 interesting manuscripts. True bibliographical curiosities, among which were not a few unreplaceable, or books printed during the first century after the discovery of printing, and which, as your excellency knows, are priceless works at present, very rare, either from the copies being exhausted or for not having been reprinted, especially in the branch of literature and history, the production of nearly all the chroniclers of America, a section in which the establishment was unrivaled, and books presented by foreign governments, among which the United States of America figured largely. Such, Mr. Minister, was the Library of Lima, a library of which we, the sons of Peru, were justly proud.

The capital of Lima having been surrendered to the Chilian forces the 17th January, more than a month elapsed, during which the invaders respected the institutions of learning; no fear was felt up to that time that the Chilian authorities would dare to consider as spoils of war the cabinets of the School of Medicine and university, the apparatus of the School of Arts and Mines, or the important collection of the national archives, and of other institutions of purely scientific, literary, or artistic character.

On the 26th of February, at 3 p. m., the keys of the library were demanded of us, and from that day forward the most scandalous robbery was carried on, the books being carried to Callao in carts, and, I understand, they being shipped to Santiago. The library has been sacked as though it represented war material, and but a few more days will be necessary to finish this act of rapine, carried on under the shadow of the flag of a people considered as civilized and enlightened.

In addressing myself to your excellency, I do it in order that the protest which I make in the name of cilvilization, morality, and justice may appear before America and humanity, complying in this with a double duty imposed upon me, by my duty as the director of the library, and my patriotism.

With sentiments of high consideration and respect, I have the honor to subscribe myself, your excellency's obedient servant,

ML. DE ODRIOZOLA.

His Excellency I. P. CHRISTIANCY,
Minister of the United States in Lima.

No. 537.

Mr. Christiancy to Mr. Blaine.

No. 264.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: I have honor to inform you that Señor Manuel M. Galvez, the secretary of foreign relations under the new government, set up or attempted to be set up for Peru, called to see me yesterday, and especially to inquire what attitude the United States would be likely to take upon the question of peace with Chili, &c.

I explained to him fully that the position of our government had thus far been one of strict neutrality between the belligerents; that while

our government was ready now, as always heretofore, to use her good offices by way of mediation or arbitration (to bring about a peace), with the consent of all the belligerents; yet that I had received no instructions which would indicate that she was willing to enter upon an active intervention against the will of Chili or the other belligerents; that, while I was satisfied that our government would regret to see a peace forced upon Peru, which would humiliate her and degrade her, and was desirous of a peace which should be honorable and beneficial to all parties—and therefore likely to be lasting—yet in view of the declared intention of the Chilian authorities not to admit the mediation or good offices of any other government in fixing the terms of peace, and in view of the traditional policy of our government not to intervene in the affairs of others, except with the consent of all the nations concerned, I could give him no assurance that she would now be willing to depart from that policy and intervene between Chili and Peru, against the will of, and therefore in a hostile attitude to, the former; but that I had kept my government informed and should follow any instructions I might receive. He then inquired what I thought of the policy of sending a special envoy to the United States. I frankly told him that I saw but one objection to this, and that this might be but temporary, viz, that as yet it did not sufficiently appear that this new government was *the* government of *Peru*, and that, until this should appear, the United States might not be willing to recognize it as such; that inasmuch as our government, with all the other governments represented here, had recognized the Government of Piérola, I should myself, in the absence of instructions to the contrary, be compelled to wait until it should appear by vote or acquiescence of the people of Peru that the majority approved or acquiesced in the new government, and that I was inclined to think my government would be likely to take the same view of the question; and that, as yet, I had seen no sufficient evidence of this approval or acquiescence; but that the very moment I should have such evidence I should recognize the new government without waiting instructions; and that all our government wished to know was *what is* the Government of Peru, when they would at once recognize it; but they could not make themselves parties in a contest between two governments, both claiming to be the Government of Peru, until the people of Peru had decided that question for themselves, &c.

I learn this morning (in a somewhat confidential manner) that this new government intends to send by the steamer of to-morrow, as envoy, or agent, to Washington, a Mr. José Manuel Cantuarias. So far as I can learn, he has the reputation of an honest man, of considerable ability. He has been consul of Peru to China, and has held, with credit, several offices under the Government of Peru.

I have, &c.,

I. P. CHRISTIANCY.

No. 538.

Mr. Christiancy to Mr. Blaine.

No. 265.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: Referring to my dispatch No. 263, I have the honor to inclose to you an extract from an editorial in the Actualidad, the Chilian Gov-

ernment organ here, of March 21, with a translation, showing that the Chilian commanders claim, as conquerors, the right to take the apparatus of the School of Arts, as well as books, scientific apparatus, and paintings; that they place all the public buildings, including the palace of government, ending with the last hut or tent of the guards, and all public works, the railroads, with all the bridges over water-courses crossing public roads, on the same ground.

That you may understand the full significance of this, I will say that the Orden, the only paper here published in the interest of the new Peruvian Government, had complained in a very mild and subdued form of the taking of libraries, scientific apparatus, and the property of schools and colleges; and this editorial in the Actualidad (the whole of which is very severe) makes this answer.

It is true they place the right claimed upon the ground of indemnifying themselves for the expenses of war, and compelling the enemy to put an end to the war. But it is easy to see that this pretext may always be put forth with equal justice, and thus the obligation to respect libraries, paintings, works of science and art, as well as schools, colleges, and public buildings, may always be evaded, if it can be in the present case.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 265.—Translation.—From La Actualidad, March 21, 1881.]

* * * * * * *

The Chilian authorities have determined to follow and will still continue to dispose of national property of Peru, with the indisputable right, conceded by all the nations of the world to the conqueror, when it is to repay himself the expenses of the war, and when he has at hand the means of coercion, which obliges the enemy to put an end to the war, in order to prevent worse evils.

This is, nevertheless, the protest of the gentlemen of El Orden, what the Chilian authorities have done with the work-shops of cartridges, the machines of the school of arts, with books and instruments of sciences, and with one historical picture.

They can do it to-morrow with all the public buildings, beginning from the palace of government and ending with the last sentry-box.

They can, the day after to-morrow, still follow in doing so with all the public works, beginning with the railroads and ending even with the bridges over the water-courses crossing public works.

This is the right of the conqueror, and that of the conquered is to keep silence when he has not sought in time the means to avoid those evils of which he complains.

Consequently, we protest against the protests dissemblingly initiated by El Orden No. 14, accentuated in No. 15, and probably so out of all limits in to-day's number, or to-morrow's, or that of any of those days.

To begin by estimating, to follow with complaints, and to continue with charges, may end very soon, in great haste, with the armed protest, which is the last tone of the scale.

No. 539.

Mr. Christiancy to Mr. Blaine.

No. 266.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: The new Peruvian Government, having on the 14th instant arranged with the Chilian authorities here to pay down 200,000*s.* silver, of the million then due for February, according to the Chilian decree,

and to pay the balance, 800,000 silver soles, within one month, I here inclose you copy and translation of the decree of this Peruvian Government, dated the 14th, but published only yesterday, for raising the amount in the shape of what is called a loan, and which, so far as the decree shows, would seem to be a voluntary loan; but as it seems to me quite probable that few will come forward voluntarily to take the loan, I presume the government must look to some means to enforce it as a forced loan; if not, I am inclined to think the money will not be raised in time.

The three-and-a-half pence mentioned in the decree is intended as the value of the paper sol, practically the only currency now circulating in Peru, the gold and silver coin having almost entirely left the country, as is usual, if not universal, where an inferior currency is in general circulation.

And Peru, from having formerly been thought the richest country in precious metals in the world, is now probably the poorest for practical purposes, though she still has inexhaustible mines, mostly unworked, in the interior.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 266.—Translation.]

MAGDALENA, *March* 14, 1881.

In conformity to the agreement of the council of ministers, proceed to raise a national loan, destined to cover the war contribution imposed by the chief of the Chilian forces, on the following contributions:

1st. The loan will draw an interest of six per cent. per annum.

2d. It will be repaid in fiscal notes, at an exchange not less than three-and-a-half pence per sol. The amounts paid in, for this loan, in pounds sterling, shall be reckoned at this same exchange.

3d. The reimbursement shall be made out of the outstanding and accruing taxes on property in Lima and Callao; 30 per cent. of the free income of the Callao custom-house, and with the income of the stamp contribution.

4th. The administration and recovery of the taxes and stamp contribution shall be confided to a commission selected from among the lenders.

5th. The refunding shall be at par, and by lots, paying the capital and interest on same.

Communicate it; have it registered and published.

Signature of his excellency,

DENEGRI.

No. 540.

Mr. Christiancy to Mr. Blaine.

No. 273.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 31, 1881. (Received April 25.)

SIR: Referring to my dispatch No. 264, I have now to inform you that, from all present appearances, the new Peruvian Government, of which Mr. Garcia Calderon is the head, does not seem likely to be recognized by the people of Peru; and so far as any manifestations of the popular will have come to my knowledge, the mass of the people seems likely to continue its adherence to the Dictator Piérola. Circumstances yet to occur may change all this; but as yet, from the best information I can get, the very localities on whose concurrence the new government

counted, still adhere to Piérola, and, even here in Lima, the municipal government, at a meeting held yesterday, unanimously decided not to recognize it. And when the alcalde (mayor) went to consult the Chilian secretary of war at the palace, he was informed that the Chilian Government did not yet recognize the new government (waiting, doubtless, to see that it should first be recognized by the people of Peru). And when the alcalde asked what the municipal government should do, in case the new pretended government should demand the building of the municipality and seek to turn them out, the secretary of war replied, in substance, that he did not know; but that if any disturbance of the peace should take place in a quarrel between the new government and the municipal authorities, he should send them all alike to prison.

I have, &c.,

I. P. CHRISTIANCY.

No. 541.

Mr. Christiancy to Mr. Blaine.

No. 276.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 4, 1881. (Received April 26.)

SIR: Referring to my dispatch No. 256 (second paragraph), in which I stated, in substance, upon report, among other things, that the Chilians had taken from the exposition grounds, belonging to the Benevolent Society of Lima, the collection of animals there, I have now to make this correction, viz: That these animals had not *then* been taken (a few days since), but preparations had been made to take them, and the cages were already taken to the grounds, in which they were to be shipped, and there is no doubt they will be taken.

I have, &c.,

I. P. CHRISTIANCY.

No. 542.

Mr. Christiancy to Mr. Blaine.

No. 277.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 4, 1881. (Received April 26.)

SIR: Referring to my dispatches, Nos. 257, 264, and 273, in reference to the question, What is the Government of Peru? I have now the honor further to inform you that since my dispatch No. 273, the alcalde (mayor of the old municipality under the Piérola government) refused to carry out the unanimous resolution of the municipal council, and allowed the council of 1879 to come in and take possession in accordance with the decree of the provisional government of Garcia Calderon. I will further say that this is the only indication, since the above dispatches, of the acceptance of the provisional government by Peru.

Even the northern provinces, upon which it counted (and where I supposed the terror of the Chilian arms would have secured the adherence of the people), seem to be overwhelmingly opposed to the provisional government of Calderon, and to adhere to Piérola. This is also the case in the south. Arequipa, upon which the new government re-

lied, so far as it has spoken at all, has pronounced in favor of Piérola, and so in Pisco, and almost everywhere; though in all these localities, many of the people, feeling the absolute necessity of an immediate peace, were disposed to support the new government, which, however, to me seems, thus far, to have lost rather than gained in popular favor.

The interests of Peru undoubtedly require the earliest possible peace, and in this view I am inclined to think it would be best for Peru to acquiesce in the new government. But my own opinion of the expediency of the one or the other can have no weight upon the question of recognition; all I am to regulate my own conduct by upon that question is the consideration, *which is* the Government of Peru; and however much I might think the majority have erred in their choice, yet, upon the question of recognition, I shall be compelled to follow that decision unless I receive other instructions from your Department. At present all the indications are that nearly all the inhabitants east of the Andes still adhere to Piérola, and that the same is the fact with the majority between the mountains and the coast.

Each of these governments (so called) has called a congress—that of Piérola to meet at Ayacucho on the 3d of June, and that of Garcia Calderon to meet at Lima or its vicinity on the 15th of May. If both succeed in getting a congress together, it would seem that confusion will be still more confounded and that chaos must reign supreme.

Referring to my dispatch No. 257, I will further say that this provisional government assumed to pay, and I think did pay, $200,000 of the forced contribution of $1,000,000, imposed by the Chilian authorities upon fifty Peruvian citizens of Lima and Callao, and further assumed to pay the balance of $800,000 by the 14th April. And in the attempt to carry out this undertaking this provisional government has assessed the leading capitalists such sums as in their judgment they can pay, including in this assessment a few Americans and other neutral citizens (which the Chilians did not).

Some of our American citizens domiciled here will doubtless pay under protest, as I have advised all who have applied to me to do, if they pay at all. Others will not pay, but by my advice will insist, without admitting the validity of the provisional government, that even if the legitimacy of the government be admitted, it has no right to compel American citizens to pay, as it is a *forced contribution*, or forced loan, which is forbidden by the second article of our treaty of September 6, 1870, with Peru.

If compelled by force to pay, I shall advise them to pay under protest. Of course, if a general tax should be ratably imposed upon the *real estate* of Lima, &c., including American citizens, by a government acknowledged as the Government of Peru, or being in fact such, taxes of this kind would have to be paid in the same manner as if the owner were a native citizen of Peru. But the present imposition is not of this character, but is simply imposed upon the *person*.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Since writing the above, one American citizen who protested against the right to impose 40,000 soles as a contribution to meet the Chilian requisition, and whose protest was in the form I had suggested, relying upon our treaty, has just informed me that he has seen Garcia Calderon, the so-called President, who admits that he cannot impose such a burden upon American citizens, and that he declares the intention now not to attempt to enforce it upon any neutrals.

I. P. C.

No. 543.

Mr. Christiancy to Mr. Blaine.

No. 278.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 5, 1881. (Received April 26.)

SIR: I have the honor to inform you that the Chilian press established in Lima has for some two or three weeks apparently foreshadowed a design on the part of the Chilian authorities, and, probably, of the Chilian Government, to bring about a confederation, to consist of Chili, Bolivia, and at least that part of Peru between the Andes and the Pacific (being that portion of Peru accessible to the army of Chili by reason of her complete control of the sea), leaving that portion of Peru east of the western range of the Andes to join, if she can be induced to do so, and, if not, to form a separate government by itself, cut off from the coast, as it would be.

This idea may be thrown out and apparently advocated, merely *in terrorem*, to compel the Peruvians to accept the government of Garcia Calderon, and thereby secure a peace upon such terms as Chili may choose to dictate, or it may be with deliberate intention of forcing the compliance of that part of Peru west of the mountains.

Now, while I am well satisfied that a confederation of the three republics, if it could be brought about upon cordial and friendly terms—in other words, in accordance with the sympathies and prejudices of the people of the three republics—would be the best arrangement for all of them, and that, in such an event, Ecuador and Colombia, and, possibly, all the other republics of South America might be brought into the plan, forming a union on the plan of the United States of America, yet now I look upon this scheme (if it is seriously entertained by Chili) as utterly visionary, so far, at least, as it relates to Peru (and probably so as to Bolivia). Had Chili, after her victory at Tacna, or at the conference at Arica, made such a proposition it might possibly have been entertained, though I think the old quarrel between the Pizarros and the Almagros—the "men of Peru and the men of Chili"—has been transmitted by descent and become hereditary. It is also possible that, even after the Chilian victories at San Juan and Miraflores, such a union might have been formed (which I think, however, would not have been lasting) had the Chilians pursued a conciliatory policy towards Peru, instead of pursuing, as they did, the most vindictive policy and the most humiliating course towards Peru, exciting a deep feeling of hatred and revenge in the minds of Peruvians generally, which will for a century prevent any cordial union. And now any union to which the Peruvians might be compelled for the time to consent would be felt by them to be—as it really would be—nothing more nor less than actual conquest under the flimsy disguise of "union or confederation."

I have, &c.,

I. P. CHRISTIANCY.

No. 544.

Mr. Christiancy to Mr. Blaine.

No. 282.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 13, 1881. (Received May 5.)

SIR: I have the honor to inclose to you a copy of my letter of the 11th instant to B. H. Kauffman, our consular agent at Pacasmayo,

Peru, in reference to the right of Peruvian or Chilian authorities to levy forced or extraordinary contributions upon American citizens, and to say further that those questions are likely to arise almost daily during the Chilian occupation.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 282.]

Mr. Christiancy to Mr. Kauffman.

LEGATION OF THE UNITED STATES,
Lima, Peru, April 11, 1881.

DEAR SIR: I have just received your letter of the 10th January last, with that of April 6, explaining the oversight in not sooner sending the former letter, informing me of the occupation of that province by the Chilian forces; that they have made requisitions upon the municipal authorities for sustenance, and that in the distribution of the quotas the authorities (Peruvian, as I understand it) have made no distinction between foreign neutral property and that of Peruvians, and asking my opinion whether neutrals are obliged to pay contributions thus imposed.

In reply, I have to say that if the contribution is imposed upon the *real estate* of American or other neutral citizens by the Peruvian authorities, such neutral citizens, so far as relates to *such real estate* and any taxes or burdens imposed thereon, are to be treated exactly as if they were Peruvians, such real estate and its immediate products, such as crops, partaking of the Peruvian national character. But if the forced contribution in question be imposed upon the person instead of the property of an American citizen, then it is safe for you to take the ground as against such forced or extraordinary contribution, that American citizens are exempt therefrom under the second article of the treaty of September 6, 1870, which, among other things, provides that American citizens "shall not be called upon for any forced loan or extraordinary contribution for any military expedition or for any public purpose whatever."

There might, it is true, be a possible doubt whether this exemption would apply in behalf of an American citizen *domiciled* in Peru (that is, residing and having his house in Peru, especially with a family, and without any present intention of removing therefrom).

But whatever doubt there may be upon this last point, it is the safest course for you and for me to insist that the exemption applies as well to American citizens *domiciled* in Peru as to those who are here for a mere temporary purpose. I advised one American citizen, domiciled in Lima, and upon whom just such a forced contribution was proposed to be levied by the present provisional government here, to take the ground that he was exempt under the treaty. He called upon Mr. Calderon, the head of the provisional government, and took this ground, whereupon Mr. Calderon frankly admitted that he was exempt.

But Chili, having no treaty with the United States, is not bound by the law of nations to treat American citizens, domiciled in Peru, differently from native Peruvians, and may treat them in the same manner, and in some cases (such as the bombardment of a town or a battle in the country) they would not be bound, and in fact, could not make any distinction, though the American citizen might be there for a mere temporary purpose.

But in what is called the "Lynch raid" in September and October last, the Chilian Government had given orders to protect neutral property so far as possible, applying this even to real estate, and, I presume, they have such orders still, and they have quite generally sought to spare it here, further than they were bound to by the law of nations, except at Chorillos, Barranco, and Miraflores.

Finally, I would advise that if any American citizen shall be driven or induced, either by the Peruvian or Chilian authorities, to pay any such contributions, he should pay it under protest made through you, so as to save whatever rights of reclamation he may have.

I will ask you to do me the favor to make a copy of this letter and send it to Mr. Alfred Lapoint, our vice-consul at Chiclayo, and ask him to send a copy to each of our consular agents in his district, viz: Henry C. Smith, at Tumbez; Charles Stalpe, at Lobos de Afuero, and James H. Hayball, at Chimbote.

I am, &c.,

I. P. CHRISTIANCY.

No. 545.

Mr. Christiancy to Mr. Blaine.

No. 283.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 13, 1881. (Received May 5.)

SIR: Referring to my dispatch, No. 277, upon the question, What constitutes the Government of Peru, I have the honor to inform you that nothing has since occurred which contributes to change the aspect of the question. Each government, from time to time, contrives to get statements of acts of adhesion signed by many citizens, and these often come from the same locality, the population being divided. But upon the whole the evidence, as yet, is quite clear that the overwhelming majority of the people of Peru are opposed to the provisional government, and still adhere to Piérola, and at present, if the Chilian army should leave to-morrow, the only safety of the members of the provisional government would be to leave with them.

In my own private opinion, however, if the provisional government had come up without any appearance of support from the Chilian authorities, it would have had many elements of popularity, and would probably have succeeded in obtaining the acquiescence of the people. This new government realizes the importance of an early peace with Chili, the necessity of which must be recognized by every thoughtful man, while that of Piérola professes to intend to carry on the war; but it has no means for the purpose at present, and my own opinion is that any efforts to do so will end in still greater calamities to Peru.

I have, &c.,

I. P. CHRISTIANCY.

No. 546.

Mr. Christiancy to Mr. Blaine.

No. 285.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 17, 1881. (Received May 17.)

SIR: Up to the time of the capture of Lima, I endeavored to keep the Department informed of the progress of the war, and I intended after Lima was taken to give you an account of the maneuvers of the respective armies prior to the battle of San Juan (13th January), and that of Miraflores on the 15th January. But as Lieutenant Mullin, from the United States steamer Adams, accompanied the general staff of the Chilian army, and Lieutenant Houston, from the Lackawanna, was with the general staff of the Peruvian army from some weeks before these battles until they were closed, I wished, for the purpose of getting information in an authentic form, to obtain copies of their respective reports, which were promised me, and for which I waited. But I have never received either, and therefore have only to refer to their reports in the office of the Secretary of the Navy.

Since those battles there has been no actual fighting; some 6,000 of them having gone north along the coast and into the rich valleys near the coast to levy war contributions, where they find no hostile force to oppose them; some 5,000, more or less, returned to Chili, and from 5,000 to 7,000 have remained in and about Lima and Callao until 3 days ago, as I shall presently state.

Piérola, at last accounts, remained at Janja with a small force of about 200 men, but he still claims to be the Government of Peru, and issues his decrees as such, being as yet apparently sustained by the large majority of the people of Peru. (He has, a few days ago, issued a decree, declaring all persons traitors who aid or support the provisional government, and subjecting them to summary trial by court-martial, and his sub-chief, Solar, has issued a like decree at Arequipa.)

He sent General Montero some time since to the north to act in his interest, who is now supposed to be in the interior somewhere back of Trujillo, attempting to get up a military force in the interior. But we have no reliable intelligence whether he has succeeded in raising any such force. But Solar, at Arequipa (in the south), is reported to have under his command there somewhere from 5,000 to 7,000 men well armed, and the friends of Piérola expect the Bolivians to send to Solar's aid some 2,000 to 3,000 men. It is generally supposed that Piérola keeps up communication with Solar by couriers by way of Ayachuco, Cuzco, and Puno, and that he is endeavoring to stir up the people there and everywhere in the interior to maintain a kind of guerrilla warfare against the Chilian forces wherever the latter may attempt to penetrate into the interior.

The Chilian forces have full possession of the Oroya Railroad, which follows the valley of the Rimec and is finished to Chicla, 86 miles from Callao (where it reaches the height of 12,220 feet above the sea.)

In going up this road from Lima the valley grows narrower, and about 25 miles above Lima it becomes a mere narrow gorge, and so continues to Chicla, with here and there a small expansion of comparatively level ground, where some lateral gulch joins the main valley; but with the exception of these the mountains rise abruptly from the Rimec to heights and knobs varying from 2,000 to 5,000 feet, and so very steep (in some places perpendicular, and all entirely naked) that they cannot be climbed in front by man, and in very few places even by the goat, except at long distances where the side valleys come in, though they may almost all be climbed by a circuitous course from the rear. This is the character of the valley or gorge, at least from Chosica (29 miles above Lima) to Chicla, the present terminus of the railroad; and thence about 18 miles to the summit of the pass (over 15,000 feet above the sea) and for at least that distance on the other side the road is but a mule path, among even worse precipices, where horses, mules, and even men, have for much of the way to go single file; and, whereas, for much of the distance along the railroad, a few hundred men judiciously placed along the mountain tops, mostly out of the reach of fire, could without firing a shot, and by simply rolling rocks down the mountain, destroy an army below of ten times their own number.

Some weeks ago the Chilians established at Chosica a hospital for their sick (and perhaps some of the wounded) soldiers, which was left under the protection of a small force. Some ten days ago, these soldiers, whose camp was just at the foot of the mountain, were suddenly surprised by the rush down the mountains of large quantities of stones, set in motion by mountaineers most of whom were out of sight, and several Chilian soldiers were killed and more wounded.

This movement is believed to have been got up by two leading men known to be friendly to Piérola, and is supposed to have been with his consent.

About a week ago, a force of several hundred Chilians was sent up to chastise these mountaineers and to take vengeance upon them. In the execution of this object, they penetrated some side valleys, where

there were three small villages embowered in fruit trees, the inhabitants escaping to the mountains; they destroyed the villages and as near as can be ascertained killed some forty of the men, who could be reached from below, with their shot, and lost of their own force some 5 or 6 killed and 15 to 20 wounded.

On the evening of the 14th instant, in the most secret and quiet manner, four trains of cars loaded with Chilian soldiery of all arms of the service were dispatched from here to Chicla, with the design, as is generally understood, of marching from Chicla to Jauja, to surprise and capture Piérola, or drive him away. Reports were in circulation here, yesterday, that there had been fighting up the road or beyond Chicla, and that the Chilians had met with some loss. Those reports, however, are wholly unreliable. Still, last evening and this morning, as I am informed, some three trains more loaded with Chilian soldiers have been dispatched up the road, which must with those sent before make some 3,000 men in all.

It is also a common report here, which I am inclined to believe (though none but the Chilian officers know, and they are reticent), that another Chilian expedition left Pisco (a little over 100 miles south of Lima) for the interior, intended to cross the mountains and to strike somewhere near Ayachuco, or to the south of it, to cut off the flight of Piérola to the south. It is also rumored, but I think with less probability, that another Chilian force has been sent into the interior through some valley to the north to intercept Piérola, should he attempt to go north.

But I look upon these movements (the last of which I think is not probable) as only auxiliary to the great expedition which all the Chilian press declare (and the Chilian officers here confirm) is now rapidly preparing for the capture of Arequipa, and the Mollendo, Arequipa and Puno Railroad.

This expedition will, I think, be immediately set on foot, and, judging from the past, I am inclined to believe it will be successful; though many who know the country and the people there better than I do think otherwise.

Upon the whole, present appearances seem to warrant, at least, the suspicion of a design on the part of Chili to attempt a full and final conquest of the whole of Peru, and its final annexation to Chili.

It is quite clear that this attempt could not succeed if the people in the interior had arms; but as they have not, they would seem to be situated with respect to the Chilian forces much as the Indian race was with respect to Pizarro and his forces, at the time of the first conquest, and may fall in the same manner; though such a result would not, in my opinion, result in a permanent peace, but a chronic state of war for centuries to come. But, as to the suspicion of such a design on the part of Chili, it may be proper to mention that some wealthy Peruvians who support the provisional government of Calderon have been heard to express their wish that Chili might take and govern the whole of Peru; and there are not wanting strong suspicions among the Peruvians that this is the ultimate purpose for which the provisional government is working.

I express no opinion of my own upon this point; it is too difficult to get authentic information, as nothing like free newspaper discussion is permitted here, any paper indulging in anything like free discussion being at once suppressed and its editors thrown into prison.

I have, &c.,,

I. P. CHRISTIANCY.

No. 547.

Mr. Christiancy to Mr. Blaine.

No. 286.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 19, 1881. (Received May 17.)

SIR: Referring to my dispatch No. 285, I have the honor to inclose to you an editorial from the Actualidad, the Chilian Government paper in Lima, together with a translation.

This article foreshadows in very plain terms what has for some time been suspected as to the real designs of Chili towards Peru.

It is, however, possible that it is written more for the purpose of driving the Peruvian people into the support of the provisional government with which Chili believes she can settle peace on her own terms. We shall soon see.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 286.—Cuttings from Actualidad and translation.]

The comedy follows.

Peru continues presenting to the world the most sorrowful spectacle that any nation ever presented in the hour of sacrifices and trial, when passion ought to be suppressed by the realization of great national calamity and to be concealed like a filthy leper, to give place to the noble and elevated efforts of those who seek the salvation of the country, inspiring all for good, for the common safety, and happiness.

Far from this, acts of disorganized anarchy from day to day give new confirmation and emphasis in terms which even now cannot be doubted for a moment that their only hope is for the retirement of the Chilian forces from Lima and Callao that they may unchain, as a final curse, a spontaneous social cataclysm, in which there shall be seen to arise from the lowest depths of society all the bad passions to float on the surface and to burst forth in a dizzy and devastating career like the "trompa marina," which makes whirls on the surface of the ocean.

Let us see what is passing. The government of Garcia Calderon orders the municipality of Lima to be prosecuted judicially for rebellion.

The ex-dictator, from his oriental mansion of Jauja, is issuing circulars to the diplomatic corps, accusing it (the provisional government) of usurping powers which belong exclusively to him as proprietor, as if the sovereignty of a nation was but merchandise which could be bought or seized from the country by violence, and which claims to receive a species of consecration from divine right.

The prefect, Solar, on the other hand, without circumlocution, and not to lose time in fabricating circulars, declares the government of Calderon traitors and condemns them to death.

On the other side, Señor Garcia Calderon addresses to Solar a paternal philippic to attract back to the fold this stray ewe.

Surely we have in this comedy the actors beating each other in fine style, with or without reason.

Señor Garcia Calderon (strikes) the municipality; Piérola, Garcia Calderon; the latter hits Solar, and Solar strikes at all the world.

Involuntarily there occurs to our memory that passage of Don Quixote—

"And as the saying runs, the cat went for the rat, the rat for the cord, the cord for the stick; the muleteer was beating Sancho, Sancho the girl, and the girl returned the compliment; the landlord beat the girl, and they were going at it so freely that they really took no time for rest. The best work came in when the landlord's candle went out, and as they were left in the dark the beating went on all around indiscriminately, and without compassion, so much so that wherever they dropped their hands nothing was left entire."

Nothing less is passing among the men who still hold in their hands some fragments of the extinguished power of the nation.

It appears that with them the lamp of intelligence has been extinguished, and they give thrusts and counter-thrusts, like the blind, striking right and left, disconcerting the few feeble elements with which they might yet strengthen the action of the gov ernment, which seeks to combine all the scattered elements to give them unity under

a single hand, and to place them at the service of the single work worthy of engaging the efforts of the whole country at this time, the organization of an administration which shall run no risk of being overwhelmed in the chaos of anarchy, which would endanger safety of the little which the war has left intact.

This continual conflict between the men who have remained in a situation to employ in the salvation of their country the few resources saved from shipwreck, if it shall continue longer, there will remain, no doubt, that Peru goes through a crisis in which the standard of judgment of those who still hold the last remain of military power is lost, and the inspirations of patriotism extinguished, goes on submitting, of its own accord, to a system of tutelage which is gradually imposed upon them by the very nature of coming events, and which acts foreshadow, merely, the rapidity with which the national dissolution of Peruvian personality is taking place.

All this comes amidst the perplexity produced by the stupefaction from great calamities; amidst the intoxication of political passions; amidst diplomatic circulars, judgments, philippics, excommunications, charges of treason, and fulminating decrees of death.

In the mean time, however, aside from the efforts of Mr. Garcia Calderon, there is not a great action, not a civic virtue which rises to the height of the situation in order to mitigate reciprocal hatred, and to place in a single hand, in the hand guided by common sense, the last floating plank of the great national shipwreck.

The curtain of the comedy is still raised, and Chili, impassible, quiet, serene, with folded arms, contemplates from her box the combat of decrees and circulars, where projectiles are crossing each other like a real bombardment.

At the most she says to herself, before locking up the insane and non compotes in the asylum, the sane must name guardians for the administration of their property.

No. 548.

Mr. Christiancy to Mr. Blaine.

[Extract.]

(Personal and confidential.)

LEGATION OF THE UNITED STATES,
Lima, Peru, May 4, 1881. (Received May 26.)

SIR: Referring to my dispatch No. 286, dated April 19, 1881, I wish to say confidentially and for your own eye alone (for the present), that, in my opinion, the Chilian Government intend to establish a kind of provincial government of their own over Peru, or so much of it as they can control, which, in my opinion (unless England and France, or the United States should actively intervene to prevent it), will be all of Peru west of the first range of Andes, and possibly still more.

Should such a result take place, I am inclined to think it would be equivalent to establishing the ascendency of English over American influence on this coast, so long as such a provincial government should be maintained.

Some of my reasons for this conclusion will appear in my confidential dispatch No. 162, to which I refer, and so far as American commerce on this coast may be concerned, the products of Chili are mostly similar to those of our grain-producing States, viz, the cereals.

The productions of Peru are very different, though some of them might compete to a considerable extent with those of our country.

For a general view of the staple productions of Peru, her exports and imports, the value of her trade, and the various questions connected with the increase of our trade here, I refer you to the dispatches of Mr. Gibbs, my predecessor in this legation, Nos. 244 and 284, merely remarking that when I came here, the present war had just been declared, and it has been impossible to obtain any reliable statistics of commerce, but that it is evident there has been a great decrease of production and of exports and imports. The Chilians having taken the nitrate districts in

the south, the production of this article by Peru is, for the present, practically extinguished; and Chili having command of the sea, Peruvian production and exportation of guano have been reduced to a very small fraction of what they were before. But I am informed by persons who profess to have made personal examination, that there are nitrate deposits in the north of Peru, nearly, if not quite, as rich and extensive as those in the south.

As to manufactured cotton, of course no one would think of importing it into the United States, as they can afford to pay more for it in England. As to wool and sugar, our tariff is such that its importation into the United States is practically prohibited. Our wool-growers would not consent to a reduction of duty upon ordinary wools; yet there is one kind of wool—the alpaca—which would not compete at all with home production. But England now takes practically all of this which is produced in Peru and Bolivia; and it may be worthy of consideration whether the mere local interests of Louisiana ought to deprive the whole Union of the benefits which would result from admitting Peruvian sugars at a reduced duty. But, not to go further into particulars, it is evident from the nature of the products and exports of Peru, she must find commerce with England, under past and present circumstances, more advantageous than with the United States, as England takes more of her products in return and thereby helps her more in the way of exchange.

While railroads were being constructed here, there were considerable importations of locomotives, railroad cars, and railroad plant, and may be again, if they ever get a settled government here. There has, also, been a small trade in furniture, the smaller kinds of hardware and cutlery, and farming implements, machinery, &c.; though, except upon some of the larger plantations, the demand for farming implements is small, as most of the small agriculturists prefer the antiquated method of plowing their lands with a crooked stick (iron pointed), and with oxen hitched by the horns.

Owing mostly to the mountainous character of the country, wagons or wheel carriages are unknown, except in a few of the larger cities (and lumber wagons on the sugar and rice plantations), the transportation being carried on almost everywhere on the backs of mules and donkeys, much of it even in the cities.

Another thing which has given to England the control of the commerce of this entire coast is the establishment of an excellent line of steamers, at first largely subsidized, but now receiving no direct subsidy, and yet doing a profitable business. If the establishment of an American competing line would tend very largely to increase our commerce here, and to open large markets for our trade, I should be ready to give up my habitual opposition to such subsidies until the line could compete with opposition without them. But the other causes which I have mentioned (and many others which might be mentioned), which, aside from and independent of her line of steamers, tend to give England the control of the commerce of this entire coast, would still continue to operate, and an American line could not be supported without large subsidies.

The great mass of all classes of Peruvians feel a very strong attachment to the United States and a bitter hatred to England. Still, in matters of trade, pecuniary interest will, in the main, control.

Upon the whole, my conclusion is, that the only effectual way for the United States to control the commerce of Peru, and to preserve a commanding or even a material influence along this coast, is either actively

to intervene in compelling a settlement of peace upon reasonable terms or to control Peru by a protectorate or by annexation, for either of which I am satisfied at least three-fourths, if not four-fifths, of her population would gladly vote to-day.

Unless the United States take one of these courses in the present emergency the "Monroe doctrine," so called, will be considered a myth in all the South American States. Whether our government ought so far to depart from its traditions as to adopt any one of these courses is not for me to decide, nor to discuss the means necessary to carry any of these ideas into effect, nor do I express any opinion as to the propriety of any such projects, except to say that I should individually be strongly opposed to the idea of annexation, unless it could be had on terms that Peru should, for at least ten years, be subject to a territorial government, on the general plan of our territorial governments, and then to be admitted as States, at the discretion of Congress. In that ten years Peru would, under such a system, become wholly North American in its ideas.

These projects have lately been often and strongly pressed upon me by Peruvians, and I find that some of the Catholic clergy, even, are in favor of annexation. My only answer has uniformly been that, in any opinion, our people were not yet disposed to adopt any such policy; but that I would bring the whole matter, at the proper time, to the attention of my government, and be guided by their instructions.

I ought here to say, by way of introduction to what follows, that with my own personal observation of over two years, and the best sources of information I have been able to obtain, I am unable to discover any sufficient elements here for establishing an independent or even any kind of regular or permanent government of Peru; certainly no form of popular government by the Peruvians themselves. To state all the grounds for this conclusion would require a volume. I can only refer to a few of the fundamental reasons for this state of things, and for this conclusion. The original immigration into this country from Spain did not consist of men who, like the original colonists in the United States, only sought to better their conditions by honest, persevering industry, but of adventurers, seeking only to make money rapidly, by robbing the original inhabitants and by sudden accumulations of wealth from mines of siver and gold.

They found here a people well advanced in the arts of agriculture, producing all that was necessary for the support and comfort of the inhabitants (then amounting to some 8,000,000 or 9,000,000, in what is now Peru). They found every foot of ground in a high state of cultivation, wherever it was possible to bring water for irrigation. They not only seized upon all these lands and improvements, but made all the inhabitants slaves, and assigned the former owners, by repartiamentos, as slaves to the few Spanish immigrants, to each of whom large tracts of country were granted, often amounting to ten, fifteen, or twenty townships, in our country. Many of the original inhabitants were also assigned as slaves to the leading men who settled in the towns and cities. The Spaniard would not labor and did not, but all the labor was done by the enslaved race, and afterwards, in some measure, by African slaves.

Nearly all the Spanish adventurers either took Indian wives or, which was more common, kept a harem of Indian girls, as many as he chose; but as a general rule they did not treat their children as slaves, but recognized them as their children. In this way it has happened that almost all the people of Peru are of this mixed race, and the mix-

ture with the negro; so that I do not think there are now in the city of Lima two hundred families of pure white blood, and probably not in all Peru 200,000 of the white race unmixed. Slavery was only finally abolished here in 1856 (see Article IV of constitution of that year), and all the old ideas and habits of the people remain. Labor is looked upon as a disgrace and degradation, and as only fit for a servile race. Any man of standing in Lima, to-day, who purchases an article at a store, however small the package, would at once lose caste if he dared to take it home in his hand. He must have a servant to carry it for him. The consequence of all this is, that all the sugar and rice estates, instead of employing free labor, have resorted to the Chinese, who are nominally imported into this country as hired servants, but, except in the cities under the eyes of responsible officers, these Chinese are treated with about the same severity as the slaves were in our Southern States, and in many respects worse, as they are generally locked in their quarters and kept under guard at night, and so many conditions are attached to their contracts of which they do not know the effect, upon which the employer assumes the right to decide, that in some and, I think, in most cases, after the Chinaman has served five or ten years he finds he has more time yet to serve than he had when he commenced, and few, if any, ever come out freemen.

There are many foreigners here, especially Italians, and some of other nationalities, who are not ashamed to live by their labor in some of the various trades. But aside from these and the Chinese the whole manual labor of Peru is performed mostly by the Indians and races mixed with them, who had been slaves, and by negroes and their mixed descendants, who had also been of the servile race, who constitute at least three-fourths of all the inhabitants of Peru. These, though now nominally free, are almost all treated in the interior (away from the cities) as practically slaves; their rights being almost wholly disregarded by the authorities, who, in many, if not in most, cases assume to fix the prices of labor of various kinds, which is also, to some extent, done even in the cities. The wages of these people, since I have been here, have not exceeded from 10 to 20 cents per day in our money.

It is also from these poor classes of people that all the Peruvian soldiery were drawn (except the "Lima reserves," who were temporarily raised for the defense of Lima), and these forces were called *volunteers;* but the way they were made to volunteer was for officers to go through the country with an armed escort, and *compel* the poor fellows to fall in. If they refused, they were taken by force, tied together, and put on the cars, or compelled to march to Lima. I have myself seen scores of such volunteers, thus tied, marching through the streets of Lima. Not a single white man did I ever see in the ranks (though the officers were whites), except the "reserves" above mentioned. All these men of Indian descent are docile, amiable, and brave, and will fight as long as their officers will stand; but the officers (all white) fled by scores and hundreds from San Juan and Miraflores, leaving their men to do the same. The battle of the 13th opened at daylight, some 10 miles from Lima, and at 9 o'clock a. m., I saw in the streets of Lima enough Peruvian officers with shoulder-straps to make an entire regiment. It is but right to say here that the Chilian army, though called volunteers, was, much of it, raised in the same way, and from similar mixed races, more largely Indians mixed with whites and less with Africans. (I have seen but few white men in their ranks.) The Indians of Chili and the mixture of Indians and whites are more vigorous, enterprising, desperate, and cruel than the corresponding races in Peru, partaking more

of the Araucanian type; but the Chilian officers were far superior to those of Peru, and less under the blind guidance of the church (though the private soldiers are about equally so), and the government of Chili is composed of more enlightened men wholly emancipated from the control of the church and ready to adopt all modern improvements in warfare.

But to return, after this long digression, to the question of labor and the laboring classes, I must say that, with my democratic and republican ideas, knowing that the great masses of people in all countries always have been and always will be compelled to get their living by the sweat of their brows, and fully believing that the government which best secures the greatest good of the greatest number is to be esteemed the *best*, I am compelled to estimate the prosperity of every country by the adequacy or inadequacy of the compensation which it enables the great mass of its citizens to obtain for its labor. That country which secures to them the highest compensation is the most prosperous, and that which secures them the least is the worst and least prosperous.

From what I have already said, it might appear sufficiently evident that the laboring classes in Peru are sunk beyond the hope of redemption. * * *

Every man naturally looks only to what he deems his own immediate interest or elevation to power; and, when placed in power, he seeks only to enrich himself by the opportunities which his office gives him to appropriate the public funds to his own use. This has become so settled a conviction in the public mind that whenever any man obtains office it is at once assumed by the people that such is his object. This opinion is, doubtless, sometimes unjust, but on looking back through the various governments and forms of governments, I am satisfied this conviction is generally well founded. If, for instance (except in a time of war when no administration would dare to entertain any claim), any man had a claim against the government, well or ill founded, he could get it allowed by giving a fair share of it to the President and cabinet officers, and however good the claim might be, it was seldom allowed without this reward.

The joint commission got up here by * * * in favor of American claims, was no exception to the general rule; and, I am informed, several claims were allowed against Peru, which never should have been allowed at all, or only for a much smaller sum; * * * allowing some special friend, such as ———, to make the arrangements between the claimants and the officers of the government, and these claimants paying sometimes 70 per cent. and upwards of their claims, which percentage, to all appearance, must have been shared among all the parties acting in the scheme.

This however, is only a sample of the mode in which the public business has generally been transacted by the various Peruvian Governments here for many years past. A few honest men have, from time to time, been in office, who could not thus be bought, but were compelled to retire from office.

There seems to be no fixed principle of honesty, no idea even of that self-sacrificing patriotism which is essential to a proper and honest administration of government.

Such are the people of Peru. The picture has been but feebly drawn. I have only been able to touch the prominent points, the "vestigia." To fill it up would require a large volume, which I have not time to write nor you to read. * * * Chili has been able to secure a more permanent government, and better to enforce financial honesty in her

administration, and to preserve her public credit. But the grievances of and impositions upon her laboring classes—the great mass of her people—are essentially the same as in Peru; and the grade of civilization among the masses even below that of Peru, the church having equal control over them, and committing the same kinds of abuses.

In short, I would not advise the United States or her people or any other enlightened people to take *any stock* in any of the South American republics, unless they can take the *controlling* stock. This they could easily have in Peru, if they choose to take it. The disposition of the masses of the people is favorable to the United States. A United States protectorate or annexation would be hailed with delight. In the hands or under the control of the United States, Peru would soon again become one of the richest countries of the world. I will not trouble you with her geography, which, if you do not already know, you can readily learn. There is enough of the country to make five or six large States, to say nothing of other parts of Peru, which are well known. The eastern slope of the Andes, along the upper branches of the Amazon, is one of the richest agricultural countries in the world; stocked with the most valuable timber and producing everything which a tropical climate can produce, but at present almost entirely in possession of the wild Indians; and I give only the opinion of geologists and that of all intelligent travelers when I say that there are still more valuable mines of silver and gold in Peru than in any other country of like extent in the world. And if it belonged to the United States it would not be two years before it would eclipse California, Nevada, Colorado, and all the mining regions along the Rocky Mountains in the production of the precious metals.

Fifty thousand enterprising citizens of the United States would control the whole population and make Peru wholly (North) American.

Peru under the control of our country, we should control all the other republics of South America, and the "Monroe doctrine" would become a verity. Large markets would be opened to our productions and manufactures and a wide field opened for the enterprise of our people.

Whether all these advantages are sufficient to outweigh the wise, traditional policy of our government it is not for me to express an opinion. I only bring the matter to the attention of my government, leaving that government to decide.

If Peru lay contiguous to the United States, our citizens would soon relieve our government from all responsibility by taking possession of the country, and in due time asking its admission as a part of the United States.

But, as a single individual, I must declare my utter repugnance to the idea of its incorporation as a part of our Union, until American ideas first get control of its population. I want no more such discordant elements until we have digested and assimilated what we have already.

* * * * * * *

This letter must be treated as perfectly confidential, for your own eye and that of the President alone. I do not even copy it in the records of the legation, and ask that it may not be placed on file in the Department. My own life, even, would not be safe here for one day if it were made public.

I have, &c.,

I. P. CHRISTIANCY.

Hon. JAMES G. BLAINE,
Secretary of State, Washington, D. C.

No. 549.

Mr. Christiancy to Mr. Blaine.

No. 292.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 5, 1881. (Received June 2.)

SIR: Referring to my dispatches Nos. 230, 237, and 242, in reference to the question whether the Chilians or Peruvians were most responsible for the breach of the armistice on the 15th of January last, I have now to say that the question has at last been practically solved. The committee of the diplomatic corps, consisting of Mr. Pinto, of Salvador (its dean), and the ministers of England and France, who, with the dean, constituted the committee of the corps, who, on the morning of the 15th January, arranged the armistice with General Baquedano and the Chilian staff, seeing the report of General Baquedano, as made to his own government, have felt it their duty to make an official statement of the real terms of the armistice, which is quite different from the statement of the report of General Baquedano. The general, in his report, stated substantially that he reserved the right of making any movement in the mean time, with the single condition that he was not to open fire upon the Peruvians until 12 o'clock of the night of the 15th. This, if true, would have allowed him to move his lines up to the front of and into the very lines of the Peruvian force; to attack them by his cavalry, so long as they used only the saber, and did not fire, &c.; all which would, of course, render the armistice a farce.

But it will be seen by the joint statement of the three ministers, who arranged the terms (which I here inclose, with a translation), that the right reserved by the Chilian authorities—to make any new movement in the mean time or to complete any movement already commenced—was under the express reservation that such movement should not go beyond the grand (or advanced) guard of their army, which, of course, must mean as that guard was then placed (at about 7 o'clock in the morning). Any other meaning would make nonsense, when the actual circumstances are considered.

Now, it clearly appears, from the report of the chief of the Chilian artillery, when compared with other well-known facts, that their artillery on their left (the Peruvian right) was moved far in advance of the position held by the "grand guard" in the morning, and that this movement took place as early as 11 a. m., and that this commandant of artillery, finding himself so far in advance of the rest of the Chilian army, sent a request to have the infantry advanced to cover his flanks, which was promptly accorded, thus bringing the Chilian line much nearer to the Peruvian line than was contemplated by the armistice; that even General Baquedano, with his staff, reconnoitering when the battle opened, was far in advance of the line held by his "grand guard" in the morning; in short, that this forward movement was such as naturally and reasonably to induce the belief in the Peruvian forces, that the Chilians were deliberately setting the terms of the armistice at defiance, and intended to attack them in defiance of the armistice. In this view the responsibility for the breach of the armistice must rest upon the Chilian commanders, though the first gun was fired by the Peruvians.

I make no further comments upon this transaction than to say, that in a war between these South American governments, experience has demonstated that the same scrupulous good faith in the observance of

any armistice, or any other arrangement between belligerents, is hardly to be expected as would be expected with more enlightened nations of Europe and in the United States.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 292.—Translation.]

We, the undersigned, ministers of Salvador, France, and England, being authorized to offer the good offices of the diplomatic corps to the two belligerents, after the battle of Chorillos;

Considering that the report of General Baquedano does not state exactly the facts as they took place on the morning of the 15th January, during our interview with the chiefs of the Chilian army;

Considering besides that the publication of that report tends to give an erroneous impression of the character of our action, and the arrangement agreed upon;

We declare:

1st. That we presented ourselves at the conference at the request of Mr. Piérola, in order to learn the conditions of peace.

2d. That after these having been brought to our knowledge unofficially, and other conditions preliminary to all negotiation having been placed before us officially, we asked a suspension of hostilities in order to give the supreme chief time to deliberate.

3d. That we agreed that that suspension of hostilities should last until midnight of the same day.

4th. That the Chilians insisting upon completing a movement already commenced, we agreed to this. But under the express reservation accepted by them, that the movement should not go beyond the grand guard (advance guards) of their army. (Meaning as then placed.)

In faith of which, and in order that the truth may appear, we have signed the present procés verbal.

Lima, April 27, 1881.

I. DE P. PINTO,
Minister Plenipotentiary of Salvador.
E. DE VERGES,
Minister of the French Republic.
SPENCER ST. JOHN,
Her Majesty's Minister Resident.

No. 550.

Mr. Christiancy to Mr. Blaine.

No. 295.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 8, 1881. (Received June 2.)

SIR: I have the honor to inclose to you the copy of a letter from B. H. Kauffmann, our consular agent at Pacasmayo, dated May 5, 1881, in reference to the attempt of the Peruvian authorities to levy war contributions upon American citizens, and their conclusion to desist from that attempt.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 295.]

Mr. Kauffmann to Mr. Christiancy.

UNITED STATES CONSULAR AGENCY,
Pacasmayo, Peru, May 5, 1881.

SIR: I have the honor to acknowledge receipt of your notes Nos. 146 and 147, in the former of which you advise me of the appointment of Mr. A. Lapoint to be United

States vice-consul at Chiclayo, and in the latter you kindly reply to my letter making inquiry as to the status of neutrals in reference to payment of contributions for the sustenance of the detachment of the Chilian army of occupation now stationed in this province.

I now have the satisfaction of stating that in view of your letter, and the quotation (respecting) of treaty stipulations respecting the levying of extraordinay contributions, the Peruvian authorities (who pretended to levy the said contributions) have desisted from their pretensions to that end.

I am, &c.,

B. H. KAUFFMANN.

No. 551.

Mr. Christiancy to Mr. Blaine.

No. 296.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 9, 1881. (Received June 2.)

SIR: I have intimated, in several of my late dispatches, that the action of the Chilian Government, as shown by their officers here, foreshadowed the intention of that government to hold the whole of Peru, or so much of it as they should find practicable, at least all west summits of the western range of the Andes, as a permanent conquest.

Enough has now transpired to show that my suspicions were correct.

The mask has now been completely thrown off. The Chilian papers, both in Chili and Peru, openly declare this as the intention of the Chilian Government; and the military officers here openly declare the same thing. Colonel Lagos, the commander of the Chilian forces here, had made an arrangement with the provisional government of Francisco Garcia Calderon, to allow his government the control of the custom-house in the northern ports of Peru, to enable him to support his government, and the right to send some 500 or 600 soldiers to the northern towns to enforce his authority to this end.

But some four or five days since the assistant secretary of war of Chili arrived here and the above arrangement was at once disapproved and revoked, and Señor Calderon's soldiers were not allowed to embark; and no effort is now made to conceal the intention to occupy Peru indefinitely; but this intention is publicly declared.

As explained by the best informed Chilian officers, the plan is to establish a civil government here under the protection of her army, a kind of provincial government, similar to that of the old viceroys, while the country belonged to Spain, Some of the Chilian officers give out that the arrangement is to last for some five years, more or less, until Peru shall have been able to establish a government of its own; but how it is to do this while the country is under the government of Chili, which is not likely to tolerate any attempt of this kind, is not explained.

In plain English, it is now clear that Chili means to hold the whole of Peru by right of conquest if she can.

Is there anything to prevent this result? Certainly (as to that part of Peru west of the summits of the western range of Andes) nothing short of the intervention of some European power or powers, or that of the United States.

The ministers of England and France had been authorized by their respective governments to offer their good offices by way of mediation, and though this offer had not been directly repulsed by Chili, but (as near as I can learn) accepted under qualification, those ministers now (under the present resolution of the Chilian Government) find no open-

ing for the success of their efforts. Our minister in Chili has doubtless offered the mediation of our government, but the result must necessarily be the same. Mediation, simply *as such*, must now be utterly fruitless. Intervention against the will of Chili seems the only means of preventing the absorption of the greater part, or the whole of Peru by Chili.

Will any European government thus intervene? It seems to be well settled that the German Empire will not, nor will it even interfere by way of offering mediation. It is not at all likely that Italy would do so *alone*, though she has a powerful fleet. Russia and Austria have little interest in the question, and there remain only England and France, both of which seem to act in perfect accord, through their representatives here.

That England will not intervene as against Chili is sufficiently evident, not only from what is stated in my private and personal dispatch of last week, but from information I have this day received from the British minister, who informs me there is not the slightest probability that England will so intervene.

Will the United States do so?

This is a question which is not for me to answer. I have kept your Department fully advised of the facts upon which the solution of the question depends, and here my duty ends, until I shall receive instructions, which I am ready on all occasions to follow.

I ought to say further here that the provisional government had been endeavoring to get the old congress of 1879 to meet here or at Chorillos on the 15th instant, but they still lacked 34 of a quorum. I think now the idea of holding a congress will be abandoned, and that the Chilian authorities will not permit its meeting, if a quorum should be obtained. In fact it would seem now that the provincial government must go down. But we shall soon see.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Perhaps I ought to add here (what sufficiently appears in my former dispatches) that the principal grounds upon which the Chilian authorities claim to base the right to adopt this policy of indefinite occupation, viz, that it has become necessary, because the Peruvians have neglected to form a government with which they could treat, and the anarchy which results from this state of things has been deliberately produced by their own action, and, to all appearance, for the very purpose of furnishing a pretext for the policy which they have finally adopted. They could have readily treated with Piérola, who was anxious to treat, and who had been and still is recognized by all the governments represented here, and by the Chilians themselves at Arica. But they refused to treat with him, and encouraged the setting up the provisional government of Calderon, and from time to time encouraged that government in its efforts, to some extent, but soon began to treat it with contempt, and to cut off from it one privilege after another, still allowing it to appeal to the people of Peru for their adhesion, and to call congress together, thus dividing the people of Peru between Piérola and Calderon in a manner which threatened civil war.

The ruse has been successful in producing the result desired, but quite unsuccessful, so far as relates to the concealment of the true motives of their action.

P. S.—MAY 11.—I learn from a letter this day received from Mr. Osborn that the Chilian Government actually rejected the offer of mediation by England and France.—I. P. C.

No. 552.

Mr. Blaine to Mr. Christiancy.

No. 143.] DEPARTMENT OF STATE,
Washington, May 9, 1881.

SIR: In your last dispatch, No. —, you informed this Department that the Chilian Government refused absolutely to recognize General Piérola as representing the civil authority in Peru, and that Señor Calderon was at the head of a provisional government.

If the Calderon government is supported by the character and intelligence of Peru and is really endeavoring to restore constitutional government with a view both to order within and negotiation with Chili for peace, you may recognize it as the existing provisional government, and render what aid you can by advice and good offices to that end.

Mr. Elmore has been received by me as the confidential agent of such provisional government.

I am, &c.,

JAMES G. BLAINE.

No. 553.

Mr. Blaine to Mr. Christiancy.

No. 144.] DEPARTMENT OF STATE,
Washington, May 12, 1881.

SIR: I have to acknowledge the receipt of your No. 282, and to approve the tenor of your letter (a copy of which you inclose) to Mr. Kauffmann, consular agent, &c., on the question of the right of Peruvian or Chilian authorities to levy forced or extraordinary contributions upon American citizens in Peru.

I am, &c.,

JAMES G. BLAINE.

No. 554.

Mr. Christiancy to Mr. Blaine.

No. 301.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 17, 1881. (Received June 17.)

SIR: I have the honor to inform you that on the 14th instant the following appeared in El Orden of Lima, the paper which is the organ of the provisional government of Calderon, viz:

[English: official cablegram, Paris, May 12, Valparaiso, 13th, at 1.50 p. m.]

President CALDERON, *Lima:*

Elmore telegraphs from Washington saying that the Calderon government has been recognized by the American Government.

If I could confidently rely upon the authenticity of this, I should, of course, at once recognize the provisional government, though no other

minister here has yet done so. The dispatch looks authentic on its face, when taken in connection with the facts that Elmore is understood here to be the agent of Calderon's government at Washington, that Goyeneche is a relation of Calderon, that he is the wealthiest citizen of Peru, that he resides in Paris, and that Calderon has had the charge of his property and business here.

For these reasons all the ministers of foreign nations here have taken it for granted that the cablegram is authentic, and that the United States has recognized the provisional government. They have inquired of me, and I have been compelled to say to them that they knew as much as I did in reference to the matter, as alll the evidence I had was the publication of the dispatch in the paper; that it *might be* true, but that it seemed to me that in a matter of such importance it would naturally be supposed my government would have telegraphed me, instead of leaving me to guess at the authenticity of the dispatch sent as this was, through a party in no way authorized to speak for my government, and that for these reasons I doubted the truth of the dispatch, and that I must therefore wait for direct official information from my government before taking any step officially for recognition until I should see satisfactory evidence that Peru had acquiesced in the provisional government; the evidence of which I have not yet seen, though for the last week that government *seems* to have made some progress in this direction; since, so far as we can learn, Piérola has been driven from Jauja, and his present whereabouts is unknown.

I have, &c.,

I. P. CHRISTIANCY.

No. 555.

Mr. Christiancy to Mr. Blaine.

No. 302.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 17, 1881. (Received June 17.)

SIR: Referring to my dispatch No. 296, I have the honor to inform you that though the tone of the Chilian press here and in Chili remains the same upon the subject of "*occupacion indefinida*" (indefinite occupation), the Chilian authorities here have, within the last few days, allowed Señor Calderon's government to send to the northern coast some 300 soldiers, to enable him to enforce his authority there, but whether this is in aid of his right to collect duties there, or to enable him to drive the prefects of Piérola from the provinces, is not publicly known here, though I think the latter is the purpose; but, in either view, it gives some ground for a suspicion that the ground taken by the Chilian papers and officers in favor of "indefinite occupation" may have been taken only *in terrorem*, to drive the people into the support of the Calderon government, as I suggested in my dispatch No. 286.

There is still another ground for this suspicion. It is well known that the present Government of Chili is composed of the liberal party, which, if left to its own free choice, would have always been willing to make peace upon reasonable terms; but this liberal party holds power by a very small majority, and all the other parties and fragments of parties combine for the purpose of putting it down, each in hopes that his own party may gain something by the change.

The most prominent of these opposition parties are the extreme war party and the church party. In deference to these and the opposition

generally, all of whom have found it for their interest to act with the extreme war party, the present secretary of war, Vergara, was put into the cabinet.

He is an able and practical man, with too much intelligence not to see the excesses of the populace, who compose the mass of the extreme war party.

An election is soon to come off for President of the republic. Santa Maria is the candidate of the liberals, and General Baquedano is likely to be the representative of the war party. The fear that the war party may succeed, and the knowledge that a successful general is always popular with the masses, may have driven even the liberal party to take ground in favor of "indefinite occupation," and during the political campaign to show themselves as extreme in this direction as their opponents, without any real intention of carrying out the extremes of that policy if elected.

Besides all these things, the relations of Chili with the Argentine Republic are by no means cordial, and Chili may have some apprehensions that, with her long backbone exposed, the Argentines may almost any day penetrate between her spinal processes, and strike a fatal blow at her vital parts. My own opinion is, that any attempt of Chili to hold Peru as a conquered country will, at no very distant day, lead to this or a similar catastrophe, and I have some suspicion that the Chilian Government see this in the same light as I do. But it is not possible at present to ascertain precisely the ideas of the Chilian Government, if they have any very definite policy, which I doubt.

The 15th instant was the day fixed by Calderon for the meeting of congress, but about 25 were still wanting to make a quorum.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—MAY 23.—Since writing the above it has become still more probable that the threat of "indefinite occupation" was intended only to drive the Peruvians into the support of the provisional government, as two days ago they allowed this government to send 75 soldiers to Tarma, Oroya, &c., to control that part of the country, so as to allow the members of congress to come to Lima, and it now begins to look as if Calderon might secure a quorum (two-thirds) of the congress. If he does succeed, it will be some evidence that Peru acquiesces in that government. And if he gets the two-thirds of the members, I think I shall at once recognize the provisional government, or that of congress and the President they may elect, unless, in the mean time, I shall receive other instructions.

Your friend, &c.,

I. P. C.

No. 556.

Mr. Christiancy to Mr. Blaine.

No. 305.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 23, 1881. (Received June 17.)

SIR: Referring to my dispatch No. 285, in which I stated it as probable that the Chilians had sent an expedition from Pisco at the south and from some point at the north to co-operate with the force sent via Chicla into the department of Junin, so as to cut off the retreat of

Piérola from Jauja, I have now the honor to state that from all sources of recent information no such *additional* expeditions were sent; that the expedition sent via Chicla went to Cerro de Pasco, to Tarma, and to Oroya; that it is not entirely certain that they have even yet taken Jauja, though I think this probable, and it is now intimated in the papers that this force sent via Chicla to Cerro de Pasco is ordered to return.

I have direct information from the secretary general of Piérola that the latter left Jauja for the south on the 28th April, and I infer that he is at this time at or near Arequipa, but he expected, when he left Jauja, to return to Ayacucho by the 6th June, at which time the congress called by him were to meet there.

Referring to my same dispatch, 285, I have further to say that the contemplated Chilian expedition to Arequipa has not yet taken place, so far as we can learn here. The papers lately have been silent on the subject.

Still, unless peace should soon take place, I look upon the expedition as a necessity, and am inclined to believe it would be successful.

I have, &c.,

I. P. CHRISTIANCY.

No. 557.

Mr. Christiancy to Mr. Blaine.

No. 310.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 27, 1881. (Received June 27.)

SIR: I have the honor to inform you that on the 1st instant I, with every other member of the diplomatic corps here, received a circular letter, dated April 30, from M. M. Galvez, claiming to be the secretary of foreign relations of Peru, under the provisional government of Doctor Don Francisco Garcia Calderon, stating the installation of that government and the names of the cabinet officers; this being evidently written to invite a recognition by the diplomatic corps. A meeting of that corps was called a day or two after to consider the propriety of answering. The whole corps agreed that there was yet no sufficient evidence that this provisional government had become the Government *de facto* of Peru, and all concurred in the resolution not as yet to make any reply. Another meeting of the corps was held yesterday, upon the same subject, and while all (with the possible exception of one) agreed that there was yet no sufficient ground for recognition, yet several, of whom I was one, thought it would be proper to acknowledge the receipt of the letter, but in a manner which could not be construed as a recognition. Some two or three seemed to object to answering, because they thought they could not do so without implying a recognition.

I saw no difficulty in this, and feeling that it was right to treat with entire frankness and candor the men claiming to constitute the government, I have therefore written to Mr. Galvez the letter of the 26th instant, a copy of which I inclose.

In connection with this I refer to my dispatch No. 264, stating the explanation I then gave Mr. Galvez.

On the 25th of March I also wrote a note to Piérola, or rather his secretary-general, explaining to him the ground upon which I should

proceed with reference to recognition, to exactly the same effect, and almost in the same words as in the conversation with Galvez. (I also sent him copy of so much of Department dispatch No. 123 as relates to the desire of our government to bring about an early peace.)

The above note was sent by the private courier of a friend of mine, as the mails in that direction cannot be trusted at all, but its receipt has been acknowledged.

As to the progress which the Calderon government have been making, I refer you to my dispatches Nos. 277, 283, 285, 302, and 305.

Since my dispatch 302, the provisional government have been allowed to send some 225 more men, making about 300 in all, into the province of Junin, for the purpose, as I suppose, of allowing the congressmen from that region to come to Lima. But this force is too small to prevent Piérola's congress from meeting at Ayacucho on the 6th of June, as it is reported and believed here that Piérola will bring them from the south at least 1,000 men.

Such is the position at present. There is no difference of opinion in the diplomatic corps as to the principles of recognition. But all seem now to have become satisfied that unless the provisional government shall succeed there will be little hope of an early peace.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—JUNE. 1.—I send inclosed copy and translation of telegram this day received by the dean of the diplomatic corps from Piérola's secretary-general, dated May 26. This movement may lead to delay in the recognition of the provisional government until it can be ascertained what success Piérola may have in obtaining a national representation.—I. P. C.

[Inclosure 1 in No. 310.]

Mr. Christiancy to Señor Galvez.

LEGATION OF THE UNITED STATES,
Lima, Peru, May 26, 1881.

Señor Don M. M. GALVEZ:

I received your letter of April 30, informing me of the installation of the provisional government, of which Señor Doctor Don Francisco Garcia Calderon was said to be the head, and naming the other executive officers.

I have refrained from answering your letter hitherto, not by reason of any disrespect for or hostility to Mr. Calderon or to you, or to any of the persons mentioned as his cabinet. But (as I had the honor verbally to explain to you some time ago) because my government had acknowledged and instructed me to acknowledge the government of Piérola; and upon the principles upon which my government have heretofore acted in like cases I could not *without its instructions*, recognize another Government of Peru, hostile to that already recognized, until it shall clearly and satisfactorily appear to me that the majority of the people of Peru have adopted or acquiesced in the new government. The moment this shall satisfactorily appear, I shall, on the part of my government, most cordially recognize the new government without waiting any instructions. I have carefully endeavored to obtain all the evidence in my power upon this point; and, though this new movement to establish a government in opposition to that of Piérola seems for the last few weeks to have made considerable progress in obtaining the approval of the people of Peru, I cannot yet say that the evidence is sufficiently clear, that it has, up to this time, been adopted by the majority.

Should it obtain a quorum of the congress which it has called together, this would be strong proof in its favor, and sufficient for me, unless it should appear at that time probable that the congress called by Piérola would be more likely to represent the majority, in which case I should have to wait a few days to ascertain the facts.

I have kept my government fully informed of the principles upon which I intended

to act on this qusetion of recognition, unless otherwise instructed, and though there has been ample time for receiving their instructions by mail, if not satisfied with the course I intend to pursue, I have yet received no instructions whatever upon this point; from which I am compelled to infer that there must be some mistake in the telegram from Paris published in El Orden of the 14th instant. Had I received such a telegram from my government, I should have promptly recognized the new government. But very clearly I cannot act upon this unofficial dispatch.

Please accept the assurance, &c.,

I. P. CHRISTIANCY.

[Inclosure 2 in No. 310.—Telegram.—Translation.]

(Received in Chala, May 26, at 8.40 p. m., from Arequipa, May 26, 1881.)

No. 190.

Señor JORGE DE TEZAMES PINTO,
Dean of the Diplomatic Corps, Lima:

His excellency the supreme chief, his secretary-general (subscribing), and suit, arrived yesterday at this city, his excellency having been the object of the warmest demonstrations of adhesion and enthusiasm in all the departments on his passage. We shall remain at Arequipa until the 15th June, and leave on that date for Ayacucho, in order to install on the first of July the national assembly, the meeting of which has been postponed to that date.

Be pleased to transmit this communication to the honorable colleagues of the diplomatic corps, of whom I subscribe myself their obedient servant.

AURELIO GARCÍA y GARCÍA.

No. 558.

Mr. Blaine to Mr. Hurlbut.

No. 2.] DEPARTMENT OF STATE,
Washington, June 15, 1881.

SIR: The deplorable condition of Peru, the disorganization of its government, and the absence of precise and trustworthy information as to the state of affairs now existing in that unhappy country, render it impossible to give you instructions as full and definite as I would desire.

Judging from the most recent dispatches from our ministers, you will probably find on the part of the Chilian authorities in possession of Peru a willingness to facilitate the establishment of the provisional government which has been attempted by Señor Calderon. If so, you will do all you properly can to encourage the Peruvians to accept any reasonable conditions and limitations with which this concession may be accompanied. It is vitally important to Peru that she be allowed to resume the functions of a native and orderly government, both for the purposes of internal administration and the negotiation of peace. To obtain this end it would be far better to accept conditions which may be hard and unwelcome than by demanding too much to force the continuance of the military control of Chili. It is hoped that you will be able, in your necessary association with the Chilian authorities, to impress upon them that the more liberal and considerate their policy, the surer it will be to obtain a lasting and satisfactory settlement. The Peruvians cannot but be aware of the sympathy and interest of the people and Government of the United States, and will, I feel confident,

be prepared to give to your representations the consideration to which the friendly anxiety of this government entitles them.

The United States cannot refuse to recognize the rights which the Chilian Government has acquired by the successes of the war, and it may be that a cession of territory will be the necessary price to be paid for peace. It would seem to be injudicious for Peru to declare that under no circumstances could the loss of territory be accepted as the result of negotiation. The great objects of the provisional authorities of Peru would seem to be to secure the establishment of a constitutional government, and next to succeed in the opening of negotiations for peace without the declaration of preliminary conditions as an *ultimatum* on either side. It will be difficult, perhaps, to obtain this from Chili; but as the Chilian Government has distinctly repudiated the idea that this was a war of conquest, the Government of Peru may fairly claim the opportunity to make propositions of indemnity and guarantee before submitting to a cession of territory. As far as the influence of the United States will go in Chili, it will be exerted to induce the Chilian Government to consent that the question of the cession of territory should be the subject of negotiation and not the condition precedent upon which alone negotiation shall commence. If you can aid the Government of Peru in securing such a result, you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post.

As you are aware, more than one proposition has been submitted to the consideration of this government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed. Circumstances do not seem at present opportune for such action; but if, upon full knowledge of the condition of Peru, you can inform this government that Peru can devise and carry into practical effect a plan by which all the reasonable conditions of Chili can be met without sacrificing the integrity of Peruvian territory, the Government of the United States would be willing to offer its good offices towards the execution of such a project.

As a strictly confidential communication, I inclose you a copy of instructions sent this day to the United States minister at Santiago. You will thus be advised of the position which this government assumes toward all the parties to this deplorable conflict. It is the desire of the United States to act in a spirit of the sincerest friendship to the three republics, and to use its influence solely in the interest of an honorable and lasting peace.

I am, &c.,

JAMES G. BLAINE.

No. 559.

Mr. Christiancy to Mr. Blaine.

No. 319.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 16, 1881. (Received July 6.)

SIR: In reply to your dispatch No. 143 I have the honor to say that that dispatch places upon me the grave responsibility of determining

as matters of fact three distinct propositions, upon none of which have I been able to obtain any very satisfactory evidence:

1st. Whether the provisional government of Señor Calderon is supported by the character and influence of Peru;

2d. Whether it is really endeavoring to restore constitutional government; and

3d. If so, whether it is with a view to order within and negotiation with Chili for peace.

The first question under present circumstances is a very difficult one to decide just now. If mere money or financial "influence" be referred to, this is to be found along the coast, which is completely controlled by the Chilians, and consists of the wealthy owners of sugar plantations and the mercantile class, who seek for peace at any price and upon any terms. But if "by influence" or the weight of influence upon political or government matters (which I conclude must be your meaning), then there is great room for doubt, and I am much inclined to think it may turn out to be against the provisional government. It is a very embarrassing question to decide.

Upon the other two questions I have no ground, except the professions of the provisional government, upon which to decide them; but I am inclined to believe they should be decided in the affirmative.

The first is the difficult question. The provisional government has not yet succeeded in getting the attendance of a quorum of congress, though it has a full quorum of the senate, but lacks twelve members of a quorum of the house.

At my request of yesterday the dean of the diplomatic corps has called a meeting of the corps for 2 o'clock to-day, to enable me to get their opinion upon these questions of fact, but this will be too late for the mail to-day.

I had a full conference two days since with Señor Calderon, and have a favorable opinion of him.

But I yesterday had a conference with Admiral Lynch, commander of the Chilian forces here, and with Señor Godoy, the representative of Chili in political matters here, and I found at once that they do not want the provisional government of Peru recognized yet, both saying to me that they had not recognized it on the part of Chili, and that they did not wish it recognized by other nations until they had recognized it. I also yesterday ascertained from a perfectly reliable source, that the Chilian representatives here have, within a few days past, approached at least one of the commissioners by Piérola to negotiate peace, to know if such commissioners were still authorized to act, holding out to them hopes that they would still negotiate with him. The position is full of complications, but upon the whole it would certainly seem to be the object of Chili at present to play off one of these Peruvian governments against the other; to give Chili a fair pretext to hold permanent occupation of Peru. It may be that in a few days I may obtain sufficient information to bring the case within the principle you have laid, and if so, I shall act at once; since I, as well as you and all true Americans, prefer a constitutional government to a dictatorship.

I am, &c.,

I. P. CHRISTIANCY.

P. S.—This provisional government is not, even as such, a government *de facto* in any part of Peru, except in a little hamlet of Magdalena.—I. P. C.

No. 560.

Mr. Christiancy to Mr. Blaine.

(Confidential.)

No. 320.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 21, 1881. (Received July 18.)

SIR: Referring to my dispatch No. 319, I have the honor to inform you of the result of the diplomatic meeting therein referred to. I found it to be the opinion of the corps, 1st, that the provisional government (so called) is supported by the weight of character and political influence of Peru; 2d, that the purpose of that government is to restore constitutional government in Peru; 3d, that it seeks to restore internal order; 4th, that it wishes to make peace with Chili; but, 5th, that this provisional government (so called) cannot, under present circumstances, be considered a government *de facto*, so as to warrant its recognition on that ground.

I am inclined to concur with the corps in all the above points, though I still have some doubts upon the first, and am not without some suspicions as to the second, third, and fourth.

This might seem, at first view, to bring the case within the principles of your dispatch No. 143, and to authorize (though it does not instruct) me to recognize what is called the Calderon or provisional government. But your dispatch, when carefully considered, may, and perhaps must, be construed as having been written with the understanding that the Calderon government was a government *de facto* of at least a large part of Peru.

The fact is that it is not a government *de facto*, or in the exercise of the functions of government anywhere, except so far as the Chilian authorities choose to allow it to exercise any powers of the kind, and these are confined within very narrow limits. It has been allowed to exercise, thus far, full powers only in the little hamlet of Magdalena, and has been allowed to send a few hundred men to Huaray and a still smaller force to the department of Junin to drive out the prefects who had been appointed by Piérola and to get the members of congress from those places to come here. It has also prefects friendly to it in most of the western slope of the Andes, except in the south.

But the courts of justice have not been restored anywhere, not even in Lima, and the whole country, except what is held by Piérola, is subject to such martial law as the Chilian authorities see fit to impose. In short, the Calderon government has thus far been used only as the instrument of Chili to carry out her own purposes, and there are not wanting many intelligent Peruvians and neutrals here who believe that it is the purpose of the Calderon government to aid Chili in keeping Peru permanently under the control of Chili as a permanent conquest.

It is well known here that many men of wealth among the Peruvians prefer that the Chilians should govern the country, as they think it would establish a more permanent government than Peru is likely to, and that their property would be more safe, but even those would prefer a protectorate of or annexation to the United States.

Señor F. Garcia Calderon is a wealthy man, and the representative of the Goyeneches, the wealthiest family in Peru. I am inclined, nevertheless, to believe that he is acting in good faith to Peru, with the hope of establishing peace, but I do not feel certain of it. If he is acting in good faith, I am satisfied the Chilians are deceiving him.

Now, on looking carefully at your dispatch No. 143, I see clearly that one of your objects in recognizing the Calderon government is to bring about peace with Chili, which implies your desire for the continued national existence of Peru, and does not admit the idea of its permanent conquest by Chili.

But I am now fully satisfied that Chili does not intend to make peace with Peru at all unless driven to do so by outside pressure. For the grounds of this opinion I refer you to my last dispatch, No. 319, and wish now to say further, that on Sunday last (19th instant) Mr. Godoy, the political representative of Chili here, called upon me at the legation, and we had a free and general conversation upon the whole situation. I remarked to him (as I had before) that I had received instructions from my government under which I might feel authorized to recognize the Calderon government, which I had supposed and believed my government had supposed would be looked upon by Chili as rather friendly than hostile to Chili, inasmuch as the Calderon government had been encouraged by Chili. He again repeated that Chili had not yet recognized it. I said substantially that if the Calderon government should succeed in obtaining a quorum of congress it would be strong evidence that it represented the nation. To this he seemed to assent.

I further remarked, that while my government preserved its strict neutrality, it was anxious for peace between the belligerents at the earliest practicable period; and I thought this might be brought about if a quorum of congress should be obtained, or at least as soon as the government should be able to get back fully to a constitutional government. To this he replied, "It will be a very long time before a peace can be settled."

He did not know that I knew he and the Chilian authorities had been coquetting with the friends and commissioners of Piérola. But I could readily see, from this as well as the conversation referred to in my dispatch No. 319, that they did not wish any encouragement or prestige to be given to the Calderon government, except what they might choose to give; and I could not but infer they were playing off the Calderon government against that of Piérola, for the purpose of furnishing a plausible pretext for holding the whole of Peru, or so much of it as they could.

From this statement it will be readily seen that a literal compliance with the permission given in your dispatch to recognize the Calderon government would be likely to violate its spirit and intent; and, before departing from the safe and generally approved rule of recognizing a new government, that it should appear to be a government *de facto*, I think I ought to wait, at least until the arrival of another mail (there having been no connection last week at the isthmus), as in the mean time you will have received other dispatches from me which may enable you to give instructions more applicable to the present state of facts. I have thought it best to wait, at least till the arrival of the next mail, before acting, and as my successor, who will come with the latest instructions, may wish to have a clear field, I may wait till he arrives before making a final decision.

In coming to these conclusions I have done what I think you would have done, in view of all the circumstances, had you been in my place and acting under the like instructions.

No other foreign minister here is willing yet to recognize this Calderon government, and I think I see an anxiety on the part of some of them to see the United States depart from the generally received doc-

trine of recognizing new governments only when they have become governments *de facto*.

Whatever support the "Calderon government" may appear to have, it is the settled and unanimous opinion of all intelligent men here, that it would not last a day after the Chilian forces should leave the country. And my own opinion is, that, if the United States should recognize it to-day, the Chilian authorities would take good care that any prestige it might gain from such recognition should be more than counterbalanced by the more stringent limitations it would impose upon any exercise of governmental powers.

I have, &c.,

I. P. CHRISTIANCY.

No. 561.

Mr. Christiancy to Mr. Blaine.

No. 322.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 28, 1881. (Received July 18.)

SIR: Referring to my dispatch No. 320, I have now the honor further to say that I have been carefully considering the question of the recognition of the provisional government therein referred to, and having received nothing by the last mail in any way modifying your dispatch No. 143, and knowing that I had kept you fully informed of all the facts necessary to a decision, and seeing that the question whether the Calderon government was a government *de facto* was not expressly made a condition, and that the fact of your having already received Mr. Elmore as the confidential agent of that government, which I take to be a clear indication that you would expect me to recognize that government if I found the facts you had stated as hypothetical to be true, but more especially hearing a rumor here as having come from the United States that my successor would not come here until peace was settled, and, therefore, fearing that my neglect to make the requisition might be construed as a design on my part to delay his coming, I finally concluded, on the 26th instant, to recognize the provisional government as such, and I here inclose copy of my letter to Mr. Galvez, minister of foreign affairs, making the recognition.

I must confess that, if left to act entirely on my own judgment, I should not have recognized this provisional government until it should have become a government *de facto*, or until it should have succeeded in assembling a quorum of Congress, nor until we could have seen whether this Congress or that of Piérola (national assembly) at Ayacucho should represent the most of the people of Peru. But I claim no right to set up my own judgment against that of my government, believing strict obedience to the wishes of my government my first and sole duty.

In making the recognition, I have thought it best to place it on the precise grounds indicated by your instructions, believing that it would have a better effect in aiding this incipient government by a clear intimation that our government was more inclined to encourage constitutional than dictatorial government, and that they wished to aid in restoring peace between these belligerent republics.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 322.]

Mr. Christiancy to Señor Galvez.

LEGATION OF THE UNITED STATES,
Lima, Peru, June 26, 1881.

MONSIEUR LE MINISTRE: My government, having been informed of the organization at Magdalena of what, in your circular note to me of April 30 last, is styled a provisional government under the presidency of Señor Doctor Don Francisco Garcia Calderon, has given me instructions, in substance, that if I find, 1st, that such provisional government is supported by the weight of character and influence of Perú; 2d, that it is endeavoring to restore constitutional government, with a view both to internal order and negotiations with Chili for peace, then I am to recognize it as a provisional government.

Believing, from the best evidence I can obtain, that each of these hypothetical propositions is sufficiently established in the affirmative, I therefore formally express such recognition on the part of the Government of the United States.

Please accept the assurance, &c.,

I. P. CHRISTIANCY.

No. 562.

Mr. Christiancy to Mr. Blaine.

No. 327.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 6, 1881. (Received July 26.)

SIR: Referring to your dispatch No. 148, and to my dispatch No. 322, I have the honor to state that, as I had some reason to fear when I wrote the last dispatch, I have still more reason to fear now, that the recognition of the provisional government of Francisco Garcia Calderon was premature. I have now further to say that the forces of that government sent to the north have, some 58 to 68 of them (for the reports do not agree), gone over to Admiral Montero, a partisan of Piérola, and that those sent into the department of Junin have been effectually driven out by the friends of Piérola within the last few days, and their prospects for forming a government are not as good now as before; yet, in view of your dispatch No. 150, as well as your previous dispatches, it is very clear that you had determined upon the recognition of the provisional government, and that I only complied with your wish in making the recognition.

I fear, however, this recognition will lead to many complications. But I have obeyed what I was compelled to consider your orders.

I am, &c.,

I. P. CHRISTIANCY.

No. 563.

Mr. Christiancy to Mr. Blaine.

No. 330.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 12, 1881. (Received August 2.)

SIR: I have the honor to inclose to you copy and translation of the circular letter of Mr. Galvez, secretary of foreign relations of Peru, dated yesterday, stating the installation of Congress, and the law passed

continuing Mr. Calderon as President until the people shall elect another, &c., of which I have acknowledged the receipt.

A quorum of Congress was obtained, but I think there is room for doubt whether the means adopted to get some of the members here were strictly regular.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 330.—Translation.]

Señor Galvez to Mr. Christiancy.

CIRCULAR.

DEPARTMENT OF FOREIGN RELATIONS,
Magdalena, July 11, 1881.

SIR: I have the honor to bring to the knowledge of your excellency that the national Congress having been installed yesterday in the town of Chorillos, it has enacted a law by which the powers conferred by the people upon His Excellency Francisco Garcia Calderon as President of the republic are confirmed and continued, according to the political constitution of 1860, until some other citizen shall be elected by the people to replace him.

Craving your excellency to inform the Government of the United States of these facts, it is grateful to me to reiterate to your excellency the assurance of my high consideration.

M. M. GALVEZ.

No. 564.

Mr. Hurlbut to Mr. Blaine.

No. 2.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 10, 1881. (Received September 2.)

SIR: I propose, in this dispatch, to lay before you the precise situation of affairs in this country, so far as I have been able to ascertain such situation, both military and political.

The military situation is perfectly simple. Peru is effectually conquered. She has no longer any army or navy; she has no soldiers, no ships of war, no fortress, no guns in position or in the field, no munitions of war, no means of buying any, no revenue, no treasury.

War, as such, is finished, so far as she is concerned, and has been for six months.

The Chilians have captured or destroyed her navy, have occupied and still hold her entire sea-coast, her capital city, and her custom-houses. They have occupied in force the territory of Tarapaca, with its nitrate beds, and they hold the guano deposits and all the accessible and fertile valleys debouching on the sea. They collect the duties at all the ports, they sell the nitrates and guano, they levy heavy contributions on the cities, and on the planters in the country held by them. The duties at the custom-houses collected by them in June were $400,000 in silver.

In the interior there is some show of resistance, but infinitely more show than substance. Secure in the physical obstacles to the march of troops, small bands of irregulars travel over the slopes of the Andes, more dangerous to their countrymen than to the Chilians. Regular war is out of the question, and, for all practical purposes, armed resistance to the Chilian force has ceased.

In so far as regards the political situation of the country in its internal relations, I consider that the government of Garcia Calderon was properly recognized by my predecessor. It is not a regular or constitutional government, but it is infinitely more so than that of Piérola, which was a violent usurpation, autocratic and despotic. Around the Calderon government all the better class of men, the holders of property, the men of education, the friends of constitutional order and of peace, are disposed to assemble.

There has been, and is now, in session a national Congress, representing in its number a very decided majority, and a full quorum of senators and representatives, long since legitimately elected under all constitutional forms.

This Congress has recognized Mr. Calderon, and re-elected him as Provisional President. Calderon and his cabinet are pefectly ready to give way, at any time, to any man of character who can unite all elements in the nation, and who may be approved by the Congress.

To this end negotiations are now going on with Piérola and his adherents. It is hoped they may succeed, and that a single head of the republic may be recognized by all.

The element now represented by the Calderon government desires peace, and Congress has authorized the Provisional President to enter into negotiations for that purpose.

I now propose to state to you the difficulties and special hardships which surround the Calderon government in their honest attempt to procure fair conditions of peace.

In the first place, the Chilian authorities have never recognized this government in any clear and distinct form. It has, from the beginning, been tolerated, consented to, and in some particulars, aided, by the Chilian military authorities; a procedure on their part which may either be from a real desire to re-establish order in Peru, or more probably to foster a division in the nation, which would still farther diminish her capacity for resistance.

Pursuant to the resolution of Congress, Mr. Calderon named his plenipotentiaries to confer on terms of peace with Mr. Manuel Godoy, the Chilian commissioner. Mr. Godoy has so far declined to receive these plenipotentiaries, and the reason is evident. By reception and the exchange of credentials the government of Mr. Calderon would be effectually recognized as the authority in Peru. Godoy then proposed to confer directly with President Calderon, but insisted that the conferences should be of a private character. To this the Peruvians replied, that the making of peace was an affair of the highest public nature, with which they could only deal in their public character, and reiterated their request for exchange of credentials. Mr. Godoy has taken time to-day to refer the question by telegraph to Santiago.

It is the purpose of the Peruvians to insist on recognition, and to prolong the discussion as much as possible.

I gather from various sources, and with reasonable certainty, the actual purposes of Chili.

It appears to be the declared intention of the existing government in Chili to make the cession of the department of Mochequa up to the river Ilo, the *sine qua non* of peace.

To such cession it is simply impossible for any Peruvian Government to consent; *first*, because public indignation would overthrow any that should so consent; *second*, because the constitution of Peru expressly forbids the execution of any treaty which diminishes the territorial integrity or reduces the sovereignty of Peru; and *third*, because the pos-

session of that territory by Peru is the only visible means of future support, and of payment of their large public debt.

Yet it is in the power of the Chilian military authorities to extinguish the Calderon government, and thus leave the country to anarchy; and I feel satisfied that if they cannot obtain from Calderon submission to such terms as they are likely to dictate, they will dissipate his government, unless it shall be sustained by some stronger power.

Mr. Calderon says to me that he will not consent, in any event, to the division of Peruvian territory, and that he will endure any consequences. He also says that he is prepared to pay any indemnity in reason, to twenty, thirty, or even forty millions of dollars, and inasmuch as the Chilian Government officially state that $30,000,000 is the limit of their war expenses, and that they have received large sums, the indemnity would seem to be abundant. I fear that Peru, *alone*, cannot hope for endurable terms of peace from Chili, yet, although utterly beaten in the war, she ought still to be considered as a nation.

All South America, except Brazil, is opposed to the pretensions of Chili, and all, without exception, look to the United States as the sole hope for the future of Peru, and as the only power capable of checking this greed of conquest.

It is, in my deliberate and carefully considered judgment, the proper time for the United States to act as a friend to both parties, and to say very kindly, but very firmly, to Chili, that war has fulfilled all its legitimate purposes; that longer continuance of the state of war would be disastrous to both countries, and an unnecessary invasion of the rights of neutrals, engaged in commerce or owning, as they do, large properties in Peru; and that a peace honorable to both countries should be concluded as soon as possible, on fair terms as to indemnity. It will be remembered that Chili in the Arica conferences denied any purpose of acquiring territory by conquest, and placed her demand for cession of territory solely upon the ground that Bolivia and Peru had not the means to pay a money indemnity.

Inasmuch as Peru offers to pay and can pay a money indemnity, the forcible annexation of territory ought not to be permitted. By such action on the part of our government we would gain the highest influence in South America, we should subserve the purposes of a truer civilization, and inaugurate a higher style of national and international law on this continent.

In whatever form this may be doue, if done at all, it ought to be done very speedily, and as a very serious emergency may arise at any time, I should be happy to receive from the Department by telegraph, some indication of approval or disapproval of my views.

As I am at present advised, after careful consideration of the instructions given to myself and Mr. Kilpatrick, and the personal conferences held with you, I shall not interfere with Mr. Godoy or his negotiations unless it shall be apparent that the purpose is to crush out the national life of Peru. In that case I shall calmly and strongly protest against such a course, and indicate in distinct terms that such action does not at all conform to the wishes of the United States, and meets with its disapproval. This, however, only in case the emergency shall arise before I hear from the Department.

I am well aware that the proper channel of communication is at Santiago, but inasmuch as the peace conferences have been undertaken here, I should desire full instructions.

The condition is very serious, and demands prompt action if it be the

purpose of the United States to save Peru from being obliterated as an independent power.

You may be assured that I shall not precipitate matters, but shall endeavor in all ways to have the preliminary negotiations prolonged, that you may have full time for consideration and for transmission of instructions both to Lima and Santiago. I inclose copy of a confidential letter to General Kilpatrick, and close by repeating that no such opportunity for the just extension of American influence in the interest of humanity has been presented to my knowledge, and that the failure to use it would, in my judgment, relegate the whole of South America over to European influences, which are openly or covertly hostile to the United States, at all events so far as their representatives on this coast are concerned.

The English steamer leaves Panama every Wednesday, and a telegram to that point would reach me in nine days after its delivery.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No 2.]

Mr. Hurlbut to General Kilpatrick.

LEGATION OF THE UNITED STATES,
Lima, Peru, August 5, 1881.

MY DEAR SIR: I have assumed charge of this legation on the 3d instant, relieving Mr. Christiancy. I have seen enough of the situation here to assure me that the hope of a permanent and honorable peace is not likely to be realized, unless the conquerors exercise far more moderation in their demands than now appears probable. No government under any form can stand in Peru which would consent to the cession of territory. It is understood that the Chilian authorities will demand a cession which shall include the whole or a large part of the department of Mochequa, and all to the south of that. As such cession would include the most productive part of the Peruvian territory, on which the debt of the republic is largely secured, it is evident that nothing but the last extremity would justify such surrender.

You are undoubtedly aware of the wishes of our government in the matter. These wishes I understand to be, 1st. That peace on fair and honorable terms should be arranged as speedily as possible. 2d. That the integrity of the Peruvian territory should be maintained. 3d. That full, fair, and reasonable indemity ought to be made to Chili for the expenses of the war.

The United States are not disposed to recognize on this continent the European notion of addition to territory by conquest, and as we are becoming day by day more interested in the commerce of the Pacific, it becomes daily of more importance to us that peace should prevail.

Now it appears to me that a peace dictated in humilitating terms by a conquerer, or extorted under pressure of superior force, necessarily brings with it the seeds of perpetual war, and that it would be the most unfortunate thing for the future prosperity of Chili. If that nation proposes to pursue the path of conquest and to depend upon military strength for her future greatness, she will array against herself the public sentiment not only of America, but of the civilized world. Her highest interest, it seems to me, is to conclude her successful campaign by such terms of peace as may leave Peru an independent nation, and without any other humiliation than that which necessarily comes from defeat in arms. I am perfectly sure that terms of money indemity can be arranged. I am equally sure that to demand, as condition of peace, the surrender of the south, will be equivalent to denial of peace at all, for the reason given, that no government which concedes this can live. The result will be disorganization in Peru, the formation of guerrilla bands, the destruction of vast amounts of property, and a heavy burden and continual drain upon the resources of Chili, both in money and in men. At present we recognize the government of Garcia Calderon, to bridge over the present chasm. He has in session a very decided majority of the lawfully elected members of Congress. Congress has authorized him to treat with Señor Godoy on terms of peace. I am afraid that that astute diplomat intends to play fast and loose. As yet he has not recognized Calderon officially, nor has he consented to exchange credentials and powers with his plenipotentaries. This of course would be complete recognition, which undoubtedly should precede any conference on matters of substance.

In other words, I think he intends to recoginze only in the event of obtaining his own terms, and if he fail in this, to say "you represent nobody, are not a government, and we decline to confer further with you."

My own opinion is, that it is full time for the United States to take a very decided part in the affairs of South America, and I shall communicate all the facts of the situation to the Secretary of State. * * * *

Your friend and colleague,

S. A. HURLBUT.

No. 565.

Mr. Hurlbut to Mr. Blaine.

No. 5.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 17, 1881. (Received September 17.)

SIR: On Sunday last Señor Godoy, Chilian commissioner, had an extended conference with Provisional President Calderon, in which he insisted that the peace conferences should be conducted between himself and Calderon in his private capacity, and if the results were satisfactory then the formal treaty should be executed by plenipotentiaries already named by Calderon.

This proposition was firmly refused by Calderon, who insisted on his part that he must be recognized either tacitly by recognition of his plenipotentiaries or openly in an official communication.

The conference was then adjourned until to-day (Wednesday).

On yesterday, to the surprise of every one, Godoy left on the steamer for Santiago without any further communication. Various reasons are assigned for this sudden departure. He was undoubtedly called home by telegraph, probably for the purpose of more full discussion.

It is understood that the Santa Maria Government proposes to withdraw the whole Chilian force to Tarapacá; and as a sudden withdrawal would be likely, in the present state of things, to be followed by mob rule and great violence in Lima, and as Godoy's family are largely interested in property in this city, it is thought that he has gone home to press this consideration upon Santa Maria.

In the event of such withdrawal of Chilian troops, without *first* permitting the Peruvian authorities to supply themselves with arms, the only means of avoiding or controlling the "commune" here will be the Urban Guard, consisting of foreigners, and they are wretchedly supplied with arms.

Piérola is still issuing proclamations, and is said to have about 5,000 men. He failed to assemble a congress of any pretense to regularity, and calls his gathering a national assembly. The members were dictated by himself and ought to be unanimous.

The situation continues to present little hope, unless the United States can and will exercise a salutary pressure upon the belligerents, for which, in due course of time, both parties will be properly grateful.

I have, &c.,

S. A. HURLBUT.

No. 566.

Mr. Hurlbut to Mr. Blaine.

No. 6.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 24, 1881. (Received September 17.)

SIR: Since my last (No. 5) nothing special has occurred in relation to the questions between Chili and Peru.

On yesterday I had a long conversation with Mr. Quimper, formerly minister of internal affairs of this country. He is a man of strong intelligence, thoroughly acquainted with this country, and on intimate terms with Santa Maria and the leading spirits of Chili. He gave me valuable information on two points:

First. That if the Calderon government shall succeed in negotiating peace without cession of territory all factions would at once disappear.

Second. That from his private letters from Santa Maria he finds that the tone of the Chilian demands is lowered, and they talk now of indemnity in other form than territorial.

Much of this, I believe, is owing to the idea, current in Chili as well as here, of a probable action by the United States to secure peace; of which action the people at large have very vague and extravagant notions.

Rumors of all kinds are current; all, however, based upon the same premises, that in some form or other the United States will be able to check the extravagant demands of Chili, and her tendency to dictate rather than discuss terms of settlement.

I am more than ever convinced that a firm and temperate statement of the views of our government will control the action of Chili. Meanwhile time, which is an important element for Peru, has been gained, for negotiations cannot now be opened before the 1st of October.

If Chili will meet Peru in discussion upon the terms of peace as equal meets with equal, and not as an imperious dictator, terms can be arranged.

The voice of the United States can secure that, and for that voice I think both governments now wait.

I have, &c.,

S. A. HURLBUT.

No. 567.

Mr. Hurlbut to Mr. Blaine.

No. 8.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 27, 1881. (Received September 27.)

SIR: I was favored on the 24th instant by a visit from Admiral Lynch, commanding the Chilian army of occupation.

In the course of this visit he introduced of his own accord the question between Chili and Peru, and said to me that there were many rumors afloat as to the attitude of the United States, and that he begged me to tell him frankly what I understood to be the position of our government. He further said that he did not ask this in any diplomatic sense, but wanted a free statement from me for his own guidance and information. I answered that there was no concealment nor wish to conceal on my part what the sentiments of the United States were, and that I would tell him exactly what we believed to be the rights and duties of the two parties. This I did verbally, and further said to him that I should at once reduce my views to writing to avoid any misapprehension.

Accordingly, on the 25th August, I forwarded to him the written statement inclosed, to which I ask your attention.

On receipt of this communication the admiral at once proceeded to confer with the British minister, and within three hours from the re-

ception of my statement both the British and French ministers visited President Calderon, offered their good offices, and informed him that they fully believed that through Admiral Lynch they could influence Chili to an honorable peace. They also said to him that peace could be arranged without cession of territory. Calderon, to whom I had sent a copy of my statement to Lynch, understood perfectly the sequence of affairs, and attributes the whole of their sudden and favorable interest in Peruvian affairs to the effect of the memorandum, especially as both the English and French ministers have uniformly told him heretofore that Chili would not be content except with cession of territory, and have as uniformly advised him to consent to such cession. The change was so abrupt and so favorable that it can hardly be explained on any other basis.

I am informed that Admiral Lynch sent a copy of the memorandum to his government, and I sent one to General Kilpatrick for his information and for such action as he might think best to take.

I am happy to say that the Calderon government express themselves as very much pleased with the memorandum.

I am greatly obliged to Admiral Lynch for giving me the opportunity of formal expression of my views, as otherwise it would have appeared intrusive, and perhaps impertinent, to have offered such a statement.

I am confident that you will approve the substance of the memorandum, and I would like General Kilpatrick to be instructed to express similar views in case of opportunity given.

Mr. Christiancy was in the questionable habit of calling together the diplomatic corps and taking counsel on almost all questions, which practically emasculated the United States and deprived them of their proper leadership. The English and French ministers seem somewhat aggrieved, or pretend to be, at action of any kind by me without concurrence, but, as I stated to one of them, the position of the United States is its own, and only to be determined by itself.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No. 8.]

Mr. Hurlbut to Admiral Lynch.

LIMA, *August* 25, 1881.

ADMIRAL: In order to prevent any misconstruction as to the conversation I had with you on yesterday as to the condition of affairs between Peru and Chili, I have thought it best to reduce the statement to writing.

MEMORANDUM.

Without any reference to the causes of the war, I understand my government to be of the opinion that all legitimate purposes of war have been accomplished by the overwhelming defeat of the Peruvian armies, the capture or destruction of their navy, and the occupation of the capital and entire sea-coast.

When organized and respectable resistance has ceased the state of war ought to cease. That commerce and the right of neutrals have been sufficiently injured; and that the large interests in Peru which are held by foreigners, many of them Americans, should not longer be imperiled by the unnecessary prolongation of the state of war.

For these reasons, and because of the friendly feeling of the United States to both parties, we are of the opinion that peace is the first duty of both nations.

I wish to state further, that while the United States recognize all the rights which a conqueror gains under the laws of civilized war, they do not approve of war for the

purpose of territorial aggrandizement, nor of the violent dismemberment of a nation, except as a last resort and in extreme emergencies. As there never has been any question of boundaries between Peru and Chili, and therefore no frontiers to regulate, and as Chili has repeatedly, publicly, and officially disclaimed any purpose or design of forcible annexation of territory, we are clearly of opinion that such action now would not comport with the dignity and public fath of Chili, and would be disastrous to the future tranquillity of both countries by establishing a very serious grievance, which would constantly tend to manifest itself in disturbances.

The United States concede, as a matter of public law, that Chili has the right (under the code of war) to full idemnity for the expenses of the war; and that Peru ought to pay such indemnity as may be agreed on by the parties, or be determined by a disinterested arbiter, in case they cannot agree (if such mode be selected); and further, that Chili has the right to demand securities, if time is given for the payment.

But we are also very clearly of the opinion that Peru ought to have the opportunity, in full and free discussion of the terms of peace, to offer such indemnity as may be satisfactory; and that it is contrary to the rules which should prevail among enlightened nations to proceed at once, and as a *sine quâ non* of peace, to transfer territory, undoubtedly Peruvian, to the jurisdiction of Chili, without first demonstrating the inability or unwillingness of Peru to furnish indemnity in some other form.

Such a course on the part of Chili would meet with decided disfavor on the part of the United States.

It ought to be borne constantly in mind that Chili has won military reputation, and can afford to deal not only justly, but liberally. Peru has lost military reputation, and cannot afford much further humiliation, and that it is never wise to drive even a conquered people into desperation. Chili has acquired her high place among the nations by the benefits of a settled government; by due enforcement of the laws; by the labor and industry of her people; in short, by the arts of peace. To this she has added, in this war, splendid triumphs by land and sea. The United States would deeply regret if she should change her course and be carried away on a career of conquest, because the military and aggressive spirit would interfere with her true progress, excite dangerous animosities, and combine many elements against her. We are therefore of the opinion that the act of seizure of Peruvian territory and annexing the same to Chili, whether done by mere superior force or by dictating the same as an imperative condition of the cessation of hostilities, in manifest contradiction of previous disclaimers of such purpose by Chili, would justly be regarded, by other nations, as evidence that Chili had entered upon the path of aggression and conquest for the purpose of territorial aggrandizement. The United States desire, above all things, that peace should continue among the South American republics, and that commerce and industry should combine to develop their wonderful resources to their own advantage, and for the benefit of the world, and we are unable to see any good reason why the state of war should much longer continue, to the serious prejudice of such vast interests, nor any good reason why peace, on terms of justice, should not be consummated at an early period, without unnecessary humiliation to one party and with full satisfaction of all the appropriate demands of the other.

S. A. HURLBUT.

No. 568.

Mr. Hurlbut to Mr. Blaine.

No. 11.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1881.

SIR: Negotiations are in progress between the Calderon government and the military chiefs of the north and center, Montero and Cacères, looking to a recognition of that government by these parties. I am inclined to think they will be successful; and in that case the Piérola faction will lose two-thirds of its strength and the whole of its prestige.

I have been very freely consulted in the matter by the agents of both parties, and have no doubt that the attitude assumed by me, as representative of the United States, in urging union, has had a very important effect.

Piérola seems to have lost his head completely, and has issued decrees of a nature so utterly inhuman as to alienate from him many ele-

ments of strength. He has issued orders to all his prefects to arrest and try by summary court-martial all persons who acknowledge, aid, or support the Calderon government, and if found guilty to shoot him at once. He has also imposed very heavy contributions on the property of all such persons within his lines, and orders his subordinates, in case payment shall not be made in eight days, to sell or to destroy such property.

These decrees are published in his official paper in Ayacucho, and are in my possession.

On the 10th day of September instant, I received a letter from Señor García y García, secretary for Piérola, directed to me as minister, intended evidently to convince me that Piérola was in reality the choice of Peru.

Knowing, as Mr. García did, that the United States had already recognized the Calderon government, it was a singular procedure, and almost an impertinence.

I took occasion to answer him at some length, and inclose a translation of his letter, and a copy of my reply.

I communicated to Calderon the letter of García and my answer, because I considered it a matter of good faith to do so, and I imagine he will use the documents in his correspondence with Montero and Cacères.

Nothing further will be known, as I suppose, of the intentions of Chili until after the 18th, when the Santa Maria government will commence.

Opinions are divided in Chili whether to withdraw their forces to Tarapacá, or to continue an indefinitely prolonged occupation of Peru. The latter, in my judgment, ought not to be permitted. Commercial and local interests, in which our people are largely interested, are perishing day by day in this abnormal state of affairs, and a stop ought to be put to it. I have in previous dispatches given my views very fully and only await an answer from the Department.

We are masters of the situation, if we choose so to be.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 11.—Translation.]

Señor García to Mr. Hurlbut.

GENERAL DEPARTMENT OF STATE,
Ayacucho, August 23, 1881.

SIR: The presence in Peru of an envoy of the great American Republic is always the cause of lively pleasure to my fellow-citizens, whose sentiments of regard and admiration for that model nation are the natural result of deep-seated sympathies.

The national government, as the representative of such spontaneous and delicate feelings, fulfills its official duty very agreeably in its nature at the present time, in congratulating your excellency on your safe arrival on the soil of our country.

Unfortunately the first views you have obtained have not shown to you those evidences of progress or of tranquillity which the weary traveler on his arrival to the hospitable shores of Peru could once contemplate with pleasure.

The foreign war, to which we were challenged without notice, has spread ruin and desolation wherever the enemy has planted his feet, and, as if such calamities were not themselves sufficient, a petty faction of unpatriotic Peruvians perpetuate these miseries, making of themselves in the village of Magdalena the docile instruments of the invader, although they are separated from all the country, in order to maintain this appearance of anarchy.

This truth, which your excellency will have discovered by your own examination of matters passing every day, must have formed in your mind the persuasion that there is no longer any perplexity in determining which is the executive power" in Peru.

Guided undoubtedly by this foresight your excellency, in that republican and thoroughly practical spirit which characterizes your countrymen, said "the mission reserved for the sons of Peru is to give or refuse their powerful support, as the basis of that popular force, without which no government can long exist," and afterward, "notwithstanding the people of Peru are the only sovereign judges in this matter."

Now, then, this sovereign judge in Peru, whose right your excellency declares and recognizes, does not obey or support in the twenty departments of Peru which compose the republic (excepting only the cities on the coast occupied by the Chilian forces) any other government than that of His Excellency the President Señor Colonel Nicolás de Piérola, constitutionally proclaimed as such by the national assembly now in actual session, which representative body was created by election as free as ever took place in any nation.

The nature of this communication compels me to omit all commentary. I have only desired to present facts, and as these are themselves convincing in their nature, I ask that you will give them the attention which they deserve.

These facts, also, will be the subject of study on the part of the Secretary of State of the United States, to whose impartial and careful judgment they will have been submitted by the plenipotentiary in Washington of our ally, the Republic of Bolivia, in the absence of the chargé d'affaires accredited by us in that capital.

The moral support which the factionists of Magdalena have sought to obtain by cultivating official relations with your excellency, compels me, in the love of peace, to direct to you this letter, which otherwise would seem contrary to diplomatic usages and to the ordinary practice.

I avail, &c.,

AURELIO GA. Y GARCÍA.

[Inclosure 2 in No. 11.]

Mr. Hurlbut to Señor García.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 12, 1881.

SIR: I have the honor to acknowledge the receipt of your communication of date of August 23, 1881.

In reply, permit me to say that it would not be proper for me to enter into any discussion as to the internal affairs of Peru unless in answer to some invitation to do so.

Inasmuch as you have, by your letter, opened the way, I propose to give you my opinion very frankly, yet with all possible kindness.

Peru is supposed to be a republic under a constitution, which ought to be the supreme law.

The seizure of supreme power by Señor Piérola and his assumption of an office not known to the constitution were revolutionary acts, and destructive of proper reverence for law.

The violent and forcible manner in which this revolution was accomplished gave to the undertaking the nature of a crime against liberty.

The dictatorial office was a simple tyranny, autocratic and despotic in its plans, in its titles, and in its acts. During its existence, the constitution of Peru was destroyed, and the mere will of one man was substituted for the laws and the constitution.

The people of Peru, suffering under a war of invasion, submitted to this autocracy because they believed it would lead them to victory. Foreign nations recognized it as a government *de facto*, but did not approve its creation nor its methods. Instead of victory, the dictatorship led to fatal defeats, and the dictator fled from the capital.

The people of Peru have had no opportunity, since that time, to have any free and fair expression of their wishes and their preferences.

The "national assembly" had no right, under the constitution, to exist, and its decrees have no more legal value than the expressed opinion of any equal number of private citizens. Their confirmation, therefore, of the vast and autocratic powers of the late dictator, under his new title of president, gives no greater validity, in law, to his authority or his pretensions.

It is with very great regret that I am compelled to say to you, that the recent decrees issued at Ayacucho, as to the persons and property of those who do not recognize Señor Piérola, are inhuman and barbarous, and of themselves stamp the government that uses such means, as being beyond the pale of law. Such violent edicts are to my mind conclusive proofs that the government with which you are connected depends solely upon force and not on public sentiment.

A strong government, secure in the affections of its people, would never have recourse to such means of cruelty and destruction.

Such measures compel all civilized governments to look with disfavor upon the authority which makes use of them.

So much I feel it my duty to say to you as to the government presided over by Señor Piérola.

The government presided over by Señor Calderon does not assume to possess perfect regularity. It is "provisional," that is to say, a temporary means of carrying on the functions of government, until the nation can act freely and fairly. It is supported by the national Congress, a body known to the constitution, and is an effort toward the re-establishment in this country of regular and constitutional government.

You are mistaken when you state that they are in sympathy with the Chilians. They are not. They want peace, as the whole country wants it, but they will not sacrifice the national honor nor cede the national territory to obtain it.

The Chilian authorities are in communication with both parties in Peru, and you yourself have written to Admiral Lynch. Chili wants and demands the territory of Tarapacá, and will recognize any one who will cede it. The Calderon cabinet will not; it remains to be seen whether the Piérola cabinet will. Meanwhile, under the system inaugurated at Ayacucho and carried out by the prefects, Peruvians are to-day worse enemies of Peruvians than the Chilians can be, and the efforts of the friends of Peru are paralyzed by your intestine dissensions.

When the United States ask of Chili why peace cannot be made, the answer is, that there is no government in Peru to make peace with. Is it not better to make an end to this state of things, and for all true sons of Peru to unite on some head of the nation, to whom all parties and all factions should yield for the purpose of saving the country from hopeless ruin, of restoring peace, and the orderly and quiet reign of the constitution and the laws?

I have, &c.,

S. A. HURLBUT.

No. 569.

Mr. Hurlbut to Mr. Blaine.

SEPTEMBER 14, 1881. (Received October 4.)

SIR: After I had closed and sealed up my official mail I received from Mr. Quimper the inclosed letter and two copies of his History of Events, to be forwarded to you. Mr. Quimper is one of the strongest intellects and best-known men in Peru, and you may rely upon his statements. I have not time to translate his letter, but Mr. Elmore will do it for you.

I have read it hastily, and concur with him in his statement.

I can hardly expect you to read his pamphlet, although it is worth reading.

In great haste,

S. A. HURLBUT.

[Inclosure in Mr. Hurlbut's letter of September 14, 1881.—Translation.]

Mr. Quimper to Mr. Blaine.

LIMA, *September* 14, 1881.

ESTEEMED SIR: Although I have no special claim upon your attention, the fact of my being an American and a citizen of Peru induces me to take up my pen in order to describe the condition of affairs in Peru, and I trust that you will kindly read what I have to say.

General Hurlbut's arrival at Lima, with instructions from the American Government, to endeavor by every means in his power to effect the conclusion of an honorable peace between Chili and Peru, has led the nation to hope for a speedy and safe termination of the present unfortunate and anomalous state of things.

I do not propose to make any inquiries as to the policy which the enlightened government of the Union proposes to pursue. I simply propose to lay before you a sketch

of the present situation of affairs in Peru, together with a brief statement of the causes which have led to that situation.

Before the war Chili had no claim whatever upon Peru, inasmuch as the two countries did not border upon each other,* and as Peru had given no cause of complaint to Chili. As long ago as 1872 Peru made a treaty of alliance with Bolivia, but it never took effect, although several of the cases therein provided for arose. In the mean time an unimportant question between Chili and Bolivia led the former to occupy the Bolivian territory of Autofagasta. Peru then appeared as mediator. She did so with perfect propriety at that time, since the treaty had become inoperative and the *casus fœderis* had not yet been declared.

The Peruvian minister at Santiago was busy with the subject of the mediation when Chili suddenly declared war against Peru.

This declaration of war was made at a time when our minister to Bolivia had, in pursuance of instructions from the Government of Peru, induced that nation to repeal the "ten-cent law," which was the cause of the war between Chili and Bolivia.

Peru, being completely defenseless, was taken entirely by surprise, and was obliged to put forth her utmost efforts to avoid being crushed at once. Her navy was in a wretched condition and greatly inferior to that of Chili, but was put on a war-footing at once. Her army, which consisted of but 3,000 wretchedly armed men, was sent to protect the southern frontier.

The history of this war and the true cause of our disasters are given in the statement which I have prepared, and which I inclose herewith, begging you to read it, or to have it read by some person in whom you have confidence. You will thereby become convinced that the victories of Chili were easily won without earning any real glory for the Chilian arms.

Chili entered the contest fully prepared, while Peru was taken wholly at a disadvantage, and was consequently obliged to succumb.

The internal situation of Peru is as follows: The constitutional Government of Peru was preparing to collect war material for the purpose of conquering Chili, when Col. Nicolas Piérola, of the National Guard, formerly a conspirator, got up his revolution of December 21, 1879, whereby he destroyed all the institutions of the country and proclaimed himself dictator. The army initiated the movement, and was seconded by the people, who believed in the promise of victory which Piérola made, provided he were only invested with discretionary powers.

Sad is the history of that administration of one year, during which the so-called dictator plunged the country into disaster of every kind, thus facilitating the definitive triumph of Chili at Chorillos and Miraflores.

The dictatorship, which was proclaimed *de facto* on the 21st of December, 1879, succumbed *de facto* on the 15th of January, 1881.

Piérola then became a fugitive in the interior of Peru, not having saved a single weapon during the disasters of January, although he might have done so, and the Chilian authorities in this capital, after they had occupied it, declared their unalterable determination to make no treaty of peace with him, though they expressed their readiness to do so with the constitutional government, which they considered the legitimate representative of the country.

In order, therefore, to secure peace, which was earnestly desired by the entire people of Peru, a provincial constitutional government was organized at Lima, with Mr. Garcia Calderon as President, who immediately convened the lawful Congress, that it might adopt suitable measures.

Congress met, and after ratifying the powers of Mr. Garcia Calderon, authorized him to conclude a peace with Chili.

In the mean time events have occurred in Peru, both in connection with its internal affairs and its relations with Chili, which have given an irregular aspect to the present situation.

The departments of Lima, Callao, Huanaco, Junin, Liberotad, Anacachs, Lambayeque, Amazonas, and many provinces belonging to others, have spontaneously recognized the government of Garcia Calderon, their principal citizens signing a declaration to that effect. Piérola's authorities, however, and the scanty forces still under his command, have brought the greater part of the aforesaid departments once more under the control of the dictator. The consequence is, that Mr. Garcia Calderon's provincial government exercises its authorities in but few of them.

This fact is not difficult of explanation. The warlike attitude that is still maintained by Peru towards Chili and the conduct of the Chilian army of occupation tend to sustain the bogus government of Piérola.

Yet it is absolutely *certain* that as soon as Chili shall have concluded an honorable treaty of peace with Mr. Garcia Calderon, all of Piérola's officers, together with the men under their commands, will recognize such treaty and the constitutional government.

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*Correct, although otherwise represented on many maps.

The conduct of the Chilian authorities may be explained as follows:

The Chilians consented at Lima to the formation of the provisional government, because that course coincided with the determination which they had announced not to treat with Piérola. As soon, however, as they became convinced that the provisional government refused to admit that they had conquered Peru they began to oppose it openly, and to encourage Piérola, with a view to keeping Peru in a state of anarchy, so that they might be able to occupy the Peruvian coast indefinitely, availing themselves meanwhile of the country's resources, on the pretext that there was no actual government with which they could treat.

The Chilian authorities have always pursued a course calculated to prolong a state of anarchy in Peru. When they thought that Piérola's power was increasing they sent an expedition against him, and when they thought that the same was the case with the government of Mr. Garcia Calderon they did everything in their power to bring it into discredit and to increase the importance of Piérola.

Negotiations have recently been set on foot between Mr. Garcia Calderon and Mr. Godoy, the Chilian plenipotentiary, the object of which is the explicit recognition of the provisional government by Chili.

Nevertheless, Mr. Godoy has said that if the provisional government wished to be expressly recognized it must first settle the terms of peace with him.

There have been four conferences between the Chilian plenipotentiary and Mr. Garcia Calderon, and while the former was still saying that he was willing to continue them, he suddenly, without having given any warning, left for Chili.

This fact is explained, and, I think, correctly, by the knowledge which it is supposed that Mr. Godoy had of the mission intrusted to General Hurlbut. He went to Chili, he said, for the purpose of getting precise instructions for all cases that might arise.

The fact is, that when Mr. Godoy took his departure he left the negotiations suspended, and all prospects of peace at a standstill.

Such is the present condition of things. We shall be in a state of suspense until the return of the Chilian plenipotentiary.

Chili says that there is no government in Peru with which she can treat.

This is not true. The government of Mr. Garcia Calderon is one which fulfills all conditions of legitimacy, and its acts, so far as the conclusion of a peace is concerned, would be immediately accepted by the entire republic.

If it is not recognized by the considerable armed forces which apparently obey Piérola, this is because the proper time for such recognition has not yet arrived.

And it is not well that such recognition should take place, for if it should, the Chilian army would treat those forces as it has just done those of Magdalena, viz, disarm and disperse them; and since it would then consider the government of Mr. Garcia Calderon as a war government it would not be in the power of the latter to continue negotiations.

Given, then, the conditions of life now possessed by Mr. Garcia Calderon's government, it cannot and ought not to increase in power. It should make peace while in its present condition, and such a peace, as I have already remarked, would be accepted by the whole nation.

Peru will be mainly indebted for this great benefit, in any event, to the people and the enlightened government of the United States.

Accept, sir, the assurances of the regard of your faithful and obedient servant,

J. M. QUIMPER.

No. 570.

Mr. Hulburt to Mr. Blaine.

No. 14.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 21, 1881. (Received October 17.)

SIR: Since my last dispatch there has been nothing of any special consequence. I am still without any reply from General Kilpatrick to my communications, which is probably due to the severe illness with which he has been afflicted.

It appears to be of vital importance that the United States should determine, in advance, the position which they will hold in relation to the procurement of peace and the settlement of the questions between Peru and Chili.

I hope by the next steamer, or at all events by that which will arrive on October 1, to have some definite communication from you.

I believe that Chili will make the cession of Tarapacá a *sine qua non* of peace, and that on this point they will not admit of discussion, unless under pressure from some other power than Peru.

If the United States are disposed and ready to insist that Peru shall have the opportunity to offer a money indemnity, and thus escape cession of territory, I am satisfied that such insistance on our part should pass directly from the Secretary of State to the Chilian minister at Washington, and thus come with the highest authority.

If, however, the Department of State is not willing or prepared to take this step, I cannot see how I can exercise any wholesome influence upon the stronger of the two belligerents.

The governments both of Chili and Peru have undoubtedly been informed that the United States would view with serious disfavor any request for, or acceptance of, aid from any European government in this matter of American policy.

I know that Peru fully understands this, and I presume General Kilpatrick has communicated to Chili the views expressed in your instructions to him.

Being thus imperatively cut off from European aid, and practically limited by the act of the United States to the friendly offices of our government only, it would seem that a duty was, by its own acts, imposed upon the United States, to render effective and positive aid to the solution of this question.

Valmacida, minister of foreign affairs of Chili, said lately in a speech in their Congress, "that Chili must soon determine for herself whether she should return to her ancient boundaries or extend herself over half the continent."

It is not, in my judgment, for the interest of the Uinted States that there should be any very largely preponderating power in South America, and still less so, if that preponderance shall be acquired, not by regular growth and development, but by violent and military means.

Yet at this very time there is danger of just such preponderance, obtained by just such means, and the only preventive I can see for this evil is the direct and specific action of the United States.

There is danger, even now, that the treaty between Chili and the Argentine Republic may fail of ratification, in which case war between these republics appears inevitable, especially as the Argentines look with great apprehension upon the military and naval development of Chili as a perpetual threat to them.

The Argentine Republic is now ready for war, and if they believe it to be imminent in the near future, they will of course prosecute it, while Chili is embarrassed by Peru and Bolivia.

Thus it is possible that the future peace and good order of South America may hinge upon the determination to be taken by the United States, in reference to the proper conclusion of the Peru-Chilian affair.

It is a noticeable fact that the Chilian Government has asked from their Congress appropriations for an army of 24,000 men, and a full war establishment for their navy, for the coming year, indicating that they propose to continue the state of things which makes such expenditure necessary.

This force is a very heavy one for Chili to keep up, and is sufficient for active war operations, and excessive for what remains to be done in Peru. It is therefore considered by the Argentines to be in the line of a menace to that country.

In the internal affairs of Peru, there is as yet no special development, except that I believe the dissension from Piérola in the interior, and the tendency to support Calderon, to be on the increase.

I was in hopes to have received the message of President Santa Maria, in time for this mail, but it has not come, and as I have no communications from General Kilpatrick, I am quite in the dark, officially, as to the course of events in Santiago, and even as to the fact whether my colleague there is in harmony with my views.

Reports are very current that he is not, but you will of course be advised of his actions and his purposes.

I have, &c.,

S. A. HURLBUT.

No. 571.

Mr. Hurlbut to Mr. Blaine.

No. 16.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 4, 1881.

SIR: Since the date of my last (No. 15) events have occurred which demand precise statement, and deliberate consideration.

As you are aware, from the correspondence of my predecessor, the dictatorship of Piérola crumbled to pieces after the battles in front of Lima. Piérola himself disappeared. There was no government in fact.

In this emergency, many gentlemen of high standing attempted to reconstruct a constitutional government, and to that end requested of General La Puerta, who was the constitutional Vice-President, overthrown by the Piérola rebellion, that he would resume his lawful power. This he positively refused to do, on account of his inability from ill-health to perform the duties. The situation was peculiarly pressing, because the Chilian military authorities, on occupying the city of Lima, had imposed a pecuniary contribution of one million of soles, in silver, per month, and in accordance with their somewhat peculiar notions, had apportioned this immense sum on certain private citizens, supposed to be wealthy, in fixed amounts charged to each one, with the penalty that if not paid their property in this city should be destroyed and themselves imprisoned.

With such an order hanging over them it became necessary to establish some form of government which might represent them. Prado, the constitutional President had run away from Peru before the Piérola revolution was made and has never returned. La Puerta succeeded as Vice-President, was overthrown by Piérola, and, as I have stated, declined to serve.

Garcia Calderon was chosen to act as provisional President; was permitted to act as such by the Chilian authorities; was assigned a certain neutral zone or space near Magdalena by the Chilian authorities; was allowed to appoint all his ministers and other officers; to publish decrees; to assemble his Congress; to keep an armed force of one thousand men, and generally to perform the functions of government. Negotiations for peace were opened with him by Godoy, on behalf of and by the authority of Chili. He was allowed to borrow money on the faith of Peru, and to issue about eight millions of paper money, out of

which he paid a heavy sum in ransom of the city of Lima. He was recognized by foreign nations as the lawful head of the Government of Peru, and as such received official visits, and publicly and openly exercised all the prerogatives of sovereignty. This chain of facts constitute recognition by Chili of the Calderon Government, fully as effective as if given in terms, and in official communications.

Some four weeks since, Admiral Lynch, the Chilian commander-in-chief, disarmed the Pervuian guard in Magdalena; but in an official communication to Mr. Calderon, as well as in conversation with me, put this act exclusively on a military basis, giving as a reason the actual or probable desertion of the force, which reason I accept, as a proper military precaution.

On the 26th September, without any notice, he seized the treasury, and has it now under guard, and stopped, by military order, the payment of all funds of any kind; appointed Chilian officers to collect certain local revenues accruing to the Calderon authorities, and forbade the Bank of London, Mexico, and South America, in which the Calderon funds were deposited, from paying over.

Having thus seized the means of living, he then, on the 28th September, issued the decree and sent the letter, which I forward translated, and inclosed in translation of letter from Mr. Galvez to me thereby virtually commanding Calderon to cease his functions, and to surrender all his archieves, books, and papers.

Mr. Calderon consulted with me on receipt of this order, and said very firmly that he should not obey it. Inasmuch as it was very probable that this act of disobedience would be promptly followed by military arrest, I suggested to Mr. Calderon the propriety of making some arrangement by which some legitimate successor could be provided in case he was disabled from acting. To this end the Congress, all of whose members were in Lima, was quietly assembled, and they proceeded to elect Admiral Montèro, now in command in the north of Peru, outside the Chilian lines, as Vice-President, thus continuing the constitutional succession. All of these acts are strictly legal, and not only according to the practice of Peru, but to the tenor of the constitution.

I also received from Mr. Galvez, the secretary for foreign affairs, such books, documents, and correspondence as he considered essential, and shall hold them in this legation.

These precautionary measures having been adopted, Mr. Calderon replied, under date of September 29th, to Admiral Lynch, in a well-reasoned and dignified letter, which I also inclose in print, and in Spanish, as I have not yet found time to translate so long a document.

This letter has been sent by Admiral Lynch to his government, and since that time no further action has been taken, and I suppose none will be, until he receives instructions from Santiago.

I send, also in Spanish, the printed copy of Lynch's reply to Calderon's letter of the 29th.

I am not positive as to the real meaning of these extraordinary acts, but am inclined to think that the purpose is to abolish by force all respectable authority in Peru, and especially the one which the United States have recognized.

I find, also, that the British minister here, Sir Spencer St. John, is very frequently closeted with Admiral Lynch, and that their conferences are long.

It is a self-evident proposition that no act of Chili, whether from its civil or military authorities, can in any way operate upon the relations

which the United States have maintained or may choose to maintain with any government in Peru, nor can any military order prevent my treating with Mr. Calderon as representing the sovereignty of Peru.

I doubt whether even the Chilian doctrine, as expounded by Lynch, of the rights of conquerors will go so far as that. Yet I see in the future no special limits to their possibilities of dictation.

There is a very decided tone of arrogance, both in the press of Chili and among their officers, born I think of their singular success in this war, which may easily become offensive.

The mask which the Chilian Government has worn to cover the real purpose of this war is now removed, and it is openly avowed that peace will not be permitted, except on condition of cession of territory.

In looking back upon the whole history of events, prior to hostilities and since, I can have no doubt but that the purpose, end, and aim of this war, declared by Chili against Peru and Bolivia, was in the beginning and is now the forcible acquisition of the nitrate and guano territory, both of Bolivia and Peru.

Everything else is made to bend to this purpose, and there is no reality in any pretense of peace on any other terms.

I shall await the action of the Department, and hope to be informed as early as possible of such definite resolution as may be taken.

I am, sir, your obedient servant,

S. A. HURLBUT.

[Inclosure 1 in No. 16.—Translation.]

Señor Galvez to Mr. Hurlbut.

MINISTRY OF FOREIGN AFFAIRS,
Lima, September 28, 1881.

MR. MINISTER: On this day His Excellency the President has received the note and decree, a copy of which I have the honor to inclose to you.

The measures already taken by the commander of the army of occupation, in first disarming the guard which my government had at Magdalena, and afterwards in placing guards in the offices of the minister of hacienda and in the public treasury, seizing upon all the funds of the government, gave reason to believe that the purpose of the Chilian Government was to cause all government in Peru to disappear, in order to carry into effect, not only the military occupation of Peru, the territory of the republic, but also the complete domination over the country. To-day, Mr. Minister, this presumption is a reality. The commander of the Chilian forces not only takes the direction of public affairs in Peru, but also suppresses all national government, prohibits the exercise of any act of sovereignty, and even demands, as if my government were a dependency of Chili, the surrender of the archives and documents which may be in its possession.

My government, which owes its existence to the choice of the people of Peru, and has for its rule of conduct respect to the constitution and the laws; my government, which, in the presence of this same army of occupation, has quietly exercised its functions, finds itself, to-day, compelled to protest in the most solemn manner against this violent act of the Chilian Government, which, I repeat, suppresses all national government, and necessarily prevents all negotiation for peace, and tends directly to absolute dominion over the whole republic.

The internal dissension in Peru will be the pretext under which Chili will insist that there is no government with which to treat, but the undoubted fact is that Chili does not wish that there should be any government in Peru with whom to negotiate, as a step to the destruction of the Peruvian nationality.

In giving to you, sir, the knowledge of such vastly important events, it is with the hope that you will communicate them to your government, so that it may plainly appear before America, and before the world, that my government in no respect admits the pretensions of Chili, and that at all times, under all circumstances, and in whatsoever place it may be found, it represents, and will represent, the supreme authority of Peru, until that nation, sole arbiter of its own purposes, shall decide as may correspond to its dignity and its interests.

I have the honor, Mr. Minister, to subscribe myself, your excellency's most faithful and obedient servant,

M. M. GALVEZ.

[Inclosure 2 in No. 16.]

General Lynch to Señor Calderon.

LIMA, *September* 28, 1881.

Dr. FRANCISCO GARCIA CALDERON:

SIR: I have, on this day, issued a decree, by which I order the suspension of the exercise of all authority, which is not derived from these headquarters, except those municipal authorities actually in existence and allowed to continue for the purpose of collecting local taxes.

I take occasion to send to you, with this, a copy of my decree, the terms of which put an end to the government which, until now, has been in existence by our toleration, and presided over by you; and inasmuch as the documents, archives, and other effects in possession of the functionaries who have served under your orders, do not belong to them, but are public property, I trust that you will take the necessary measures to prevent any disposition of them, and will do me the favor of sending to my office, as soon as possible, a list of all of them.

With sentiments of distinguished consideration and esteem, I subscribe myself, your obedient and faithful servant,

P. LYNCH.

Copy of decree.

LIMA, *September* 28, 1881.

The GENERAL-IN-CHIEF of the Army of the North, Republic of Chili:

Inasmuch as I have this day decreed as follows:

Hereafter in such part of the territory of Peru as is now or may hereafter be occupied by the forces of the army under my command, no acts of government will be permitted to be done or exercised by any other functionaries or authorities than those established by these headquarters. The municipal authorities which at present exist shall, however, subsist and continue to receive municipal taxation for the purpose of providing for the necessities of local service.

Let this be recorded and report made.

In order, therefore, to give full notice to all persons, let this be published by proclamation, and by notices fixed on the most public places of the city.

P. LYNCH.

No. 572.

Mr. Hurlbut to Mr. Blaine.

No. 19.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 5, 1881, 11 p. m.

SIR: I have just consummated an agreement made with the Calderon government on the 20th September for the grant to the United States for a naval and coaling station at Chimbote.

The concessions set forth in the protocol are not so strong as I would have liked to obtain, but they are all that the President alone, without the approval of Congress, could give. I look upon it, in the relative position of the two countries, as giving us, should it be accepted by you, a very valuable foothold, which can hereafter be rendered more exclusive in matters of jurisdiction.

There is no question under Peruvian law but that the act of President Calderon is as effective in transferring rights as if he were a regularly elected President, and looking to the future I can see great possibilities in this grant. Chimbote Bay is by far the best on the Pacific coast, and the coal-mines in the interior, to which it is the entrance by way of the railroad under construction, furnish ample supplies, of good quality, of inexhaustible quantity, and at low prices.

The protocol and the approval of the same by President Calderon are inclosed with this dispatch. I have not time to elaborate this question by this mail, but will do so by the next.

I have also, at my own risk, concluded with President Calderon an arrangement by which the unfinished line of railway will be turned over by the government to me, as intermediary or trustee, to transfer the same to an American company, to complete, develop, and operate it. By so doing, it is easy to limit such company in the price to be charged the United States for coal, which ought not in any case exceed $5 per ton, and yet leave a large margin.

The possibilities for such a company are very large, as the country to be developed by the road is singularly rich in mines of metals and in agriculture.

This grant will include the completed and incomplete portions of the road, on which the government has already spent over $9,000,000, and the whole work can be completed now for $10,000,000.

The principal terms will be the payment to the Government of Peru of $1,000,000 in money and the same sum in paid up stock to clear all existing incumbrances, for which sums they cede the clear right to construct and operate the road for twenty-five years after it is finished, without rent or liability to account. At the end of that period the Peruvian Government has the option to buy the road by paying the principal of its cost to the company or to lease it for twenty-five years more at 25 per cent. of net profits.

The papers cannot be ready before the next mail, and will contain other rights and privileges which I cannot now enumerate.

I have determined to accept this trust so as to save this very valuable grant from any possible chance of being lost to our country.

In great haste, I am your obedient servant,

S. A. HURLBUT.

[Inclosure in No. 19.]

PROTOCOL.

On the twentieth day of the month of September, one thousand eight hundred and eighty-one, the undersigned, Stephen A. Hurlbut, envoy extraordinary and minister plenipotentiary of the United States of America, and Manuel Maria Galvez, minister of foreign affairs of Peru, met in the office of the American legation for the purpose of establishing, in the name of their respective governments, an agreement with the object of giving due facilities to the American naval marine on the coast of the Pacific.

The propriety of such an agreement having been recognized by the undersigned, and they having also taken into consideration the stipulations contained in article XIV (fourteenth) of the treaty of friendship, commerce, and navigation now existing between the two countries, have agreed upon the following:

First. The Government of Peru concedes to that of the United States of America the right and power to establish a station for coaling in the port and harbor of Chimbote, and all facitities which may be necessary in order that the ships of war and merchant vessels of the United States may be supplied with that article and may station themselves in said port.

Second. The concession above made is not to be considerd as exculsive in favor of the Government of the United States, inasmuch as the Government of Peru reserves to itself the right to make analogous concessions to other friendly powers who may solict the same.

Third. The land which the government of the United States may acquire for a coaling station, either from the state or from private persons, will remain subject to the general laws which rule in Peru in reference to the ownership of real estate.

Fourth. The concession to which the first article of this protocol relates is of an indefinite duration, and the Government of Peru shall have the power to withdraw the same by first giving to that of the United States not less than one year's notice.

In testimony of which the undersigned have signed the above protocol in duplicate, and have attached to both copies their respective seals.

M. M. GALVEZ. [SEAL.]
S. A. HURLBUT. [SEAL.]

[Inclosure 2 in No. 19.]

Señor Galvez to Mr. Hurlbut.

[Translation.]

LIMA, *September* 23, 1881.

It is gratifying to me to announce to your excellency that, under to-day's date, his excellency the provisional President has been pleased to issue a decree approving the protocol which I had the honor to sign with your excellency on the 20th instant, for the purpose of giving certain facilities to the American Navy on the Pacific coast, and that in proper time the necessary orders in the premises will be given by the ministries of marine and of the treasury, in order that the stipulations contained in the said protocol-agreement may have due fulfillment.

With sentiments of the most distinguished consideration, I subscribe myself,

Your excellency's faithful and obedient servant,

M. M. GALVEZ.

No. 573.

Mr. Hurlbut to Mr. Blaine.

No. 20.] LEGATION OF THE UNITED STATES,
Lima, Peru, October, 13, 1881. (Received November 3.)

SIR: Since the last mail a very important series of events has been inaugurated. On the 5th and 6th of October the troops and people of Arequipa, in the southern military department of Peru, have proclaimed their adhesion to the Calderon government, in which they have already been followed by the forces in Puno, and probably in Cuzco. This region has been Piérola's stronghold, and, as it is entirely outside of Chilian mititary authority, it has been caused by nothing but moral force.

Last night letters were received from Cacères, commanding the military department of the center, promising to do the same thing, and I feel quite sure that Montero, commanding the northern department, and lately elected Vice-President, has by this time announced a similiar policy. It now seems quite certain that a very decided majority, at least, of Peru will support the Calderon government. I have done a good deal in a quiet way to bring about this result, for I felt it a point of honor to establish on a basis of popular support this government, recognized as such by the United States, and *not* recognized by England and France.

My diplomatic colleagues, especially the British minister, are quite attentive now, and the latter volunteered the statement to me that he was ready to accompany Mr. Calderon to Arequipa if he went there.

Piérola is belived to be at Ica, a port to the south, and is further believed to be trying to negotiate with the Chilians.

The declarations from Arequipa, especially if followed up elsewhere, are likely to embarrass the Chilian programme. The logic of their proposed suppression of Calderon was that he had no following; and when such following is developed, it would seem logical that they should recognize him.

Unfortunately it will not always do, with these people, to reason on logical bases as to their conduct in the future.

I believe that the authorities in Santiago are themselves disposed to be reasonable, but that the heart of the people is set upon acquisition

of territory, and that they fear an overthrow from the military and popular element if they yield this point.

There is a certain degree of awkwardness, and likely to be more, in the position of Calderon. He, as President of Peru, a nation technically at war with Chili, is within the lines of military occupation, and subject to military law.

I incline to think that it is competent for the Chilians to order him outside of their lines, and I rather expect it to be done. In that case, if he should remove to the interior, north or south, it becomes a question whether I shall retain the legation here or follow the government to its new station.

There will be nothing that I could do away from Lima that I could not do here, except the impression that personal intercourse with the President and his ministers might make in maintaining the just influence of the United States.

I take occasion to reiterate my opinion that the opportunity for the United States to settle this war is open. The Argentine Republic has ratified the treaty of boundaries. This gives additional force to the rule of arbitration and mutual concession, and the good work commenced by the United States for the benefit of Chili ought to be complemeted by similar results for the benefit of Peru.

I am as yet entirely without advices from you, either on the general subject of Chili-Peru, or as to the course taken, or to be taken, by the government and its representatives in these countries. This is of course attributable in great measure to the long and fatal illness of President Garfield, but it is quite important that this state of uncertainty should not much longer continue.

The papers for the grant of the Chimbote-Huaraz Railway are not yet complete.

Your obedient servant,

S. A. HURLBUT.

No. 574.

Mr. Hurlbut to Mr. Blaine.

No. 21.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 13, 1881. (Received November 3.)

SIR: I have just received a very brief letter from General Kilpatrick, part of which I transcribe. I fear his situation is dangerous, and he evidently thinks so. In the event of his death, at this particular time, it will be difficult to supply his place as it ought to be supplied.

It is said here by the Chilian authorities that two Chilian commissioners, Altamirano and Novoa, are on their way here. They started to treat with Piérola, but the Arequipa affair throws him overboard, and if they treat at all it must be with Calderon. They will hold to the old claim of territorial cession, and as that cannot be admitted, the conferences will break up, unless arbitration be urged and accepted.

There is no earthly reason why this should not be done, and I believe Santa Maria can save himself from his own people by accepting arbitration.

To suggest this, and to enforce it, we shall need some one at Santiago, and if it should unfortunately happen that General Kilpatrick should die or become disabled the case should be met very promptly.

It is reported to me at this moment, on good authority, that Montèro has declared for Calderon, and I have seen a letter from Cacères, pledging his support whenever necessary. As Cacères's outlying pickets are close to the Chilian lines, and liable to be engaged at any moment, and Calderon within the lines, it is prudent not to be too open in the matter.

Your obedient servant,

S. A. HURLBUT.

[Inclosure in No. 21.]

General Kilpatrick to Mr. Hurlbut.

VILLE DEL MAR, *September* 30, 1881.

MY DEAR GENERAL: * * * I am very ill, and have been for two months. I should not like to die here, and yet I may.

Yours,

KILPATRICK.

No. 575.

Mr. Hurlbut to Mr. Blaine.

No. 23.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 26, 1881.

SIR: The Department of State will no doubt have been advised of the excitement in Chili, over the publication by the newspapers in that country of a copy of a "memorandum" addressed by me to Admiral Lynch, a document which I forwarded to the Department as inclosure to my dispatch No. 8, of the 27th August, 1881.

I do not know by whom the publication of this note was effected. It appeared first in the Chilian newspapers, and I presume was given to the press by the Chilian Government as a basis for the note of Mr. Valmaseda to Mr. Kilpatrick. It seems somewhat singular that although General Kilpatrick has been unable to write to me during all this time, anything more than a brief note as to his health, that he should yet have been able to answer the communication of Mr. Valmaseda on the very day of its date, and at such very considerable length.

It is not for me to criticise the act of my colleague at Santiago. I sent him a copy of the "memorandum" at the same time that I sent it to the Department.

I have not received from him any copy of the correspondence between him and the Chilian authorities, and my only knowledge of it comes from the publications in Chili and in this city.

If, however, these are to be accepted as correct, there would seem to be a radical difference between General Kilpatrick and myself, which demands the attention of the Department. Neither Mr. Kilpatrick nor the Chilian authorities have as yet attacked by argument the principles of international law laid down in the memorandum; nor do I believe that they can be successfully attacked.

They have chosen to affirm that these utterances contain a threat of

active intervention on the part of the United States, which is nowhere asserted in the document. The question of what the United States may think proper to do, is one which can only be resolved by the President, and communicated when so resolved through the Department, and until so informed, it is not competent for General Kilpatrick or for me to limit the United States in any respect. I affirm that, according to my best judgment, the principles laid down in the "Lynch memorandum," are those which do in fact control, and in right ought to control the conduct of the United States; that they are and ought to be the bases of international law on this continent, and that Chili and Peru and all other powers in America, ought to accept and be guided by them. All this, of course, although clearly my opinion and belief, is subject to the revision and final determination of the State Department, and whatever may be the decision, it will be obeyed and faithfully carried out by me, so long as I have the honor to represent the United States in my present capacity. It, however, becomes my duty to represent to the Department the results which, in my judgment, may be expected from their decision.

Upon reaching the Isthmus, on my way down, I encountered in all the newspapers of the South American Republics, an expectation and desire that the United States, as natural head of the republican forms of this continent, should, in some way or other, put an end to this war between Chili and Peru.

I found, on arriving here, the same sentiment and belief, among the Chilians in the form of apprehension, among the Peruvians in that of hope. I found the English and French legations apprehending the same thing, but diligently at work to put all obstacles in the way of its fulfillment. I have been careful never to speak or write of any action whatever, on the part of the United States, but have never hesitated on proper occasion, to state what I believed, and now believe to be our opinions on the questions involved, and have never gone beyond what is set forth in the "Lynch memorandum."

Inasmuch as the United States had recognized Garcia Calderon as the President of Peru, I have done all I could properly do to unite Peru under his authority, and have succeeded in so doing, despite of the influences exercised against such a result by the other legations, notably those of England and France.

To-day no other government has any respectable foothold in Peru, and Piérola must either run away or fall a victim to mutiny in his own forces.

This dominant influence of the United States in Peru is now a fact, and has been acquired as I have stated.

It is, in my judgment, eminently worth while for the United States to keep this position, not only here but in all America, and their retention of this position depends upon their own action.

If the Government of the United States choose to say the word, this wretched state of things will cease. If they choose to say that the time for peace has arrived, peace will be made.

If they choose to say that the two countries should submit the question of indemnity to arbitration in case they cannot agree, such submission will be had, and the matter end honorably to both countries.

Unless the United States do take such positions, indefinite military occupation of Peru, or so much as the Chilian forces can cover, will be the result; anarchy, violence, plundering by petty war parties will dominate over the country, and the ruin of all foreign investments in the country will follow. If the United States, after denying to these people

any application for aid from any European State, shall themselves refuse any help in their desperate situation, it would seem to be almost a breach of national faith. I, myself, am a profound believer in the right and duty of the United States to control the political questions of this continent, to the exclusion of any and all European dictation. This belief I understand to be held also by the American people, and to have been asserted by Congress. This I also understand to be the doctrine of the administration which sent me to this place.

The opportunity to put the doctrine into practice is now before us, and as the communication is so slow I state here the probable course of affairs, and ask for instructions.

The two Chilian plenipotentiaries, Altamirano and Novoa, have arrived to-day. They are said to have full powers. They will either recognize the Calderon government or fail to find any with which they can treat. If they do not recognize that government I shall consider such fact evidence that they do not want peace. If they do, and peace negotiations commence, I believe they will drop the word "cession" and substitute "pledge;" that they will demand an enormous indemnity, and to hold the southern provinces as pledge and security for the payment.

Peru will offer thirty to forty millions as indemnity. This will be refused, and then affairs are at a stand. Peru will then offer to submit the question of amount to arbitration. This offer, I think, will be refused.

It seems to me that the opportunity for the United States will be to insist early in the negotiation, and forcibly, that the principle of arbitration shall be accepted and acted on.

The mode of such insistance must, of course, be determined by the Department, but I feel sure that it ought to be done, and done at an early stage, and before Chili commits herself by a refusal to entertain arbitration. I have no doubt of the result if so done. Chili cannot afford to refuse it. Peru asks nothing but an impartial arbiter, and the result will place the United States where they ought to be, as the acknowledged head of the republican system of America.

Yet very prompt action is necessary for this result, of which I hope to be promptly advised by telegraph or otherwise.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No. 23.—Translation.]

Señor Balmaceda to Mr. Kilpatrick.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, the 8th of October, 1881.

SIR: The newspapers of Valparaiso and of this city have published the memorandum addressed on the 24th of August, by Mr. S. A. Hurlbut, United States minister in Lima, to the commander-in-chief of our army of occupation in that city, Rear-Admiral Lynch.

Mr. Hurlbut's letter, accompanying the memorandum referred to, has not, however, been published; in it the said gentleman began by saying to Admiral Lynch that in the conversation alluded to in the memorandum diplomatic affairs were not discussed (no se trataba de asuntos diplomaticos.)

My government has thought it proper to draw attention to the irregularity of this conduct, disregarding the essential part of it, because they feel certain that the sentiments expressed in the memorandum are not the expressions of the wise, noble, and faithful policy observed by the United States with regard to the belligerents of the Pacific.

The strange publicity given to a document of small confidential importance, if we take into account its forms and the circumstances under which it was edited, compels me to address myself to your excellency, in order to obtain an answer that may establish officially the truth and sincerity of the relations so worthily cultivated by our respective governments.

Mr. Hurlbut's address in presenting his credentials to the government of Señor García Calderon, now at an end; the memorandum addressed to Mr. Lynch, in which "diplomatic affairs were not discussed;" his well-known letter against Piérola, before whom Mr. Christiancy had been credited, and whose envoys met in conference in Arica, in the presence and with the full countenance of the representative of the United States; all these facts might produce deplorable disturbances and encourage our enemies uselessly, stimulating fruitless resistance without finally affecting the result of a war that in any event may become sanguinary.

Chili was provoked to war; the property of her citizens was confiscated, and they themselves inhumanly expelled from their homes; her industries were abandoned by thousands who elected to vindicate their rights and honor; enormous sums of money were expended in the maintenance of the war; the priceless blood of her sons was poured out; the enemy was routed and reduced to a radical and absolute impotency. We shall carry on the war so far as may be necessary to compel the vanquished to conclude peace, and in the adjustment of peace, practicing our rights, we shall act so far as may be necessary to obtain due reparation for the evils produced by this war, for the future security of peace, and for the permanent stability of the republic.

We shall exercise fully the primitive right which authorizes us amply to guarantee our own existence, a right confirmed at all times by the practice of European powers, and also by the United States, on this continent.

I feel confident that our rights as belligerents will be in the future as much respected by the United States as they have been to this very moment; the conduct of their representatives in Arica, and during all the course of the war; their friendly participation in the treaty resolving the boundary controversies with the Argentine Republic; their worthy international traditions, and the respect which as a powerful nation they owe specially to independent and sovereign states; all these circumstances give me a perfect security that the United States will continue to be the officious, may it be said, but always the neutral friends in this protracted struggle sustained by us against our enemies in the Pacific.

Inasmuch as motives strange to my government will have created an uncertain state of things in the public mind, which may be misunderstood and occasion therefore disagreeable emergencies in the difficult circumstances which the state of war creates to the belligerents, I hope to receive from your excellency the assurances which in accordance with your instructions you may give to my government regarding the reciprocal good understanding which exists, and that will be maintained in an invariable manner, between the republics we have the honor to represent.

I have, &c.,

J. M. BALMACEDA.

No. 576.

Mr. Blaine to Mr. Hurlburt.

[Telegram.]

WASHINGTON, *October* 31, 1881.

HURLBUT, *Minister, Lima:*

Continue to recognize Calderon government until otherwise specially instructed.

Acknowledge receipt.

BLAINE.

No. 577.

Mr. Hurlbut to Mr. Blaine.

No. 24.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 31, 1881. (Received November 25.)

SIR: The events which I indicated in my last dispatch (No. 23), in relation to the recognition of the Calderon government by the interior

of this country, have actually transpired. Montèro, commanding the north of Peru, has formally and officially proclaimed adhesion to this authority, with the hearty assent of the army and people.

Cacères, commanding the center, has undoubtedly followed, but official notice has not yet been received. The southern department, headquarters at Arequipa, led off in this peaceful revolution on the 8th day of October. Thus the fact which I deemed of primary consequence, the unity of Peru under a constitutional head, has been attained, and it has been attained in deference to the wishes of the United States, and in distinct opposition to the European legations, as well as to the pretensions of Chili.

Not a drop of blood has been shed, not a life lost in obtaining this result. Whatever may be the final settlement of affairs with Chili, I feel that this consolidation of public sentiment in Peru is a successful issue of one object of my mission here.

It is a matter of very deep regret to me that Mr. Kilpatrick has not been able to bring any influence to bear upon the Chilian administration at Santiago in favor of the recognition and support by Chili of the Calderon government.

I understand, by certain paragraphs in his "instructions," that through Mr. Osborn the United States had received substantial assurances from Chili of favorable action by that republic toward the Calderon government, and that Mr. Kilpatrick was directed, on proper occasion, to strengthen and confirm such purposes.

Unfortunately my colleague has not written me a single dispatch, and I can only guess at his actions from events. The process of military suppression of the Calderon government by Chili has been given you heretofore, and in Mr. Balmaceda's note to Mr. Kilpatrick of 8th October he evidently chose to consider this Calderon government as utterly dissipated, for he uses the term "*ya fenecido*" (already dead) as descriptive of its condition.

It has seemed to me that the whole conduct of Chili in this matter has been in bad faith.

Having given the pledge referred to to Mr. Osborn, they have violated it without excuse. I find their reason for so doing in the known fact that they could not obtain from Calderon a pledge of cession of territory, and therefore determined to destroy his authority. In this they have signally failed, and have in fact contributed to his present popularity in Peru. The commissioners, Altamirano and Novoa, have been in this city some six days. As yet, no approach has been made toward negotiation. I learn from various sources, of different degrees of credit, that they are considering the propriety of indefinite armed occupation, the establishment of Chilian civil service, and the consequent reduction of Peru to a Chilian province. This is undoubtedly what they would prefer. Their principal fear seems to be that Chili has not population enough to overrun and hold Peru. The idea next in favor is to demand cession of Tarapacá, Tacna, and Arica as condition precedent to consideration of peace, and as a *sine qua non* of entertaining any negotiations. They say that public opinion in Chili is united and resolute to keep these territories at all hazard, and that a failure so to do would overthrow their government.

It is probable that within ten days one or other of these propositions will be decided upon. At present they utterly ignore Calderon and his government, and I am of opinion that they will soon command him to leave their lines. This, of course, they have the right to do, and he is ready to go when they say so, and I should not be surprised

in that case if they should interfere with the legations established here, or at least with those which recognize Calderon.

The straightforward and manly course for them would be to acknowledge the known fact of Calderon's lawful presidency, sustained by an overwhelming popular sentiment, and frankly to open negotiations with him on the subject of peace on terms of equality. But for the very reason that this course would be manly and straightforward, I judge that it will not be adopted. On the contrary, I have full reason to believe that they are now secretly treating with agents of Piérola.

I have already several times presented the apparent impossibility that Peru can receive the least courtesy, to say nothing of justice, in this controversy so long as she stands alone, and I continue to wait with patience the action and decision of the Executive at home.

There are many insolences in the official Chilian paper in this city, the only one allowed to be published, and there have been wrongs done to American citizens which for the present I do not forward to you, in the hope, though I fear a vain one, that the military authorities may correct these abuses.

As to the articles in the press I take no notice, but the others are more serious, and if not soon properly adjusted I shall be compelled to send them forward for your consideration. The situation is not pleasant, and requires of me an unusual forbearance, and a careful consideration of such steps as I may find necessary to maintain the rights of our citizens.

I have, &c.,

S. A. HURLBUT.

No. 578.

Mr. Hurlbut to Mr. Blaine.

No. 26.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 9, 1881. (Received December 3.)

SIR: The event of the week has been the arrest of President Calderon and Mr. Galvez, his minister for foreign affairs, by the Chilian military authorities.

You have been advised that on the 28th September Admiral Lynch, by order of that date, suppressed the Calderon government, and forbade the exercise of any authority by them.

Mr. Calderon has been quite careful to make no ostentatious display, but has never ceased to perform acts of authority. On the 4th of this month he caused a circular to be sent by his secretary, Mr. Galvez, to the diplomatic body of this city, giving them information of Montero's adhesion to his government. This act is said to be the provocation to this singular violence by Chili.

I am informed, on good authority, that the arrest was advised against by Altamirano and Novoa, but peremptorily ordered from Santiago. It was effected about 2 o'clock on Sunday morning, the 6th, with a good deal of unnecessary military display. A battalion was placed in the street in the rear of his house, and the entire block closely guarded. A company was thrown out across the front of this legation, which is only three doors from Mr. Calderon's house, probably to prevent his seeking asylum here. Mr. Calderon, however, had no idea of attempt-

ing escape, and was found in his house. He and Mr. Galvez were at once taken to Callao and put on board the iron-clad Cochrane, which sailed on Monday evening. Their destination is said to be Santiago.

The real purpose of this arrest undoubtedly was to check the strong movement in Peru toward the support of the constitutional government, and to continue the state of anarchy and confusion as a ground for Chilian occupation. It is also quite possible that it was intended to be understood by the people at large as the reply of Chili to the known support of that government by the United States. This purpose will of course be disavowed, but there is no doubt in my mind that it exists, nor that it is so understood by every one here.

The policy of Chili is transparent, and is in fact avowed in a semi-official way by their organ in this city, La Situacion. It isto hold this country under armed occupation until they can find or create some one with whom they can make peace on their own terms. The Calderon government, supported by nearly the whole of Peru, was rapidly acquiring a dignity and position which must have been recognized by all nations, but it was known that it would not submit to mere dictation of terms of peace. Therefore, by the use of pure force, the head of that government has been removed, and secret negotiations opened with Piérola.

I notified you of the fact of the arrest by telegraph of 7th.

As soon as Montero informs me that he has accepted and entered on the duties of President *ad interim*, as provided by law, I shall formally and publicly recognize his authority during Calderon's disability.

I am exceedingly anxious for some specific action by the United States, which shall establish the limits beyond which Chili will not be suffered to go, and I very deeply regret that the reported condition of General Kilpatrick is such that he cannot be expected to be at all active in any way. He still continues his absolute silence so far as I am concerned, and although I write to him every week, I send him nothing which I am not perfectly willing should be read by the Chilian ministers, as I have reason to believe it is. I place no confidence in the people who are around him, and I know that in his state of health he can give no personal attention to anything.

I am, &c.,

S. A. HURLBUT.

No. 579.

Mr. Blaine to Mr. Hurlbut.

No. 19.] DEPARTMENT OF STATE,
Washington, November 22, 1881.

SIR: Your dispatches to No. 23, inclusive, have been received, and I learn with regret that a construction has been put upon your language and conduct indicating a policy of active intervention on the part of this government, beyond the scope of your instructions. As those instructions were clear and explicit, and as this Department is in the possession of no information which would seem to require the withdrawal of the confidence reposed in you, I must consider this interpretation of your words and acts as the result of some strange and perhaps prejudiced misconception.

My only material for forming an opinion consists of your memorandum to Admiral Lynch, your letter to Señor Garcia, the secretary of General Piérola, and the convention with President Calderon, ceding a naval station to the United States. I would have preferred that you should hold no communication with Admiral Lynch on questions of a diplomatic character. He was present as a military commander of Chilian forces, and you were accredited to Peru. Nor do I conceive that Admiral Lynch, as the commander of the Chilian army of occupation, had any right to ask or receive any formal assurance from you as to the opinions of your government. The United States was represented in Chili by a properly accredited minister, and from his own government the admiral could and ought to have received any information which it was important for him to have. It was to be expected, and even desired, that frank and friendly relations should exist between you, but I cannot consider such confidential communication as justifying a formal appeal to your colleague in Chili, for the correction or criticism of your conduct. If there was anything in your proceedings in Peru to which the Government of Chili could properly take exception, a direct representation to this Government, through the Chilian minister here, was due, both to the government and to yourself.

Having said this, I must add that the language of the memorandum was capable of not unnatural construction. While you said nothing that may not fairly be considered warranted by your instructions, you omitted to say with equal emphasis some things which your instructions supplied, and which would perhaps have relieved the sensitive apprehensions of the Chilian authorities. For, while the United States would unquestionably "regard with disfavor" the imperious annexation of Peruvian territory as the right of conquest, you were distinctly informed that this government could not refuse to recognize that such annexation might become a necessary condition in a final treaty of peace. And the main purpose of your effort was expected to be, not so much a protest against any possible annexation, as an attempt by friendly but unofficial communications with the Chilian authorities (with whom you were daily associated), to induce them to support the policy of giving to Peru, without the imposition of harsh and absolute conditions precedent, the opportunity to show that the rights and interests of Chili could be satisfied without such annexation. There is enough in your memorandum, if carefully considered, to indicate this purpose, and I only regret that you did not state it with a distinctness, and if necessary with a repetition, which would have made impossible anything but the most willful misconception.

As at present advised I must express disapproval of your letter to Señor Garcia, the secretary of General Piérola. I think that your proper course in reference to Garcia's communication would have been either entirely to ignore it as claiming an official character which you could not recognize, or, if you deemed that courtesy required a reply, to state that you were accredited to the Calderon government, and could, therefore, know no other, and that any commnication which General Piérola thought it his duty or interest to make, must be made directly to the government at Washington. You had no responsibility in the matter, and it was injudicious to assume any. The recognition of the Calderon government had been duly considered and decided by your own government, and you were neither instructed nor expected to furnish General Piérola or the Peruvian public with the reasons for that action. The following language in your letter to Señor Garcia might well be misunderstood:

Chili desires, and asks for Tarapacá, and will recognize the government which

agrees to its cession. The Calderon government will not cede it. It remains to be seen whether that of Piérola will prove more pliable.

It might easily be supposed, by an excited public opinion on either side, that such language was intended to imply that the Government of the United States had recognized the government of Calderon because of its resolution not to cede Peruvian territory. No such motive has ever been declared by this government. The government of Calderon was recognized because we believed it to the interest of both Chili and Peru that some respectable authority should be established which could restore internal order, and initiate responsible negotiations for peace. We desired that the Peruvian Government should have a fair opportunity to obtain the best terms it could, and hoped that it would be able to satisfy the just demands of Chili without the painful sacrifice of the national territory. But we did not make, and never intended to make, any special result of the peace negotiations the basis of our recognition of the Calderon government. What was best, and what was possible for Peru to do, we were anxious to the extent of our power to aid her in doing, by the use of whatever influence or consideration we enjoyed with Chili. Further than that, the Government of the United States has, as yet, expressed neither opinion nor intention.

I must also express the dissatisfaction of the Department at your telegram to the minister of the United States near the Argentine Confederation, suggesting that a minister be sent by that government to Peru.

This would have been clearly without the sphere of your proper official action at any time, but as there then existed a serious difference between Chili and the Argentine Confederation, you might naturally have anticipated that such a recommendation would be considered by Chili as an effort to effect a political combination against her. The United States was not in search of alliances to support a hostile demonstration against Chili, and such an anxiety might well be deemed inconsistent with the professions of an impartial mediation.

As to the convention with regard to a naval station in the bay of Chimbote, I am of the opinion that although it is a desirable arrangement the time is not opportune. I would be very unwilling to ask such a concession under circumstances which would almost seem to impose upon Peru the necessity of compliance with our request, and I have no doubt that whenever Peru is relieved from present embarrassments she would cheerfully grant any facilities which our naval or commercial interests might require. Nor in the present excited condition of public opinion in Chili would I be willing to afford to evil-disposed persons the opportunity to intimate that the United States contemplated the establishment of a naval rendezvous in the neighborhood of either Peru or Chili. The very natural and innocent convenience which we require might be misunderstood or misrepresented, and as our sole purpose is to be allowed, in a spirit of the most impartial friendship, to act as mediator between these two powers, I would prefer at present to ask no favors of the one and to excite no possible apprehension in the other.

Having thus stated with frankness the impression made upon the Department by such information as you have furnished it, it becomes my duty to add that this government is unable to understand the abolition of the Calderon government and the arrest of President Calderon himself by the Chilian authorities, or I suppose I ought to say by the Chilian Government, as the secretary for foreign affairs of that government has in a formal communication to Mr. Kilpatrick declared that the Calderon government "was at an end." As we recognized that government in supposed conformity with the wishes of Chili, and as no reason

for its destruction has been given us, you will still consider yourself accredited to it, if any legitimate representative exists in the place of President Calderon. If none such exists you will remain in Lima until you receive further instructions, confining your communications with the Chilian authorities to such limits as your personal convenience and the maintenance of the rights and privileges of your legation may require.

The complicated condition of affairs resulting from the action of the Chilian Government, the time required for communication between the legations in Chili and Peru and this Department, and the unfortunate notoriety which the serious differences between yourself and your colleague in Chili have attracted, have, in the opinion of the President, imposed upon him the necessity of a special mission. This mission will be charged with the duty of expressing the views of the President upon the grave condition of affairs which your dispatches describe, and if possible with due consideration of the rights, interests, and susceptibilities of both nations to promote a settlement which shall restore to the suffering people of Peru the benefits of a well-ordered government, deliver both countries from the miseries and burdens of a protracted war, and place their future relations upon a foundation that will prove stable, because just and honorable.

I am, sir, your obedient servant,

JAMES G. BLAINE.

No. 580.

Mr. Hurlbut to Mr. Blaine.

No. 29.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 23, 1881. (Received December 21.)

SIR: The evidences of an intention to occupy Peru for an indefinite time are multiplying.

The Chilian authorities are preparing a full system of internal government, including judicial functionaries. They are carefully examining all sources of internal revenue heretofore belonging to Peruvian authorities, and announce the intention to collect all these by their own officials.

It is stated that this new order of things will go into effect on the 1st of December. The effect of such a declaration will be disastrous to all foreign interests in this country, and will at once revive war in its worst form.

The custom-houses now yield to Chili from nine to ten millions per annum. Add to this the internal revenues, and it is evident that, so far as the Chilian Government is concerned, they will make money by the occupation. But the occupation, to be effective, must be in military force much greater than now, and the weakness of Chili consists in its small population. The steady drain of effective men is beginning to be felt severely by that class who furnish the rank and file, and the complaints are already serious. And if this be the case now, when half or more of Peru is anxious for peace, and takes no active part in the war, how much more serious will it be when the whole effective population of Peru perceives that nothing is left them but war if they desire any portion of independence.

The military occupation of Peru, declared as a definite policy, will

compel an outer line of armed Peruvians, and effectually close all access to the interior.

Thus commerce will either be prevented or double duties, Chilian and Peruvian, collected, and the coast cities which live upon the commerce of the interior will rapidly decline. Our interest in the general commerce of Peru is not as large as that of England or France, but it is worth protection. Our internal interests are very large, for the three great railways of Peru are owned and controlled by Americans, and are even now paralyzed.

The establishment of this poilcy by Chili means absolute ruin to these interests, involving many millions of dollars.

Irregular warfare, thoroughly possessing itself of the interior, will breed rapine, violence, and all possible evil.

The only thing outside of foreign interference which I see to hinder Chili from inaugurating these evil days is her want of population. I see, on inspection of the new troops, that they are largely composed of boys. I learn that labor is very scarce in Chili; that as high as seven soles a day has been offered for ordinary laborers on railways; that recruiting, even with heavy bounties, is a failure.

These facts, which I believe to be well founded, may incline the rulers of Chili to peace, otherwise we must look for military occupation. To-day (the 23d November) I received an official letter from Vice-President Montero, dated at Cajamarca, a translation of which is inclosed. I am also in receipt of reliable information that Cacères has forbidden Piérola to come within his command, and that a battalion sent by Piérola from Ayacucho to put down the movement in Cuzco, has joined the constitutionalists, and that a force, both from Cuzco and Arequipa, is in motion upon Ayacucho. I sincerely wish that Mr. Calderon could be restored to the country, as he is undoubtedly the man of most brains and education. No dispatch came to me by the last mail, and as the one to arrive on Saturday makes no connection with the United States, I do not expect anything.

I received a telegram from you, dated the 16th November, which I answered on the 17th. I had acknowledged the receipt of the telegram which you date as of 31st of October, but which came to me with date of 2d November on the 3d, but made no other answer until called for by your telegram of 15th November.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure in No. 29.—Translation.]

Señor Montero to Mr. Hurlbut.

CAJAMARCA, *November* 11, 1881.

SIR: Faithful to the indication given to your excellency in my letter of the 23d of the past month, that I would direct my conduct in the sense of uniting the country under the constitution of 1860, I called a popular meeting for that purpose, and, as you will see by the proceedings published in the newspaper La Realidad, which I have the honor to inclose, this department and the army of the north have proclaimed for constitutional order, recognizing the authority of His Excellency Señor Don F. Garcia Calderon, and passing a vote of thanks to the Government of the American Union, which you so worthily represent, for its elevation and philanthropic conduct in reference to the questions between my country and the Republic of Chili.

In giving you this information, it is a pleasure for me to assure you that, seconded, as in a short time it will be, by all the other departments of the north, the National Union will soon be an accomplished fact, with which valuable aid, and with the noble

intentions which animate your government, it should be easy to obtain a satisfactory solution of the terms of peace hereafter to be celebrated.

I avail myself of this opportunity to reiterate to your excellency the sentiments of my high esteem and respectful consideration, asking, at the same time, that you will please inform your government of the facts above stated.

God guard you.

L. MONTERO.

No. 581.

Mr. Blaine to Mr. Hurlbut.

[Telegram.]

WASHINGTON, *November* 26, 1881.

HURLBUT, *Minister, Lima:*

Special envoy extraordinary leaves Washington for Peru immediately. Continue recognition of Calderon government.

BLAINE.

No 582.

Mr. Blaine to Mr. Hurlbut.

No. 21.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You have already been made acquainted, by my No. 19, of the 22d instant, with the determination of this government to send a special mission to South America for the purpose of adjusting whatever questions, growing out of the contest between Chili and Peru and Bolivia, may affect the relation of the United States to the three belligerent powers, or conduce to the restoration of good understanding among them.

I have now to inform you that William Henry Trescot, esq., of South Carolina, has been commissioned as special envoy, with the rank of minister plenipotentiary, to the Republics of Chili, Peru, and Bolivia, and will forthwith set out upon his mission.

The commission which Mr. Trescot receives will not supersede the ordinary duties of yourself and your colleagues at Santiago and La Paz; but all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to Mr. Trescot's charge.

Under the instructions which have been given to Mr. Trescot, he will place himself in direct communication with the several governments to which he is thus specially accredited. It is, however, expected that he will learn from you and your colleagues the exact condition of existing political relations, and receive such suggestions as your recent experience may enable you to submit for his consideration. The action he may take, however, must be decided upon his own responsibility and in the exercise of his independent authority.

Mr. Trescot will be accompanied on this important mission by the Third Assistant Secretary of State. As it may be necessary to consult

the representatives of the United States in Chili, Peru, and Bolivia at the same time, or to conduct a simultaneous negotiation with those governments, Mr. Trescot is empowered by the President of the United States to authorize Mr. Walker Blaine to represent the United States at any point where this necessity may occur.

I am, sir, &c.,

JAMES G. BLAINE.

No. 583.

Mr. Hurlbut to Mr. Blaine.

No. 30.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 30, 1881. (Received December 21.)

SIR: Since my last no event of any importance has occurred in Lima. On the 28th November I received a telegram from you, announcing the speedy departure from the United States of a special envoy, and also directing me to continue to recognize the Calderon government.

On the same day I received letters from Mr. Rafael Villanueva, Secretary-General of the Vice-President, giving notice of his acceptance of the office to fill the vacancy occasioned by the seizure of President Calderon, copies of which papers, in translation, I forward as inclosures.

I have answered these by a formal communication acknowledging Admiral Montero as the lawful head of the Constitutional Government of Peru, which will go forward to him to-morrow.

I shall take no further steps until the arrival of the special envoy.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 30 —Translation.]

Copy of law, October 4, 1881.

FRANCISCO GARCIA CALDERON, Provisional President of the Republic.

Inasmuch as Congress has passed the following law:

The Congress of the Republic of Peru, considering that, for the preservation and security of the constitutional order, it is indispensable to name the person who shall replace the President of the republic when from any cause he shall be precluded from excercising supreme authority, has passed the following law:

ARTICLE 1. In case that by reason of any impediment the actual Provisional President shall be unable to exercise the supreme authority, Rear-Admiral Lizardo Montero shall take his place, and shall in such case take charge as chief of the executive power, with the character of first vice-president of the republic during the existence of the state of war with Chili, and until treaties of peace shall be ratified, the republic return to peace, and the people in accordance with the constitution shall designate the officers who shall exercise the executive functions.

ART. 2. Rear-Admiral Lizardo Montero, upon entering upon the duties of said office, shall take an oath before any court of judicial authority in the republic.

Let this be communicated to the executive for such action as may be required to enforce it.

Given in the hall of session at Lima, this 29th of September, 1881.

T. T. ELGUERA,
President of Congress.
L. GARCIA,
Secretary of Congress.
ISAAC ABRAMORA,
Secretary of Congress.

Therefore it is my order that the same be printed, published, and circulated, and the terms of the same fulfilled.

Lima, 4 October, 1881.

F. GARCIA CALDERON.
M. VELARTO.

[Inclosure 2 in No. 30.—Translation.]

Diplomatic circular.

OFFICE OF SECRETARY-GENERAL OF STATE,
CAJAMARCA, *November* 15, 1881.

SIR: On account of the act committed by the enemy of Peru, by imprisoning and carrying beyond the Peruvian territory his excellency Francisco Garcia Calderon, Provisional President of the Republic, and the minister of foreign affairs, Manuel Maria Galvez, his excellency the first vice-president, Rear-Admiral Lizardo Montero, has to-day assumed supreme power, having first taken the prescribed oath of office before the superior tribunal of justice in this district, in fulfillment of the law of the 4th October last, a copy of which is herewith transmitted.

The government is therefore established for the present at this city while the necessities of the nation demand it; and it becomes my duty to inform you that by supreme decree of this date, I have been charged, until a cabinet is formed, with the service of the different branches of public administration, which appointment offers me the satisfactory occasion of offering to your excellency the facilities necessary for any matters of state which require diplomatic intervention.

His excellency deplores profoundly the events which I have mentioned in the beginning of this dispatch, not only on account of their import in themselves, but because they sharpen the points of difference between the belligerents, and for the effect upon the country of the seizure of its chief magistrate.

Availing myself of this opportunity, I have the honor to assure your excellency of the sincere purpose which animates my government to draw closer the relations of sincere friendship which fortunately unite Peru with the United States of America, to the end that they may reciprocally furnish the means which may be necessary for that future greatness to which both countries have the right to aspire. With sentiments of the most profound esteem, I have the honor to subscribe myself,

Your excellency's faithful and obedient servant,

RAFAEL VILLANUEVA.

[Inclosure 3 in No. 30.—Translation.]

Señor Villanueva to Mr. Hurlbut.

CAJAMARCA, *November* 18, 1881.

SIR: I am charged by his excellency the first vice-president of the republic with the duty of answering your letter of the 8th November instant.

His excellency properly appreciates the declarations made by you, and, as you will see by the circular which, on the 15th of this month, I forwarded to the diplomatic body residing in Lima, all the prescriptions of law have been complied with, and after taking the proper oath of office the first vice-president, Rear-Admiral Lizardo Montero, has assumed the duties of the supreme executive. His excellency, who duly esteems and recognizes the noble efforts which in your character of representative of the government at Washington, near the Constitutional Government of Peru, you have made toward the adjustment of honorable peace with Chili, has the hope that your excellency will continue to give to his government the same important aid which has been given to that of his predecessor, his excellency F. Garcia Calderon.

I avail myself, &c.,

RAFAEL VILLANUEVA.

No. 584.

Mr. Blaine to Mr. Hurlbut.

No. 25.] DEPARTMENT OF STATE,
Washington, December 3, 1881.

SIR: Since sending my instruction No. 19, of the 22d ultimo, to you, upon a more careful examination of the protocol transmittted in your

dispatch of the 5th of October, signed by yourself on behalf of the United States, and Señor Galvez, minister of foreign affairs, on behalf of Peru, for the cession of a naval and coaling station to the United States at Chimbote, I find it difficult to discover what substantial advantages would be gained by this government in the event of its acceptance of the proposed agreement.

I have already had occasion to remark that the time was not opportune for any negotiation for a concession from a power reduced to such extremity as that in which Peru stands to-day, and to call your attention to other grave considerations which should outweigh any apparent temptation to our sense of immediate self-interest in asking or accepting the concession of special privileges in that country.

But the advantages offered by this protocol grow more shadowy as its provisions are more closely examined. The first article concedes to the United States the right to establish a coaling station at Chimbote, and the second immediately adds that this shall not be exclusive; that Peru reserves the right to concede the same facilities to any other friendly power which may solicit them. The third subjects to Peruvian law whatever land might be required by the United States for the purposes of a coaling station; and by the fourth article Peru has the right to withdraw all that is conceded by the agreement whenever she sees fit, upon one year's notice.

A naval and coaling station on the South Pacific coast, carefully chosen, with the aid of the professional knowledge of those specially qualified to determine its capacity to answer the wants of our national ships, and over which we might exercise proper and necessary jurisdiction, with a secure tenure, would be of undoubted value, and this government, at a fitting time, may be willing to negotiate upon fair terms for such a privilege. In the protocol presented I observe that you have, with perfect justice, offered no consideration to Peru for this amiable concession, which would only enable us to enjoy on her shores the same privileges which we substantially possess to-day, and which she is ready to extend to every other power with which she is not in actual war. It has the merit at least of innocent diplomacy; nothing was given and nothing was taken.

While your negotiation of this protocol may be regarded as an error of judgment, involving no serious or lasting consequences, I regret that another proceeding which you report in the same dispatch is of a graver nature, and I cannot pass it by without the most decided expression of disapprobation.

You have commenced an extraordinary negotiation with President Calderon in regard to a railroad company of which you, while American minister, propose to become the trustee or intermediary, the road to be ultimately turned over to an American company, an unfinished road which you say has already cost nine millions of dollars.

The principal terms of the arrangement will be the payment to the Peruvian Government of one million of dollars in money, and the same in paid-up stock, to clear up all existing incumbrances, for which sums they concede the right to construct and operate the road for twenty-five years after it is finished. You consider the grant very valuable and the possibilities of the company very large. The special advantage which the United States may derive from these possibilities is that the price to be charged for coal carried over the road may be limited, as the railroad runs to Chimbote and the railroad arrangement is a sequel to and part of the plan for a coaling station there.

I have learned of this negotiation with profound astonishment and regret.

It is hardly conceivable that under any circumstances whatever your government would consent that its minister should accept such a position, but for the minister himself, without instruction and without permission, to assume the charge of an extensive financial scheme for the purchase, completion, and transfer of a railroad is an utter disregard of every rule of prudence and propriety that should govern the conduct of a representative of the country. At a time like the present, when the ruin of Peruvian interests and the embarrassment of that government in its almost hopeless attempts to contrive a method of raising money have given birth to so many speculative schemes, and filled the press with accounts of contending companies and their enticing proposals, the direct participation of the American minister in a plan for the reorganization of a railway wreck cannot fail to lead to misapprehensions on the part of other governments and distrust of the United States and its minister, whose motives and proceedings would be viewed in the most unfavorable light.

Whether the grant be very valuable or the possibilities of the railroad very large, or the profit of the speculation great or not, are questions of little moment compared to those higher considerations of national interest and dignity which should govern every act and every word in the intercourse and dealings of this nation with others, as conducted by a representative clothed with its power and charged with its interests and its honor. The construction of a railroad and the cheapening of coal may be laudable enterprises in themselves, but this government does not send its envoys abroad to undertake them. It is inconsistent with the first duty of a diplomatic agent to assume such functions; and however disinterested or innocent might be his design, it would inevitably awaken surmises prejudicial to his standing and would impair, if not destroy, his influence with his colleagues and with the people of the country to which he was accredited.

With some relief I note that this negotiation was not wholly completed at the time of writing your dispatch. I presume it was broken off by the arrest of President Calderon; but I would be better pleased to learn that upon mature reflection the impropriety of engaging in such a project and undertaking functions so incompatible with your representative character had occurred to your own mind, and that you had abandoned it altogether.

If, on the contrary, you have actually endeavored to carry it out by any compact or convention with the Peruvian Government, you will at once notify it that the project is disapproved and will not be ratified; and you will abstain from taking any further steps in the name of the United States tending to the acquisition or control of the railroad or the interference in any way whatever in that enterprise so long as you are minister from the United States.

I am, &c.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF PERU AT WASHINGTON.

No. 585.

Señor Calderon to Mr. Evarts.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, November 5, 1880. (Received December 21.)

It is proper that it should be known to America and to the world at large who is responsible for the great perturbation which the present war on the Pacific coast has brought upon this continent, causing, at the same time, incalculable injury to the industry and commerce of all nations with which we are on terms of friendship; it is proper that it should be clearly established upon whom rests the responsibility for the bloodshed and for the suffering which, in a sphere far above that of material interest, has been originated, and will continue to be so, for Heaven knows how long, by the wicked war into which we have been forced, without being influenced ourselves by ambition of any kind, or by any selfish motive whatever; it is proper that our friends should know how great was the self-abnegation manifested by us when an opportunity of seeking justice through peaceful channels was offered, and how arrogant and treacherous was the attitude assumed by our adversaries, who never did, and do not now, entertain any design, save the realization of a preconceived plan for their own aggrandizement at the expense and in derogation of the honor of others.

I have already had the honor directly to inform your excellency how a question relative to the boundary between the Republic of Chili and that of Bolivia, our ally, was the sole cause of the war on the Pacific coast. Chili has now made known with her own mouth (as your excellency will see by the copy which accompanies this circular), in all its monstrous proportions, what she so long and so obstinately denied, viz, that the real cause of her conduct in her differences with Bolivia has been no other than that which I have just stated; and she has revealed to us at the same time the astounding advances that she has made in her ambitious views.

These are, indeed, the result of a morbid condition and of the febrile delirium to which great passions lead when not checked in time, yet this delirum is occasioning the greatest disasters in this portion of America, and is a presage of the most serious dangers in the future.

It is important, therefore, that it should be denounced before the community of civilized nations, and it is high time that it should receive an exemplary check.

The inclosed memorandum,* which was presented at the conference held at Arica, by the plenipotentiaries of Chili, as a recapitulation of the conditions deemed essential to the restoration of peace, is a concise statement, which cannot be disavowed by our enemies, of their real views and purposes in this war.

I beg your excellency, as the duty is a somewhat important one, to permit me to point out, to the best of my ability, the moral deformity which these conditions indicate.

The first is "*the cession to Chili of the territories of Peru and Bolivia*

*Protocol No. 1 of the conference of Arica, printed on page 406 House Executive document No. 68, part 2, 47th Congress, 1st session.

which extend to the south of the Camarones Valley, and to the west of the line which separates Peru from Bolivia in the Andes Mountains, to the Chacarilla Valley, and also to the west of a line extending from the latter point to the Argentine frontier, passing through the center of Lake Ascotan."

The demands which Chili makes of the allies are by no means small. Peru has even more reason than Bolivia to be astonished at their magnitude, because, after all, she never had and never could have any dispute with the common enemy concerning boundaries, nor did Chili ever, either before the war or after it had been declared, raise any claim that Peru was her debtor.

When one looks on the map of the two republics (whose dismemberment Chili so coolly demands), at the portion of territory belonging to both, which she seeks to appropriate to herself, the feeling of indignation which first arises is succeeded by one of amusement, which is increased by the reasons which are alleged for the spoliation with all the solemnity which befits a diplomatic conference held in the presence of a mediator who is worthy of all respect.

Let us see what are these reasons:

First. The necessity which Chili feels of enlarging her territory by rectifying her frontiers for her future security.

Second. The fact that she has fertilized those wilds with the labor and the capital of her citizens, who have settled in those regions in large numbers, and whom she cannot abandon, especially after the blood of her heroes has been shed there and she has established a military occupation of the country.

The first of these extraordinary arguments is simply egotistical communism, expressed without the least shadow of shame, with the irritating concomitant of styling "a rectification of frontiers" that which at the first view is a twofold increase of territory.

The second is herein reduced to the language of truth and honesty, so far as concerns Peru.

Inasmuch as a vast field of speculation and fabulous returns for Chilian capital has lain open gratuitously, affording lucrative and reformatory employment for the worthless class which overflowed from Chili, driven forth, moreover, into foreign parts by an administration as discreet as it was far-sighted, therefore Chili makes her own the territory from which she derived such important benefits. That is to say, that what should have constrained her to gratitude is turned by her, scandalously, into a claim of usurpation, and this not limited to the space held by her armed force, but to regions to which has not been extended, neither can be extended, the abuse of a material force and preponderance as ephemeral as the circumstances from which it springs.

Moreover, the mere enunciation of the pretensions of Chili is an insult to the public law of our age, which condemns territorial acquisition by means of conquest, and which has not tolerated cessions of this class, except when they have been, in some sense, excused by historic reasons and by the imperative exigencies of peace and common tranquility, and even then consulting the essential and sacred condition of the liberty of a people, which condition has never failed to find the most conscientious support, even among the advocates of hereditary kingdoms.

Moreover, the pretension of Chili is subversive of American public law, and in violation, especially, of a positive principle, formulated, recognized, and adhered to until now by all of the republics of Spanish origin established on this continent. At the same time that they stood

before the world with the decree of emancipation which they had won in the tribunal of arms, they proclaimed with one voice, as a guarantee of peace and safeguard of their repose for the future, the permanent establishment of the possessions and respective frontiers of each of them, adopting, to that end, the brief but expressive phrase of the celebrated Roman injunction *uti possidetis ita possideatis.*

In view thereof, there never has been any question among the possessors of these vast dominions as to the rule which they should follow in case of doubt or conflict touching territorial extension. All that has been discussed in such cases has simply been the just application to the subject in controversy of the principle sanctioned as fundamental for the decision of all such questions.

The *uti possidetis*, a practical principle, which sprang forth from the nature of things at the epoch of the independence of these republics, established the equilibrium necessary and proper for the development and progress of all of them, without prejudice, however, to such free acts as, by modifying their *status*, might tend to larger advantages and fuller greatness.

To-day Chili, while seeking to destroy that equilibrium, in violation of the primordial basis of the international constitution of these republics, endeavors to impose upon Bolivia and Peru, by the fifth of the conditions now under consideration, the rupture of the purely defensive alliance they have made, and the annulment of the federal union which they have agreed upon and which is now in the path of completion and full execution. The tyranny of Chili, if there were the force to sustain it, would be the most irritating and vexatious of any that could be devised for the sovereignty and freedom of both republics. No; it is not possible to permit such absurd pretensions to be even enunciated without bringing them to judgment and branding them before all the world with the stigma they deserve.

After having unexpectedly declared war against the allies, and having revived, in the most cruel and horrible manner, a barbarity which humanity had with shame consigned to oblivion, Chili dares to demand, in the second of her essential conditions of peace, an enormous indemnity for the expenses she has incurred for the sole purpose of inflicting calamities and injuries, the complete reparation of which would be due to us in good right, but which Chili can never give us, so far is her wealth and her solvency inferior to the losses she has caused to us.

Chili, in her condition of peace, has not only put herself outside of the pale of right, but is completely opposed to the right.

"*The restoration of the property of which Chilian companies and citizens have been despoiled in Peru and Bolivia,*" exacted by the third condition of the memorandum, is devoid of all signification with respect to Peru, who has carried her generous chivalry to the extent of leaving all such property intact, notwithstanding that the ferocious conduct of her adversary warranted her in the adoption of every kind of retortion and reprisals.

The fourth condition demands the return of the transport Rimac, captured according to all rules in the course of a naval battle for which Peru was wholly unfit, notwithstanding that Chili holds all that she has taken from us on the seas through her temporary superiority, which was due solely to the unfortunate confidence in which Peru slumbered, while reposing faith in the flattering assurances of her sister and former ally, in a contest from which she derived all the advantages and Peru reaped all the disadvantages.

To complete the picture of the pretensions of the memorandum, the

sixth and seventh conditions thereof involve, for the present and until Peru shall have satisfied those previously set forth, the retention by Chili of the districts of Moquegua, Tacna, and Arica, and, as to this latter port, for the future, the prohibition of fortifying it upon its return to Peru.

Even if not just, the harmony and transcendental foresight of the conditions proposed by Chili for deigning to grant us peace is undeniable.

Not we, but the world, and especially America, will pass final judgment thereon; and its judgment, dictated by a sense of justice, will be the re-establishment of the moral order which Chili has overthrown in this fratricidal war to the affronting of civilization and humanity.

My government, for its part, maintains and has declared the irrevocable resolve to be faithful to its honor and to the solemn charge which the supreme chief of the republic received from the people of Peru when he was chosen as their leader under such grave and difficult circumstances, and when absolute powers were conferred by them upon him.

I beg your excellency to be pleased to accept on this occasion the assurances of the high consideration and distinguished appreciation with which I have the pleasure to subscribe myself,

Your excellency's faithful and obedient servant,

PEDRO JOSÉ CALDERON.

NOTE.—Annex No. 1 is the text of the memorandum of the essential conditions of peace presented by Chili in the conference of Arica.

Annex No. 2 is the protocols of the conference of Arica, published in House Executive Document No. 68, part 2, pp. 406–418, 47th Congress, 1st session.

No. 586.

Señor Garcia to Mr. Evarts.

[Translation.]

LEGATION OF PERU IN THE UNITED STATES,
New York, December 18, 1880. (Received December 21.)

SIR: I have the honor to transmit to you a copy of the circular which the secretary of foreign relations of Peru has addressed, under date of 5th November, ultimo, to the diplomatic agents of my country abroad. I would have desired to go in person to fulfill the gratifying duty of reading the document in question to your excellency, as therein prescribed, but a serious illness prevents me.

I improve, &c.,

IGNO. GARCIA.

[Inclosure.—Translation.*]

CIRCULAR.

To the diplomatic agents of Peru.

OFFICE OF THE SECRETARY OF FOREIGN RELATIONS AND WORSHIP,
Lima, November 5, 1881.

The mediation offered by the United States of North America in order to put an end to the war in the Pacific, and accepted by the allies with the greatest sincerity

*This translation is taken from the South Pacific Times of November 12, 1880.

and self-denial, has failed in consequence of the absurd pretensions of Chili, who has likewise refused the arbitration proposed in the conferences of Arica, because, as she does not seek justice, neither does she desire an impartial judge.

We have gone as far as dignity and honor permit us, endeavoring to forget our just indignation and the anger which Chilian vandalism has excited in the breast of the people. The noise of arms, which has not ceased, even when the enemy affected to enter upon the paths of conciliation, will therefore continue.

All that is inhuman, disastrous, and abominable in the present struggle, and whatever may occur until its end, will be exclusively chargeable to Chili, who has allowed herself to be carried away by the most ignoble and degrading passions, which cannot be satisfied but by the complete extermination of her adversaries, which she considers easy in the midst of her madness caused by the innocent blood she had shed, and her depredations and iniquities. She accepted the mediation with the deliberate intention of making it useless if Peru accepted it, reserving to herself the placing of insurmountable difficulties in the way of an agreement.

Thus is explained that, at the same time that she agreed to such a measure of friendly reconciliation, she brought ruin and devastation to the undefended departments of the coast of the north, destroying in a moment valuable property, the result of industry, and the disappearance of which is prejudicial to commerce.

Thus is explained her tenacious obstinacy in fixing on the port of Arica, a place under the pressure of her arms, for the holding of the conferences. She endeavored to irritate our susceptibility in order to leave to us, at least in appearance, the responsibility of refusing to enter into the conferences for peace.

Thus is explained how, in the first of them, her plenipotentiaries presented, as unalterable, conditions the acceptance of which would have been an ignominious suicide.

Peru, after having deferred to everything which was merely fortuitous, and controlling the fiery impetus of her pride, which, on the other hand, she satisfied by ordering her plenipotentiaries not to stipulate, except in the last case, the cessation of hostilities during the conferences, assumed in these the noble attitude she has maintained since the commencement of the war, and which she will not deviate from to its end.

The law of honor, and only that, prescribed to her the taking part, unarmed, in the struggle, and she feels quite sure of concluding it with honor and glory.

Here it is as well to record briefly the conduct observed by Chili since the commencement of the war, always the same in her uncontrollable employment of double dealing and treachery.

After obtaining immense advantages in the two treaties of 1866 and 1874, respecting boundaries with the neighboring Republic of Bolivia, unsatisfied and restless then, and every day still more so, at not having pushed her frontiers to the point her covetousness longed for, she waited the first opportunity and sought the first pretext which might present itself to *revindicate*, according to the language employed by her on the occasion, the rich territories which international faith has guaranteed definitively to our ally.

We feel ashamed at having to present to the world the occasion which Chili found propitious for the realization of her unlawful design; such was the tax of ten cents, sanctioned by the Congress of Bolivia, on the "Compañia de Salitre y Ferrocarriles de Autofagasta," which then declared itself *in a most skillful manner* under the protection of Chili.

The diplomacy of this republic anticipated and hastened the proceedings of Chili; very soon afterwards a rupture of relations took place; Chili spoke of arbitration as to-day she does of mediation, and obtained, as she now wishes to do with respect to the latter, that it should remain a chimera. Thus she pretended, according to the system to which she is accustomed, to give a color of justice, first, to the sudden invasion of Autofagasta, and afterwards to that of the whole Bolivian coast.

Peru, who prides herself on having initiated almost from the commencement of her independent life, with the most exalted views, the real fraternity of the American republics; who has on different occasions assembled in her capital congresses for such an important object; who at this very moment has the pleasure to see in this city the congress of jurists of her sister republics which endeavor to realize the beautiful ideal of harmonizing the institutions of modern society; Peru, leagued by a treaty of defensive alliance with Bolivia, the secret of which for well-founded reasons was stipulated in it, but which imposed on her a mission of peace in the disagreement between her ally and Chili, went to Santiago animated with the most sincere wishes; and it is necessary to acknowledge that neither good-will nor the most assiduous solicitude was wanting on the part of our representative in the fulfillment of his honorable mission.

The secret, merely official, of the alliance (because for statesmen in the three republics, with few exceptions, no such secret existed) served as a pretext to the Government of Chili for rejecting the mission of Señor Lavalle, rendering useless the fraternal purposes of Peru, precipitating the declaration of the *casus fœderis*, and immediately afterwards darting upon our coast, commencing the series of shocking hostilities which

have continued since, each time with more fury, and which she proposes to crown worthily without any other limit than the extent of her power to carry them out.

Chili, on turning her arms against Peru, who she knew could only defend herself by her courage and her natural nobleness, was under the delusion that she could humiliate and trample upon Peru without great efforts or sacrifices.

Desperate and frantic at being undeceived, she carried to a greater extent than was conceivable, even to those acquainted with that nation, her barbarous hostilities.

Nothing has sufficed to stay the hands of our ruthless enemies. Neither the undefended state of the towns, nor the innocence of the victims, nor the chastity of the women, nor the weakness of infancy, nor the veneration due to old age, nor unfortunate courage, nor the convulsions of agony, nor the sacred character of neutrality, nor the even more sacred character of the ambulances in which the wounded have been assassinated without pity, nor the sanctity of the temples, in fact no respect, divine or human, not even that due to her own honor, has been sufficiently powerful to make Chili return to the bosom of Christian civilization, in which, after what has been referred to, it is licit to doubt whether she ever really was, notwithstanding her ridiculous vanity and much talked of progress.

Full of hatred and envy against Peru, whose superiority cannot be unacknowledged without blotting out history and stifling the voice of a fame which has become a universal proverb; drunken with blood and devoured by thirst for our fabulous riches, Chili proclaims an attack upon this capital which she considers as the last bulwark of defense of Peru. For this reason she has not hesitated to reject, openly, the arbitration proposed by our plenipotentiaries at Arica, who designated at the same time as judge the great republic of the north, which had the highest title in every respect to fulfill such a noble and humane duty. Chili would not admit it, under the frivolous pretext that the time for arbitration had passed, as if at any moment the intervention of wisdom and justice should not be welcome in order to put an end to a struggle which is a disgrace, not only to America but to Europe, and when only a short time ago, the 3d of September last, she has made a treaty with the United States of Colombia in which it is stipulated that all differences between both republics are to be settled by arbitration, and when Peru has been asked to adhere to said treaty by an invitation received by our government only by the last steamer.

Peru is, therefore, for Chili a hateful exception in treating of peace. Be it so! Let her come, not as she imagines, to end, but to begin the war. The generous blood which Peru has shed in torrents will become fruitful. The entirely disinterested worship which she pays to honor, without being terrified by the sacrifice of all her other treasures, which she considers as secondary, will give to her arms the reward they deserve. Her heroes of to-day will repeat the actions of those of yesterday, and the crown of a final triumph, so much the more splendid as it will have been costly, will bind her proud and immaculate brow.

This is the faith of the government of his excellency the supreme chief, to whom the republic, on constituting him arbiter of her destiny, charged him, above all, with the triumph of the national arms. He will omit nothing to attain this object, and he confides in attaining it as the judgment of God in the duel to the death which has become inevitable, owing to the want of reason and the insolence of our enemy.

You will be pleased to read this dispatch to the minister for foreign affairs, and leave him a copy should he desire it.

May God preserve you many years.

PEDRO JOSÉ CALDERON.

No. 587.

Señor Elmore to Mr. Blaine.

WASHINGTON, *May* 4, 1881.

SIR: Thanking your excellency for your kind and frank reception at our late unofficial interview, I have now the honor to inclose for your consideration a copy and a translation of my letter of credence from the provisional government of Peru, constituting me the confidential agent of that government to the United States of America.

You will observe that claiming only to be the head of a provisional government, President Garcia Calderon has given me the character, not of an ordinary, but of a special diplomatic agent, investing me, how-

ever, with the most ample powers of a plenipotentiary to treat and agree on any and all subjects with your excellency's government.

I readily acknowledge that the United States Government, more than any other, required the existence of certain conditions for the recognition of new governments, particularly in republican countries; but I am convinced that your excellency's government will be justified in recognizing the provisional government of Señor Garcia Calderon, in view of the extraordinary situation of Peru and of the exceptional circumstances under which the provisional government has been formed, its character, and its purposes.

As regards the unfortunate condition of Peru, your excellency is acquainted with the events of the last two years. Without here entering into long details, which I am ready to furnish you in conference or in writing, it is enough to state that, during the course of the war, the constitutionally elected President, General Prado, having left the country, a dictatorial government was formed in December, 1879, under the lead of Señor Piérola, who proclaimed himself dictator, after a bloody fight in the streets of Lima—a *coup d'état* graphically described by your minister in Peru in a dispatch to the State Department which appears published in the last volume of the Foreign Relations of the United States. That anti-republican government failed, as all such governments must always fail on this continent. The dispersion of its forces, the occupation of the capital and a part of the territory by the armies of Chili, and the complete disintegration of the civil authority represented by Señor Piérola, who, with a few followers, has fled to the other side of the mountains, *and with whom the representatives of the Chilian Government have declared themselves unwilling to treat hereafter*, left Peru absolutely without any government which could either enforce order within, or treat with Chili as to terms of peace.

Under these circumstances, the people of Lima, representing largely the wealth, intelligence, and interests of the republic, supported by like demonstrations in other provinces of the country, called upon Señor Francisco Garcia Calderon, an eminent jurist and statesman and one of the most distinguished citizens of Peru, to organize a provisional government which recognizes as its only foundation the constitution of the country and as its only power the existing laws, and which has been established only to restore that constitution to its full vigor, and to summon the national Congress to meet on the 15th of the present month of May. No true patriot could have hesitated.

The government of Señor Garcia Calderon represents, on the one side, the aspiration of the Peruvian people to re-establish the reign of constitutional law and order; and, on the other, it represents the only means the republic possesses to bring about the conclusion of a treaty of peace with its present invaders.

Occupying this position of heavy responsibility, what Señor Garcia Calderon has instructed me to ask is, not the recognition of his present government as the permanent government of Peru, but as the only organized authority which can enable the people to resume their constitutional rights and restore the government its regular action. Upon the absolute necessity of this course I need not dwell. It will be admitted that it is worthy of the position and power of the United States, and in conformity with its traditional policy, to aid in this hour of need a younger and sister republic. Peru is now occupied by a hostile force, and the terms of peace, upon which only it will be withdrawn, cannot be either accepted or executed without a responsible and recognized government. The burden of this occupation and the sacrifices necessary to

secure any treaty of peace with Chili must fall upon that portion of the republic in which the people have delegated in the most emphatic manner their authority to Señor Garcia Calderon. What he desires is, that foreign powers, especially the United States of America, should recognize the force and obligation of his position, and by that recognition encourage the people of Peru in the prompt restoration of constitutional authority.

The first and most important act, however, of Señor Garcia Calderon's government will be to conclude a treaty of peace with Chili, thus securing to Peru its sovereignty as an independent nation. Now, it is especially for this high and noble purpose that Peru appeals to the United States of America, and it is most particularly to this end that the Provisional Government of Peru has appointed the undersigned as its organ of communication with your excellency's government. I am desirous to lay before your excellency the earnest petition of Peru in this regard, and shall proceed to do so when your excellency advises me of my recognition as the representative of the Provisional Government of Peru.

The Peruvian people have always looked up to the United States for advice and counsel, and for its aid and support whenever needed, especially when its republican institutions or integrity have been threatened. My country deeply feels how much it owes to the great republic in the past, and more particularly for the efforts lately made by the United States to mediate in the present war. But the extraordinary events which are rapidly developing in South America are of such a dangerous and unexpected nature that, as soon as you give me the opportunity to do so, I desire, in accordance with my instructions, to lay before you the true tendency of those events, and to show you that the United States are interested in interposing their action in the settlement of this South American conflict, if they wish that republican institutions and the independence of the nations of this continent should be maintained.

The Provisional Government of Peru anxiously desires that the terms of peace with Chili be settled, with the advice and mediation of the United States, as the only means which will secure its continuance.

To this end I beg your excellency to please appoint a day and hour when I may have the honor to hand to your excellency the original letter of credence which accredits me as the confidential agent of Peru to the United States of America.

I have, &c.,

J. F. ELMORE.

[Inclosure in note from Mr. Elmore.—Translation.]

Señor Galvez to Mr. Blaine.

DEPARTMENT OF FOREIGN AFFAIRS, *Magdalena, March* 28, 1881.

SIR: The earnest desire which animates his excellency, the Provisional President of Peru, to cultivate and draw closer the friendly relations which exist between Peru and the United States of America has induced him to intrust Señor Federico Elmore with the honorable mission of presenting to your excellency this letter, which accredits him as the confidential agent of Peru to the United States of America.

The intimate knowledge I have of the distinguished personal qualities of Señor Elmore, of his capacity, and of his zeal for the public service, satisfies me that your excellency will receive him with benevolence, and you will please give faith and credit to all communications he may address to your excellency within the limits of his instructions, and principally in regard to the earnest desire of the Peruvian Government to draw closer the friendly relations between our countries.

I avail myself, &c.,

M. M. GALVEZ.

No. 588.

Mr. Blaine to Señor Elmore.

DEPARTMENT OF STATE,
Washington, August 27, 1881.

SIR: I have had the honor to receive from your hands the letter whereby his excellency the minister of foreign relations of Peru acquaints me with your selection by the President of that republic as its minister resident accredited to this government.

The critical condition of the President of the United States at the present time forbids any immediate arrangement for the formal presentation of your credentials, but it will afford me, in the name of this government, great pleasure to enter forthwith into full diplomatic relations with you pending the observance of that formality. To this end I beg that you will kindly transmit to me now the office copy of the letter of credence which you bear from the President of Peru, leaving to a later day the presentation of the original to the President.

Agreeably to your verbal request, I have the pleasure to send you herewith a copy of the note of Señor Galvez, which you handed to me in our recent interview on the 26th instant.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 589.

Señor Elmore to Mr. Blaine.

[Translation.]

LEGATION OF PERU,
Washington, August 29, 1881. (Received August 30.)

SIR: I have had the honor to receive your excellency's esteemed letter of 27th instant, in which, referring to the communication addressed to your excellency by the minister of foreign relations of Peru, under date of June 15, 1881, and which I had the pleasure to place in your hands on the 26th of the present month, announcing to your excellency the recall of my predecessor, the chargé d'affaires Señor Ignacio Garcia, and my appointment as minister resident of Peru to the Government of the United States, your excellency is so good as to inform me that the critical condition of his excellency the President of the United States at the present time forbids any immediate arrangement for the formal presentation of my credentials; but that it will be agreeable to your excellency, in the name of your government, to enter forthwith into full diplomatic relations with me pending the observance of that formality. To this end you ask me to transmit to you now the office copy of my letter of credence from the President of Peru, leaving to a later date the presentation of the original to his excellency the President of the United States.

I beg to offer to your excellency, Mr. Secretary, my sincere thanks for this proof of the friendly disposition of your excellency's government, and I herewith have the pleasure to inclose the office copy and a translation of my letter of credence.

I also thank your excellency for the copy of the note of Señor Galvez, which you kindly sent me.

While continuing my most earnest prayers for the recovery of his excellency President Garfield, I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

[Inclosure in Mr. Elmore's note of August 29, 1881.—Translation.]

President of Peru to President of the United States.

Francisco Garcia Calderon, Provisional President of the Republic of Peru.

To his Excellency the President of the United States of America:

SIR: My most earnest and constant desire being to cultivate and draw closer the relations of friendship and good harmony which happily exist and are kept up unchangeable between Peru and the United States of America, I hasten to inform your excellency that I have chosen Dr. Don Juan Federico Elmore with the object that he may reside in the United States as the minister resident of Peru.

The intimate knowledge I have of the qualities which distinguished Dr. Don Juan Federico Elmore, and of his zeal for the public service, fully satisfies me as to the manner in which he will fulfill the high duties intrusted to him.

I hope that the person of this minister will be agreeable to your excellency, and that you will please honor him with a kind reception, giving full faith and credit to whatever he may say in the name of Peru, and more especially when expressing to your excellency my desire to maintain the good and friendly relations and the cordial intelligence existing with the Republic of the United States, for whose prosperity and that of your excellency I offer my most sincere wishes.

I beg your excellency to accept the expression of my highest consideration.

Written, signed, sealed, and countersigned by the minister of state in the department of foreign relations, at Magdalena, Lima, on the 14th day of the month of June, in the year 1881.

[L. S.] F. GARCIA CALDERON.

El ministro de relaciones exteriores,

M. M. GALVEZ.

No. 590.

Mr. Blaine to Señor Elmore.

DEPARTMENT OF STATE,
Washington, August 31, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 29th instant, and of the office copy of the letter accrediting you as minister resident of Peru in Washington, which accompanied the same.

In accordance with the signification of my note of the 27th instant, the Department takes much pleasure in welcoming you as the diplomatic representative of Peru in the United States, and I trust before long to arrange the ceremony of your presentation to the President.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 591.

Señor Elmore to Mr. Blaine.

LEGATION OF PERU,
Washington, October 21, 1881.

SIR: As the South Pacific cable is in the hands of the Chilians, the news from Peru, which to-day's Washington and New York papers publish, came by steamer, being twenty-three days on the way.

Of course your excellency has the official version of the last act enacted by Chili in the drama which she has developed with a premeditation rarely equaled in history, and which convinces even the incredulous of what her intentions were. Not only two years and a half ago, when she declared war on Peru, after taking by force a piece of Bolivian territory, rich in nitrate of soda; not only nine years ago, when she had her two iron-clads built in England to execute her purposes; not only fifteen years ago, when the Spanish fleet after burning Chili's principal port—Valparaiso—was defeated and driven away from the Pacific by the Peruvian batteries of Callao, filling Chili with rage and jealousy, but her intentions existed years ago, when she saw the wealth of Peru, consisting in the guano and subsequently the nitrate, which excited her envy and greed.

I have the honor to inclose herewith the newspaper correspondent's version and press comments upon the Chilian Admiral Lynch's orders suspending the civil authorities in all places in Peru occupied by the Chilian forces, and seizing the Peruvian treasury and bank of issue (nothing is said purposely about the authority of the provisional government). Allow me only to call your attention to the fact that as the Panama paper (from which most American papers copy) is in the interest of Chili, the remarks are mostly in justification of the Chilian acts, and the innuendoes are directed against Peru and those who have done something in support of her and of justice (inclosures Nos. 1, 2, 3, and 4). Of course it is evident that any introduction of bank-notes for the provisional government, or any alleged facts in connection with it, had absolutely nothing to do with the outrage committed by Admiral Lynch.

The explanation of it, Mr. Secretary, is simply this: Chili meant *from the beginning*, 1st, to take the territory containing Peru's wealth; 2d, to weaken the country in such a way that Peru should be incapable of resisting her now or in a *long future*. At the same time Chili counted upon two factors which she *supposed* in her favor: 1st, that all foreign nations were indifferent as to the fate of Peru; 2d, that no foreign nation would take interest in the reconstruction of order and of a constitutional government in Peru. But she counted also upon another factor to help her, namely, the continuance of internal dissension in Peru, which Chili, of course, from years back, has always favored. Chili was right, unfortunately, in this *last supposition*. In regard to the two first mentioned, Chili made a grievous mistake, and her surprise on discovering it is the cause of her present rage, as shown by the first act of Chili's new President, Señor Santa Maria, the center of that group of Chilian politicians and financiers who resolved upon the plunder of her neighbors (as Chili wants not the territory itself, but the inexhaustible wealth in it).

Chili's mistake and surprise were caused by the friendly acts of the

United States in trying to bring about a peace equally honorable for both belligerents, without detriment to the rights of Chili as the victor.

1st. Chili never believed that the United States would recognize the Calderon government (thinking that the United States would follow the lead of the European powers).

2d. Chili was disappointed when she saw that the recognition of the Calderon government by the United States was *just, because* that government meant to establish constitutional order in Peru, and to negotiate an honorable peace, which would restore to Peru her position among nations.

3d. Chili was displeased when she beheld that the United States had appointed as minister in Lima, a gentleman, General Hurlbut, whose talents, decision of character, and spirit of justice and fair play, were so distinct from Chili's purposes and practices.

4th. Chili was more displeased when she saw the words of conciliation and justice pronounced by the new United States minister in Peru, upon his reception by President Garcia Calderon; they showed a friendly disposition on the part of the United States towards Peru.

5th. Finally, Chili was terribly excited when she, for the first time, perceived that the United States Government would not see with favor the dismemberment of Peru, if Peru has otherwise a means of satisfying the just claims of her victorious enemy.

But, Mr. Secretary, if the United States, for all the historical reasons of the past, and of her inevitable destiny, has not the right to raise her voice on the affairs of this continent, then history would have to be rewritten and no nation would have the right to take interest in the fortunes of sister nations.

The policy of the United States on this continent is well known, and your excellency's government recognized the government of Señor Garcia Calderon, because it *was a constitutionally organized* government (Mr. Piérola, being, by the tendencies of his life, able to be only a despotic ruler), and because the Calderon government *was and is* the only means of making constitutional government *permanent* in Peru.

The other reason the United States had for recognizing that provisional government was, because it was recognized by the Chilians, who were ready to negotiate a peace with it. But, as the Calderon government was forbidden by a law of Congress to cede any Peruvian territory, as the United States recognized it, and as the United States preferred that, if it were possible, peace should be made without loss of territory to Peru, Chili, it seems, decided that the existence of the government of Señor Garcia Calderon was *incompatible* with the execution of her plans and purposes.

This, Mr. Secretary, is the explanation of the news just arrived by steamer from Peru, which can only have surprised those who never understood the origin of the war and the real purposes of Chili.

At the same time, allow me to call your excellency's attention to the fact that Admiral Lynch's order does not make mention of the Calderon government as being suppressed, which was easy enough to do, as the material means at its disposal were so small. On this account no news has come by cable during the last twenty-three days of any such event.

Far from that, on the 14th of October, I received a cable message from Señor Rosas, the new Peruvian minister in France, dated Paris, 13th October, communicating a cable message from Señor Galvez, the minister of foreign relations of Peru (dated, no doubt, Lima, 12th October, as the cable is working), announcing the significant fact of the army of

the south, Arequipa and Puno having recognized the provisional government of Señor Garcia Calderon.

Thus, the Calderon government was not only gaining popularity; nor only had it the moral support of the United States, and other nations who had recognized it; not only was its moral strength increased by the perfectly correct and just appreciation of the iniquity of Señor Piérola's government, but it was gaining material strength, being recognized by the center of political power in Peru, Arequipa, and Puno, and by the very army who previously obeyed Piérola, because it was made to believe by Piérola that a continuation of the war with Chili was possible. For *these very reasons*, however, the Calderon government *did not suit* the purposes of Chili; it was becoming too strong and too respectable; and the consequence was that Peru was on the point of being reconstructed. Chili desires not only a dismembered Peru, but a prostrate and powerless neighbor.

The United States, by their action, have, I am proud and happy to say it, and the Peruvian people highly appreciate it, contributed more than any other nation, or any other circumstance, to give strength and respectability to the government of Señor Garcia Calderon. That government, as far as I know, and as regards its *personnel*, has not ceased to exist. It is the only constitutionally organized government Peru has proclaimed by the law of the constitutionally elected Congress of Peru.

Peru must have a constitutional government, and must have peace. Will the United States, only because Chili wishes to make both impossible in Peru, abandon Peru at this her most critical moment? A word from the United States would stop all lawless action on the part of Chili, and consummate the union of the Peruvian people, which had so successfully and so happily been inaugurated under the auspices of the United States.

In conclusion, as the representative of the legal government which your excellency's government recognizes, and of the orderly and respectable part of the people of the Republic of Peru (the oldest and most interesting country in South America, a nation of historical renown, and worthy of better fortune), I herewith repeat and confirm the sentiments I expressed in my address to the President of the United States, when I had the honor of presenting to him my letter of credence, as regards the influence which, in the opinion of Peru and my government, the United States should exercise on this continent, not only indirectly but directly—for the good of the South American states and in the interest of the United States, and of free institutions and civilization in general.

When I made that address I had already received the special instructions to which I referred in my letter to your excellency of the 11th instant.

On account of my hope that the ministers of the United States in Peru and Chili might succeed in bringing the belligerents together to negotiate in good faith an honorable peace (not having also had the opportunity of conferring with your excellency), I have not communicated to your excellency these instructions.

Now, however, in view of the selfish, unjust, and heartless policy of the Chilian Government, of which she no longer makes a secret, I solemnly execute the instructions I have received from the President of Peru, and hereby formally request the Government of the United States to intervene between Chili and Peru in order to make a treaty of peace between the two republics possible. In view of the extraordinary and exorbitant pretensions of Chili (demanding among other

things, not only a war indemnity, but the cession of a part of the Peruvian territory, and the occupation of another part), and in view of the barbarous manner in which Chili conducted the war, and of her iniquitous proceeding and unceasing spoliations since, my government has earnestly arrived at the conclusion that a treaty of peace cannot be signed without the intervention of the United States of America.

I beg your excellency's government to please decide upon the measures most conducive to the end proposed, if, in the judgment of your excellency's government, it is convenient that the United States should bring Chili to a sense of justice, helping my country to reorganize herself, much improved by the sad lessons of adversity, and eternally grateful to her generous and powerful sister, the great, true, and model republic.

* * * * * * *

J. F. ELMORE.

No. 592.

Señor Elmore to Mr. Blaine.

LEGATION OF PERU,
Washington, October 27, 1881.

SIR: As your excellency is aware from our interview this morning, I only received to-day my government's dispatches regarding the order of Admiral Lynch of 28th September, which attempts to suppress, by a stroke of the pen, the government of Señor Calderon in Peru.

I have the honor to inclose herewith a copy of the circular letter on the subject addressed by Señor Galvez, minister of foreign relations for Peru, to the representatives of foreign powers in Peru (inclosure No. 1); also a printed copy of Senor Calderon's lengthy reply to Admiral Lynch (No. 2); also a correspondence and comments of an American paper (No. 3).

Your excellency will observe that the government of Señor Calderon protests against the arbitrary act of the Chilian admiral, and that the President and his cabinet have the firm decision of continuing in their posts, and exercising their functions at all times, under all circumstances, and at any place where they may be.

Your excellency will notice the solid and dignified arguments of Señor Calderon, proving in how many ways the Chilian Government and officials have recognized his government, showing that it has been recognized by various foreign nations, and that it was increasing daily in popularity. To this I repeat what I have previously stated in my letter of 21st instant, that by a cable from Lima of 12th October the army of the south in Arequipa and Puno also have recognized it; and now I add that in an extraordinary session of the Peruvian Congress, held in Lima on 29th September, Admiral Montero (who has been commanding some force and influence in the north of Peru) has been elected Vice-President of Peru), to act in conjunction with Señor Calderon.

I am desirous to be able to send to your excellency a translation of Señor Calderon's admirable letter, and hope to do so shortly. My long letter of 21st October to your excellency, which I confirm, makes it unnecessary for me to trouble your excellency with another long letter at present.

It is proved that it is because Señor Calderon cannot and will not accede to Chili's imperious demand of a cession of Peruvian territory, as a preliminary condition to commencing negotiations of peace, that Chili pretends to destroy his government, which your excellency's government recognized for such noble reasons.

I anxiously await your excellency's judgment upon this iniquitous proceeding of Chili, which tends to make all government impossible in Peru, and renders also the conclusion of a peace impossible; and I await with equal anxiety the reply of your excellency's government to my petition of the intervention of the United States, which will unite the Peruvian people, reconstruct constitutional government in Peru, and re-establish peace in South America.

I hope also to be able to explain to your excellency, verbally, other circumstances in connection with the state of affairs in South America which make the present situation most exceptional and the action of the United States most opportune.

I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

[Inclosure in Señor Elmore's note of October 27, 1881.—Translation.]

President García Calderon's reply to the letter of Admiral Lynch, Chilian commander-in-chief, communicating his order suspending the exercise of all civil authorities not appointed by the Chilian headquarters.

LIMA, *September* 29, 1881.

Señor PATRICIO LYNCH: Yesterday I received your letter of the same date, in which you inform me that in pursuance of the proclamation, of which you have sent me a copy, you have put an end to my government, and asking me for a statement of the papers, archives, and other effects which the officials who have served under my orders may hold.

If I was not in possession of other facts besides your letter, I would have but few words to say in reply to it, because neither the letter nor the proclamation express the real motive of your order.

But the facts which have developed since the disarmament of my troops at Magdalena; the conferences held toward the settlement of peace between Peru and Chili; the taking possession of the treasury offices under my administration; and the publications, both in the Chilian press and the Lima newspaper La Situacion, explain the motives of your proceedings, and make perfectly clear that as soon as the Government of Chili became convinced that I am not and have never been disposed to sacrifice the territory of Peru in a treaty of peace, it began to take measures hostile to me, which have been carried on to the extreme of declaring my government abolished.

So explained, your proclamation has not the character of a simple military measure within the action of martial law, and on this account my reply cannot be short. It is necessary that the serious and momentous measure contained in the proclamation should be analyzed in detail, and for this reason I must occupy your attention for some time.

Although, according to the rules of law and custom (which you have hitherto followed yourself, addressing always your letters to my minister of foreign relations), I should never communicate officially with anybody but through the various departments, I wish on this occasion to depart from those rules and myself reply to your letter and deal with the question at issue.

In February of the present year a respectable majority of this capital and Callao, considering that the government of Señor Piérola had come to an end for reasons of domestic politics, to which it is not necessary to refer here, decided to form a new government, which would satisfy the exigencies of the situation, and appointed me the Provisional President of Peru.

Being in possession of this authority, strengthened by the will of the people, I commenced to exercise my functions, and the most important ones which I executed at the inauguration of my government were the following two: The negotiations for the disoccupation by the Chilian forces of the zone within which I was to exercise my functions, and the payment of the war tax levied uponLima and Callao.

If, on exercising those acts, I had thought that my powers did not derive from the people who have intrusted them to me, but from the Chilian authorities, I would certainly not have agreed to anything nor made engagements of any kind, because I would have had no power to enter into contracts.

But the Chilian plenipotentiaries and the commander-in-chief of the army of occupation treated with me, recognizing the fullness of my powers emanating from the popular will, and for that reason I concluded agreements with them.

And it is in truth impossible to think otherwise, if we take into consideration that, in order to realize the payment of the said war tax, I practiced two of the most important acts of national sovereignty, which are the issue of a loan contracted mostly with foreigners resident in the country and the issue of treasury notes, which are obligations which the Peruvian nation are bound to pay.

The Chilian authorities, by the fact of accepting as a part payment of the war tax the funds proceeding from the loan, and the not less important fact of receiving treasury notes, recognize my authority and my legitimate right to execute those two operations. The Peruvian Government alone can bind Peru, and only from the Peruvian Government can the Chilian authorities receive titles of Peruvian credit in payment; because I, regarded as a simple citizen of this country, cannot issue documents of credit which shall impose obligations upon the republic.

If this were not so, one of two consequences would result; either the Chilian authorities allowed themselves to be deceived by me, by receiving in payment for the tax a paper issued privately and without official value, or, in the belief that I was not the chief executive, gave their consent in order that I might deceive those foreign residents, borrowing money from them and issuing notes without legal value.

The former of these suppositions would do very little honor to the intelligence of Messieurs Vergara and Altimarano, and the latter would constitute them accomplices in a fraudulent emission, made by a person without authority to do so. Neither of the suppositions can be admitted, and hence it must be acknowledged that the Chilians recognized me from the beginning as the legitimate chief executive of Peru.

This recognition has become afterwards (if it were possible) more explicit, because Señor Joaquin Godoy, Chilian plenipotentiary, held conferences with me in regard to peace, which were initiated by him; because you have, after Señor Godoy's departure, informed me, through distinguished officials resident in this capital, that you had asked of your government full powers to treat with me; and because in the official communication addressed by you to Minister Galvez, after the disarmament of my troops at Magdalena, stated that the act was of a purely military nature, did not imply a change in the relations existing with me, and was not intended to interrupt the pending negotiations. It is then evident from the foregoing that I have been regarded by the Chilian authorities as a person fully authorized to conclude a treaty of peace, and, as I cannot execute such an act in the capacity of a private citizen of Peru, it is necessary to acknowledge that the Chilian Government has recognized me as the chief of the ligitimate Government of Peru.

I am certain that you accept this logical deduction, because otherwise we will be placed in another dilemma, viz, either the public men of Chili have committed the error of believing me to be the chief of the government without being so, or that, knowing I was not such, they have resolved to treat with me, provided I was ready to accept terms favorable to Chili.

Out of respect for men who occupy high positions, and the considerations which governments should show each other, I do not accept either of these conclusions; neither do I believe that Chili accepts them, and therefore I repeat that my government is recognized by yours.

This being so, and it being also proved by the foregoing facts and by other facts of public notoriety that my government was established by the popular will and not by order or consent of the Government of Chili, I cannot accept your proclamation, which declares my government abolished, as if it were one of the offices under your orders. My authority derives from the people who elected me and from the Peruvian Congress, who has confirmed and extended my powers, and as long as these two authorities do not appoint another to occupy my place, I am and shall continue to be the President of Peru, whatever may be the contingencies to which I may be exposed.

My powers do not, consequently, owe their existence to the toleration of the Chilian authorities, as you state, but they derive from a fountain beyond the control of those authorities. The sovereignty of Peru, which is the source of my powers, is not subject to the authority of Chili, or, to speak more correctly, it has not disappeared by the occupation of a part of the Peruvian territory, nor will it disappear if the whole territory were occupied. The word occupation itself expresses it clearly. On the other hand, there would be toleration on the part of the forces who occupy the territory if the establishment of a government in the occupied territory were contrary to martial law. In such a case it could be said with reason that its acts were tolerated (not having then the right to practice any).

Martial law gives to the occupants the right to forbid all acts which may make the

occupation insecure, and on this account they may forbid whatever may endanger their safety. In accordance with this rule, established by international law and by the practice of nations, you may oppose my having troops and my practicing all acts of hostility. Acknowledging this right when my troops at Magdalena were disarmed, I protested against that act, not because I have the right to keep an army, but because it violated our pre-existing engagements, and inasmuch as it might imply a rupture of relations with me. But as you declared that that measure was a purely military one, and dictated only by motives of safety, I recognized the force of martial law, and I did not insist on my reclamation. I continue, however, occupying without troops the zone of Magdalena, Miraflores, and Chorillos, and the authorities appointed by me are to this moment at those places, which your troops have not again occupied.

This fact, apparently insignificant, proves that you and I are perfectly in accord as regards the extent of martial law. I understand that I cannot exercise in Lima any function which may have the character of a public act or of an act of force, and I abstain from practicing the same; and you must be convinced that you cannot oppose any acts outside of that sphere, and for the same reason you have not opposed my constituting offices in Lima, transacting business in them, and practicing in general all governmental acts which do not require a public manifestation as an essential requisite for their validity.

According to these principles, you have had no right to take possession of the treasury nor to sequestrate the funds which the government possesses in the Bank of London, and which proceed from loans made by the bank itself; nor to demand the surrender of the other offices under my administration. Those establishments are not of a warlike character, and I myself have no war powers, consequently martial law cannot be invoked for such acts. Martial law is not conquest; martial law does not transfer Peruvian territory to the Chilian Government, and consequently in spite of that law I can and must exercise my authority, with the limitations indicated; and the offices under my administration should and must continue in operation.

To these considerations must be added the fact that many foreign nations have recognized my government as the legitimate government of Peru; and in virtue of that recognition I have contracted with foreigners residing in this country obligations which I must fulfill. If those countries had believed that my government could disappear by an order from the Chilian authorities, they would have never recognized me. But they have thought that Peru has the right to govern herself, and have established relations with me, and have now the right to require the fulfillment of the contracts entered into with their nationals.

I have, however, stated at the beginning of this letter that my resolution not to cede any Peruvian territory as the basis of the treaty of peace is the cause of the measures taken against me. Even under this supposition it will be easy to show that what is now required of me is not justifiable.

When my election took place, I received the mission to conclude a treaty of peace with Chili: and from that moment I made efforts not only to know the true opinions of the republic as regards the treaty, but also to study the terms proposed at Arica, and to find out if they were or not reasons strong enough to make them advisable. It does not require a great effort to see that the majority if not the whole of Peru is opposed to the cession of territory, and, this being the fact, the treaty of peace in which that cession were stipulated would produce as a result, not only the overthrow of the government who were to sign it, but also the necessity of undertaking another war.

The first of these reasons, which belongs exclusively to the domestic politics of Peru, does not in truth concern the Republic of Chili; but the second reason is of serious import to Chili. To her and to Peru it is of the highest importance that the peace concluded should be such that it shall not be in future altered, and that hostilities be not again renewed; and as this end cannot be attained by accepting a condition of peace which the republic rejects, I ought not and must not sign a treaty in which, under the name of peace, I should make a legacy of perpetual wars to my country and to the Republic of Chili.

The example of what passes in Europe cannot be alleged to destroy the force of the preceding consideration. On the contrary, the extension of frontiers among the nations of Europe has been from the remotest time, and will continue to be in the future, the cause of formidable wars which destroy millions of men. In spite of the exuberance of population and wealth of the European nations, their large permanent armies are the cause of immense evils, and these are the natural consequence of the wars of frontiers, boundaries, and conquest. If this system were to be introduced into America, it would produce sooner or later the ruin of the continent. Our republics are not rich in capital or in population, as is proved by the fact that all are in need of immigration, and that the least commotion compels them to raise new loans, and to issue paper money.

If, in consequence of her first war, Chili has been forced to have recourse to the use of paper money, of which she was free, what will happen when she shall be obliged to sustain two or three more wars, or at least to keep up a considerable army to maintain

the extension of her frontiers? Listening only to the passions of the hour, some may say that the future which I foresee will never be realized; but only ordinary minds will think so, and neither you nor the statesmen of Chili will agree with such.

Nations never perish; reactions easily operate in them, and frequently their reconstruction is as surprising as their fall had been unexpected.

Convinced as I am of all this, and longing for a lasting peace, I cannot make up my mind to dismember the territory of Peru. I do not wish that my name shall pass to posterity with the stigma of reprobation with which the people of America will brand the man who will legalize among them the fatal system of conquest; a high feeling of American policy guides me in this case, and compels me not to consent to the cession of territory.

I know very well that these ideas will not be agreeable to a considerable portion of the Chilian people, because at all times popular feeling has been intemperate. But I believe at the same time that you and all other Chilian statesmen will think as I do, because I have believed, and now believe, that your government will conclude a treaty of peace without exacting territory. I accepted the office I hold, and now continue to hold it, and have not resigned it, because I have the same conviction, which has suffered no change; although, as I have said, I judge the measures taken against me have their origin in my refusal to give up Peruvian territory.

But I have thought also that nobler ideas will make their way hereafter among Chilian statesmen, and then a treaty of peace will be easily made, and we shall be able to conclude it in a way that it will afford us securities in the future. We should be unable to attain this end, if I could not pay to Chili the expenses of the war, but I have the certainty and the means to pay a reasonable indemnity, fixed by common accord, or by arbitration; and this is another reason which compels me to oppose a cession of territory.

As, therefore, the possibility exists of settling, within a short time, the pending questions, and feeling as I do that no Peruvian will cede a part of the territory of his country as a basis of peace, the prolongation of the existing state of things, or what has been called the indefinite occupation of the Peruvian territory, offers, as all measures of the same nature, the inconvenience of being a defective settlement.

This is neither a state of war nor a state of peace, and causing serious injury to Peru, does also injure Chili. Instead of so anomalous a situation which forces both countries to exhaust their strength, and which will make wider and wider the separation caused by the war, is it not nobler, more grand, and more American to conclude a lasting peace that will secure a tranquil and glorious future to our countries?

These are reasons of such weight that I do not doubt but that they will influence your mind not only not to insist upon the closing of my public offices, but also to decide you to turn over to me those you have taken possession of. But if, as I presume, you act by order of your government, you may at least suspend all subsequent proceedings, transmitting to the Government of Chili the present letter, which I am sure will become the basis of our future understanding.

I am, &c.,

F. GARCIA CALDERON.

No. 593.

Señor Elmore to Mr. Blaine.

LEGATION OF PERU,

Washington, November 18, 1881. (Received November 18.)

SIR: When I had the honor to confer with your excellency on last Monday, 14th instant, I informed your excellency that I had telegraphic news of the adhesion of the Peruvian Admiral Montero to Señor Calderon's government, and also of the last and logical Chilian outrage, the arrest and taking to Chili of President Calderon and his secretary of state, Señor Galvez.

I have been waiting both for telegraphic advices and for the South Pacific mail (which has finally reached here to-day) in order to address to your excellency an exposé on the situation in Peru, which although so extraordinary and perhaps unique in history is not for that reason the less interesting.

I hope to hand my letter to your excellency to-morrow, when I shall again earnestly call your excellency's attention to a situation which has probably no other solution than the resolute intervention of your excellency's government in order to make constitutional government in Peru, and a lasting peace in South America, possible.

I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

No. 594.

Señor Elmore to the President.

PERUVIAN LEGATION,
Washington, November 19, 1881.

Mr. PRESIDENT: Although every foreign minister accredited to the chief of state enjoys the privilege of conferring with the sovereign or President upon the affairs of his own country, I have seldom asked for that honor, being, on principle, opposed to molesting the head of the nation, generally overburdened with too many cares and attentions. But it is not every day (if it ever occurred before in history) that when hostilities have ceased to exist, for nearly a year, the victorious government of one of the belligerents commits the stupendous outrage of taking and carrying off the recognized and unoffending President and secretary of state of the other belligerent. This, Mr. President, is what the Chilian Government has done with the President and the minister of foreign relations of Peru.

Such an event, and the complicated state of affairs in South America, authorize me, I think, and make it a solemn duty on my part, to request your excellency to grant me the high privilege of a short interview, when I wish to thank your excellency for all the good your excellency's government has done and is doing for my country, and also to personally explain some facts and events.

Your excellency would confer on me a lasting obligation by letting me know on what day and hour I may have the honor of calling upon your excellency.

I beg to offer to you, Mr. President, the assurances of my profound respect and most distinguished consideration.

J. F. ELMORE.

PORTUGAL.

No. 595.

Mr. Moran to Mr. Blaine.

No. 380.] LEGATION OF THE UNITED STATES,
Lisbon, July 25, 1881. (Received August 22.)

SIR: I have had the honor to receive your No. 211, in which I am instructed to impress forcibly upon His Majesty's Government the unnecessary and vexatious nature of the decree prohibiting the introduction of American pork into Portugal, and to endeavor to reinstate this important product in the estimation of the Portuguese, and, in obedience

thereto, on the 16th instant I addressed a note to the minister of foreign affairs, of which I inclose copy.

In addition to this communication I have verbally indicated to the foreign office the hurtful consequences of the obnoxious regulations prohibiting the introduction of American pork into Portuguese territory, and I impressed upon it not only the injury done to the commerce of the United States by the unnecessary stringency of these measures, but I dwelt upon the fact that the population of the kingdom was thereby deprived of an article of food which is nutritious, healthful, and cheap.

My note is now before the consultative board of health, and I am assured that it will receive the attention and action that the importance of the subject demands; and I have only to add that I shall be active in my efforts to effect an early removal of all restrictions now existing.

I have, &c.,

BENJAMIN MORAN.

[Inclosure in No. 380.]

Mr. Moran to Senhor Hintze Ribeiro.

LEGATION OF THE UNITED STATES,
Lisbon, July 16, 1881.

SIR: On the 14th of March, 1879, an official publication was made in the Diario do Governo by his excellency the minister of the interior, stating that in consequence of trichinosis having manifested itself in the United States, and as a measure taken in accord with the board of public health, all importations into Portugal and the adjacent islands of all the products of the flesh of swine had been forbidden by the consultative board of public health. This notice was followed on the 20th of the same month by the appearance in the Gazetta das Alfandagas of a *portaria* issued on the 17th, which prohibited not only the importation for consumption into Portuguese territory of such products of swine as are used for human food when coming from the United States, but refusing permission for it to be even warehoused or temporarily deposited on shore.

Although not officially notified by His Majesty's Government of the imposition of these stringent measures, I transmitted to my government on the 21st April, 1879, all details of the measures thus taken by the Portuguese authorities, and information obtained either from the public prints or by private communications from commercial sources; and I have now the honor to state to your excellency that I am instructed by my government to communicate to that of His Majesty that in view of the above restrictions, and of some others of a less rigid character, an investigation has been made under the authority of the Department of State into the various industries connected with the supply of pork in the United States, whether intended for consumption at home or export.

The facts set forth in this report, of which I inclose two copies in pamphlet form, appear to be conclusive as to the superiority of the pork product of the United States, and I beg to present for your excellency's careful consideration the conclusions therein arrived at, viz:

1. That the swine of America are of the best and purest breeds, and are fed and fattened for market on corn. It is not believed that swine are thus fed in any other country.

2. That the reports published in Europe concerning the death of American hogs from hog cholera are gross exaggerations.

3. That the percentage of deaths among American swine from disease is no greater than the percentage of deaths among European swine from similar diseases.

4. That American hogs which have died or may die of cholera, or from any cause whatever, can have no relation to the meat product (except to decrease it), as such animals cannot by any possibility pass the severe scrutiny and inspection to which hogs destined for killing and curing are subject; that even if it were possible to pass such inspection, no art of the curer could convert such animals into meat which could pass the inspection, in the words of a leading curer, "even of a blind man."

5. That the fears excited and fostered in parts of Europe, by interested persons, that any portion of hogs which have died or may die of cholera, or from any other cause, is or can be converted into merchantable lard, are founded on the grossest ignorance, for merchantable lard cannot be produced from such dead animals.

6. That every pound of the product rendered from diseased hogs, except that part

used as a fertilizer, is plainly marked "brown grease," "white grease," or "dead hog's grease," and sold as such largely to soap manufacturers, and that its color and odor preclude it from being mistaken for lard.

7. That the same care is taken in the handling and manufacture of American lard which is taken in the handling and curing of American meats; and that as the corn-fed American hog is the cleanest of its species anywhere, it is undeniable that American lard is the purest lard in any market.

8. That the percentage of American hogs infected with trichinæ (though this question is thus far largely one of supposition) is in all probability, by reason of the superiority of the breed and food, much less than that among the hogs of any other country.

9. That the freedom from trichinosis of the two great pork-consuming centers of the West, Chicago and Cincinnati, furnishes the strongest possible evidence of the purity of American pork.

In Chicago for a series of years, in which forty thousand deaths were reported with their causes, only two cases of trichinosis were reported. In Cincinnati during the same period not one case was reported.

10. That the reported cases of trichinosis have resulted from eating uncooked meat, shown to be inferior or rejected, and that thorough cooking entirely destroys this parasite and removes all danger, in this regard, from eating pork.

11. That the selection, inspection, and killing of American hogs, and the subsequent handling and curing of the meat, are not surpassed, if at all equaled, for care, precision, and understanding, by the packers or meat curers of any other country.

12. That as a rule the hogs selected for foreign trade are in all respects equal to the very best disposed of in our home market.

13. That the great exaggerations so industriously circulalated in regard to diseased pork have been aided by the different significations attached to the word "pig." In Europe it is used as the synonym of hog, whereas in America it means the young swine under six months, and generally refers to those only a few weeks old. The number of "pigs" that die from various causes compared with the numbers of hogs that die is very large, and grossly erroneous conclusions are formed by confounding the two words.

As an earnest of the conclusions to which it is hoped and believed the governments of Europe have excluded American pork, as well as other governments may arrive, and in view of your suggestion, Mr. Secretary, that its publication is due to the candid spirit in which the government of His Majesty the King of the Belgians has met the charges made against the pork product of the United States, I have the honor to add that, as appears by a circular addressed on the 28th April last by the Belgian minister of the interior to the governors of His Majesty's provinces, the question of excluding American pork from that country has been decided in favor of the United States.

The charge against our product under which it has been excluded from France is disposed of in this circular by conclusions, the substance of which is—

That disease generated by trichinæ is unknown in countries where, as in Belgium, pork is sufficiently cooked; and that it has been demonstrated by many experiments that the trichinæ cannot resist a temperature of 56° centigrade, and that they are invariably killed at a temperature of 75° to 100° centigrade.

This report also says: "It is important to make known the fact that pork well cooked, whatever trichinæ it may contain, is entirely inoffensive, and consequently no one need suffer from this cause unless he wishes to, and nothing is necessary except scrupulous persistence in the use of needful precautions of the kitchen."

These conclusions of the Belgian minister of the interior are based on a careful report of the Belgian official council of public health.

While calling your excellency's attention to the whole series of "conclusions" quoted above, I would particularly dwell upon the fact stated in the ninth, that the freedom from trichinosis of the two great pork-consuming centers of the West, the cities of Chicago and Cincinnati, furnishes the strongest possible evidence of the purity of American pork. In Chicago, for a series of years in which 40,000 deaths were reported with their causes, only two cases of trichinosis were reported, while in Cincinnati, during the same period, not one case was reported; and should the presentation of the case thus made in its entirety to His Majesty's Government lead to the reinstatement in the estimation of the Portuguese of this important product, and to its renewed unrestricted admission into the kingdom, and to its restoration to general use as an article of food cheap in cost and absolutely harmless in consumption, a measure for which I am instructed to say my government would be very thankful, and one which I do not hesitate to assert can in no way inflict injury upon the public health.

Under separable cover accompanying this note, I have the honor to transmit to your excellency a number of copies of the report above referred to.

I have, &c.,

BENJAMIN MORAN.

ROUMANIA.

No. 596.

Mr. Schuyler to Mr. Evarts.

No. 10.] LEGATION OF THE UNITED STATES,
Bucharest, September 17, 1880. (Received October 6.)

SIR: By the Roumanian constitution it is provided that in case the present prince shall have no male descendants the throne shall descend to his elder brother and his male descendants in regular line.

Prince Charles not having had any male children since his marriage eleven years ago, and his only daughter having died, it has seemed desirable to provide for the succession, and this has been one reason of the present journey of the prince in Germany. It seems now that Prince Leopold of Hohenzollern, the eldest brother of Prince Charles, together with his two elder sons, having given up their right of succession, it has been decided that his third son, Prince Charles Antoine, born September 1, 1868, shall be provisionally declared the heir to the crown.

It having been decided in 1870 that no prince of the family of Hohenzollern could accept a foreign crown without the consent of the Emperor of Germany, as head of the family, it was necessary to obtain his consent. This having been satisfactorily arranged, it is expected that on the return of the prince a public declaration will be made with regard to the succession.

The present liberal ministry believes that as the prince does not make any choice or adoption of a successor, but that as the succession follows the line marked out by the constitution, it will be unnecessary to ask any ratification, either by the chambers or by a popular vote. Some members of the opposition take ground against this, but their arguments seem to be very weak.

It is said that the young Prince Charles Antoine will be brought to Roumania and educated in the country. According to the constitution, not being the son of the reigning prince, he will not be obliged to adopt the orthodox religion.

I have, &c.,

EUGENE SCHUYLER.

No. 597.

Mr. Schuyler to Mr. Blaine.

No. 50.] LEGATION OF THE UNITED STATES,
Bucharest, March 26, 1881. (Received April 15.)

SIR: I have the honor to inform you that, by a unanimous vote of both chambers to-day, Roumania has been proclaimed a kingdom, and the prince has taken the title of King.

In my dispatch No. 46, dated March 12, I spoke of the probability of this act taking place soon. The government contemplated it for the 22d of May. Some deputies wished it sooner, but the mourning for the late Emperor of Russia, followed by Passion week, made this a matter of difficulty. The manner of its occurrence to-day was wholly unexpected.

Yesterday, Mr. Maioresco and other Conservatives made a violent attack upon the government, *à propos* of the recent arrest of some Nihilists at Jassy, and accused the Liberal party of being always connected with revolutions and of protecting Nihilism and Socialism. Feelings were so excited by this discussion that the Liberals held a party meeting in the evening and informed the prime minister that they considered the immediate proclamation of the kingdom necessary as a clear proof to all the world that they sincerely wished for a constitutional monarchy, and had no sympathy with revolutionists. In case the ministry were unwilling, they threatened to pass the measure in spite of them. After some hesitation, Mr. Bratiano agreed to the proposition and went to the prince at midnight to obtain his approval.

This morning early a council of ministers was held, in which the president of the Senate and the president of the Chamber of Deputies took part, and the mode of procedure was determined upon.

When the Chamber met at noon General D. Leca moved that—

In view of existing circumstances and conformably to the persistent and constantly manifested desire of the nation, in order to confirm stability and internal order, and at the same time to give a guarantee that the Roumanian monarchy, being in the same condition as other states of Europe, can inspire greater confidence, the Chamber of Deputies, in virtue of the national right of sovereignty, prociames his royal highness Prince Charles I, as King of Roumania.

Mr. Carp, one of the most distinguished men of the opposition, warmly approved this motion, and a bill was then brought in establishing Roumania as a kingdom, giving its sovereign the title of King, and to the heir to the throne that of prince royal. After enthusiastic speeches by prominent men on both sides of the house, the bill was passed unanimously, 99 being present out of a total of 140 members.

Meantime, after the first acclamation, the president of the Chamber of Deputies sent a telegram to the president of the Senate informing him of what had happened. The Senate at once broke out into loud and hearty applause, and adjourned until the bill from the Chamber should be brought in. On resuming its sitting, after short speeches from Mr. George Cautacuzeno, Mr. Lascar Catargi, the leader of the Conservatives, and Mr. Vasili Alecsandri, the Roumanian poet, the law was passed by the unanimous vote of all present, 40 out of 68. Together with several of the diplomatic body, I was present at this meeting.

The Senate and the Chamber then walked to the palace, where, after reading the report of the council of ministers (a translation of which I inclose marked 1), the bill was signed by the prince and countersigned by the ministers.

In reply to the felicitations of the Senators and Deputies the King made a short speech (a translation of which I inclose, marked 2). Their majesties then appeared on the balcony of the palace and acknowledged the acclamations of the crowd. The buildings are covered with flags, the principal streets are illuminated and thronged with people, and the greatest enthusiasm reigns.

The universal feeling here is that by this act greater stability has been given to the independence and the institutions of the country. As a principality, Roumania has always been more or less subject to the encroachments of its neighbors. By this it is hoped that its independence will be more marked, and therefore respected. In the eyes of the world a kingdom is always of more consequence than a principality, and Roumania, in point of population, is larger than Sweden, Portugal, Holland, Denmark, Norway, or Greece, all kingdoms, and about equal to Belgium, while in size it is the twelfth state in Europe.

It is thought, too, that the establishment of the kingdom will be a guarantee to Europe that the country will profess no opinions subversive of the institutions of its neighbors. Internally this act will doubtless do much to strengthen the dynasty. There are several persons in the country, sons and descendants of former princes. One of them, Gregory Sturdza, son of the last prince of Moldavia before the union, has been openly agitating and posing as a pretender to the crown. While many families thought their members had rights to be princes, no one can have the pretension to be King.

Most remarkable in this connection is the adherence of Mr. Rosetti, president of the Chamber of Deputies, who has always been a Liberal of the most pronounced type, who was in exile for several years in consequence of his connection with the insurrection of 1848 against Russian domination, and who has sympathized with if not taken part in the revolutions of other countries. The leaders of the Liberal party have certainly done great things for the country. They procured the union of the principalities after the Crimean war, they obtained the independence of the country, and they now have the credit of the proclamation of the kingdom, which last would more naturally have been expected from the Conservatives. Against such advantages the Conservatives find it difficult to struggle.

I sent to you to-day a telegram informing you of the proclamation, of which I inclose a copy, marked 3.

I am, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 50.—Translation.]

Report of the council of ministers.

YOUR HIGHNESS: The legislative bodies, the faithful echo of the unanimous will of the nation so often expressed, have taken the initiative and have to-day voted unanimously and without distinction of party, the project of law by which Roumania is proclaimed a kingdom, and your royal highness as well as your successors take the title of King of Roumania.

The ministers of your royal highness, penetrated by the same sentiments as all Roumanians, have adhered to and have united in this great act.

Roumania constituted as a kingdom completes and crowns the work of its regeneration. It gives itself the name which is in accord with the position which it has gained as an independent state. The Lord (*Domnul*, usually translated Prince) of Roumania is its soverign, and this sovereign, by taking the title of King, does nothing but continue to exercise the sovereignty of lord.

By the new name and title which is more precise and better defined, much greater strength will be given to stability and order in Roumania. Your highness has no need of laurels or of aureoas, for these laurels and this aureoa you, together with our brave soldiers, have gained on the field of battle, and you have added an illustrious page to the history of the Roumanian race. You have renewed the ancestral glory of the Roumanian realm, and if the nation wills it that you take the title of King it is because you have gained the place and title of an independent sovereign, and have conquered their hearts by practicing virtue and respecting law and liberty.

The Roumanian kingdom, your highness, is thus the continuation of the Roumanian sovereignty (principality). It has no other programme, no other aspirations, no other tendencies. It is a consecration, a stronger confirmation which Roumanians give to the monarchical principle which your highness has so deeply planted in the soil of Roumania. The moral and material force of the new kingdom we shall seek where it exists, in the exact practice of constitutional government, in the development of our resources, in completing our social and economical organization, in fine in the continuation of a loyal and honest policy, maintaining the best relations with all powers, and inspiring the same confidence as in the past.

This is the significance, this is the intention of the Roumanian kingdom. Thus have the legislative bodies understood it, thus have they voted it with a unanimity

of which the Roumanians have very often given proof when they have accomplished a great national act.

These are the considerations which cause the council of ministers to humbly beg you to deign to sanction the project of law.

We are, with the profoundest respect, very exalted lord, your highness' most humble and obedient servants,

The president of the council and minister of finance: J. C. BRATIANO.

The minister of foreign affairs: B. BOERESCO.

The minister of the interior: A. TERIAKIU.

The minister of war: General SLANICEANO.

The minister of agriculture, commerce, and public works: Colonel N. DABIJA.

The minister of worship and public instruction: B. CONTA.

The minister of justice: D. GIANI.

No. 276.
MARCH 14, 1881.

[Inclosure 2 in No. 50.—Translation.]

Speech of the King.

Grand and solemn is the moment in which the representatives of the nation have presented themselves before me to submit to me the unanimous decision of the legislative bodies. It begins a new page of the book in which is written the life of the Roumanian people and closes a period full of struggles and difficulties, but rich in virile efforts and heroic deeds. In this moment I shall repeat what I have always said, that the national will has always been the guide of my reign. For fifteen years I have been prince, surrounded by the love and confidence of the nation. These happy days have gladdened, sad days have strengthened these feelings between us. I have therefore been proud to be your Prince. Dear to me has been this name on which have been cast so many rays of glory and greatness.

But for the future Roumania has believed it necessary to conform to its extent, to its importance, and to its power acquired and manifested by indubitable acts which have raised and exalted its name to proclaim itself a kingdom. It is not for me personally, but for the greatness of my country that I accept the title which expresses the strong desire which has burned so long in the breast of every Roumanian, but which changes in nothing the bonds so closely drawn between the nation and myself, and the strength of which has been proved by the events that we have passed through together.

May the first King of Roumania enjoy the same love that has been given and is given to-day to its Prince; for the love of this noble and brave people, to which I have given my heart and my soul, is dearer and more precious to me than all the grandeur which surrounds the crown.

[Inclosure 3 in No. 50.]

[Telegram.]

Mr. Schuyler to Mr. Blaine.

Secretary BLAINE, *Washington, District of Columbia:*

Prince Charles proclaimed King of Roumania. Please telegraph instructions for recognition.

SCHUYLER.

(Sent March 26, 3.30 p. m.)

No. 598.

Mr. Schuyler to Mr. Blaine.

No. 51.] LEGATION OF THE UNITED STATES,
Bucharest, March 30, 1881. (Received April 18.)

SIR: Referring to my dispatch No. 50, dated March 26, I have the honor to inclose herewith (marked 1 and 2) a copy and translation of a note which I have just received from the foreign office, containing the official notification of the proclamation of the kingdom. I also inclose to you (marked 3 to 7) the French translations accompanying the note of Mr. Boeresco. Translations of Nos. 4 and 5 accompanied my dispatch No. 50. Nos. 6 and 7, the speeches of Mr. Bratiano and Mr. Boeresco, in the Chamber, are interesting but not important.

The Belgian Government is the only one thus far which has officially recognized the change of title. The recognition of the other powers will probably follow at once. Baron Haymerle has intimated that there will be no difficulty on the part of Austria-Hungary, and Lord Granville was to receive the Roumanian minister to-day.

The enthusiasm of the population here has been very great, and has been increasing rather than diminishing. On Sunday, the 27th, being the day of the funeral of the late Emperor of Russia, no manifestations were allowed. On the 28th, Monday, there was a *te deum* at the Metropolitan church in the presence of the King and Queen, who again drove out in the evening through the thronged and illuminated streets. Yesterday there was a parade of the troops, and in the evening there was again an illumination, with the same excitement and enthusiasm among the people.

The step has been accepted, if not thoroughly approved, by the members of the former reigning families, some of whom took part in the act. Prince Michael Sturdza, of Moldavia (the father of the Prince Gregory Sturdza mentioned in my No. 50), the sole surviving Hospodar, who now resides at Paris, has accepted the grand cross of the order of the Star of Roumania.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 51.—Translation.]

Mr. Boeresco to Mr. Schuyler.

No. 5023.] MINISTRY OF FOREIGN AFFAIRS,
Bucharest, March 18 (30), 1881.

Mr. CHARGÉ D'AFFAIRES: The 14th (26th) of this month the Chambers, having before them a bill originating with a private member, voted unanimously a law which erects Roumania into a kingdom, and which assigns to its sovereign, to its *Domnu*, as well as to his successors, the title of King of Roumania.

The government was glad to accept this bill, which replied so fully to the frequently-manifested wish of the nation, and the law was immediately sanctioned, promulgated, and published.

I have the honor to put at your disposition herewith, in duplicate, a translation of the principal acts and discourses which accompanied this event.

The clearness of the explanations furnished on all sides, in the outburst of a universal patriotic feeling, authorizes the hope that no erroneous interpretation will be given to the grand national act, which I should be glad if you would officially announce to your government.

Roumania in giving the title of King to its sovereign, has only exercised a right inherent in its quality of a free state. Its constant wisdom and moderation in the use

of a liberty acquired at the price of its blood are the best guarantees for the future that it will in no way depart from a conduct, thanks to which it has conciliated general esteem and confidence.

The royal government hopes that on the basis of these guarantees, and by virtue of the legitimacy of the modern principle that every nation is free to regulate its destinies as it wishes on condition of doing no injury to the rights of any other nation, the Government of the United States will see with favor a state, which has always received from the great such precious testimony of sympathy, constitute itself officially on the Lower Danube and declare itself a kingdom.

Is there need, besides, to attest that in giving itself the name of kingdom and in offering to its sovereign the title of King, Roumania has no intention of making any innovation or modification in the organization of its internal powers or in its policy and its foreign relations. It proposes simply to strengthen the principle of authority, to give a new guarantee to order and to stability on the Lower Danube; finally, to assure its peaceable and progressive advance in the paths of civilization and internal reform.

We feel assured that foreign powers will take into favorable account the tendencies of a people which, young as it may be in public life, has been able to furnish, in a very short but very full past, the surest proofs of its fitness to be an element of equilibrium and civilization in the east of Europe.

The Government of His Majesty, King Charles I, cherishes then the firm hope that the Government of the United States will recognize with satisfaction the act which has just been accomplished, and will preserve to the Kingdom of Roumania the confidence and cordiality with which it was animated towards the Roumanian principality, since the conditions on which their former relations reposed are not and will not be altered in any respect.

In reiterating to you my request, in the absence of a representative of Romania at Washington, kindly to notify to your government the proclamation of royalty in Roumania, I seize this occasion, Mr. Chargé d'Affaires, to renew to you the assurance of my high consideration.

B. BOERESCO.

[Inclosure 2 in No. 51.—Translation.]

LAW.

ARTICLE I. Roumania takes the title of kingdom. Its sovereign, Charles I, takes for himself and for his successors the title of King of Roumania.

ART. II. The heir to the throne will bear the title of Prince Royal.

No. 599.

Mr. Schuyler to Mr. Blaine.

No. 57.] LEGATION OF THE UNITED STATES,
Bucharest, April 7, 1881. (Received April 23, 1881.)

SIR: Referring to my previous dispatches No. 46, dated March 12, No. 50, dated March 26, and No. 51, dated March 30, with reference to the proclamation of the kingdom of Roumania, I have the honor to inform you that in recognizing the new title Belgium was followed by Monaco, Greece, Turkey, Italy, England, and Servia. The form of recognition generally adopted was to congratulate the King and government on the proclamation of the kingdom and to promise a formal reply on the receipt of the formal announcement. On the 2d of April I telegraphed you, "England, Italy, and four others recognize kingdom." On the 3d of April I received your telegraphic reply, saying, "If great powers of Europe unite in recognizing new government you will join with them and express congratulations of the President. Await their action."

An understanding having been arrived at between the great powers that there was no objection in principle to the new title, it was recog-

nized by France, then by Holland, and yesterday morning by the three empires of Russia, Austria, and Germany, who had agreed to act simultaneously. In compliance with your instructions I at once presented to Mr. Boeresco the congratulations of the President and have to-day been received in audience by the King. His Majesty in reply desired me to express his thanks at the prompt and friendly action of the United States.

In the absence of a Roumanian representative at Washington I have been requested to forward to you the formal letter from the King to the President. I inclose it herewith with the usual office copy and translation.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure in No. 57.—Translation.]

Letter of the King to the President.

VERY DEAR AND GREAT FRIEND: I esteem myself happy to be able to announce to you that the Roumanian nation by the organ of its regular representatives has decided that the sovereign power would find in the royal dignity an expression conformable to the interests and needs of the country and in relation to the incontestable progress and the political importance of the Roumanian state. I have considered it a duty towards my country to answer its call and I have taken for myself and my successors the title of King of Roumania. Not doubting the interest the Government of the United States bears towards Roumania, I am persuaded that it will receive the announcement of this happy event with sympathy, and that it will see in it serious guarantees for a good European understanding on the Lower Danube.

I eagerly seize this agreeable occasion to give to you the assurance that all my efforts will tend to draw closer and closer the bonds that unite our two countries and to give you constant proofs of the high esteem and the sincere attachment with which I am, very dear and great friend,

Your sincere friend,

CHARLES.

BUCHAREST, April 3, 1881.

No. 600.

Mr. Schuyler to Mr. Blaine.

[Extract.]

No. 62.] LEGATION OF THE UNITED STATES,
Bucharest, April 20, 1881. (Received May 9.)

SIR: * * * I have the honor to inform you that a law has been passed by the Chambers and officially promulgated on April 18, empowering the government to expel from the country foreigners who may compromise public order. A translation of this law is inclosed herewith.

* * * * * * *

It was considered necessary to pass this alien law on account of the peculiar situation of the country between Austria and Russia, and especially on account of the recent assassination of the Emperor of Russia. The Russian authorities had for a long time accused the Roumanian Government of allowing Roumania to be made a centre of nihil-

istic and revolutionary intrigues, and Mr. Bratiano considered some law of this kind as absolutely necessary to preserve good relations with the three empires. Indeed, the recognition of the kingdom was delayed for some days in consequence of the wish of Russia to obtain guaranties of some kind from the Roumanian Government against the Nihilists. After some correspondence between the Governments of Russia, Germany, and Austria-Hungary it was decided not to make any condition to the recognition, and not even to present a written note. The ministers of the three powers were, however, instructed to congratulate on the same day, and in congratulating to add the phrase: "Expressing at the same time the hope that this will serve as a new guarantee for order and for the accomplishment of international obligations." These exact words were transmitted by telegraph to each of the three ministers by their respective governments.

The law was introduced into the Senate before this declaration was made. In the Chamber it met with considerable opposition, especially among the Liberals, and was passed only with the aid of the conservatives, by 44 against 28, three members not voting. The main provisions of the law, especially article 7 against regicide, were copied from the Belgian law on the same subject, which was passed under somewhat similar circumstances, if I am not mistaken, after the Orsini attempt. Article 6, however, with respect to the necessity of obtaining tickets of residence within ten days, was added in the Senate, and is severely criticized by the foreign representatives here. I agree with the Belgian minister in considering it contrary to the provisions of our treaties with Roumania. He made representations on the subject at the foreign office before the passage of the law, and was informed that the government would always use discretion in carrying it out. * * * In all probability ordinary travelers living at hotels will not be troubled. It should, however, be plainly understood by all Americans coming to Roumania that passports are absolutely necessary.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 62.—Translation.]

Law with regard to aliens.

ARTICLE. I. An alien who has his domicile or his residence in Roumania, and who by his conduct shall compromise during his sojourn in the country the internal or external security of the state, who shall trouble public order, or shall take part in any intrigues having for their object the upsetting of political or social order, whether in the country or abroad, may be forced by the government to remove from the place in which he is staying to reside in a place expressly named, or even to leave the country.

ART. II. The ministerial decision of expulsion taken in the council of ministers, or that by which the alien is restricted to a fixed residence or by which he is obliged to change his residence, shall be notified to the alien administratively and without giving any reason. There shall be indicated the time in which the alien must submit to the order of expulsion or change of residence, and this time must not be less than twenty-four hours.

ART. III. On receiving an order of expulsion the alien may indicate the point of the frontier by which he wishes to pass. In this case he will be given a road pass, on which shall be indicated the itinerary that he must follow, and the time during which he can stop in each place up to the frontier. In case of contravention of one of these dispositions the alien may be conducted out of the country by the public force.

ART. IV. The government may also order the expulsion from the country of the alien who shall have quitted the town or locality in which he has been ordered to reside.

ART. V. The alien who after his expulsion from the country shall return within the

territory of Roumania shall be immediately arrested, and for this fact brought before the police court and condemned to an imprisonment of not less than five days or more than six months. At the expiration of his punishment he shall be conducted to the frontier without having the right of indicating the point at which he wishes to leave the country.

ART. VI. An alien newly arrived in the country who shall not have any fixed domicile or residence must within ten days of his arrival or after the promulgation of this law obtain a ticket of residence (*carte de libre séjour*) from the police or the local administration for the whole time that he wishes to remain or travel in the country. A regulation of public administration shall determine the procedure to be followed for the practical application of this disposition.

ART. VII. An attempt against the person of the chief of a foreign state or against the members of his family, when this attempt constitutes an act of homicide, assassination or poisoning, shall not be considered as a political crime, or as an act connected with such a crime.

No. 601.

Mr. Schuyler to Mr. Blaine.

[Extract.]

No. 69.] LEGATION OF THE UNITED STATES,
Bucharest, May 26, 1881. (Received June 17.)

SIR: The coronation festivities have just ended. Although they were in a manner improvised, and little time had been given for their preparation, they were on the whole successful and drew a large crowd to the capital.

The coronation itself was a very simple affair. It took place on the 22d of May, the anniversary of the first entry of King Chalres into Bucharest as prince and of the independence of the country. At noon in the court of the cathedral, in the presence of the diplomatic body, the Senate, the House of Deputies, and other bodies of state, the two crowns, one made of the steel of a Turkish cannon captured at Plevna, and the other of gold, were blessed by the Metropolitan and bishops. The King and Queen, Prince Leopold of Hohenzollern, the Metropolitan, and the ministers of state, then signed the formal act of coronation. Subsequently, in the palace, the King and Queen received the congratulations of the representatives of foreign powers, of the bodies of state, and of the deputations from the whole country, amounting in all to about 10,000 persons. Prince Dimitri Ghika, the President of the Senate, presented the steel crown to the King, and Mr. Rosetti, the President of the Chamber of Deputies, the gold one to the Queen. The King, taking the crown and raising it above his head, made a short address, of which I inclose a translation herewith, marked 1.

On the next day, May 23, there was an historical procession of the representatives of commerce, manufactures, trades, science, and art, and yesterday a parade of the troops, which had been deferred for a day on account of the rain. On both of these occasions the diplomatic body was provided with seats on the right of the royal pavilion.

Having learned that various powers were about to present congratulations to the King on the day of his coronation, and the letter of the President in reply to that of the King announcing his change of title not having yet been received, I judged it best on May 21 to telegraph you that fact. (A copy of my telegram is inclosed herewith, marked 2.) And, on the morning of May 22, I received your reply, marked 3. I immediately afterwards gave a copy of your telegram to the secretary-general of the ministry of foreign affairs, and presented the congratu-

lations of the President to the King in person. His Majesty requested me to thank the President for this kind attention, for which he was very grateful, and I was subsequently officially requested by the minister of foreign affairs to transmit to the President and the Government of the United States the thanks of His Majesty and his government.

Several governments had previously asked whether it would be agreeable to receive special missions on the occasion of the coronation. The reply was given to them that the Roumanian Government preferred to consider the fête as one of a domestic character. Nevertheless, at the last moment, and much to astonishment of the government, General Bauer, the military commandant of Transylvania, arrived with an autograph letter from the Emperor of Austria.

* * * * * * *

I have, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 69.—Translation.]

Speech of the King.

The festival of to-day is the consecration of fifteen years of difficult struggles and great acts. In the shade of its constitution Roumania has grown, has developed, has strengthened itself. The perseverance of the nation, the bravery of the army, and the faith I have always had in the virility of the people have realized our most ardent wishes by the proclamation of royalty, which is the surest guarantee for the future. I accept then with pride, and as a symbol of the independence and the power of Roumania, this crown made from a cannon which has been watered by the blood of our brave soldiers and blessed by the church. It will be guarded as a precious treasure, recalling the critical moments and the glorious times that we have passed together; it will show future generations the bravery of the Roumania of to-day, and the union which reigns between the country and the sovereign. For the Queen, as for myself, the most beautiful crown is always the love and confidence of the nation, for which we have but one thought, its happiness and its greatness.

Let us all join, then, before these banners which have shone on the field of honor, before this crown, emblem of royalty, and around which the entire nation should group itself as soldiers around a banner, before this grand manifestation by which the whole country has thronged to the capital, let us join in this cry dear to our hearts and which will find a powerful echo in this place consecrated by the proclamation of the most solemn acts: "Long live our beloved Roumania, crowned to-day by its civic and military virtues."

[Inclosure 2 in No. 69.]

[Telegram.]

Mr. Schuyler to Mr. Blaine.

LEGATION OF THE UNITED STATES,
Bucharest, 2 p. m., May 21, 1881.

BLAINE, *Secretary, Washington, Columbia District:*

Coronation to morrow, Sunday. President's letter not arrived. Would suggest direct telegram to the King.

SCHUYLER.

[Inclosure 3 in No. 69.]

[Telegram.]

Mr. Blaine to Mr. Schuyler.

WASHINGTON.

SCHUYLER, *Chargé, Bucharest, Roumania:*

Convey cordial congratulations of President on King Charles's coronation to-mor-

row, and sincere wish that it may bring a new era of happiness to His Majesty and prosperity to the Roumanian nation.

BLAINE,
Secretary.

No. 602.

Mr. Schuyler to Mr. Blaine.

No. 86.] LEGATION OF THE UNITED STATES,
Bucharest, September 22, 1881. (Received October 14.)

SIR: Some time since a decree was made by the council of ministers prohibiting the importation of pork from the United States, England, Turkey, and Russia. The reasons given for this decree were that as American pork had been prohibited by France, Germany, Austria, and several other countries, on the ground of being unwholesome and containing trichinæ, it was not for the advantage of the Roumanian commerce in swine to allow the importation of American pork into Roumania, either directly or indirectly. I subsequently called the attention of the government to this subject, and asked whether it would not be possible to remove the prohibition. The government promised to take the matter into consideration and to see whether the reasons still existed for the decree. I now have cause for believing that the decision in the matter depends entirely upon the action taken by Austria-Hungary. If the prohibition should be removed by that government, it would probably be removed here. The exportation of live animals is an important branch of Roumanian trade, and it is thought here that the Government of Austria-Hungary is always ready to take advantage of any pretext for enforcing with the utmost rigidity their veterinary regulations, and prohibiting the exportation of Roumanian swine and other animals. I inclose herewith a translation of the decree in question.

In any case the importation of American pork into Roumania is of very little consequence. None has been imported directly, and as Belgium is not one of the countries from which the importation is forbidden it could be imported in that way.

The English chargé d'affaires has made unofficial representations on the same subject, which have thus far been without result.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure in No. 86.—Translation.]

Report of the minister of the interior to the King.

Approved.—Carol.

SIRE: The accompanying minute of the council of ministers, No. 1, by which, for the motives set forth in it, it is decided to forbid the importation into Roumania of pork and of alimentary preparations, in which enter the flesh, blood, lard, or entrails of swine coming from America, England, Turkey, or Russia, the undersigned with the most profound respect submits in the original, and begs Your Majesty to give it your high approval.

I am, with the most profound respect, sire, of Your Majesty the most humble and obedient servant,

The minister secretary of state for the department of the interior:

EUGENE STATESCO.

No. 1765.
APRIL 22, 1881.

COUNCIL OF MINISTERS.

MINUTES.

At its session to-day, Wednesday, April 22, 1881, taking into consideration the report of the minister of the interior, No. 1725;

Having in view the note of our legation at Rome, No. 59, in which it is shown that France and Italy have prohibited the importation of pork from America, for the reason that American pork has been shown to contain trichinæ;

Considering that in Germany, Austria, Spain, Portugal, and Greece the importation of American pork is no longer permitted;

Considering that it is impossible to examine microscopically every article of food imported from abroad, containing the flesh or other parts of swine;

Considering that such American pork, the importation of which is forbidden in the countries above mentioned, may be introduced into Roumania, directly as well as indirectly, and thus endanger the lives of the consumers of such pork, as well as influence in an unfavorable way our export commerce in swine and their products, thus discrediting with our rivals the commerce of Roumania in swine, which has begun to take a great development;

Having in view the opinion given by the superior medical council in its minute, No. 178, in the present case:

The council of ministers, admitting the opinion of the said medical council expressed in the minute cited, resolves to prohibit the importation into Roumania of pork and of all alimentary preparations into which the flesh, blood, lard, or intestines of pork enter, coming from America, England, Turkey, or Russia.

The disposition of the present minute will be carried out by the minister of the interior, after being approved by His Majesty the King.

D. BRATIANO.
Genesal SLANICEANO.
EUG. STATESCO.
Colonel DABIJA.
M. PHERYKIDE.
V. A. URECHIA.

No. 1.

RUSSIA.

No. 603.

Mr. Foster to Mr. Evarts.

No. 48.] LEGATION OF THE UNITED STATES,
St. Petersburg, October 20, 1880. (Received Nov. 11.)

SIR: It becomes my unpleasant duty to report another case of the enforcement against an American citizen of the order prohibiting foreign Jews to reside in St. Petersburg. The first knowledge which I had of the fact was obtained through a letter from Mr. White, our minister in Berlin, a copy of which and of my reply thereto I herewith inclose.

From Mr. White's letter it will be seen that Mr. Marx Wilczynski, a citizen of the United States, having a passport issued in due form by the legation at Berlin, came to Russia on business as the agent of an American mercantile firm. On the 25th (13th) of last month he was ordered to leave St. Petersburg, the reason alleged for said order being that he was a Jew; and the following indorsement was placed upon his passport by the police authorities.

[Translation.]

The bearer of this passport, a North American citizen, a merchant and a Jew, Marx Wilczynski, is forbidden to reside in St. Petersburg.
September 13, 1880.
Chief of section:

P. SAPCIENTRE.

[SEAL OF ST. PETERSBURG PREFECTURE.]

Mr. Wilczynski states that he had not time when this order was received to apply to this legation for advice and assistance; but having reached Berlin, he now applies to me, through the legation in that city, to have the order of expulsion rescinded, and asks me to inform him what rights, if any, American citizens of the Israelitish faith have in Russia.

Acting upon the tenor of your instructions in the recent case of Mr. Pinkos, I have addressed Baron Jomini, acting minister of foreign affairs, a note, of which I inclose a copy, protesting against the action of the police, as a new infringement upon the rights of American citizens and of international comity, and as an interference with the reciprocal liberty of commerce guaranteed by treaty. After embodying the views expressed in your No. 27, of the 4th ultimo, as cumulative of my note in the Pinkos case, a copy of which I transmitted with my No. 37, of the 16th ultimo, I asked the minister that Mr. Wilczynski might be permitted freely to return to Russia to prosecute his business engagements and that the police authorities of St. Petersburg be instructed not to molest him in his lawful pursuits.

I have received no answer as yet to my note to the minister in the case of Mr. Pinkos.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 48.]

Mr. White to Mr. Foster.

LEGATION OF THE UNITED STATES OF AMERICA,
Berlin, October 15, 1880.

MY DEAR COLLEAGUE: I take the liberty of sending you the inclosed passport of Mr. Wilczynski for the following reason:

Mr. Wilczynski is the agent of an American mercantile firm, and has much business in Russia. On his last visit to that country, he took out the inclosed passport at this legation and had no trouble until he reached St. Petersburg, where he was ordered to leave the place on account of his being a Jew by birth. An indorsement to this effect was made by the authorities on the back of his passport, which practically neutralizes the value of that paper in Russia in protecting him as an American citizen.

Mr. Wilczynski, states that he had not time when this occurred to apply for advice and assistance to the American legation, but has now addressed a letter to you and has requested me to forward his passport in order that, if you think proper, you may appeal to the proper authorities to have the order of expulsion rescinded, or, at any rate, inform him what rights, if any, American citizens of the Israelitish faith have in Russia.

He has taken out another passport at this legation in case he should have to return suddenly to Russia, and therefore I would request that his old passport would be returned to this legation when you shall have finished with it.

I would also consider it a great favor if you would inform me, in view of other cases of the same nature, what reply I can safely make.

I remain, &c.,

AND. D. WHITE.

[Inclosure 2 in No. 48.]

Mr. Foster to Mr. White.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 18, 1880.

MY DEAR COLLEAGUE: I am in receipt of your letter of the 15th instant, with which you inclose the passport of the American citizen Marx Wilczynski, with the indorsement of the police of St. Petersburg, forbidding him to reside here, and you inquire

whether such order can be rescinded and what rights American citizens of the Israelitish faith have in Russia.

The laws of Russia impose certain disabilities upon all Jews, among which is the prohibition against residence in St. Petersburg and certain other localities. In the past few years this prohibition has been repeatedly enforced against American citizens of the Jewish faith, and acquiesced in by my predecessors. I was thoroughly convinced of the injustice of the prohibition, but did not feel warranted in reversing the precedent set by my predecessors, without first referring the question to the Department. Secretary Evarts has instructed me in a recent case to protest against the expulsion of Jewish American citizens, and I have accordingly done so. I will repeat the protest whenever occasion requires, and endeavor to obtain relief for citizens of the United States; but whether the Russian Government will be influenced by my protest and endeavors remains to be seen.

In Mr. Wilczynski's case I will send the minister of foreign affairs a note protesting against the action of the police authorities, and will ask that instructions be given to said authorities not to disturb him in his lawful pursuits in case he should return to this city.

It will not be safe, however, for Mr. Wilczynski to come to Russia until I shall have obtained an assurance from the minister that he can do so without interference on the part of the authorities. It may be some time before I can receive an answer from the minster, as the Emperor is now in the Crimea, and General Melikoff, to whose department the subject pertains, is also temporarily absent from this city. In case Mr. W.'s business affairs should make it urgent that he have an early reply, you will please to inform me, and I will then consider the propriety of calling in person at the foreign office and pressing an early solution of the matter.

The prohibition against Jewish residence in St. Petersburg was not strictly enforced until the late Nihilistic movement caused an order to be issued expelling all foreign Jews. I am satisfied that sooner or later the Russian Government must modify or repeal its illiberal laws respecting the Jews, and I will lose no proper opportunity to do what I can to hasten that event; but it is very doubtful whether it will consider the present an opportune time.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 3 in No. 48.]

Mr. Foster to Baron Jormini.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 7 (19), 1880.

EXCELLENCY: I beg to bring to your excellency's attention the following facts, as they have been reported to me by the legation of the United States at Berlin.

Mr. Marx Wilczynski, a citizen of the United States, is the agent of an American mercantile firm, and as such has much business in Russia. On his last visit to this country he was granted a passport by the American legation at Berlin, with which he entered Russian territory, observing the proper requirements in regard to passports, and encountered no difficulty until he reached St. Petersburg, where he was not permitted by the police authorities to remain, for the reason that he was a Jew; and an indorsement to that effect was placed upon his passport. He states that when this order was served upon him he did not have time to apply to this legation for advice or assistance, and he has taken the first opportunity after his expulsion to resort to the nearest diplomatic representative for interposition in his behalf. The interests of the American mercantile firm which he represents require him to return to this country and this city. I inclose herewith the passport with which Mr. Wilczynski came to Russia, in order that your excellency may see the prohibitory order placed upon it by the police of this city. After due examination, I have to request that the passport may be returned to me.

It became my duty, in the note which I had the honor to address to your excellency on the 2d (14th) ultimo, in a case similar to the present one, to make known the views of my government in regard to the expulsion of one of its citizens simply for the reason that he was a Jew rather than a believer in any other creed; and I must again respectfully but solemnly protest against this new infringement upon the rights of American citizens, and of the comity which should exist between friendly nations.

Your excellency will not fail to notice that the action of the police authorities in the present case, as well as that of Mr. Pinkos, bears the grave aspect of an interference with the reciprocal liberty of commerce, which is guaranteed by solemn treaty stipulations, and the development of which is so ardently desired by both countries.

On account of this new instance, it is regarded as important that it should be made

clear to your excellency's government that, in the view of the Government of the United States, the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States; and that in the eye of my government an injury officially dealt to Mr. Wilczynski or Mr. Pinkos, in St. Petersburg, on the sole ground that they are Jews, presents the same aspect that an injury officially done to a subject of Russia in New York, for the reason that he attends any particular church there, would to the view of His Imperial Majesty's government.

I have, therefore, respectfully to request that Mr. Wilczynski may be freely permitted to return to Russia to prosecute his business engagements, and that the police authorities of St. Petersburg be instructed not to molest him in his lawful pursuits. In view of the exigencies which may require his early return, I venture to express the hope that it may be found convenient to favor me with an early reply to this request.

It is very gratifying to me to have this opportunity to reassure your excellency of my highest esteem and profound consideration.

JOHN W. FOSTER.

No. 604.

Mr. Hay to Mr. Foster.

No. 35.] DEPARTMENT OF STATE,
Washington, October 22, 1880.

SIR: I have to acknowledge the receipt of your Nos. 37 and 41, of the respective dates of the 16th and 21st ultimo, reporting your action upon the recent instructions of the Department in the special case of Henry Pinkos, and upon the general subject of the expulsion of American citizens from Russian cities on no other ground than profession of the Hebrew faith.

Your course appears to have been discreet, and it is hoped that you will press your representations to the successful establishment of the principle of religious toleration for our citizens peacefully residing or traveling abroad, which we as a nation have such a deep interest in maintaining.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 605.

Mr. Foster to Mr. Evarts.

No. 51.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 8, 1880. (Received December 2.)

SIR: An important state trial was commenced before the military tribunal of this city on the 6th instant, being the arraignment of sixteen persons for high treason. The offenses with which they are charged embrace all the important events of the past two years attributed to the socialistic revolutionary party, popularly known as the Nihilists, including the various attempts upon the life of the Emperor, the assassination of the governor of one of the provinces, the maintenance of the revolutionary organization, and the various overt acts connected with this organization.

The prisoners were severally arraigned, and in answer to the questions as to their age, occupation, and religious belief, it appears that none of them exceed thirty years of age, and the majority are below twenty-five;

three of them are women; eight are without any fixed occupation; ten are of the orthodox Russian church; four are atheists, or without religious connection, one is a Catholic, and one a Jew. The indictment which was read at the opening session was very long, and I have only thought it desirable to send you a brief abstract, which is herewith inclosed. The trial is likely to be of considerable duration, and to attract general attention.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 51.]

Abstract of indictment.

TRIBUNAL OF THE MILITARY DISTRICT OF ST. PETERSBURG,
October 25 (*November* 6), 1880.

The prisoners were interrogated as to their names, ages, &c.

After calling the witnesses the indictment was read, of which the following is a *résumé:*

A long series of political crimes of an exceptional gravity, and the clandestine publication of an anti-governmental sheet entitled Zemlia i Volia (Land and Liberty), establish in an undeniable manner the existence in Russia of a criminal association seeking to overturn the established order. The members of this association, who call themselves the Russian socialistic democratic party, and which possesses, as has been stated, its printed organ has since 1874 undertaken the active propagation of their doctrines among the people, acting either separately or in small groups, and not having as yet either regular organization or direct and intimate connection among themselves.

At the end of 1876 there was formed out of this revolutionary agitation a party designated by the name of the "party of the people," having an organization and a programme of action better defined. Their predecessors confined themselves to the propagation of socialistic doctrines; the members of the new party sought to act directly upon the people, impelling them to the manifestation of their desires and requirements. The ultimate aim was the overthrow of the established order and its replacement by another order of things, upon the basis of the socialistic theories adapted, as they believed, to the requirements and real aspirations of the people. The party was divided into distinct groups, city and rural. The rural groups devoted themselves to propagandism among the people and to the study of their wants and their condition. The city groups were to furnish the pecuniary resources, to stir up the youth, to display a literary activity, to devote itself to passports, &c.

About the middle of the year 1878 there commenced to be formed within the body of this party a new group calling themselves "the terrorists," and demanding violent, bloody measures for the propagation of their ideas. This group soon signalized itself by a series of the greatest crimes.

A division was thus occasioned, a new doctrine was affirmed, a doctrine which has nowhere been adopted in full by the other members of the socialistic revolutionary association. This divergence of views occasioned the idea of the organization of a congress. There were two congresses of this kind in the course of June, 1878. The first took place at Lipetsk (government of Tambow), and the members of the terrorist party attended there almost exclusively; the other was held at Veronej immediately after the first, and was composed of members of the "party of the people" properly so called.

It was at the congress of Lipetsk that the division was definitely established, and that the programme of the terrorists was elaborated simultaneously with the definite organization of their party.

The criminal activity of this fraction, the greater part of whose members were participants in the crimes anterior to the congress at Lipetsk, is manifest in the publication of a new clandestine sheet, entitled Narodnaia Volia (Will of the People), seized at the printing office clandestinely established at St. Petersburg, in Saperny street, and especially by a series of attempts upon the life of members of the government and the sacred person of His Majesty the Emperor.

These crimes, among which there exists an intimate connection, form the subject of the present indictment. The acts in question have relation to the following events:

1st. Assassination of Prince Krapotkine, governor of Kharkow.

2d. Attempt on the life of His Majesty the Emperor, the 2d of April, 1879.

3d. Congress of the revolutionists at Lipetsk.

4th. Attempt at the life of His Majesty the Emperor by means of a mine placed under the railway in the environs of Alexandrovsk and Odessa.
5th. Attempt of the same kind, in the vicinity of Moscow, the 19th of November, 1879.
6th. Explosion in the Winter Palace the 5th of February, 1880.
7th. Discovery of the clandestine printing office in Saperny street.
8th. Armed resistance of the persons arrested at the time of that discovery.
9th. Armed resistance following the assassination by the accused Presmiakow in June, 1880.
10th. Furnishing pecuniary resources to the members of the socialistic revolutionary party.
Then follows a detailed statement of each one of the above ten specifications, with the arraignment of the respective prisoners.

No. 606.

Mr. Foster to Mr. Evarts.

No. 56.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 18, 1880. (Received December 8.)

SIR: In my No. 51, of the 8th instant, I reported the beginning of the trial of sixteen Nihilists before the military tribunal of this city.

The proceedings have been pushed forward with more expedition than was generally anticipated, and the conclusion was reached on the 16th instant, resulting in the conviction of all of the accused. Five were sentenced to capital punishment, and the remaining eleven to imprisonment and labor in the mines for life and different terms of years, or banishment to Siberia. The sentence of three of those condemned to death has been commuted to hard labor for life, and the other two have already been executed.

The investigations made public and the trials have not developed any wide-spread or very alarming conspiracy against the government. So far as has appeared, it would seem that all the attempts upon the life of the Emperor, the assassination of officials, the publication of clandestine revolutionary sheets, and other acts of this nature, have been the work of a mere handful of persons inspired by extreme socialistic views, and without any prominent or influential standing in society; and, further, that the authorities have succeeded, by the confessions of a few of the conspirators, in ascertaining the members of the party, and have in a great measure broken up the organization, at least for the present.

It does not appear that this socialistic party has been supported by any considerable portion of the Russian people, or that they have manifested any sympathy with their extreme views and high-handed and violent measures. On the other hand, it is not to be inferred that there exists no serious discontent with the present state of affairs. This discontent is not alone influenced by political considerations, but is greatly increased by the bad state of the exterior commerce, the depreciation of the currency, the high price of the prime necessaries of life, and the danger of famine which appears to be imminent in some provinces consequent on the failure of the crops. The energetic action and prudent measures of the government, as shown in Count Loris Melikoff's administration, have had a beneficent effect in quieting the discontent, but it still exists.

I am, &c.,

JOHN W. FOSTER.

No. 607.

Mr. Foster to Mr. Evarts.

No. 66.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 14, 1880. (Received Jan. 3, 1881.)

SIR: I cannot refrain from reporting the highly favorable effect which the late annual message of President Hayes has had here as elsewhere in Europe, as I learn it in my intercourse with my diplomatic colleagues, the official and business men of this capital. The increased interest taken on this continent in American affairs was noticed in the unusually full abstract of the message transmitted by cable and the newspaper comments thereon. I hear only one expression manifested, and that one of wonder and praise at our peaceful and prosperous condition, and the healthy state of our political and financial affairs.

The subject which chiefly attracts attention is that of our national finances. While the governments of Europe are almost without exception annually increasing their expenses, it is to them most noteworthy that we continue from year to year redeeming and reducing our debt at a rate unprecedented in history, and that the President and Secretary of the Treasury propose to Congress to refund our loans at 3 or 3½ per cent. interest, thus placing our credit upon a level with that of the most stable and wealthy nations of the Old World. It is doubtful whether the triumphant results of our civil war have so strongly and so favorably impressed them with the permanency of our institutions as have these financial achievements. On account of these and of the high standard of honesty and efficiency which has marked all departments of our home government, the administration which is drawing to a close is regarded abroad as one of the most notable in our annals.

Adding to this the fact that our people have passed through an exciting electoral campaign and decided upon the transfer of the supreme power in peace, and quietly continued in their avocations and industries, it is gratifying to be able to report that the importance and standing of our country has been greatly elevated in the estimation of Europe, where we have ceased to be regarded with indifference or contempt.

I am, &c.,

JOHN W. FOSTER.

No. 608.

Mr. Foster to Mr. Evarts.

No. 73.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 30, 1880. (Received Jan. 17, 1881.)

SIR: In my No. 48 of October 20 last, I reported to you the case of the American citizen of Jewish faith, Marx Wilczynski, who had been expelled from St. Petersburg because of his religion. In my No. 37, of September 16th, I reported the execution of your instructions in the case of Henry Pinkos.

My notes on these two cases remained without any reply during the absence in Livadia of the Emperor and Mr. de Giers, the present head of the foreign office. Soon after their return, to wit, on the 10th instant, I called upon Mr. de Giers and directed his attention to my notes in the two cases of Messrs. Pinkos and Wilczynski, as presenting a

question of much interest and importance to my government, and regarding which it was highly desirable to reach a satisfactory settlement at as early a day as could be found convenient.

Mr. de Giers said that, owing to the press of business upon his return to the capital, he had not yet been able to examine the question with care. I thereupon suggested that if he could name a day when it would be agreeable for me to call again at the foreign office, he might have an opportunity in the mean time to read my notes, which contained a statement of your views; and he was kind enough to fix upon the 16th instant for the conference.

On the evening of the 13th instant, however, I received from him notes of reply in both cases, translations of which I inclose herewith. It will be seen that the answer to my protest, in the case of Pinkos is in substance that all the acts of the Russian authorities complained of were in strict accordance with the existing laws. In Wilczynski's case the minister states that, in view of the intervention of the legation, he will be permitted to return to St. Petersburg and remain for six months. It is to be noted that this is the extreme length of time granted to any foreign resident upon his national passport.

Notwithstanding the definite character of these replies, I deemed it important to hold the conference with the minister, agreed upon in my last visit, and I accordingly called at the foreign office at the hour designated, on the 16th instant, and was received by Mr. de Giers. I thanked him for the prompt answer which he had given to my notes in regard to Pinkos and Wilczynski, but said that I had thought it desirable to have a personal interview (especially as the conclusions reached by his government in neither case were entirely satisfactory), as in this way we might the better reach some understanding and avoid future trouble. His answer in the case of Pinkos was that all the acts complained of were in strict accordance with the laws. In my effort to investigate the question I had found great difficulty in learning what the laws were in relation to the Jews. I could find no digest of them, but had been given a large volume, in the Russian language, of nearly twelve hundred pages, which I was informed related exclusively to the laws and regulations governing the Jews in Russia. It appeared almost impossible for me to learn what the laws now existing were, and he could readily understand the difficulty a foreign Jewish merchant or visitor would have in understanding them. I recognized the considerate attention which the Russian Government had shown to all the requests of the legation regarding American Jews; but my government objected to the discrimination on account of religion or race, which made the intervention of the legation necessary. It claimed for its citizens of the Jewish faith the same rights and protection extended to other American citizens, and insisted that there should be no distinction in applying the treaty guarantee of reciprocal liberty of commercial intercourse. If the Russian Government was not prepared to concede this, then, until the views of the two governments could be harmonized, as new cases were constantly arising, it was desirable to know what the Russian laws and regulations in regard to foreign Jews were, and whether some general rule or course of action could be indicated, so that American Jews would know what treatment they might expect.

The minister, Mr. de Giers, answered that the Russian Government had found the Jewish question a very vexatious and disagreeable one, both as to the internal relations and the treatment of foreign Jews. He then proceeded at some length to a historical sketch of the question in its legal, political, and social aspects, which, although quite in-

teresting, I am constrained to omit on account of the space which this dispatch will necessarily occupy even without it.

The experience which Russia had had with its Jewish subjects (who are almost exclusively Polish) had shown them to be a bad class of society, largely engaged in smuggling and illegal commercial transactions. Of late years they had been active participants in revolutionary conspiracies and plots against the life of the Emperor, and had shown a restless and disloyal inclination.

The minister said that there was every disposition to enforce the laws as leniently as possible against American Jews, especially as they were few and usually of the better class; but owing to the large number of German and Austrian Jews on the border it was difficult to relax or repeal the laws.

Since the case of Pinkos had occurred the government had been studying the question so as to adopt some general regulation which would more nearly meet the views of the United States, and that within the past few days it had been made the subject of a general ministerial conference.

The minister of the interior, General Melikoff, to whose department the subject pertains, would endeavor to make a satisfactory settlement. He then explained to me that the treatment of Pinkos arose out of the peculiar circumstances of the time. The investigations following the explosion in the winter palace and attempt upon the Emperor's life showed that more than half of those implicated were Jews. This occasioned a strong demand for the vigorous enforcement of the old laws, which had for some time been very loosely carried out. Pinkos became involved in the police surveillance, without any intention on the part of the authorities to be wanting in consideration to American residents.

I asked Mr. de Giers if the same liberal permission would be extended to other American Jews coming to Russia as had been indicated in his note regarding Mr. Wilczynski. If so, and I could advise my government to that effect, it would avoid many annoyances and relieve the foreign office and the legation from much trouble.

He replied that so far as he was concerned a like consideration would be shown in all meritorious cases, and at the expiration of six months even longer time might be given if desired. But until some general decision was made it would be difficult to give an assurance which would cover all cases. Responding to my inquiry, he said the subject belonged specially to General Melikoff's department, and there would be no impropriety in my conferring with him regarding it.

I alluded to the large number of Jews resident in St. Petersburg, estimated by persons who had given attention to the matter at 30,000, while the number registered by the authorities under the laws I had understood was less than 2,000. While I was gratified at this liberal action, I asked that no greater rigor should be shown towards American citizens of the Jewish faith than to Russian Jews.

The minister answered that he was not accurately informed as to the statistics, but he had not thought the number of Jews was so large. This class of residents was constantly coming and going and the number varied greatly from year to year. But there could not exist any discrimination to the disadvantage of American citizens.

In the course of the conversation I stated that while the object of the interview was to obtain proper recognition of the rights of American Jews, my government took a deep interest in the amelioration of the condition of the Jewish race in other nations, and I was satisfied that it would be highly gratified at the statement of the minister that a commis-

sion was now considering the question of the modification in a liberal sense of the Russian laws regarding the Jews. The experience of the United States had amply shown the wisdom of removing all discriminations against them in the laws, and of placing this race upon an equal footing with all other citizens.

Mr. de Giers said he sympathized fully in theory with the view taken by my government, as most in consonance with the spirit of the age. But in Russia the subject could not be treated as an abstract question. A long series of legislative acts and regulations, the strong prejudices of the masses of the Russian people, the bad character of great numbers of the Jewish race, and various other political and social circumstances had to be taken into consideration.

At the close of the interview, at my request, Mr. de Giers said he would have prepared for me a memorandum containing an abstract of the leading provisions of the laws and regulations affecting the Jews.

On the day following, the 17th instant, in a note addressed to Mr. de Giers, I acknowledged the receipt of his two notes of the 13th instant, in the cases of Pinkos and Wilczynski, and stated that in view of the conference of the day previous I would limit myself to forwarding copies of the correspondence and a report of the conference to you, and await your further instructions.

Being desirous of impressing the views of our government on this question upon General Loris Melikoff, the minister of the interior, to whose department has been intrusted the execution of most of the late reforms in administration and legislation, I called upon him on the 21st instant, and had an interview of some length, in the course of which I presented to him substantially the same views as developed in my conference with the minister of foreign affairs, both in relation to the position of our government in claiming equal protection and privileges for its citizens in Russia, and protesting against the discrimination made against American Jews, as also expressing the sympathy of the United States with all the movements for the amelioration of the condition of the Jews in other countries.

General Melikoff received me very cordially, and replied that he was very glad to talk with me on the subject, and was disposed to do everything in his power to meet my views. So far as special exemptions were concerned they would be readily made whenever requested by me, but that it was impossible at present to change the laws. If the American Jews were the only persons of this class they had to deal with, there would be no difficulty in conforming the laws as to foreign Jews to the views of the Government of the United States, as there was no fear that my country would send them nihilists, conspirators, or smugglers. But there was no end of trouble from the Jews of Germany and Austria and along the western frontier, which compelled the most rigorous measures. I could form no idea of the embarrassments which surrounded the government in dealing with this question. The investigations showed that they were the most troublesome element and were found in all the conspiracies, and both the safety of the government and a due regard for public opinion made it impossible to change the laws. However much the minister sympathized with my desire to see some liberal modification of the laws, it must be borne in mind that there was a wide difference in the situation of the United States and Russia on this question. In the United States they were comparatively few in number, generally of the better class, and no fear was felt as to their machinations either from within or without; whereas Russia required not only to look closely after the six millions within its borders,

but especially to protect itself from the worst class of Jews of Germany and Austria, who gave an immense deal of trouble. It was on account of the latter especially that it was necessary to maintain the regulation prohibiting foreign Jews to come to St. Petersburg.

So far as concerned Jews who were *bona fide* American citizens (not disguised German Jews), he would assure me of the most liberal treatment, as he knew it was the desire of the Emperor to show all possible consideration to American citizens. If such came to St. Petersburg and encountered any trouble, if I would merely send him an unofficial note, he would give them all the time I might ask for them to remain here to attend to their business. He expected to go to see the Emperor that day and would inform him that he had given me assurance that the American Jews should have this privilege, and he was sure his sovereign would approve his action; but this would be a special exception, as the existing laws must stand for the present for the protection of the government.

I thanked the minister for the consideration which he proposed to show to this class of my countrymen and to the legation, and assured him that I highly appreciated the friendly spirit manifested towards the United States. I was, however, sorry to learn that the laws could not be entirely repealed, as such a course would be much more in accordance with the views entertained by my government, and it would be highly gratifying to it to see all the prohibitions against Jews, native as well as foreign, abolished.

I have further to report that, acting upon the spirit of the instructions contained in your No. 2, of April 14 last, and with the object of impressing more fully upon the ministry the views of our government on the general subject of reform in Jewish legislation, I have also had a conversation with the minister of worship, who listened with much interest to my presentation of the subject. He said that a commission was now engaged in studying the question of a reform in these laws. He frankly recognized that the laws were not fully in accordance with the spirit of the age, and stated that it was the earnest desire of the Russian Government to conform its code on this subject more nearly to the civilization of this century, but it found itself surrounded by many difficulties to which other nations were not subjected, and that great prudence had to be exercised in the remedial measures taken.

I have waited some days to communicate to you the correspondence referred to and the result of my efforts to reach a satisfactory solution of the question, in the hope that Mr. de Giers would be able to send me the promised memorandum regarding the Jewish laws, as a knowledge of them is material to a full understanding of the questions at issue. I thought proper to again visit the foreign office on yesterday, and in recalling the subject to Mr. de Giers' attention I referred to my interview with the minister of the interior, General Melikoff, as very pleasant and cordial, but said that that interview developed more fully that the Russian Government was disposed to grant what we desired only as a favor when my government asked it as a right. We objected to any discrimination being made against American citizens on account of religion, as our government was bound to extend equal protection to all its citizens without distinction; and, while I highly appreciated the consideration which it was proposed to show to American citizens of the Jewish faith, I feared my government would not be satisfied with the attitude which was assumed on the question as a matter of right.

The minister explained that all that could be done under existing circumstances was to except American Jews in the manner proposed

from the rigorous operations of the laws. It was to be borne in mind that the United States is probably the most advanced nation of the world in the application of liberal laws and principles, but that the same degree of liberality could not be applied to countries differently situated; and that even in the United States had it not been found somewhat difficult to make a universal application? He did not refer to the former treatment of the negroes, but to the existing state of affairs. Were there not laws and regulations which denied certain rights and privileges to designated classes of persons, and were we not seeking to exclude or regulate Chinese immigrants, and deny to them the rights extended to other inhabitants? Besides the Jews in the United States were of the better class of their race, and there was not the same reason for their exclusion as in Russia. Most of the Jews of this country are Polish, who are recognized as among the worst class, and are bad, very bad, members of society as a rule. They are constantly giving the government trouble, prominent in conspiracies, disorders, smuggling, and deceit. For instance, in the trouble a few days ago in the University at Moscow, more than half, yes three-fourths, of those concerned in the trouble were Jewish students. (The minister alluded to the disorder which occurred at Moscow ten days ago when the students of the University organized a "college rebellion," owing to some dissatisfaction with certain professors, and by order of the governor-general about four hundred of them sent to prison for a short time.)

The government, after generations of exclusion, had opened the universities and schools to the Jews, and, said the minister, this is the way they repay its liberality. And so it is almost always when disorders occur. There was every disposition to meet the wishes of the government of the United States, but it should consider the situation of the country, and remember the difficulty Russia finds in abrogating its laws on this question.

I replied that I recognized the difficulty the Russian Government had in treating the subject so long as the laws existed, but would not the abrogation of the laws proscribing the Jews as such be the easiest way of solving the difficulty? By placing them on the same footing as other inhabitants, they would not then be a proscribed race, and they would be punishable as others for bad conduct. Such a course would be highly gratifying to the United States, and I hoped his government would at no distant day see its way clear to take such a step. I was aware of no law of the United States which limited the rights of its inhabitants on account of race or religion. So far as Chinese immigrants were concerned it was true that trouble had arisen in certain localities, but this was not occasioned by any laws curtailing their rights, neither had the government at any time denied or evaded its treaty obligations, but had met the difficulty by direct negotiations with the Chinese Government, and with satisfactory results for both nations.

The minister said he regretted not having sent me the memorandum on the Jewish laws, but it had been found a more serious task than had been anticipated, and that longer time had been asked to complete it, but that he hoped to be able to send it to me very soon.

Such are the results of my efforts to execute your instructions and to secure to American citizens of the Jewish faith the same rights as are accorded to other citizens of the United States. I am sorry not to accompany this dispatch with a full statement of the Russian laws bearing on the question, but as soon as it is received from the foreign office I will forward it. You will find some reference to these laws in Mr. Hoffman's No. 109, of May 29, 1879, which will be of interest and per-

tinent to the pending cases. My investigation has shown that the proscriptions of which we complain are based upon laws which were in force at the time of the execution of our treaty of commerce in 1832, and that as a matter of fact no greater privileges are granted to Russian than to American Jews similarly situated. Both are in a great measure under the ban of the laws. To the laws prohibiting Jews from residing in St. Petersburg there are various exceptions, but the government reserves to itself the right of applying or withholding the exceptional privileges as it may think fit.

I have not been able to learn that any greater rigor in this respect has been shown to American Jews than to any other of their co-religionists. As a general rule favorable consideration has been given to the representatives of this legation in their behalf. And while the government declines to change the laws, I have been given to understand, as you will see from the report of my conferences with the ministers of foreign affairs and of the interior, that American Jews, in whose behalf I may intervene, will be permitted to visit and remain in St. Petersburg a reasonable time to pursue their business avocations. I have already referred to the fact that under Russian law no foreigner can reside in this country longer than six months upon his national passport, as after that date he must obtain the consent of the Russian Government, which claims and exercises the right of refusing its consent at its will. Under the arrangement proposed as to American Jews, the only distinction in fact between them and other American residents is that a special application in their case would have to be made through the legation, the object being, I infer, to have its indorsement of the legitimacy of their business as well as of their citizenship—a kind of guarantee of their good conduct, a matter which it might be at times difficult to give.

It will thus be seen that while the Russian Government declines to accept the views set forth by you and denies that the treaty of 1832 concedes to American citizens of the Jewish faith any other or greater privileges than those enjoyed by Russian subjects of the same race, it has manifested a friendly disposition toward American citizens in the application of the laws, and virtually offers to suspend their operation towards all Jewish citizens of the United States who can establish the fact that they come to Russia on legitimate business.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 73.]

Mr. de Giers to Mr. Foster.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF INTERIOR RELATIONS,
St. Petersburg, December 1 (13), 1880.

SIR: The imperial ministry has not failed to take into serious consideration the contents of the note which you addressed to it on the 2 (14th) September on the subject of the expulsion from the Russian territory of Mr. Henry Pinkos, a citizen of the United States.

The ministry hopes that an accord in the appreciation of the affair in question will not fail to be established if the Government of the United States shall be satisfied that all the measures of which Mr. Pinkos complains are in perfect conformity with the Russian laws.

In fact, it is in virtue of the regulations which authorize the residence of foreign Israelites in Russia only upon certain conditions that Mr. Pinkos found himself included in a general measure which was applied to him without the police having to inquire into his conduct.

It is also in virtue of the regulations, of which he has no right to plead ignorance,

and the application of which can equally give him no right to indemnity, that Mr. Pinkos, having resided six months in Russia, could not leave Cronstadt without being furnished with a passport from the proper authorities. You will please observe in fact, sir, that the above-named person was not reconducted to the frontier, or embarked with the aid of the imperial authorities—in a word, that he did not undergo the process of expulsion, to which he was liable.

The legation of the United States having intervened in his favor by its note of April 8 (20) last, the imperial government hastened to comply with the request made in the said communication, and to ameliorate the condition of Mr. Pinkos in the very manner the legation had indicated. A delay of three months was consequently accorded to Pinkos to liquidate his affairs, and he was permitted at the expiration of this term to leave Russia on the same conditions as every foreigner who wishes to repass the frontier, nothing dispensing Pinkos from the obligations which the regulations prescribe on these occasions. On the contrary, the peculiar circumstances of his position and the term which had been granted him by special favor to regulate all the conditions of his departure, should have induced him to inform himself of the legal formalities required by the circumstances.

Thus the proceedings which our authorities took towards Mr. Pinkos present themselves both in their principle and their execution, not as exceptional measures, but as the legal consequence of general laws, the effects of which the individual above-named has had to undergo.

It is evident, too, as the note of the 2 (14) September acknowledges, that the measures taken on this occasion were not marked by any spirit contrary to the consideration which the imperial government has always professed for the quality of an American citizen.

As regards the exceptional dispositions of which foreign Israelites have been the object in Russia, and which have been provoked by their presumed participation in revolutionary proceedings, it is certain that the measures of the administration towards the Israelites in question have never had an exceptional character. If the prescriptions which concern them are rigorously executed, this rigor has nothing special in it, but results simply from the increased vigilance occasioned by present circumstances, which has led the imperial authorities to discover irregularities in the legal position of many foreigners residing in Russia. It became the duty of the imperial administration to see to the strict observance of the existing laws, availing itself for this purpose of the legal means in their hands.

It is in this way that Mr. Pinkos has felt the effect of the precautions taken in conseqence of the proceedings of the social revolutionists, although the conduct of this foreigner happily sheltered him from the direct action of the measures adopted to secure the public order.

The imperial ministry has endeavored to show that Mr. Pinkos has not been the object of any proceeding which goes beyond the regular application of existing laws. Convinced that in strict justice no irregularity can be imputed to our authori ties, the ministry would consider itself so much the more fortunate if it can succeed in inducing the Government of the United States to share this conviction, inasmuch as the affair in question affects those relations which the imperial government desires to maintain, on all occasions, in their unvarying cordiality.

Receive, sir, &c.,

GIERS.

[Inclosure 2 in No. 73.]

Mr. de Giers to Mr. Foster.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF INTERIOR RELATIONS,
St. Petersburg, December 1 (13), 1880.

SIR: In a note of October 7 (19), last, you addressed yourself to the imperial ministry of foreign affairs, with a view to obtain for Mr. Wilczynski, a citizen of the United States of America, permission to return to Russia, where the interests of a commercial enterprise, of which he is agent, called him.

The imperial ministry hastened to communicate to the ministry of the interior the aforementioned request.

A recent communication of the minister of the interior enables me to inform you that, in view of the intervention of the legation of the United States, Mr. Wilczynski is authorized to return to St. Petersburg, and to remain here six months. The competent authorities have been informed of this ministerial decision.

Returning to you herewith the passport of the said Wilczynski, which accompanied the above-mentioned note of the legation of the United States, I profit by this occasion, &c.,

GIERS.

[Inclosure 3 in No. 73.]

Mr. Foster to Mr. de Giers.

LEGATION OF THE UNITED STATES,
St. Petersburg, December 5 (17), 1880.

EXCELLENCY: I have the honor to acknowledge the receipt of your two notes of the 1 (13) instant, the one relating to the case of Henry Pinkos and the other to that of Marx Wilczynski, both American citizens of the Jewish faith.

In view of the conference which I had with your excellency on those and kindred matters on yesterday, I do not deem it necessary at present to make further reply to said notes than to say that I will forward copies thereof, as well as a report of said conference, to the Secretary of State at Washington, and await his instructions.

With the renewed, &c.,

JOHN W. FOSTER.

No. 609.

Mr. Foster to Mr. Evarts.

No. 74.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 31, 1880. (Received January 17, 1881.)

SIR: At a late hour on yesterday afternoon I received your cablegram, dated on the 29th instant, as follows:

Urge treaty obligations Wilczynski case. Further information awaited.

It will be seen by my dispatch No. 73, of yesterday, which was just completed when your cablegram arrived, that I have been giving attention to the case, and have obtained for him permission to return to St. Petersburg, and remain for the limit of time granted to all foreigners upon their national passports, but that the Russian Government declines to modify the existing laws prohibiting foreign Jews to reside in this city.

I inclose copies of correspondence had with the legation at Berlin, which contains some additional facts relating to Mr. Wilczynski.

It appeared from the letter of Minister White, of October 15, inclosed with my No. 48 of October 20, that Mr. Wilczynski, when ordered to leave St. Petersburg, made no application to this legation for advice or assistance. He informed Minister White that he had addressed me a letter in regard to his case, but no such letter has been received. He has not again appeared at the legation in Berlin to learn the result of his application for permission to return to St. Petersburg, and Mr. Everett writes that he is probably now in Russia. If so, he has never made his presence known to this legation, and it is to be presumed that he has not been molested.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 74.]

Mr. Foster to Mr. White.

ST. PETERSBURG, *December* 14, 1880.

MY DEAR COLLEAGUE: On the 18th of October last I acknowledged receipt of your letter regarding Mr. Wilczynski's expulsion from St. Petersburg, and wrote you a second letter on the subject in October.

I now have the answer of the minister of foreign affairs to my application for Mr. Wilczynski's free return to St. Petersburg. He states that Mr. W. will be permitted to return to this city and remain for six months, and that the authorities have been

so notified. This is the extreme limit of time allowed by the laws of Russia to all foreigners, without distinction, entering with a passport of their nationality, at the expiration of which time they are required to obtain a Russian passport, or police permission of residence, if they wish to remain.

I return the passport which you sent me.

Very truly, &c.

JOHN W. FOSTER.

[Inclosure 2 in No. 74.]

Mr. Everett to Mr. Foster.

LEGATION OF THE UNITED STATES,
Berlin, December 18, 1880.

SIR: In Mr. White's absence I have the honor to acknowledge your letter of the 14th instant, returning Mr. Wilczynski's old passport and stating that he would be allowed to stay six months if he returned there. At the time his old passport was sent to you Mr. Wilczynski took out a new one, and said that he should not have any difficulty in returning to St. Petersburg, and staying as long as he wished for business purposes, as he was personally known to high officials in some of the departments, with which he had transacted business for some years. But his grievance was that he was expelled, as he understood, for being a Jew, and he wished to ascertain whether there was such a law against Jews, and whether the American legation could not protect our citizens against it.

I have been informed by one of the Russian secretaries of legation here that there is no law in St. Petersburg expelling Jews merely because they are Jews; but that probably this gentleman had failed to comply with some regulation in his business transactions, or had perhaps associated with some of the suspected characters in the city, or was one of the Polish refugees, who it appears are an obnoxious class there.

Mr. Wilczynski has not called at this legation again, and it is probable that he is now in Russia, as he expressed his intention of returning there very shortly.

With many thanks for the trouble you have taken in the matter,

I am, &c.,

H. SIDNEY EVERETT.

No. 610.

Mr. Foster to Mr. Evarts.

No. 75.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 31, 1880. (Received January 17, 1881.)

SIR: In my No. 73 of yesterday I have given the result of my efforts to obtain a modification of the laws of Russia in regard to foreign Jews, so as to exempt American Jews from the prohibition against residence in St. Petersburg and other cities of the Empire. As a supplement to that dispatch, it may be of interest to have some information as to the condition and treatment of the Russian subjects of the Jewish faith.

From early times there have existed laws prohibiting the entrance or residence of Jews in Russia, and while there were occasional exceptions to the laws the prohibition was generally enforced with rigor up to the incorporation of Poland with the Empire. From that date it was sought to confine the Jews to the Polish provinces. But the Jews in these provinces furnished their full contingent, and, it is alleged by them, more than their ratio, to the Russian army; and as it often happened that at the expiration of their term of service they were in distant or different parts of the Empire from their homes, upon their discharge they were permitted to live in the provinces where discharged, because they were old soldiers, and in spite of the laws prohibiting the residence there of Jews. The presence of the greater part of this race in other

districts of Russia than Poland is accounted for in this way, they being either discharged soldiers or their children.

But in addition to these a considerable number of Jews are found in the large cities and commercial towns, many of whom are authorized to become permanent residents under exceptions which have been made to the prohibitory laws. For instance, Jews possessing a certain mercantile standing are admitted as members of the first or commercial guild, and, with the authorization of the law, engage in banking and mercantile pursuits. And these members of the guild are permitted to employ a certain number of Jewish clerks, servants, artisans, or other employés. So, also, exceptions are made in favor of members of the learned professions and of graduates of the universities or other educational or scientific institutions. The latitude of construction placed upon these exceptions depends very much upon the will of the local authorities, as also the strictness with which the prohibitory laws are enforced; so that in all the cities of Russia the number of Jewish residents will be found more or less in excess of the police registry and greater than the strict interpretation of the laws authorizes. For instance, persons who have given the subject close attention, as I stated to the minister of foreign affairs, estimate the number of Jewish residents in St. Petersburg at 30,000, while it is stated the number registered by the police authorities is only 1,500. From the same source I learn that, while the government does not recognize their legal existence, nine synagogues in this city are known to the authorities, and that there are other private places of worship; and that, while only one Hebrew school is registered by the police, there are between three and four thousand children in unauthorized Jewish schools of this capital. As another indication of the extent of Israelitish influence, it is worthy of note that one or more Jewish editors or writers are said to be employed on the leading newspapers of St. Petersburg and Moscow almost without exception. It is claimed that Jews of wealth, of established professions or occupations, or of good social standing or influence, have little difficulty in securing express or tacit exemption from the laws.

These facts indicate that the laws proscribing the Jewish race are not enforced with great strictness; and intelligent Jewish residents of this city, native Russian subjects, who are laboring for the amelioration of the condition of their brethren, recognize the great advance which has been made during the present reign in the liberal construction which is placed upon the laws, in the exceptions which have been made tending to relax their rigor, and in the increased privileges which have been granted, such as admission to the universities, the practice of professions and avocations, and holding of government offices, denied to them a generation ago. At the same time the proscription laws remain, and the government reserves to itself the right to enforce them with strictness or relax them at its will.

It is to be noted that intelligent Russian Jews repel the charge that their race in this country have manifested a spirit of lawlessness or hostility to the established government, and they deny that a greater proportion of Jews than of other classes have been complicated in the conspiracies or attempts upon the life of the Emperor, and in confirmation of their denial they point to the fact that of the sixteen persons who were arraigned last month in the state trials of the nihilists only one was a Jew.

I am, &c.,

JOHN W. FOSTER.

No. 611.

Mr. Evarts to Mr. Foster.

No. 55.] DEPARTMENT OF STATE,
Washington, March 3, 1881.

SIR: Your several dispatches, numbered 73, 74, and 75, of the 30th and 31st of December, ultimo, in relation to the treatment of American Jews in Russia, have been received, and I have pleasure in commending your zealous presention of the cases of Pinkos and Wilczynski, and of the general questions involved. The assurances you have received as to the liberal treatment hereafter to be accorded, as an act of comity and courtesy by the military authorities, to American citizens visiting Russia, are fully appreciated.

I have observed, however, that, in some of your conversations and writings with the foreign office, you give prominence to the natural American sympathy with oppressed Jews elsewhere as a motive for our solicitude as to the treatment of Jews in Russia. Such solicitude might very properly exist; but in your presentation of the facts you should be careful to impress that we ask treaty treatment for our aggrieved citizens, not because they are Jews, but because they are Americans. Russia's treatment of her own Jews, or of other foreign Jews resorting thither, may, in determinate cases, attract the sympathy of the American people, but the aim of the Government of the United States is the specific one of protecting its own citizens. If the hardships to which Russian and foreign Jews are subjected involves our citizens, we think we have just grounds for remonstrance and expectancy of better treatment.

This government does not know or inquire the religion of the American citizens it protects. It cannot take cognizance of the methods by which the Russian authorities may arrive at the conclusion or conjecture that any given American citizen professes the Israelitish faith. The discussion of the recent cases has not as yet developed any judicial procedure whereby an American citizen, otherwise unoffending against the laws, is to be convicted of Judaism, if that be an offense under Russian law; and we are indisposed to regard it as a maintainable point that a religious belief is, or can be, a military offense, to be dealt with under the arbitrary methods incident to the existence of a "state of siege."

This government is not unmindful of the difficulties under which, as is alleged, that of Russia labors in dealing with those of her subjects whom she may deem disaffected; but the reasons adduced and methods adopted against them should have no application to American citizens sojourning peacefully, for business or pleasure, in Russia, for they are not to be charged with abstract political disaffection to a government to which they owe no allegiance; and, if charged with the commission of unlawful acts, they should have guilt explicitly imputed and proven. In the latter case, the religion of the accused cannot be admitted as proof or presumption, either of guilt or of innocence.

It is not the desire of this government to embarrass that of Russia by insistence upon these points with any degree of harshness, when the disposition reported in your dispatches is so conciliatory, and when the treatment offered may operate effectively to remove or prevent future causes of complaint based on the ill treatment of American citizens alleged to be Jews. It is most desirable, however, that you should not

pretermit your efforts to bring the matter to such a stage as will insure for peaceable and law-abiding Americans in Russia like treaty rights and personal freedom of creed as Russians enjoy in the United States.

I am, sir, &c.,

WM. M. EVARTS.

No. 612.

Mr. Blaine to Mr. Foster.

[Telegram.]

WASHINGTON, *March* 13, 1881.

FOSTER, *American Minister, St. Petersburg:*

Express to minister of foreign affairs the sentiments of sorrow with which the President and the people of the United States have heard of the terrible crime of which the Emperor has been the victim, and their profound sympathy with the imperial family and the Russian people in their great affliction.

BLAINE.

No. 613.

Mr. Foster to Mr. Blaine.

No. 93.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 14, 1881. (Received March 29.)

SIR: On yesterday afternoon, at three o'clock, I sent you the following telegram:

Emperor wounded in carriage to-day by bomb. Extent injury not yet known.

And at 4.15 p. m. I sent second telegram, as follows:

Emperor dead.

The circumstances of this terrible event are briefly these:

Following his frequent practice, His Majesty the Emperor went on yesterday to the Sunday morning review in the riding-school of the Palace of Engineers. He left the review about one o'clock, and drove to the Michel Palace, where he made a short call upon his niece, the Grand Duchess Catherine, and then continued on his return to the Winter Palace. Just before crossing the stable bridge of the Catharine Canal, at 1.45 p. m., a hand-bomb was thrown by a young man, dressed in the garb of a street-cleaner, directly under the Emperor's carriage, shattering in its explosion the rear of the vehicle, but without injuring the Emperor. His Majesty jumped from the carriage, and while the guards were arresting the assailant a second bomb, thrown by another person, was exploded at the feet of the Emperor, shattering both his legs below the knees and inflicting other serious wounds on his person. He was placed in the sleigh of the military officer who accompanied him and driven immediately to the Winter Palace. The loss of blood was so great and the wounds so severe that he expired at 3.35 p. m., within less than two hours after the explosion. The holy communion

was administered just before his death, but it is not certainly known that he recovered his consciousness after the assault.

It is understood that one Cossack of the Emperor's guard was killed, and one officer and a number of soldiers and civilians (variously estimated) were wounded by the explosion. The two authors of the assassination are believed to have been arrested.

At a late hour last night the Czarevitch, the heir apparent, assumed the supreme power of the empire as Alexander III, and his proclamation of ascension of the throne, of which I inclose herewith a translation, was published this morning. I have also advised you of this latter event by telegram at eleven o'clock to day in these words: "Czarevitch ascended throne as Alexander Third."

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 93.—Translation from Journal of St. Petersburg. Extra bulletin 2d (14th) March, 1881.]

Proclamation of His Majesty the Emperor.

By the grace of God we, Alexander III, Emperor and Autocrat of all the Russias, King of Poland, Grand Duke of Finland, &c., &., &c.

Make known to all our faithful subjects:

It has pleased the Lord, in His inscrutable ways, to inflict a fatal blow upon Russia, and to call suddenly to Himself the benefactor of Russia, the Emperor Alexander II.

He fell under the sacrilegious hand of assassins who had already many times placed his precious life in peril.

They attempted that life so precious because they saw in it the pledge and the safeguard of the greatness of Russia and the prosperity of the Russian people.

Bowing before the mysterious decrees of Divine Providence, and raising to the All-Powerful our prayers for the pure soul of our deceased father, we ascend the throne of our ancestors, the throne of the Empire of Russia, as well as of the Kingdom of Poland, and of the Grand Duchy of Finland, which are inseparable from it.

We assume the heavy burden which it has pleased the Lord to impose upon us with an immovable confidence in His all-powerful aid. May He bless our labors for the good of our dear country and direct our efforts for the happiness of our faithful subjects.

Renewing the sacred vow made by our father before the All-Powerful, to consecrate, according to the example of our ancestors, all our life to the care of the happiness, the power, and the glory of Russia, we invite all our faithful subjects to unite their prayers to ours before the altar of the Most High, and we order them to take the oath of fidelity to us and to our heir, his imperial highness the Czarévitch, Grand Duke Nicholas Alexandrovitch.

Given at St. Petersburg the first of March, of the year of grace one thousand eight hundred and eighty-one, and of our reign the first.

ALEXANDER.

Gazette of the senate.

No. 614.

Mr. Foster to Mr. Blaine.

No. 94.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 15, 1881. (Received April 3.)

SIR: On yesterday, at 2.30 p. m., I received from you the following telegram:

Express to minister of foreign affairs the sentiments of sorrow with which the President and the people of the United States have heard of the terrible crime of which the Emperor has been the victim, and their profound sympathy with the imperial family and the Russian people in their great affliction.

I immediately sent a note to Minister de Giers, embodying the language of your telegram, of which I inclose a copy.

I am to-day in receipt of a reply from Mr. de Giers, in which he states that the Emperor, profoundly touched by the sentiments expressed in my note, has charged him to thank me for these testimonials of sympathy.

I inclose a translation of the minister's note.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 94.]

Mr. Foster to Mr. de Giers.

LEGATION OF THE UNITED STATES,
St. Petersburg, March 2 (14), 1881.

EXCELLENCY: I did not fail to telegraph to my government information of the patricidal crime of which His Majesty the Emperor was yesterday the victim.

To-day I am in receipt of a reply from Washington. I am instructed to express to your excellency the sentiments of sorrow with which the President and people of the United States have heard of the terrible crime of which the Emperor has been the victim and their profound sympathy with the imperial family and the Russian people in their great affliction.

I need scarcely add to your excellency how sincerely I mingle my own sorrow and sympathy with those of the President and people of the United States.

I take this opportunity to renew to your excellency the assurance of my most distinguished consideration.

JOHN W. FOSTER.

[Inclosure 2 in No. 94.—Translation.]

Mr. de Giers to Mr. Foster.

ST. PETERSBURG, *March* 3 (15), 1881.

Mr. MINISTER: His Majesty the Emperor, deeply touched by the sentiments which you express on behalf of the President and people of the United States, as well as in your own name, on the occasion of the grievous loss which has stricken Russia, charges me to thank you for these testimonials of sympathy.

Receive, Mr. Minister, the assurance of my most distinguished consideration.

GIERS.

No. 615.

Mr. Blaine to Mr. Foster.

No. 60.] DEPARTMENT OF STATE,
Washington, March 17, 1881.

SIR: I telegraphed you on the 15th instant as follows:

The Senate of the United States, by a unanimous vote, has passed the subjoined resolutions which you will communicate to the minister of foreign affairs:

"RESOLUTION.

"Whereas the Senate of the United States of America, now convened in special session, has been informed of the death, by unlawful and inhuman violence, of His Majesty the Emperor Alexander II of Russia.

"*Resolved*, That the Senate unites its voice with that of all civilized people in denouncing assassination as a means of redress for any grievances, either real or imaginary.

"2. That, remembering and cherishing with satisfaction the relations of genuine

friendship that have always existed between the people and the Governments of Russia and of the United States, to the strengthening and maintenance of which the late Emperor has earnestly contributed his great influence, the Senate extends to the government and people of Russia its sincere condolence in this sad national bereavement.

"*Resolved*, That the Secretary of the Senate deliver a copy of these resolutions to the President of the United States, with the request that he communicate the same to the Russian Government."

Adding that I have hastened also to place His Majesty's minister here in possession of a copy of these resolutions of the Senate, and to express to him the gratification felt by this government with their firmness and their just and high spirit.

I am, &c.,

JAMES G. BLAINE.

No. 616.

Mr. Foster to Mr. Blaine.

No. 97.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 18, 1881. (Received April 2.)

SIR: On day before yesterday, the 16th instant, I received your telegram communicating the resolutions of the Senate of the United States on the death of the late Emperor. On the same day I called in person upon Mr. de Giers, minister of foreign affairs, and handed him a note embodying the resolutions, of which I inclose a copy herewith. Mr. de Giers expresses his great pleasure at receiving this testimonial of sympathy, and said he would lay it before His Majesty at once, and on yesterday afternoon he sent me the note, of which I now transmit a copy and translation, communicating the acknowledgment of the Emperor.

In view of its expressive language, and also of the fact that the Senate might not be in session on receipt by the department of the copy by mail, I telegraphed you last evening as follows:

Minister of foreign affairs says "Emperor profoundly touched by expressions of sympathy of President (see my No. 94) and Senate, of a country for which the deceased Emperor professed a sincere esteem and earnest friendship. It is a legacy which he leaves to Emperor Alexander Third, and which His Majesty, in accord with the Russion nation, accepts from the depth of his heart."

It may be added that your telegrams, having been published in the Russian newspapers, have been very gratefully received by the press and the Russian people, and will not fail to strengthen the ties of cordial friendship which united the two countries.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 97.]

Mr. Foster to Mr. de Giers.

LEGATION OF THE UNITED STATES,
St. Petersburg, March 4 (16), 1881.

EXCELLENCY: I am instructed by my government to inform you that the Senate of the United States in its session on yesterday, by a unanimous vote, passed the following resolutions:

"Whereas, the Senate of the United States of America, now convened in special session, has been informed of the death, by unlawful and inhuman violence, of His Majesty the Emperor Alexander II of Russia:

"*Resolved*, That the Senate unites its voice with that of all civilized people in de-

nouncing assassination as a means of redress for any grievances, either real or imaginary, and that, remembering and cherishing with satisfaction the relations of genuine friendship that have always existed between the people and the Governments of Russia and of the United States, to the strengthening and maintenance of which the late Emperor has earnestly contributed his great influence, the Senate extends to the government and people of Russia its sincere condolence in this sad national bereavement.

"*Resolved*, That the Secretary of the Senate deliver a copy of these resolutions to the President of the United States, with the request that he communicate the same to the Russian Government."

In thus communicating these additional testimonials of the sympathy of my country, I improve the occasion to renew, &c.

JOHN W. FOSTER.

[Inclosure 2 in No. 97.—Translation.]

Mr. de Giers to Mr. Foster.

ST. PETERSBURG, *March* 5, 1881.

SIR: I have submitted to His Majesty the Emperor the letter you addressed to me, in order to transmit to me the vote of the Senate of the United States of America on the occasion of the horrible crime under which has fallen the benefactor-sovereign, whom all Russia weeps for to-day.

My august master has been profoundly touched by this mark of respect for his beloved father, and of sympathy with himself, coming from the high assembly of a country for which the deceased Emperor always professed a sincere esteem and warm friendship.

It is a legacy which he leaves to the Emperor Alexander III, and which His Majesty, in accord with the Russian nation, accepts from the bottom of his heart.

Will you, sir, give this assurance to the Senate of the United States, while transmitting to it the thanks of my august master.

Receive at the same time, &c.

GIERS.

No. 617.

Mr. Foster to Mr. Blaine.

No. 100.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 25, 1881. (Received April 11.)

SIR: In acknowledging the receipt of Department No. 55, of the 3d instant, I desire to express my thanks for the kindly commendation of my presentation of the cases of Pinkos and Wilczynski, and of the general question of the treatment of Jews in Russia.

I make careful note of the desire manifested by the late honorable Secretary of State to appeal strongly to the treaty guarantee of personal freedom to American citizens sojourning peaceably, for business or pleasure, in Russia, without regard to their religious belief. I have constantly made this appeal in my conversations with and communications to the Russian authorities. But it will be noted in my No. 73, of December 30, that I called attention to the fact that the Russian Government denies that the treaty of 1832 secures to American citizens of the Jewish faith sojourning in Russia any other or greater privileges than those enjoyed in this empire by Russian subjects of the same faith. From the concluding sentence of Department No. 55, it would seem that the late Secretary's construction of the treaty was that American citizens in Russia were entitled to the same rights and personal freedom as are extended to Russian subjects sojourning in the United States. This interpretation has never as yet been presented to the Russian Gov-

ernment, nor has the treaty been so considered by my predecessors. If that view is to be insisted upon, I will thank you for specific instructions regarding this point. As stated in my No. 73, the laws imposing disabilites upon Jews, both foreign and native, antedate the treaty of 1832, and the minister of foreign affairs claims that said treaty does not exempt American Jews coming here from their operation.

I have strongly insisted that the passport of his government should protect every peaceable American citizen coming to Russia, and that it is not proper to institute an inquiry as to the religious belief of such citizen. The Department is correct in the supposition indicated, that no American citizen has been convicted of Judaism by "judicial procedure." But it is to be borne in mind that in Russia it is not necessary that a judicial procedure should take place, or even the "military state of siege" exist, before a person undergoes the sentence of the law. The laws and regulations in question are usually intrusted to the police authorities, and it is sufficient for them to be satisfied in their own minds that the individual comes within the prohibitions to have them enforced.

I shall not fail to continue to press the subject upon the Russian Government at every proper opportunity.

I am, &c.,

JOHN W. FOSTER.

No. 618.

Mr. Foster to Mr. Blaine.

No. 101.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 28, 1881. (Received April 18.)

SIR: On Saturday, the 19th instant, the body of the late Emperor was transferred from the Winter Palace to the cathedrals of St. Peter and Paul; and on yesterday, Sunday the 27th, the final funeral service was performed and the body deposited in the tomb prepared for it in this cathedral.

Upon invitation of the grand master of ceremonies, extended to the diplomatic corps, I attended both of these ceremonies, accompanied by the secretary of legation and members of my family.

The transfer of the body on the 19th was made with grand pomp, and the final ceremony on yesterday was attended by the special representatives of all the crowned heads and governments of Europe, in addition to the usual diplomatic representation, among whom were the Prince of Wales and Duke of Edinburgh, the Crown Princes of Germany, Denmark, Holland, and other kingdoms, as also members of the official household of the President of France.

Under date of yesterday the Emperor has issued an ukase, designating his elder brother, the Grand Duke Vladimir, as regent in case of his death before the Czarevitch or the Emperor's second son shall have attained their majority.

I am, &c.,

JOHN W. FOSTER.

No. 619.

Mr. Blaine to Mr. Foster.

No. 67.] DEPARTMENT OF STATE,
Washington, April 13, 1881.

SIR: Your No. 97, of the 18th ultimo, inclosing a communication from the Russian minister of foreign affairs in response to the proceedings of the Senate of the United States touching the death of the late Emperor, has been received, and by order of the President laid before the Senate.

The President desires, in a more formal and impressive manner than telegraphic communication, to convey to the Emperor the sentiments of respect and gratitude toward his father which animate the government and people of the United States. They can never forget the course pursued by the late Emperor toward this country when our national existence was imperilled by civil strife. The peculiar danger to which we were exposed from the intervention of European powers was keenly felt by all the intelligent friends of the Union. Though feeling equal to any emergency that might arise in the course of the appalling conflict, the Government of the United States realized that the contest would be rendered more desperate and more bloody if any of the great powers of Europe should espouse the cause of the insurrectionary States.

A dynasty, not now in power, but then ruling over a country in which the people have always been our friends, had resolved upon intervention if co-operation with other nations could be secured. This design, so fraught with danger to liberty and constitutional government on both sides of the Atlantic, was promptly met by the late Emperor with a refusal to take any unfriendly steps against the United States. Nor did his Majesty stop at merely declining to join a coalition adverse to us; he openly declared in our favor, and fearing, from what he knew of designs against us, that other powers might unwarily be drawn into a hostile attitude towards this country, the Emperor sent to the waters which both expose and protect our national capital a large and powerful fleet of war vessels as a proclamation to the world of his sympathy in our struggle and of his readiness to strike a blow on the side of the Union if any foreign power should strike a blow in aid of the insurrection.

In our happily reunited country, now contented and prosperous throughout all its borders, those who upheld the Union and those who were arrayed against it join in equal gratitude to the Emperor who aided in saving all our people from the embarrassment and danger of foreign intervention.

The Government of the United States does not recall these historical facts from a desire to awaken unpleasant recollections in any breast, but as a tribute to the memory of a sovereign whose great power, at a most important crisis, was exerted on the side of our Union, even at the risk of plunging his own empire into war.

The President requests that you will seek an audience with the Emperor and communicate these expressions of regard which the people of the United States have entertained for his father. Assure the Emperor that the government and people of this country abhor assassination, and can never see in it a remedy for political evils. There is no instance in history where an abuse has been corrected, a wrong righted, an oppression ameliorated, or a reform promoted, by assassination. The people of the United States have too fresh a recollection of a similar crime at home, and they know too well that assassination always strikes wildly and blindly, wilfully and wickedly.

Congratulate the Emperor upon his accession to the throne, and, on behalf of the government and the people of the United States, extend to him the heartiest wishes for his success as a sovereign, and for the prosperity and happiness of the Russian people.

I am, sir, &c.,

JAMES G. BLAINE.

No. 620.

Mr. Hoffman to Mr. Blaine.

No. 113.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 5, 1881. (Received May 27.)

SIR: Public opinion has been greatly excited here lately, and there has been much anxiety as to the course the imperial government meant hereafter to take in regard to the reforms initiated and projected by the late Emperor. It was understood that an influential party in the council, headed by the Grand Duke Vladimir, backed by nearly all the military element, was in favor of repression and coercion, and determined to rule by the right of force. On the other hand, General Melikoff, the minister of the interior, and undoubtedly the first statesman in Russia, supported by Mr. Abaza, the newly appointed minister of finance, was equally decided in favor of further concessions to the people and a gradual introduction of a partially representative government.

Last week it was rumored that the Grand Duke Vladimir had carried his point, and that Melikoff and Abaza had resigned. Fortunately these rumors were untrue, and General Melikoff's extended plans of reform have been adopted in part, while other parts are still under discussion, with the probability that they too will be carried. The part already decided upon relates to the relief of the peasants, and is undoubtedly the most pressing, for the situation of a very large body of them is pitiable in the extreme. I am assured upon excellent authority that a ukase upon this subject will shortly be issued, an outline of which I am in a position to give you.

When the late Emperor freed the serfs in 1861, he provided a plan by which they might all become, as he hoped, peasant proprietors. To this end the dues heretofore paid to the owners of the soil were capitalized at 6 per cent., payable annually for forty-nine years. Four-fifths of the capital thus arrived at was paid at once by the state to those proprietors who applied for it, and the other fifth was to be paid by the peasant to the proprietor in installments.

Of the 6 per cent. paid to the state, 5½ per cent. was appropriated to reimburse the government and one-half per cent. was set aside as a fund to aid the peasants in emergencies. In the more fertile provinces of Russia this arrangement has worked very well. Of 8,500,000 peasant proprietors in all Russia, nearly four-sevenths have regularly paid their 6 per cent. during the last twenty years. But, and mostly in the poorer parts of the empire, at least three-sevenths of the peasants have failed to pay their dues. Arrears amounting to 16,500,000 roubles are due to the government, and there is no prospect of their ever being paid. This large sum is to be remitted in toto. So much for the past. For the future the peasants in the poorer districts, to whom these arrears have been remitted, will pay only 3 per cent., while the government will furnish 9,000,000 roubles per annum to prevent loss to the former proprietors on

account of unpaid moneys due them from the peasants. These nine millions will be taken in part from the profits (existing at least on paper) of the National Bank of Russia, and partly from the one-half per cent. above referred to, reserved by the government for the relief of the peasants in emergencies.

The sale of the lands by the proprietors to the peasants has been, as a rule, hitherto a matter of voluntary arrangement on the part of the proprietors, willingly carried out by them generally, as it furnished them with a large sum of ready money, never very abundant with this class. But there remains a body of at least 800,000 peasants who have not been able to come to terms with their landlords. The new law provides that after the 1st of January, 1883, the sale of land to these peasants shall be obligatory, with a view to carry out the plans of the late Emperor and to create the largest possible number of peasant proprietors.

A minor reform, but a very important one as calculated to prevent jobbing—the curse of Russia in the different departments—is this: Heretofore, a minister proposing an important concession, or measure of any kind within his competency, had simply to submit it to the Emperor, obtain his approval, and it became law. Hereafter, every measure must first be submitted to the council of ministers, and only after having obtained the assent of a majority of them can it be submitted to the Emperor for his approval and the necessary ukase.

It is to be hoped that these measures of wise reform, and, above all, of relief, projected by General Melikoff, will restore the waning popularity of the Russian Crown and check the spread of the dangerous doctrines of nihilism and socialism among the masses, heresies of an empty stomach only, which during the last three years have made such rapid strides in Russia.

I am, &c.,

WICKHAM HOFFMAN.

No. 621.

Mr. Foster to Mr. Blaine.

[Extract.]

No. 118.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 21, 1881. (Received June 10.)

SIR: Reciprocating a visit which had been made to the legation, on yesterday I called upon His Highness Siépehsalar-Azam-Hadji-Mirza-Houssein-Khan, ambassador extraordinary of the Shah of Persia, sent to congratulate the Emperor of Russia on his accession to the throne.

In the course of the conversation which ensued, the prince expressed regret that the United States did not maintain some kind of official relations with Persia, notwithstanding a treaty of friendship and commerce existed contemplating such relations. He said that American vessels visited Persian ports and there were American citizens in the country, and that a chargé d'affaires could be maintained at no great expense, as living was very cheap at Teheran.

I replied that I recognized the desirability of having more intimate relations with his country, and I would suggest to my government the propriety of taking some action to that end. I said that I desired him, on his return to Persia, to express to His Majesty, the Shah, my thanks,

as the diplomatic representative of my government nearest to his dominions, for the protection and favor which had been extended to the American citizens resident in his territory, and to assure His Majesty that all his acts in that direction would be highly gratifying to the Government of the United States.

The prince stated that the American missionaries in Persia, who constituted the greater portion of our citizens in that country, had been charged with complicity with the Turks during the recent Kurdish troubles, and that he had been appointed by his government to investigate the charge, which he had found to be without foundation, and he had thus been able to vindicate them from what would have proven a serious offense.

I expressed my gratification at this result, and assured him that such charges did not comport with the character and usual conduct of American missionaries, who were accustomed to loyally respect the authorities and observe the laws of the countries in which they resided.

In this connection it may be proper to remark that when I passed through London a year ago, on my way to my present post, I met in St. James palace the Persian minister to Great Britain, who expressed the same wish that our government would send a representative to his country. I have been informed that when the Shah was in this city, some years ago, in an interview with the then consul-general at St. Petersburg, he also manifested a similar desire. From all these utterances I have no doubt that a representative of our government would receive a hearty welcome.

Our commercial relations with Persia at present are very limited, but it might offer something of a field for American enterprise if properly encouraged. As already mentioned, the missionaries established there are the chief American residents needing official protection, and in the absence of which they have, I believe, had resort to the English diplomatic and consular representatives. Should it not be deemed practicable to establish a permanent representative in the country, it might be regarded as desirable by the Department to have either the minister at St. Petersburg or at Constantinople, at some convenient time, pay a visit to the Shah at Teheran as the bearer of a letter from the President. I think that such a visit would have a beneficial effect in securing more protection to American residents, who are often exposed to great peril, and might lead to the opening of some commercial relations or the introduction of American enterprises. I have no doubt that either the Russian or Turkish Government would lend its good offices to the American representative by securing a safe passage to and a friendly reception at Teheran. * * * * * *

I am, &c.,

JOHN W. FOSTER.

No. 622.

Mr. Foster to Mr. Blaine.

No. 120.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 23, 1881. (Received June 9.)

SIR: For the past few weeks the political affairs of this capital have been in quite an unusual state of excitement. Owing to the autocratic character of the Russian Government, the violent or sudden changes

of ministries or of political policy which so often occur in the constitutional monarchies of Europe are almost unknown here. The changes of ministers which take place from time to time are usually from personal considerations or convenience. But the advent of the new sovereign, under such exceptional and tragic circumstances, with the empire in a state of excitement and alarm so great as to disturb all classes and interests, has forced upon the Emperor and his advisers in charge of the leading departments of government the consideration of the measures which ought to be adopted and the general policy to be pursued in view of the peculiar and changed condition of affairs. Owing to the strict censorship which is exercised over the press, and the privacy which attends all the deliberations of the ministerial and other government councils, the exact status of the questions discussed is not certainly known, but it is understood that the ministers were divided in opinion upon the policy of adhering strictly to the autocratic principle and adopting repressive measures to counteract the growing discontent, or, on the other hand, of recognizing in the disordered state of the country a necessity for such reforms as would ultimately result in a representative government and a responsible ministry.

This latter view is believed to have been maintained by General Melikoff, minister of the interior, Mr. Abaza, minister of finance, and others. The uncertainty as to which policy would be adopted by the Emperor was in part dispelled by the appearance, on the 11th instant, of a proclamation signed by him appealing to his faithful subjects to support the autocratic power and to unite with him in suppressing treason, conspiracy, disorder, and immorality in government and society. This was followed in a few days by a report that General Melikoff, Mr. Abaza, Count Milestine, Mr. de Giers, and others who advocated the adoption of liberal measures had resigned.

This report has been in part confirmed by the appearance of ukases on the 18th and 20th instants relieving, at their request, General Melikoff and Mr. Abaza from their respective offices, and assigning to the department of the interior General Ignatief, and to that of finance, Mr. Bunge, the under secretary of that department. Other changes it is expected will occur.

These events are interpreted as a plain indication of the Emperor's resolution to allow no diminution of his autocratic power to encourage the conservative element, and to seek to restore confidence and order by rigorous and repressive measures.

The effect has been very marked and generally unfavorable. General Melikoff had come to be regarded as the man suited to the time and the emergency, and his retirement has increased the disquietude of society. The stock and exchange markets have been greatly depressed and the government credit considerably depreciated.

These changes, coinciding with wide-spread lawlessness and disorder in some of the most important provinces, as seen in the anti-Jewish riots, have increased the alarm, and in business circles especially the worst apprehensions appear to be entertained. The past winter has been a season of great suffering in large sections of the country, owing to the failure of crops, and just now many industries and manufactories are suspended or employ only a limited number of hands, and idle and hungry people add to the complication, of which it is feared the nihilists will be too ready to profit.

But it does not follow because the Emperor has negatived the proposition of a constitutional government that no reforms are to be made and no efforts for relief to the people are to be attempted. On the con-

trary, it is still believed by many that the Emperor will in due time promulgate the land measure for the benefit of the peasants referred to in Mr. Hoffman's No. 113, which would be a worthy concomitant of his father's great emancipation act and a part of its consummation. It is understood, besides, that the Emperor is earnestly desirous of practicing and enforcing strict economy in government expenditures, and that he will seek to push forward to successful termination the investigations set on foot in the last reign to remedy the defects and corruption in the provincial governments.

It cannot be denied that the selection of General Ignatief as the chief of the imperial ministry has not been favorably received abroad. He is not a favorite in most of the capitals of Europe. He represents an idea which is considered as unfriendly to foreign influence; but this very fact is a reason why his appointment is highly acceptable to a large and influential class in this country, the Pan-Slavonic party, which is aggressive in its foreign policy and seeks to exalt purely Russian ideas and practices in internal affairs. While, therefore, the autocratic prerogative under the present administration may remain intact, it is claimed that an effort will be made to strengthen and enlarge local self-government in so far as it does not trench upon the crown, and that Russia is only prepared for this step in governmental reform.

The highest spot to be seen at present above the political and economic horizon is the promise of good crops in the great grain-growing districts. If this promise should be realized in abundant harvests it will greatly aid in a pacific solution of many troublesome questions. Meanwhile numerous arrests of nihilists continue to be made, not only in this city but in other parts of the empire, and new revelations of a startling character are being developed, which seem to disprove the allegation that this movement only represents a very small and unimportant part of the nation.

I am, &c.,

JOHN W. FOSTER.

No. 623.

Mr. Foster to Mr. Blaine.

No. 121.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 24, 1881. (Received June 13.)

SIR: A disgraceful series of disorders have occurred during the past month in the southwestern provinces of Russia, directed against the Jewish residents, resulting in the loss of a number of lives and the destruction of an enormous amount of property. The scenes of these riots have been at and in the vicinity of Elizabethgrad and Kief, with less serious demonstrations at Odessa and other places. The participants have been almost exclusively of the lowest and most ignorant classes in the towns and cities, joined by the peasants, and the demonstrations in the two localities first named appear to have been so powerful that for days the authorities were paralyzed, and the rioters were able to give full sway to their work of bigotry and destruction. In Kief, a city of over one hundred thousand inhabitants, with a large Jewish population, the work was so thorough, it is stated, that not a single Jewish house escaped, the inmates being driven out, beaten, and stoned, and some of them killed, and the contents plundered or thrown into the streets. The

damage there is estimated at several millions of roubles, and business has been seriously affected thereby; many commercial houses have suspended payments, other bankruptcies are feared, and the prices of provisions and articles of prime necessity have temporarily risen greatly in price. Massacre and destruction of property have become so threatening in other localities, where no actual outbreaks have taken place, that the Jews in large numbers have fled from their homes and taken refuge across the frontier in Austria or in Moscow, where the military force is sufficient to guarantee safety. In some instances the railroad officials have refused to run the trains by which the Jews were seeking to escape, for fear of attack from the infuriated mobs debauched with liquor and plunder.

Indiscriminate pillage became so much feared that Christians chalked their houses with crosses or exhibited holy images with lighted lamps before them to save themselves from the fury of the rabble. The acts which have been committed are more worthy of the Dark Ages than of the present century.

The authorities were slow to realize the extent of the danger, but when once awakened to its wide-spread and deeply-seated character they have manifested a commendable zeal in suppressing the riots and in arresting and punishing the offenders. National troops have been freely used, sending them to the most threatened districts, and in some places, as at Odessa, they have promptly intervened with force to put down the riots.

Various causes have been assigned for these outbreaks additional to the prevailing bigotry and religious hatred of the lower classes towards the Jews. The country has not been prosperous for some time past; taxes have been heavy and exacted with severity; the depreciated paper currency has increased the cost of all commodities; the winter has been one of privation and suffering, and with many families indebtedness has been the rule annually. The Jews being the money changers, traders, and speculators, have profited by this state of affairs, and the poorer classes have felt that undue advantage has been taken of their misfortunes. Following the long fast so faithfully observed in the Russian national church, which was broken by Holy Week and its usual excesses in drinking, it has been easy to work upon the passions and prejudices of the hungry and ignorant. It is asserted also that the Nihilist societies have profited by the situation to incite and encourage the peasants and lower classes of the towns and cities in order to increase the embarrassments of the government, but the charge is probably conjectural and not based on very tangible facts. Certain it is, however, that the disorders have developed a state of discontent and lawlessness in the country that is by no means agreeable to the government. It is believed that the Emperor has no sympathy with the spirit manifested against the Jews, and, in addition to the active use of the imperial army to put down the riots, he has given orders to have an investigation made of the causes which have occasioned the disturbances. I have in previous dispatches referred to the proscriptive laws and disabilities imposed upon the Jews in Russia. If these events lead to a serious consideration of the wisdom of abolishing all the Jewish disabilities, and of placing Russian legislation on this subject alongside of that of the other enlightened nations, the loss of life and property will not have been in vain.

It may not be without interest to mention that these disturbances and the Russian laws affecting foreign Jews have twice during the past week been the subject of discussion in the British Parliament. As ref-

erence was made in that discussion to the action of our government and this legation regarding the Russian laws prohibiting foreign Jews to reside in St. Petersburg, I send you herewith that portion of the Parliamentary report. It will be noticed that two questions were presented in the House of Commons: first, as to the propriety of the British Government making representations to that of Russia with regard to the atrocities committed upon the Jewish population in Southern Russia; and, second, as to the action of the British Government on account of the expulsion from St. Petersburg of a highly respected London merchant, having a British passport, on the ground that he was a Jew. To the first question the under secretary for foreign affairs indicated that his government was reluctant to make any representations in regard to the persecutions and to the second that a protest had been made against the expulsion of the British subject, but without avail.

This discussion in Parliament has occasioned an editorial in the St. Petersburg Journal, the semi-official organ of the Russian foreign office, of which I send you a translation. This article asserts that the disturbances being of a purely domestic character, the British cabinet would have no more right to address the Russian Government representations thereon than the latter would have to address Lord Granville on account of the agrarian crimes in Ireland. In reference to the expulsion, it maintains that if made according to Russian law a protest was not proper; and, on the other hand, if the expulsion was in violation of that law a protest was unnecessary, because the above would have been corrected.

In this connection I have to report that no new case has arisen of the enforcement against American citizens of the law in question.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 121.—Translation of editorial from the St. Petersburg Journal, May 21, 1881.]

The debates in the English chambers are always of great importance, even when they refer to subjects where the competency of these assemblies to treat them is absolutely null. In such cases they show certain currents of opinion, often artificial, often wide of the mark, but of which it is always well to take notice. Last Monday, as the telegraph informs us, Mr. Dilke, replying to Mr. Worms, declared that England had made no representations on the subject of the excesses against the Israelites and against the students [?] in the south of Russia, because the government of St. Petersburg had itself taken measures to repress these disturbances.

This is right, although the sub-secretary of state might have added that there was absolutely no reason, no pretext even, for the English Government to address observations to a foreign government on disturbances which were purely domestic. How did it happen, then, that when interpellated a second time, Mr. Dilke made a reply less correct, saying that the government had as yet taken no definite resolution? We have no difficulty in believing that no definitive resolution has been taken, for the question is in no respect of a character to be examined by the English cabinet, and the kind of assimilation with Persia in which the speaker permitted himself to indulge lacks both justice and good taste. What Mr. Dilke should have replied is, that the British cabinet has no right, on account of the troubles at Kief, &c., to address representations to the Russian Government which the latter would not have a right to address to Lord Granville on account of the agrarian crimes in Ireland.

As regards the case of Mr. Lewisohn, we do not know the particulars. But as Mr. Dilke read the laws governing the residence of Jews, it is to be supposed that in the opinion of the speaker this expulsion has taken place in violation of the laws in question, for otherwise we cannot understand how the British Government has thought itself authorized to protest against the application of laws in force in Russia to strangers coming here to reside. Now, if the said Mr. Lewisohn has really been expelled in violation of the Russian laws, he may be sure that the protest of Mr. Dilke will not be unproductive. It was even useless; a simple denunciation of an abuse of local authority, which may have been committed, would have been sufficient. We repeat, we are not acquainted with the details.

No. 624.

Mr. Foster to Mr. Blaine.

No. 135.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 14, 1881. (Received July 30.)

SIR: After considerable delay I am at last enabled to send you herewith an abstract or sketch of the laws of Russia relative to foreign Jews. As I heretofore noted the laws on this subject are contained in a voluminous mass of legislation, regulations, decisions of ministries, &c., many of which conflict with each other, and it has been found very difficult to know with accuracy what is the existing law applicable to a particular case. The accompanying abstract is believed to be * * * as full as I can make it without the employment of an experienced native attorney, and having in view some special or question.

As introductory to a notice of the inclosed abstract, it is proper to state that from early times Jews were prohibited from coming to or settling in Russia; but, by means of the conquest of Poland, the Crimea, and certain other districts, a large number of Jews became incorporated as subjects of the empire, and it was thus made necessary to so modify the ancient general prohibition as to allow Israelites who had become Russian subjects by annexation of territory to reside in the western and southwestern provinces named in the inclosed abstract. And, up to the present, no other part of the empire has been opened to Jewish Russian subjects for unrestricted habitation, so that, as a rule, even Russian Jews are confined to the provinces cited, and the ancient law prohibiting the entrance into Russia of foreign Israelites is still in force, with the very limited exceptions cited in the accompanying sketch. These exceptions may be briefly stated as follows:

I. Certain foreign Jews may come into the governments or provinces of West and Southwest Russia named, to wit: 1st, rabbins invited by the Russian Government to exercise their profession; 2d, manufacturers with a capital of 15,000 rubles, by special arrangement; and, 3d, artisans brought by said manufacturers upon certain specific conditions.

II. All other parts of Russia are closed to foreign Israelites, with the limited exceptions of, 1st, the agents of large commercial houses abroad, who are permitted to visit, for a limited period, the great commercial and manufacturing centers of Russia, upon their petition to that effect, presented to the department of the interior, being granted; and, 2d, well-known bankers and chiefs of large commercial houses or enterprises coming to Russia to purchase and export native products may be admitted as merchants of the first guild, as the result of a special joint understanding with the ministers of the interior, of finance, and of foreign affairs; but, even after being admitted as members of the merchants' guild, they have only specified and restricted privileges.

It will thus be seen that Jewish citizens of the United States are virtually excluded from Russia, as few, if any, of them would be willing to comply with the requirements necessary for their admission under Russian laws. This code of Jewish regulations, of which some idea may be formed from the inclosed sketch, will appear somewhat curious and antiquated in our country of unrestricted commercial intercourse, and especially the limitations, not only of a business, but even of a domestic character, which are thrown around the Jewish bankers and merchants (to use the language of the law) "known for their high social position and large operations and commercial enterprises."

I also transmit herewith a memorandum showing the provisions bear-

ing upon the question of the treaties of commerce existing between Russia and Great Britain, Austria, and France.

The other European nations have treaties similar to that of Great Britain, with the exception of Germany, which, singularly enough, has no treaty of commerce with Russia. A comparison with the treaty of commerce which the United States has with Russia will show that the only material variance is in the last paragraph of Article I of the British treaty (and a similar provision is found in the treaties of most of the European nations with Russia), wherein it is more explicitly provided than in the treaty with the United States that the privileges therein granted "in no wise affect the laws, decrees, and special regulations regarding commerce, industry, and police in vigor in each of the two countries." The Austrian treaty is still more precise in adding to the foregoing reservation a recognition "that the restrictions established in the states of one of the high contracting parties shall be equally applicable to the subjects of the other *belonging to the same confession.*" It may, therefore, be concluded that our treaty is fully as favorable to our citizens as that of any other nation with Russia.

As the case of the British subject Lewisohn, now pending and the occasion of some inquiry in Parliament, has been heretofore referred to, I inclose a statement of facts relating thereto, which is doubtless substantially correct. It may be noted that while Lewisohn was refused permission to revisit St. Petersburg, the American citizen, Mr. Wilczynski, who was expelled about the same time, was, upon application of this legation, given permission to return.

I am, &c., JOHN W. FOSTER.

[Inclosure 1 in No. 135.]

SKETCH OF THE LAWS OF RUSSIA RELATIVE TO FOREIGN JEWS.

Israelites in general are in Russia subject to a special legislation.

There is found in the code of laws a series of provisions in the proper place, spread over many different chapters, and divers published regulations on commerce, industry, and the trades devoting to them special clauses.

Foreign Israelites do not escape this legislation, which defines the laws applied to them relative to their admission into the territory of the empire and to their sojourn in Russia.

The localities the limits of which are accorded to Israelites, subjects of the Empire, in order to sojourn in a permanent manner, are as follows:

The governments (or provinces) of Bessarabia, Vilua, Vitebsk, Volhynia, Grodno, Ekaterinoslaf, Taurida, Kershow, Tchernigof, Kowno, Minsk, Mohilef, Poltava, Podolia, and Kief, with the exception of the city of Kief, but upon the observance of the following rules: In the governments of Vitebsk and Mohilef the Israelites have the right to reside in the inhabited localities, in virtue of proper tickets of sojourn which are given to them for this purpose, without, nevertheless, having the right to definitely establish themselves there in the quality of fixed inhabitants. With respect to the city of Nicolaief, they have the right to choose a domicile there and to acquire real estate, in conformity to the special provisions of the regulations in commerce. 2d. Regarding the western governments adjoining the frontier and Bessarabia, the Israelites are not authorized to establish themselves within a distance of 50 versts from the frontier of the state. Along the western frontier of the state the Israelites guilty of contraband are, in addition to the other penalties, condemned to vacate the above-cited limits. (See articles 16 and 23 of the regulations on passports, sequel to the Code of Laws, ed. of 1876.)

A general statute law that foreign Israelites are not authorized to immigrate to Russia, nor to receive Russian naturalization. (See article 992 of the regulations on social conditions, Code of Laws, vol. ix, ed. 1876.)

Nevertheless, article 530 of the regulations on passports (Code of Laws, ed. 1857), in admitting certain exceptions to the preceding law, particularizes who are those among foreign Israelites who are authorized to establish themselves within the limits of the localities where the right of domicile is accorded to all Jews in general.

1. Those whom the imperial government invites to come to Russia to exercise the functions of rabbins.

2. Those who come to Russia with the object of creating manufactories and workshops (with the exception of distillers), and who can show a capital for this purpose of at least 15,000 roubles. The individuals at their entry into Russia must engage, in writing, to create said establishments within a period of three years. In case where they shall be found not to have complied with the terms of their engagement they shall be expelled from the empire. On the contrary, in case they shall have fulfilled it, they should have the right to become Russian subjects and shall select a legal status.

Artisans called to Russia by the Israelite manufacturers to engage in manufacturing labor in their factories. These artisans shall not be permitted to enter Russia except upon presentation (*a*) of a passport in order, (2) of a certificate from the imperial legation or consulate of Russia certifying to their condition, the character of their former occupations, the trade which they follow, and showing that they have really been called to Russia, by whom, and with what object. After a sojourn of five years in the factories, and upon presentation of a certificate from their employers and the local authorities attesting their skill and their irreproachable conduct, they shall be permitted to establish themselves permanently in the localities of domicile acquired for Israelites and to become Russian subjects.

Foreign Israelites, arriving in the localities where the fixed sojourn is authorized for all Israelites in general, shall be put into possession of passports, in which it shall be stated that they are only of value within the limits of the localities above mentioned. (See article 8 and annexes to article 486, remark 2, of the regulations on passports, sequel to Code of Laws, ed. 1876.)

The local authorities are required to watch rigorous that foreign Israelites do not reside under the name of Christians in the localities where their sojourn is prohibited. The individuals discovered to be in this situation will be immediately expelled from Russia. (See article 531 of the regulations on passports, &c.)

Foreign Israelites, and especially those who are agents of large commercial houses abroad, are permitted to visit the great commercial and manufacturing centres of Russia, and to reside there a period of time, the fixing of which is submitted to the judgment of the proper authority.

It pertains to the department of the interior to definitely decide on the petitions presented for this object by the said Israelites. Nevertheless, the imperial legations and consulates may, without previous authorization of the department of the interior, deliver to bankers and chiefs of important commercial houses abroad passports to enter Russia and visé these passports, reserving notification to the department of the interior of the delivery or visé of passport to each one of the said individuals. (See article 2of the annexes to article 486 of the regulations on passports &c.)

Israelites, foreign subjects, known for their social position and large operations or commercial enterprises, are permitted as the result of a special understanding in each case between the minister of finance, of the interior, and of foreign affairs to establish a business within the limits of the empire, and to open banking offices by providing themselves, nevertheless, with certificates of merchants of the first guild. They are likewise authorized to establish manufactories, acquire and lease real estate freely upon the basis of the provisions decreed by the regulations on social conditions.

Foreign Israelites, whose high social position and commercial operations are of public notoriety, and who come to Russia with the object of purchasing products of the empire and exporting them abroad, can also, as the result of a special understanding in each case between the ministers of finance, of the interior, and of foreign affairs, obtain certificates of merchants of the first guild. (See part 5 of the remark to the third annex to article 128 of the regulations on commerce, ed. 1876, with a complement: Decision of the committee of ministers, December 26, 1877.)

Israelites, who may acquire by inheritance real estate situate beyond the localities where their sojourn is authorized, are required to sell it within a period of six months. This law applies also to foreign Israelites who may acquire real estate in Russia by right of inheritance. (See article 960 of the regulations in social conditions, Code of Laws, ed. 1876.)

The following provisions having been decreed for the Israelite subjects of the empire shall be applicable to foreign Israelite subjects in so far only as the latter are found to have satisfied the requirements of the above-cited laws.

Merchants of the first guild inscribed upon the general basis in the first guild of the cities may go there with the members of their families whose names are found upon the guild certificates.

Israelite merchants, who, in virtue of the preceding provisions, remove to the cities of the empire situated beyond the limits of the localities of their authorized domicile, are permitted to bring with them clerks and servants, likewise Israelites, in a limited number, and by observing the following rules: 1st. Israelite merchants who remove to one of the two capitals, St. Petersburg or Moscow, are required to state, in a special petition presented by them to the governors-general or the prefect of the place, the number of clerks or servants which they judge indispensable to bring with them to

said capitals, and upon what considerations this number is based. The granting of these petitions is left to the judgment of the governors-general and prefects above cited. 2d. Israelite merchants, who are inscribed in the guilds of other cities, are authorized to bring with them, at the most, one clerk, or one office boy, and four servants of the two sexes of their race per family of Israelite merchant. (See annex 3 to article 128 of the regulations on commerce, sequel to the Code of Laws, ed. 1876.)

Israelite merchants of the first guild, besides the general rights of commerce which belong to them within the limits of the localities of their authorized sojourn, enjoy the following special rights:

1st. They have the right to bring in bulk from the capitals and ports, in order to effect sales within the limits of the authorized district, all kinds of merchandise through the medium of commercial offices and local merchants or by correspondence.

2d. They are permitted to visit twice a year the capitals and other cities for the purpose of making sales there of merchandise, on condition that the period of their sojourn does not exceed six months per year. In case there shall be an impediment or impossibility on account of sickness or other cause to their going in person for the above-mentioned object to the interior of the empire, they will be authorized to send in their stead clerks provided with the proper authorization, always computing the period cited. An Israelite clerk who has already visited the provinces twice in one year by virtue of an authorization of a merchant cannot go there a third time in the course of the same year. It shall be the same if, having gone to said provinces once for one merchant, he held the authorization of another merchant. He shall, in this case, not be authorized to make more than a single journey in the course of this same year.

3d. Israelite merchants of the first guild are authorized to undertake enterprises in the government of the interior, but on condition that they do not employ in any case Israelites as agents or superintendents.

4th. Israelite merchants of the first guild are permitted to carry on in the capitals and the ports wholesale trade in the products of authorized governments by means of Christian clerks or of merchants of the place or by direct correspondence with the manufacturers. But they are forbidden to make sale in person of said products in the capitals or ports of the empire, or to open shops, under penalty of immediate expulsion and the confiscation of the merchandise.

5th. They shall not be authorized, neither personally nor even by means of Christian agents, to sell merchandise which they may have imported from abroad outside of the limits of the governments of their authorized fixed sojourn. (See article 130 of the regulations on commerce, sequel to the Code of Laws, ed. 1876.)

[Inclosure 2 in No. 135.]

MEMORANDUM OF TREATIES OF COMMERCE WITH RUSSIA.

Treaty between Great Britain and Russia.

[Extracts.]

ART. I. There shall be between all the dominions and possessions of the two high contracting parties reciprocal freedom of commerce and navigation. The subjects of each of the two high contracting parties, respectively, shall have liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favors, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native subjects generally.

It is understood, however, that the preceding stipulations in no wise affect the laws, decrees, and special regulations regarding commerce, industry, and police in rigor in each of the two countries, and generally applicable to all foreigners.

ART. XI. The subjects of each of the two high contracting parties by observing the laws of the country shall have—

(1.) Full liberty with their families to enter, travel, or sojourn in all parts of the states and posessions of the other contracting party;

(2.) They shall have the power in the towns and ports to rent or own the houses, warehouses, shops, and lands which they shall need;

(3.) They shall carry on their business either in person or by means of agents of their own choice; finally,

(4.) They shall not be subject, for their persons and property, nor for their passports, permits of sojourn or establishment, nor on account of their business or industry, to taxes, whether general or local, nor to imposts or obligations of whatsoever nature, other or more onerous than those which are or may be fixed for natives.

The treaty of commerce between France and Russia, 1874, is almost identical in language with the foregoing articles of the English treaty.

The treaty of commerce between Austria-Hungary and Russia, 1860, contains similar provisions, using in most instances the same language.

Article XIII of the Austrian treaty contains the exact text of Article XI, above quoted, of the British treaty, and there is added the following paragraph:

"It is understood that the restrictions established in the states of one of the high contracting parties shall be equally applicable to the subjects of the other belonging to the same confession."

No treaty of commerce exists between the German Empire and Russia.

[Inclosure 3 in No. 135.—From the London Times, May 23, 1881.]

THE CASE OF MR. LEWISOHN

Mr. Leon Lewisohn, a native of Hamburg, but a naturalized Englishman, carries on business as a merchant in London. In August, 1880, having occasion to visit Russia for the purposes of his trade, he provided himself with a passport, signed by Lord Granville and fortified with the *visa* of the Russian consul in London. He proceeded to the fair at Nijni Novgorod, and, after a stay of three weeks, went on to St. Petersburg, where he took up his residence at one of the principal hotels. On sending his passport to the proper department (*bureau des étrangers*) for examination, he was required to appear personally there, for the reason, as he states, that his name appeared to indicate a Hebrew origin. He duly attended, and was taken before the chief of the department, who merely asked him: "Are you a Jew?" On receiving a reply in the affirmative, the Russian functionary informed Mr. Lewisohn that he could not be permitted to remain in St. Petersburg, but must leave for the frontier within twenty-four hours. An order was indorsed on his passport to the effect that "the bearer of this passport, the British subject Leon Lewisohn, a Jew, is forbidden to stay in St. Petersburg," and instructions in conformity with the order were given to the police. Mr. Lewisohn applied for assistance to the English embassy, but appears to have seen no one in authority. He did not obtain the help he sought, and he left the Russian capital the next day (September 23). Mr. Lewisohn states that he suffered pecuniary loss from the expulsion.

On returning to London, Mr. Lewisohn made a statement of his case to the foreign office. Lord Granville immediately communicated with our ambassador at St. Petersburg, and Sir Julian Pauncefote was instructed to inform Mr. Lewisohn that the notice which he had received to quit Russia appeared to have been in accordance with Russian law. Mr. Lewisohn having further told Lord Granville that his business requirements would in a short time render it again desirable for him to visit Russia, and having asked whether protection would be afforded him for that purpose by her Majesty's government, Lord Granville requested Lord Dufferin by telegraph to ascertain whether there would be any objection to Mr. Lewisohn's returning to Russia. A delay of three weeks supervened, and Lord Granville telegraphed again, and learned, in reply, that Lord Dufferin had not yet received any answer from the Russian Government to several inquiries he had made on the subject. Ultimately, after a correspondence extending over four or five months, Mr. Lewisohn received (on April 2, 1881) a letter from the foreign office which informed him of the definite refusal of the Russian Government to permit him to return to St. Petersburg.

No. 625.

Mr. Foster to Mr. Blaine.

[Extract.]

No. 136.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 14, 1881. (Received July 30.)

SIR: I have the honor to acknowledge the receipt of your confidential No. 80, and have read with much interest your admirable note to Mr. Bartholomei which you sent as an inclosure.

* * * * * * *

You express a desire that I should transmit without delay the text of the law governing the residence or sojourn of Jews in Russia, to which Sir Charles Dilke alluded in Parliament. I regret to say that

I am unable at present to do so, but I hope the abstract sent with my No. 135 will be sufficient for your purpose.

As heretofore stated, the laws are numerous and conflicting, and I do not know the precise one referred to by him; besides, they are in the Russian language only, and uncodified, and it would require the assistance of a learned native lawyer, with fuller information as to Sir Charles's remarks, to do more than send what is contained in my No. 135. I will write to Mr. Lowell, who may be able to get more light upon the subject. I will not, of course, ask him to do anything if he sees the slightest embarrassment, but as the action of our government and of this legation has been freely referred to in Parliament, he may be able, without appearing to be intrusive, to get further information, which I will ask him to communicate to you direct.

I hope the memorandum on the British, Austrian, and other treaties with Russia, which I also transmit, will be of some service to you. The examination which I have made satisfies me that the text of our treaty of 1832 is more favorable to us than that of any other of the nations mentioned. It is possible that the last three lines of Article I may yield the point under discussion, but they certainly do not do so as fully and explicitly as either the British, French, or Austrian (especially the latter), or the treaties of the other European governments. I think you have been misinformed if you have the impression (as I infer you have from your note to Mr. Bartholomei) that either other nations have more favorable treaty stipulations on this subject with Russia than the United States, or that the Jews of other nationalities receive better treatment than those who are American citizens. On the contrary, so far as my observation goes, more consideration has been shown to American Jews than is usual with those of other nationalities. I think that upon further examination of the subject you will be confirmed in the views suggested by the resolution of Congress, and approved by the President and yourself, that the defect may be in the treaty, and that we will have to look for a remedy in that direction.

* * * * * * *

The present time is not a favorable season, however, for any action, as both the embassies and court are in vacation; and, besides, you may prefer to further consider the subject before any other steps are taken.

There is a kindred matter which I design to make the topic of a dispatch, to wit, the rights of naturalized American citizens of Russian nativity who may revisit this country. The question has presented itself recently in two or three phases, and in the absence of a treaty of naturalization it is not easy to make a satisfactory settlement.

I am, &c.,

JOHN W. FOSTER.

No. 626.

Mr. Foster to Mr. Blaine.

No. 139.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 19, 1881. (Received August 4.)

SIR: Your dispatch* No. 81, of the 24 thultimo, relating to the Panama canal, was duly received.

On yesterday I took the first opportunity, by the return from the

*For instruction referred to see instruction No. 187, dated June 27, 1881, to minister to Great Britain, page 537.

Emperor's summer residence at Peterhof of the imperial minister of foreign affairs, to speak with Mr. de Giers on the subject which suggested your dispatch, and he assured me that no proposition looking to a joint guarantee of the neutrality of the canal referred to had been submitted to the Russian Government, and that he had no knowledge of the existence of such a proposition. He added that Russia would not take the initiative in such a project.

In view of this explicit statement, I did not deem it necessary to enter in detail upon an expression of the views of our government, but limited myself to saying that while the United States claimed to have a greater interest in the projected enterprise than any European government, she did not propose to assume any new attitude on the subject, but would only adhere to and seek the recognition of her long-standing position with regard to the Isthmus canal.

Mr. de Giers said that should the question mentioned come before the Russian Government he would advise me.

I am, &c.,

JOHN W. FOSTER.

No. 627.

Mr. Foster to Mr. Blaine.

No. 141.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 23, 1881. (Received August 6.)

SIR: The question of the rights of naturalized citizens of the United States of Russian origin who revisit this country is one which has several times of late been presented to this legation and by it submitted to the Russian Government, without obtaining therefrom any satisfactory result.

The subject may be best illustrated by citing some of the cases which have arisen. Isaac Goldner, born in Odessa, Russia, in 1858, went to Germany in 1870 at the age of twelve years, and from Germany to the United States in 1872, where he remained continuously until 1880, having served for five years with honorable promotion in the United States Army and been regularly naturalized as a citizen. Last year he returned to Odessa, with an American passport, on a visit to his friends, and was immediately arrested and held for service in the Russian army. The consul intervened in his behalf, but could obtain no other relief than his release on bail pending the settlement of the question. In December last I presented the matter to the minister of foreign affairs, and suggested that it was a case which strongly appealed to imperial clemency, if it was held that he was subject to military service. I have several times since recalled the case to the attention of the minister, but his reply has been that he has received no report from the authorities at Odessa. I infer from the latest information I have from that city, that if Goldner has not been impressed into the army it is because he has forfeited his bail and escaped from the country.

Paul T. Batzell, born in Riga, Russia, in 1848, represents that he was exempt from military service on account of his father belonging to the first guild, and that he left this city in 1872, with a passport issued by the proper authority, and went to the United States, where he became a citizen and permanently established himself. He having manifested a desire to revisit Russia on business for a given time, under instructions from the Department of State I inquired in writing, on the 5th of

November last, of the minister of foreign affairs, whether he would be permitted to return to Russia free from liability to this government on account of the circumstance of his birth. I stated Mr. Batzell's history in detail, and gave his references to persons of responsibility and standing in this country, from whom the truth of his representations could be ascertained. Although I have addressed a second note to the foreign office, no answer has yet been received.

Louis Colsky represents that he was born in Lowicz, government of Poland, Russia, and in 1862, at the age of sixteen years, emigrated to the United States, served in the Army of the Union to the close of the civil war, was honorably discharged, became a naturalized citizen, married in the United States, is the father of four children, and has continuously resided in that country since 1862. He wrote to this legation in April last that his parents had died in Poland; that a legacy had been left him which he was informed could only be paid to him personally; that he desired to return to his birth-place to receive this legacy and pay his tribute of respect to his departed parents in visiting their graves; and that, if permission could be obtained from the Russian Government, he would sail from New York in the present month. I made application to the foreign office, setting forth the facts, but up to this date no reply has been received.

It is proper to state, in explanation of the delay of the foreign office to reply to such applications, that they have to be sent down through the department of the interior, the governors-general of the provinces, and the governors of the districts to the local authorities, and then placed in the hands of the police or other officials to obtain a full history of the individual, so that much time is consumed in obtaining a report, if, happily, one is ever sent.

The Russian Government discourages emigration by all kinds of impediments to the departure of its subjects. No individual can leave the empire without a passport, and no passport is given unless all claims are discharged. These claims do not merely relate to the military service, but to taxes, judicial suits, personal indebtedness, and various other liabilities. The only exception in this regard is that of the Grand Duchy of Finland, which is not subject to the general legislation and restrictions of the Russian Empire, but governed by a liberal and independent system of laws, and; as a consequence, no restriction is placed upon emigration, and American citizens, natives of Finland, are not molested upon their return to the places of their birth. But in all other parts of the empire it is different. Aside from Finland, the chief emigration from Russia to the United States takes place from Poland; and, in answer to my inquiries, the consul at Warsaw states that it is impossible to form any estimate of the number who go to the United States, for the reason that all the emigration is carried on surreptitiously, as it requires at least four months to obtain a passport, even if free from liability, and costs one hundred roubles (near $75), and that as the emigrants are usually of the poorer classes, they pass the frontier without authority. He further states that if naturalized citizens of the United States of Polish birth return to Poland, they are generally sentenced in accordance with article 325 of the Penal Code, or, if acquitted, are under the surveillance of the police. Article 325, referred to by the consul, and which is in force throughout Russia, except in the Grand Duchy of Finland, is as follows:

Whoever, leaving his country, enters without the authorization of the government into a foreign service, or becomes a citizen of a foreign power, incurs, on account of this violation of his oath of allegiance, and of his duties as a subject, the privations of all his civil rights, and perpetual exile beyond the limits of the empire, or, in case of voluntary return to Russia, deportation to Siberia, to be colonized there.

In the absence of a treaty of naturalization, and with the existence of such regulations as those cited, legal emigration can hardly take place in Russia, and such of its subjects as go to the United States and become naturalized citizens, and afterward revisit the land of their birth, find that their passports of American citizenship afford them very little if any protection.

It is respectfully submitted to the Department whether some steps may not be taken to improve the condition of this class of American citizens.

I have, &c.,

JOHN W. FOSTER.

No. 628.

Mr. Blaine to Mr. Foster.

[Extract.]

No. 87.] DEPARTMENT OF STATE,
Washington, July 29, 1881.

SIR:

* * * * * * *

From a careful examination of the cases of grievance heretofore reported by your legation, it appears that the action of the Russian authorities toward American citizens, alleged to be Israelites, and visiting Russia, has been of two kinds:

First. Absolute prohibition of residence in St. Petersburg and in other cities of the Empire, on the ground that the Russian law permits no native Jews to reside there, and that the treaty between Russia and the United States gives to our citizens in Russian jurisdiction no other rights or privileges than those accorded to native Russians. The case of Henry Pinkos may be taken as a type of this class.

Second. Permission of residence and commerce, conditionally on belonging to the first guild of Russian merchants and taking out a license. The case of Rosenstrauss is in point.

The apparent contradiction between these two classes of actions becomes more and more evident as the question is traced backward. The Department has rarely had presented to it any subject of inquiry in which a connected understanding of the facts has proved more difficult. For every allegation, on the one hand, that native laws, in force at the time the treaty of 1832 was signed prohibited or limited the sojourn of foreign Jews in the cities of Russia, I find, on the other hand, specific invitation to alien Hebrews of good repute to domicile themselves in Russia, to pursue their business calling under appropriate license, to establish factories there, and to purchase or lease real estate. Moreover, going back beyond 1832, the date of our treaty, I observe that the imperial ukases concerning the admission of foreigners into Russia are silent on all questions of faith; proper passports, duly viséd being the essential requisite. And, further back still, in the time of the Empress Catherine, I discover explicit tolerance of all foreign religions laid down as a fundamental policy of the empire.

Before examining the issues directly before us, it may not be out of place to give a brief review of these historical *data*.

The ukase of the Empress Catherine, of 22d February, 1784, although

concerning only the establishment of commercial relations with the new possessions of Russia on the Black Sea, contains the following notable declaration:

That Sebastopol, Kharson, and Theodocia be opened to all the nations friendly to our empire for the advantage of their commerce with our faithful subjects, * * * that the said nations may come to these cities in all safety and freedom. * * * Each individual of such nation, whoever he may be, as long as he shall remain in the said cities by reason of his business, or of his own pleasure, shall enjoy the free exercise of his religion according to the praiseworthy precepts handed down to us by the sovereigns our predecessors, and which we have again received and confirmed, "that all the various nationalities established in Russia shall praise God, the All Powerful, each one after the worship and religion of his own ancestors," * * * and we promise, upon our imperial word, to accord to all foreigners in these three cities the same advantages which they already enjoy in our capital and seaport, St. Petersburg, &c.

The full text of this ukase, which breathes a spirit of large and enlightened tolerance in advance of the policy of those days, is well worthy of perusal, and may be consulted in vol. 4 of Martens' "Recueil des Traités," 1st edition, Göttingen, 1795, pages 455–457.

The imperial ordinance of the Czar Alexander I, of 13th August, 1807, decrees a rigid system of passports for foreigners entering Russia, and is applicable to "all foreigners, of whatsoever nationality," but intimates no restriction on travel or sojourn in Russia by reason of race or faith. This ordinance was modified and amplified by the ukase of 25th February, 1817, but still without any manner of religious proscription or restriction.

From this time down to 1860 I can find no trace of the enforcement, especially against American citizens, of the restrictions against Jewish travel and residence which are stated to have existed when our treaty with Russia was signed. It is a significant circumstance that the acknowledged authorities on private international law, writing during this period upon the legislation of all Europe as affecting the persons and rights of aliens, make no reference to such disabilities. Even the painstaking Fœlix is silent on this point, although devoting much space to the treatment and rights of aliens in Russia. I do not desire to be here understood as arguing that the asserted disabilities did not exist at that time. The domestic history of the Russian Empire shows plainly the restrictions placed upon native Hebrews, and especially those of Polish origin, the efforts to confine them to certain parts of the empire, and the penalties sought to be imposed to deter them from mingling with the Christian subjects of the Czar. But the same history shows the gradual relaxation of those measures, until, in the capital itself, the native Israelite population is said to number some thirty thousand souls, with their synagogues and sectarian schools; while a special ukase of the late Czar distinctly recognizes to foreign Hebrews every privilege of residence and trade, in a certain guild, which native Christian subjects possess.

This ukase of the Emperor Alexander II, of 7th of June, 1860, after premising that the need of commercial development and the principles of international reciprocity make it proper to concede "to foreigners dwelling in Russia the same rights as those which our subjects enjoy already in the principal countries of Europe," proceeds to permit all aliens to enter any of the trading guilds on the same footing as natives and to thereupon enjoy all the commercial privileges which these guilds confer upon native Russian traders, with the following qualification:

FIRST REMARK.—Foreign Hebrew subjects, known by reason of their social position and the wide extent of their commercial operations, who come from foreign lands, may, after the established formalities, that is to say, upon a special authorization, issued in each case by the ministers of finances, of the interior, and of foreign affairs, trade in

the empire, and establish banking houses therein, upon procuring the license of a merchant of the first guild. It is likewise permitted to these same Israelites to establish factories, to acquire and to lease real estate conformably to the prescriptions of the present ukase.

This provision, it will be observed, extends to the whole territory of the empire. If, as I understand the response of the Russian ministry in the case of Henry Pinkos, native Israelites are forbidden by law from residing or trading in the capital, then this ukase places all foreign Jews (whether belonging to treaty powers or not) on a more favored footing. But if native Hebrews, as a fact, are permitted to reside in St. Petersburg and engage in trade in other guilds than the so-called "first guild," there may then well be question whether such restriction to a particular guild in the case of an American Israelite is consonant with the express provisions of the treaty of 1832, Article I. This point was, in fact, raised in the case of Theodore Rosenstrauss at Kharkoff, which is narrated at length, with all the correspondence therein exchanged, in Mr. Jewell's dispatch No 20, of December 15, 1873; but it does not seem to have been then exhaustively considered whether the complainant received, under the treaty, the like treatment with the native Hebrews of Kharkoff, or whether he was constrained to obey the ukase of 1860, which, as I have above remarked, is framed for general application to all aliens and irrespective of treaty rights. It is, however, not my present purpose to reargue this old case, but simply to call attention to the fact that Russian law may, and possibly does, modify and restrict treaty rights. The Rosenstrauss case was special in its nature, and concerned commercial privileges, under a promulgated license law of the empire. It may be necessary, at some future time, to discuss the questions it involves, but just now I am concerned with a different class of cases, namely, those of American citizens visiting Russia for private business or for pleasure and travel, and duly provided with the passports of this government authenticating their national character and their consequent right to all the specific guarantees of our treaty.

This brings me again to the cases of Pinkos and Wilczynski. It is unnecessary here to recapitulate the facts therein, as they are amply presented by the files of your legation, and by the correspondence had with the Russian foreign office. It is sufficient to characterize them as instances of the notified expulsion from St. Petersburg, by the police or military authorities, of American citizens, not because of any alleged failure to comply with the ukase of 1860, or with the Russian commercial code, but simply on the allegation, unsupported by proof, that they professed the Israelitish faith, and that the law forbade the sojourn of native Israelites in the imperial capital. On this brief formulation of the case, this government believes that, under its treaty with Russia, and in view of its treatment of Russian subjects resorting under like circumstances to the United States, it has just ground for complaint, and expectancy of better treatment from the government of Russia.

The provision of our treaty of 1832 with Russia, governing the commercial privileges of the citizens and subjects of the two countries, is as follows:

ARTICLE I. There shall be between the territories of the high contracting parties a *reciprocal liberty* of commerce and navigation.

The inhabitants of their respective states shall *mutually* have liberty to enter the ports, places, and rivers of each party *wherever foreign commerce is permitted.* They shall be at liberty to sojourn and reside *in all parts whatsoever* of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Article X confers specific personal rights reciprocally. In respect of this article an infringement alike of the letter and the spirit of the treaty is not only possible, but probable, under the rigid interpretation of the Jewish laws upon which Russia seems disposed to insist. Its stipulations concern the right to dispose of personal property in Russia owned by or falling to American citizens, who may receive and dispose of inheritances and have recourse to the courts in settlement of questions arising thereunder. It certainly could not be seriously claimed or justly admitted that an American Hebrew, coming within the provisions of this article, is to be treated as a candidate for commercial privileges, and required to take out a license as a trader of the first guild, subject to the approval of his application by the ministries of finance, interior, and foreign affairs. A personal right, not a mercantile privilege, is conferred. To bar an American citizen whose rights might be so concerned from personal appearance in protection of those rights would be a distinct departure from the engagement of the treaty; while to suppose that his case might come under the discretional authority of the police or the military power, which might refuse his personal sojourn in any part of the empire, or allow it under conditions depending on their good will, is to suppose a submission of the guarantees of the treaty to a tribunal never contemplated by its framers.

Upon a case arising, this government would hold that the treaty conferred specific rights on all American citizens in the matter of the disposition of their personal property, irrespective of any conditions save those which the article itself expressly creates; that their actual presence when necessary to protect or assert their interests is absolutely guaranteed whenever and for whatever time it may be needful; and that this international engagement supersedes any municipal rule or regulation which might interfere with the free action of such individuals.

It would be, in the judgment of this government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts which, under Russian law, may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme, and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment that where a treaty creates a privilege for aliens in express terms, it cannot be limited by the operation of domestic law without a serious breach of the good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens of another state exists, the law governing natives in like cases is manifestly inapplicable.

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign states for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed. So that they abide by the laws, at home or abroad, it must give them due protection and expect like protection for them. Any unfriendly or discriminatory act against them on the part of a foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty

existed or not. The friendliness of our relations with foreign nations is emphasized by the treaties we have concluded with them. We have been moved to enter into such international compacts by considerations of mutual benefit and reciprocity, by the same considerations, in short, which have animated the Russian Government from the time of the noble and tolerant declarations of the Empress Catherine in 1784 to those of the ukase of 1860. We have looked to the spirit rather than to the letter of those engagements, and believed that they should be interpreted in the broadest way; and it is, therefore, a source of unfeigned regret to us when a government, to which we are allied by so many historical ties as to that of Russia, shows a disposition in its dealings with us to take advantage of technicalities, to appeal to the rigid letter and not the reciprocal motive of its international engagements in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrong-doing or of no violation of the commercial code of the land, but of simple adherence to the faith of their fathers.

That the two American citizens whose unfortunate cases have brought about this discussion were not definitely expelled from St. Petersburg, but were allotted, by the military authorities, a brief time to arrange their private affairs, said to coincide with the usual time during which any foreigner may remain in the empire under his original passport, does not alter the matter as it appears to our eyes. The motive alleged remains the same, and the principle involved is one recognized neither by our fundamental laws nor by any of the conventions we have concluded with foreign states.

It must not be forgotten that this issue, of the banishment of our citizens from a friendly territory by reason of their alleged religion, is a new one in our international relations. From the time when the treaty of 1832 was signed down to within a very recent period, there had been nothing in our relations with Russia to lead to the supposition that our flag did not carry with it equal protection to every American within the dominions of the empire. Even in questions of citizenship affecting the interests of naturalized citizens of Russian origin, the good disposition of the imperial government has been on several occasions shown in a most exemplary manner; and I am sure the actual counselors of His Majesty cannot but contemplate with satisfaction the near approach made in 1874 to the arrangement of negotiations for a treaty of naturalization between the two countries. On that occasion, as will be seen by consulting Mr. Jewell's No. 62, of April 22, 1874, the only remaining obstacle lay in the statutes of the empire touching the conferment and loss of citizenship, of which the examining commission and the consultative council of state recommended the modification in a sense compatible with the modern usage of nations.

I can readily conceive that statutes bristling with difficulties remain unrepealed in the volumes of the law of Russia as well as of other nations. Even we ourselves have our obsolete "Blue Laws"; and their literal enforcement, if such a thing were possible, might to-day subject a Russian of free-thinking proclivities, in Maryland or Delaware, to the penalty of having his tongue bored through with a red-hot iron for blasphemy. Happily the spirit of progress is of higher authority than the letter of outworn laws; and statutory enactments are not so inelastic but that they relax and change with the general advancement of peoples in the path of tolerance.

The simple fact that thousands of Israelites to-day pursue their callings unmolested in St. Petersburg, under the shadow of ancient pro-

scriptive laws, is in itself an eloquent testimony to the principle of progress. And so, too, in Spain, where the persecution and expulsion of the Jews is one of the most notable and deplorable facts in history, and where the edicts of the earlier sovereigns remain unrepealed, we see today an offer of protection and assured right of domicile made to the Israelites of every race.

I leave out of consideration in the present instruction the question whether the citizens or subjects of other nations are more or less favored than our own in this regard. I have not, however, failed to notice the statement made to you by Mr. de Giers, in one of your reported conversations with him, that German and Austrian Jews are subjected to the proscriptions in question, and the implication therefrom that if the Governments of Germany and Austria do not complain, there is no reason why we should.

It is not for me to examine or conjecture the reciprocal motives of policy or of international convention which may govern in these instances. Neither have I failed to remark the seeming uncertainty with which the British Government has approached the case of the English Israelite, Mr. Lewisohn, who was recently required to quit St. Petersburg, notwithstanding that the personal guarantees of the Anglo-Russian treaty of January 12, 1859, in its eleventh, twelfth, and thirteenth articles, are more particular than in our own treaty, and were, presumably, like our own stipulations, framed with the intent of securing impartial rights and protection in Russia. I am perfectly willing to rest my argument on the moral weight of our treaty of 1832, although of course not averse to availing myself of any support which may come from any other quarter to fortify what we conceive to have been our clear purpose in executing that instrument. And under no circumstances would I in the name of this government be willing to accept a less measure of impartial privilege for a citizen of the United States visiting or sojourning in Russian territory than is assured to aliens in the like case by any stipulation with or usage toward any other nation on the part of Russia.

I had the honor in my letter of the 20th ultimo to Mr. Bartholomei to acquaint him with the general views of the President in relation to this matter.

I cannot better bring this instruction to a close than by repeating and amplifying those views which the President so firmly holds, and which he so anxiously desires to have recognized and responded to by the Russian Government.

He conceives that the intention of the United States in negotiating and concluding the treaty of December 18, 1832, and the distinct and enlightened reciprocal engagements then entered into with the Government of Russia, give us a moral ground to expect careful attention to our opinions as to its rational interpretation in the broadest and most impartial sense; that he would deeply regret, in view of the gratifying friendliness of the relations of the two countries which he is so desirous to maintain, to find that this large national sentiment fails to control the present issue, or that a narrow and rigid limitation of the construction possible to the treaty stipulations between the two countries is likely to be adhered to; that if, after a frank comparison of the views of the two governments, in the most amicable spirit and with the most earnest desire to reach a mutually agreeable conclusion the treaty stipulations between the United States and Russia are found insufficient to determine questions of nationality and tolerance of individual faith, or to secure to American citizens in Russia the treatment which Rus-

sians receive in the United States, it is simply due to the good relations of the two countries that these stipulations should be made sufficient in these regards; and that we can look for no clearer evidence of the good will which Russia professes toward us than a frank declaration of her readiness to come to a distinct agreement with us on these points, in an earnest and generous spirit.

I have observed that in your conferences on this subject heretofore with the minister for foreign affairs, as reported in your dispatches, you have on some occasions given discreet expression to the feelings of sympathy and gratification with which this government and people regard any steps taken in foreign countries in the direction of a liberal tolerance analogous to that which forms the fundamental principle of our national existence. Such expressions were natural on your part, and reflected a sentiment which we all feel. But in making the President's views known to the minister I desire that you will carefully subordinate such sentiments to the simple consideration of what is conscientiously believed to be due to our citizens in foreign lands. You will distinctly impress upon him that, regardful of the sovereignty of Russia, we do not submit any suggestions touching the laws and customs of the empire except where those laws and customs conflict with and destroy the rights of American citizens as secured by treaty obligations.

You can further advise him that we can make no new treaty with Russia, nor accept any construction of our existing treaty, which shall discriminate against any class of American citizens on account of their religious faith.

I cannot but feel assured that this earnest presentation of the views of this government will accord with the sense of justice and equity of that of Russia, and that the questions at issue will soon find their natural solution in harmony with the noble spirit of tolerance which pervaded the ukase of the Empress Catherine a century ago, and with the statesman-like declaration of the principle of reciprocity found in the later decree of the Czar Alexander II in 1860.

You may read this dispatch to the minister for foreign affairs, and should he desire a copy, you will give it to him.

I am, &c.,

JAMES G. BLAINE.

No. 629.

Mr. Hoffman to Mr. Blaine.

No. 150.] LEGATION OF THE UNITED STATES,
St. Petersburg, August 29, 1881. (Received September 24.)

SIR: I have the honor to inform you that, having prepared a copy of your dispatch No. 87 upon the subject of United States Jews in Russia, I to-day called upon Mr. de Giers.

I told him the object of my visit, and offered to read your dispatch. He requested me not to do so, as he was very much occupied, and several persons waiting to see him, but asked me to leave him a copy, which he promised to have carefully considered.

I said to him that your dispatch related to citizens of the United States alone; that you did not touch upon the question of Russian Jews; and that as regards citizens of the United States you placed yourself principally and strongly upon the treaty of 1832. That under the treaty every citizen of the United States, without distinction of

creed, had the right to go where he pleased, and stay as long as he pleased, in the empire. He replied that he regarded the words "on condition of their submitting to the laws and ordinances there prevailing" as qualifying this right, and subjecting American Israelites to the laws which govern Russian Israelites. I assured him that it appeared to me that those words referred rather to laws on morals (*moeurs*) and police "ordinances," in the ordinary acceptation of that term. I added, that in the case of Russian Jews very many exceptions were made to their laws (referring to the large number of Russian Jews permitted to reside in St. Petersburg contrary to law). He admitted that there were many such exceptions; and added that exceptions were made and would be made freely in case of foreign Jews also. I had only to apply in any particular case, and he had no doubt an exception would be made; your dispatch should be carefully considered, and in a week or two he would answer it verbally or in writing, as I preferred. He added that the answer would probably be the same as that given to the English.

The answer given to the English, I understand to be, that the treaty does not give an English Israelite the right to go anywhere, or stay any length of time, in Russia, but that he is bound by the regulations which govern native Jews; but that in the case of Mr. Lewisohn an exception is made on request of the British embassy, and he can return here if he desires to do so. I do not speak with certainty, but I learn in well informed quarters that this is the decision.

I am, &c.,

WICKHAM HOFFMAN.

No. 630.

Mr. Hoffman to Mr. Blaine.

No. 162.] LEGATION OF THE UNITED STATES,
St. Petersburg, October 8, 1881. (Received October 26.)

SIR: Referring to your dispatch No. 87, and to my No. 150 in reply, I have the honor to inform you that I called yesterday upon Mr. de Giers in reference to the question of United States Jews in Russia. Mr. de Giers stated that he had read your dispatch with interest; that the question had two sides—its legal and its moral side; that in reference to the former, he still maintained the view he had already intimated to me, viz, that in the treaty of 1832 the words "on condition of their submitting to the laws and ordinances there prevailing" were controlling, and subjected American Jews to the treatment of native Jews. He added that he had given an analogous answer to the representations of other powers.

As regards the moral side of the question, he, personally, would be glad to see important modifications made in the laws regulating the condition of the Jews in Russia; but that they had brought much of the harshness of these laws upon themselves. A commission had, however, been appointed to examine and report upon the whole Jewish question, under the presidency of the minister of the interior; that the commission would meet this autumn, and that he had already transmitted your dispatch to that officer, to be submitted for the consideration of the commission.

I am, &c.,

WICKHAM HOFFMAN.

CORRESPONDENCE WITH THE LEGATION OF RUSSIA AT WASHINGTON.

No. 631.

Mr. Blaine to Mr. Bartholomei.

DEPARTMENT OF STATE,
Washington, March 15, 1881.

SIR: I have the honor to inform you that the Senate of the United States has in special session, by a unanimous vote, passed the subjoined resolutions, viz:

Whereas the Senate of the United States of America, now convened in special session, has been informed of the death by unlawful and inhuman violence of His Majesty the Emperor Alexander II of Russia:

Resolved, That the Senate unites its voice with that of all civilized peoples in denouncing assassination as a means of redress for any grievances, either real or imaginary.

2. That remembering and cherishing with satisfaction the relations of genuine friendship that have always existed between the people and the governments of Russia and of the United States, to the strengthening and maintenance of which the late Emperor has earnestly contributed his great influence, the Senate extends to the government and people of Russia its sincere condolence in this sad national bereavement.

Resolved, That the Secretary of the Senate deliver a copy of these resolutions to the President of the United States, with the request that he communicate the same to the Russian Government.

In communicating this information, I beg to express to you my great gratification with the prompt and decisive action of the Senate of the United States in the presence of an event which has naturally shocked the civilized world, and to add that I have hastened to communicate the same intelligence to our legation at St. Petersburg by cable, for the information of His Majesty's Government.

I profit by this occasion, sir, &c.,

JAMES G. BLAINE.

No. 632.

The Czar to the President.

[Translation.]

[Grand titles omitted.]

It has pleased the Most High, in His inscrutable wisdom, to visit Russia with a terrible affliction, and suddenly to call to Himself, on the 1st day of the present month of March,* His Majesty the Emperor Alexander Nicolaevitch, our very dear father. He fell under the sacrilegious hand of the assassin, which had more than once attempted to take his life. In informing you, as we do with unspeakable grief, of the irreparable loss which both we and all our imperial family have sustained, we desire also to inform you that, by the right of succession, we have ascended the throne of our ancestors of the Empire of Russia, the Kingdom of Poland, and the Grand Duchy of Finland, which are inseparable therefrom.

*Old style.

We feel convinced that you will not only take an interest in this event, but that you will continue to manifest the same friendship to us that you did to the Emperor of blessed memory, which friendship we shall certainly reciprocate.

In accrediting to the Government of the United States of America our chamberlain, the Actual Councillor of State Bartholomei, we beg you to give full faith and credit to whatever he shall have the honor to say to you in our name.

Finally, we pray the Most High to have you, Mr. President, our great and good friend, in His holy keeping.

Done at St. Petersburg on the 4th* day of March, in the year 1881, of our reign the first.

Your good friend,

ALEXANDER.

Countersigned:

The secretary of state in charge of the ministry of foreign affairs.

N. GIERS.

No. 633.

Circular of Mr. de Giers to Mr. Bartholomei.

[Translation.]

ST. PETERSBURG, *March* 4 (16), 1881.

MR. MINISTER: In ascending the throne of his ancestors, His Majesty the Emperor takes possession of an inheritance consecrated by ancient traditions, the acts of his predecessors, and the toils and blood of the generations that have made the history of Russia.

His Majesty accepts this glorious inheritance in its entirety. He considers that his first duty is to transmit it intact to those who shall succeed him.

During the formation of her political system Russia, like all other states, has been obliged to pass through struggles which have given tone to her energy and her political character.

She has attained her normal development, and has no reason to envy others, and nothing to ask of them. She has now nothing to do but to strengthen and protect herself against every external danger, and to develop her internal strength, both moral and material, together with her resources and her prosperity.

This is the task that our august master assumes. His Majesty is resolved not to allow himself to be turned from his purpose by any consideration whatever.

The policy of the Emperor will therefore be, in the first place, to promote those public improvements which are demanded by the progress of civilized life, and by those economical and social interests which are now the chief object of the solicitude of all governments.

The foreign policy of His Majesty will be an essentially pacific one. Russia will remain faithful to her friendships and to her traditional sympathies, and will reciprocate the friendly acts of all states. Without resigning the position which belongs to her among the powers of the world, and without ceasing to watch over the maintenance of the

* Old style; 16th day of March new style.

balance of power, so far as her interests may be thereby affected, she considers herself interestedin the preservation of general peace, based upon respect for law and existing treaties.

She owes it above all to herself, and will not allow herself to be turned aside from her labors at home, except it become necessary for the defense of her honor or her security.

The object of our august master will be to render Russia strong and prosperous for her own welfare and to the detriment of none.

Such are the principles by which the Emperor will invariably be guided in his policy. His Majesty requests you to make them known to the government to which you are accredited, by reading this dispatch to the minister of foreign affairs.

Accept, &c.,

GIERS.

No. 634.

Mr. Bartholomei to Mr. Blaine.

[Translation.]

WASHINGTON, *March* 17, 1881.

MR. SECRETARY OF STATE: In reply to your note of March 15, whereby you informed me of the resolution adopted by the Senate on the occasion of the ever-to-be-lamented death of the Emperor Alexander II, I have been instructed in the name of His Majesty the Emperor Alexander III to transmit his most sincere thanks to the Federal Senate for its sympathy with Russia on account of the painful loss which has just been experienced by that nation.

Deeming myself happy in being called to deliver this message from my Sovereign, I beg leave to offer you, Mr. Secretary of State, my warmest thanks for the expressions of earnest sympathy which I have received from you in this moment of anguish and terrible trial for my country.

Be pleased to accept, Mr. Secretary of State, the assurance of my highest consideration.

M. BARTHOLOMEI.

No. 635.

The Czar to the President.

[Translation.]

MR. PRESIDENT, GREAT AND GOOD FRIEND: Called to ascend the throne of my ancestors in consequence of a painful catastrophe, I fulfill a duty in expressing to you my profound gratitude for the testimonies of sympathy which have been given to me by yourself, as well as by the Senate and the American people in the cruel misfortune which has stricken me, with the whole Russian nation. It is under grave circumstances that those national sentiments are manifested which unite peoples, and which are consolidated by being affirmed with this warmth and unanimity.

Neither I nor Russia will forget the marks of sympathy from the American nation. The friendship which unites the two governments and the two countries is a sacred heritage left to me by my beloved father, which it will be my liveliest desire to cultivate and to strengthen for the good of the two peoples; and I am glad to know that I can count upon your co-operation to this end.

I seize upon this occasion to offer to you the assurances of the high consideration with which I am,

Your good friend,

ALEXANDER.

ST. PETERSBURG,
March 18, 1881.

SPAIN.

No. 636.

Mr. Reed to Mr. Evarts.

No. 39.] LEGATION OF THE UNITED STATES,
Madrid, October 23, 1880. (Received November 9.)

SIR: At the instance of his excellency the minister of state, I have the honor to inclose herewith, for your information, a copy and translation of a note addressed to his excellency Antonio Canovas del Castillo by Sid Mohammed Vargas, minister for foreign affairs of the Empire of Morocco, containing the answer of the Sultan to the "memorandum" addressed to him by the diplomatic conference lately held in Madrid relative to religious liberty in his empire.

A copy and translation of Mr. Elduayen's note, transmitting the above-mentioned communication, is also inclosed for your further information.

I have, &c.

DWIGHT T. REED.

[Appendix C in No. 39.—Translation.]

Señor Elduayen to Mr. Reed.

MINISTRY OF STATE,
Palace, October 11, 1880.

MY DEAR SIR: I have the honor to send you for the information of the Government of the United States, the inclosed copy of a translation of a letter addressed by the minister for foreign affairs of His Sheriffian Majesty to Señor Don Antonio Canovas del Castillo, who had the honor to act as president of the diplomatic conference held at Madrid, for the discussion of certain questions relating to the empire of Morocco.

As you will be pleased to observe, the letter of Sid Mohammed Vargas is an answer from the Sultan, though not very explicit, to the memorandum relative to the religious question in that empire, which by the request of the governments represented in the conference was submitted by Mr. Canovas to the consideration of the Government of Morocco on the 26th June last, and for this reason I have thought proper to acquaint the cabinet at Washington, through the legation under your worthy charge, of the orders and purposes of His Sheriffian Majesty as therein expressed.

I avail, &c.,

J. ELDUAYEN.

[Appendix D in No. 39.—Translation.]

MINISTRY OF STATE.

Praise be to the only God:

To our friend the most prudent and distinguished gentleman, the illustrious president of the council of ministers of His Majesty the King of Spain, ex-president of the conference held at Madrid to treat of the question of protection in Morocco, his excellency Señor Don Antonio Canovas del Castillo.

We incessantly interest ourselves for your welfare, praying that the Almighty will preserve you in good health.

Know, O my friend, that we hasten to write you to inform you that our sovereign (may God favor him) has read the memorandum which was sent to us, through you, by the plenipotentiaries assembled at Madrid, and has studied it with the utmost attention, not only on account of the elevated source from whence it came, but also owing to its contents, in conformity with the precepts of his ancestors (may God have sanctified them), and the orders lately given by him to his authorities.

You, as president, and also the other plenipotentiaries, will have heard with satisfaction the letter from His most Sheriffian Majesty which I have read to you, for according to it, it is impossible His Majesty's subjects should not obtain justice, even if their religion be different to that prevailing in Morocco. They possess also a resource which the Mussulmans do not, namely, to appeal in their difficulties to the minister for foreign affairs of His Sheriffian Majesty.

You stated on reading the communication sent to you by the minister for foreign affairs of his holiness, that the free practice of the Christian religion is assured by the Spanish treaty of 1861, and by the English treaty of 1856.

It is our duty to add, in the name of our master the Sultan (whom may God favor), that not only has no impediment been put in the way of the free practice of the above mentioned religion, either in other times or in the present moment, but that its representatives, the Franciscan friars, who have been from ancient times under the protection of Spain, have on that account and owing to their individual merits been always respected and treated with consideration. The same gracious concessions are made to them now as at other times, a dwelling being provided for them, and for the practice of their religion. It is likewise publicly known that those who follow the Jewish religion, whether they be the subjects of our master (whom may God favor) or foreigners, are likewise always respected in the domains of our sovereign, and practice their creed with perfect freedom; it is an agreement made with them, and all agreements should be kept.

Before closing this letter, we fulfill our duty in thanking you in the name of our master (may God favor him) for the unprejudiced manner in which you directed the labors of the conference lately held at Madrid, and begging you to assure their excellencies, the plenipotentiaries who took part in the conference, of our consideration and respect for them, and entreating Allah to preserve you all in good health and keep you long in your elevated posts, and reckoning on your friendship and peace.

On the 11th Chawal, 1297 (September, 1880), signed, the servant of the most high throne,

MOHAMMED VARGAS.

[Appendix E in No. 39.]

Mr. Reed to Señor Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, October 23, 1880.

EXCELLENCY: I have the honor to acknowledge the reception of your excellency's note of the 11th instant, in which you were good enough to inclose a copy in translation of a note addressed by Sid Mohammed Vargas to his excellency Señor Don Antonio Canovas del Castillo, president of His Catholic Majesty's council of ministers and ex-president of the diplomatic conference lately held in Madrid, and which is in answer to the "memorandum" addressed by the conference to the Sultan of Morocco, relating to religious liberty in his empire.

In obedience to the desire expressed by your excellency, I have forwarded a copy of said note to Washington for the information of my government.

I gladly avail myself of this occasion to offer to your excellency a renewed assurance of my most distinguished consideration.

DWIGHT T. REED.

No. 637.

Mr. Evarts to Mr. Fairchild.

No. 80.] DEPARTMENT OF STATE,
Washington, November 12, 1880.

SIR: The accompanying copy of a letter from Mr. Adolphe L. Sanger, the secretary of the board of delegates on civil and religious rights of the Union of American Hebrew Congregations, will explain the circumstances under which this Department has instructed Mr. Mathews, the United States consul at Tangier, to extend all proper countenance and support to Mr. Levi A. Cohen, as the accredited agent of that board to watch over the interests of Hebrews in Morocco, and to present to the consulate authentic facts in relation to wrongs done them.

Mr. Mathews's instructions, requiring the communication to you of all that he may trustworthily learn respecting the ill-treatment of Jews in Morocco, will cover the transmission to the legation of such facts as he may obtain from Mr. Cohen.

I am, sir, &c., WM. M. EVARTS.

[Inclosure in No. 80.]

Mr. Sanger to Mr. Evarts.

UNION OF AMERICAN HEBREW CONGREGATIONS,
BOARD OF DELEGATES ON CIVIL AND RELIGIOUS RIGHTS,
New York, October 18, 1880.

SIR: I have the honor to inform you that this board has designated Mr. Levi A. Cohen as its accredited agent at Tangier, Morocco, to look after the interests of our Israelitish brethren in that locality, and with the view to his presenting to the United States consul at Tangier, authenticated facts in relation to any wrongs done them, so that the perpetrators thereof may be speedily punished and proper reparation made.

I have been requested to communicate this information to the Department of State of the United States, with the view that Mr. Mathews may be officially advised of the facts and his co-operation invited.

In support of our action we find the within statement.

I am, with assurances of regard, very respectfully, yours,
ADOLPHE L. SANGER, *Secretary.*

[Appendix to inclosure.]

PERSECUTION OF JEWS IN MOROCCO.

[From the Pall Mall Gazette.]

The Petit Marseillais prints a letter from Tangier, recounting a horrible crime recently committed by the Moroccan governor at Estifa. During the recent famine a Jew named Bendahan had received in his house an unfortunate woman who implored his charity. After the famine was over, the woman, who was a Mohammedan, begged her benefactor to allow her to stay with him. There was no reason for regarding this as anything but an act of gratitude on her part, or his permission as anything but another proof of the man's kindness of heart. The fanatic Mussulmans of the place, however, found it intolerable that a Mohammedan woman should live in any sort of relations with a Jew. Some of them made a formal complaint to the governor; the wretched woman, they said, had been seen to kiss Bendahan's hands.

The governor straightway summoned the Jew before him, and thereupon, without being allowed to say anything in his defense, the unfortunate man was bastinadoed to death. Not content with this punishment, the governor had the body nailed to the ground by the feet and hands. The family claimed the body to give it decent burial; in return for a good round sum, the governor eventually acceded to this request.

Informed of what had happened, the European consuls at Tangier sent a message

to Bendahan's son, asking him to come to Tangier. Hearing this, and fearing that some overscrupulous persons might think his conduct had been a little arbitrary, the governor offered young Bendahan 7,000 piasters (£1,400) to hold his tongue. The young man repudiated the offer and went to Tangier.

The European ministers are now prosecuting the affair with the utmost activity. The Italian consul, an envoy of whom had been recently well treated at Fez, has shown himself particularly energetic.

Such a crime as this, hideous and enraging though it be, is no new thing in Morocco; but at the present time, when events might at any moment precipitate the European intervention which is dreaded at Fez, it rises to the dignity of a political event.

No. 638.

Mr. Evarts to Mr. Fairchild.

[Telegram.]

WASHINGTON, *December* 2, 1880.

FAIRCHILD, *Minister, Madrid:*

I am much chagrined that our complaints in regard to the interference by Spanish cruisers with American vessels have produced no result.

Ascertain, and telegraph when aswer may be expected.

EVARTS.

No. 639.

Mr. Fairchild to Mr. Evarts.

No. 86.] LEGATION OF THE UNITED STATES,
Madrid, December 2, 1880. (Received December 20.)

SIR: I have the honor to acknowledge receipt of your instruction No. 80, inclosing copy of a letter from Mr. Sanger to Mr. Evarts relating to the Jews in Morocco. I shall be much pleased if at any time I can be of service to that unfortunate people in that unhappy country.

It is to be hoped that the Sultan of Morocco is not well informed of all that is taking place in Europe; for if he should learn of the anti-Jewish agitation which now exists in Germany, as stated in the newspapers of the day, he may feel encouraged to increase, rather than diminish, the oppressions of the same race in his dominions. We cannot expect to find a more enlightened liberality in Morocco than exists among the highly educated people of Europe.

I have, &c., LUCIUS FAIRCHILD.

No. 640.

Mr. Fairchild to Mr. Evarts.

[Extract.]

No. 87.] LEGATION OF THE UNITED STATES,
Madrid, December 4, 1880. (Received December 23.)

SIR: Yesterday morning I received your telegram.

* * * * * * *

I at once arranged for an interview with Señor Elduayen, which was had at his private residence at half-past one o'clock p. m., when I in-

formed Señor Elduayen of your disappointment at not receiving an answer to the complaints of the United States in regard to the interference by Spanish cruisers with American vessels, and the earnest desire of my government for early information on the subject. Señor Elduayen responded that when the complaints were first presented by me, the Spanish Government at once ordered the Cuban authorities to make a most thorough and impartial investigation of all the circumstances attending the alleged outrages, and to report the result of such investigations at the earliest possible moment; that no report had as yet been received; that the Spanish Government was anxious that the matter should be brought to a speedy and satisfactory conclusion, and to that end had done all that lay in its power. He further said that the Spanish Government would at once telegraph to the captain-general of Cuba to hasten as much as possible the investigation, and as soon as it was concluded to send by telegraph to Madrid an abstract of the report which would follow by mail, and that I should at once be informed of its nature.

* * * * * * *

I will be prompt in conveying to you any information I may receive on the subject.

I have, &c.,

LUCIUS FAIRCHILD.

No. 641.

Mr. Fairchild to Mr. Evarts.

[Extract.]

No. 91.] LEGATION OF THE UNITED STATES,
Madrid, December 16, 1880. (Received January 3.)

SIR: I have the honor to transmit herewith inclosed a copy and translation of a note dated December 11, 1880, from Señor Elduayen, minister of state, to me, giving the information that his excellency is advised by telegraph from the governor-general of Cuba that the investigation of the circumstances under which the American vessels mentioned in your instruction No. 52, August 11, 1880, were detained and searched by Spanish war vessels, will soon terminate, and that, in the opinion of the governor-general of Cuba, the intelligence and information gathered by him will show that the searches took place in Spanish waters, and were effected subject to the prescriptions and usages established by international and maritime right, and without protest from the vessels searched, and without any claim from the admiral of the United States, who was intrusted with the examination of the case.

Señor Elduayen expresses the hope that when the investigations are brought to a close this matter may be decided by both governments with the spirit of impartiality and good understanding which actuates them in their international intercourse.

* * * * * * *

I have this day replied to Señor Elduayen's note, a copy of my note being herewith inclosed. I deemed it proper to call his excellency's attention to the fact that any evidence upon which the governor-general of Cuba can properly base the opinion which is foreshadowed in

his telegram, that the events referred to took place within waters under the jurisdiction of Spain, and in accordance with international law, must be essentially different from that which has been laid before the United States Government.

I did not hesitate to assure Señor Elduayen that the Government of the United States will enter upon the discussion of this question in a friendly and impartial spirit.

It seems probable, from the tone of this telegraphic report of the governor-general of Cuba, that the statements which have been made to the State Department by those who were on board the vessels searched will be contradicted in some considerable degree by the evidence gathered by that official.

I will promptly transmit to you any further information I may receive, and will use the telegraph whenever doing so will materially hasten the final conclusion of the matter.

I have, &c.,

LUCIUS FAIRCHILD.

[Inclosure 1 in No. 91.—Translation.]

Señor Elduayen to Mr. Fairchild.

MINISTRY OF STATE,
Palace, December 11, 1880.

EXCELLENCY: DEAR SIR: As I had the honor to state to your excellency, on the 17th September, ultimo, on acknowledging receipt of the dispatch addressed to your excellency on the 11th August ultimo, by the Secretary of State, and of which your excellency was pleased to leave a copy with me, His Majesty's Government has not ceased to devote due attention in clearing up the acts which have been attributed to the royal navy gunboats cruising in Cuban waters, giving to that effect the adequate instructions to its delegates, through the marine and ultramarine ministers; and wishing to keep your excellency acquainted with the course followed in this case, I have the honor of informing your excellency that the governor-general of Cuba states in his telegram communicated under the date of 9th instant that the proceedings instituted with the view of ascertaining what really took place in connection with the search of United States trading vessels made by Spanish gunboats will shortly be terminated.

That superior authority also states that, according to the intelligence and information gathered, it follows that the searches took place in jurisdictional waters, and were effected subject to the prescriptions and uses established by international and maritime right, and without any protest whatever from the vessels searched, nor any claim from the admiral of the United States intrusted with the examination of this case.

On transmitting to your excellency the foregoing intelligence, as an illustration of the interest and uninterrupted diligence with which His Majesty's Government delegates are investigating the facts alluded to, I cherish the hope that the official investigations will very shortly be brought to a close, and that this matter will be decided by both His Majesty's and the United States Government, with the spirit of impartiality and good understanding which actuates and distinguishes them in their international intercourse.

I avail, &c.

J. ELDUAYEN.

[Inclosure 2 in No. 91.]

Mr. Fairchild to Señor Elduayen.

MADRID, *December* 16, 1880.

EXCELLENCY: I have the honor to acknowledge receipt of your excellency's note of the 11th instant, by which your excellency is good enough to inform me that the governor-general of Cuba has telegraphed your excellency that the investigation of the circumstances under which certain United States vessels, heretofore referred to in this correspondence, were detained and searched by Spanish war-vessels, will soon

terminate; and that the governor-general is of the opinion that such investigation will result in showing that the events referred to took place within waters under the jurisdiction of Spain and in accordance with international law.

Without entering upon a discussion of the question at issue, I beg to note that any information upon which the governor-general of Cuba can properly base such an opinion must be essentially different from that which has been brought to the knowledge of the Government of the United States.

My government awaits with the greatest interest the termination of this investigation and, I am sure, will then enter upon any discussion necessary in the same impartial and friendly spirit which has for so many years actuated both the Government of his Catholic Majesty and that of the United States in their intercourse with each other.

I gladly avail, &c.

LUCIUS FAIRCHILD.

No. 642.

Mr. Fairchild to Mr. Evarts.

No. 97.] LEGATION OF THE UNITED STATES,
Madrid, December 29, 1880. (Rec'd January 15.)

SIR: At an interview had this day with his excellency Senor Elduayen, he desired me to convey to you his best thanks for the kindly consideration which led you to so promptly and emphatically assure the Spanish minister at Washington of the falseness of the construction which had been, by parties in the United States and in Spain interested in fomenting trouble between the two governments, placed upon the words of the President of the United States, in his last message, regarding the late firing upon American vessels by Spanish gunboats in Cuban waters.

I have, &c.,

LUCIUS FAIRCHILD.

No. 643.

Mr. Fairchild to Mr. Evarts.

[Extract.]

No. 106.] LEGATION OF THE UNITED STATES,
Madrid, January 17, 1881. (Received February 4.)

SIR: Referring to your instructions No. 80, of November 12, 1880, I have the honor to inform you that Colonel Mathews, consul at Tangiers, has transmitted to me much new and interesting (and horrible) information regarding the outrageous treatment which the Jews in Morocco continue to receive.

It seems that the promises of the Sultan have not been kept, and that it is almost impossible to procure the punishment of the officials who are known to be guilty of the crimes of unjustifiably inflicting heavy fines, imprisonment, and severe whippings, even to the death, upon the unhappy victims of their hatred.

At a meeting of the foreign representatives lately held at Tangier, it was agreed to present to the Sultan's prime minister, Sid Mohamed Bargash, a collective note of protest against the actions of Moorish officials in this regard.

* * * * * * *

I suppose the consul at Tangier sends to the Department the same information with which he favors this legation, but, lest I may be mistaken, I inclose a literal copy of the collective note of protest above referred to, as it concisely tells the story of the present situation of affairs in Morocco.

I have, &c.,

LUCIUS FAIRCHILD.

[Inclosure in 106.]

Project of collective note to be addressed to Sid Mohamed Bargash.

TANGIER, ——— —, 1880.

It is with extreme regret that the undersigned representatives have the honor to request that you will make known to His Majesty the Sultan, that they cannot any longer abstain from expressing their dissatisfaction and that of their governments themselves, seeing, as they do, that neither the principles of civilization and humanity which His Sheriffian Majesty had declared his willingness to adopt forthwith, nor the promises made by His Majesty through you, for the better administration of his Jewish subjects and the repression of crime throughout the whole extent of this empire, have hitherto been applied in any case.

The Emperor's missive of the 22 Jannenadi 1st, 1297,* concerning the amelioration of the condition of the Jews, which you yourself read out to the plenipotentiaries at the Madrid conference, and the letter which, by order of the Sultan, you sent to the president of the council of ministers in Spain, for communication to all the cabinets, have been received with satisfaction by the foreign governments as a manifestation of His Sheriffian Majesty's feelings. But it has not come to the knowledge of the undersigned representatives that any useful measure has hitherto been taken for the fulfillment of these promises.

We have not heard that the orders announced as about to be given to the governors of towns, as well as of the interior, have ever been transmitted to these functionaries, or at least, if given, that any attention had been paid them by the latter.

Since the closing of the conference at Madrid, the undersigned are informed of fourteen cases of murder and other odious crimes perpetrated upon Jews, all of which have been brought under your notice, and yet, with the exception of some temporary arrests, we have not heard of a single instance where the exemplary punishment deserved has ever been inflicted on the guilty parties; neither have we heard of the Sultan's having expressed his dissatisfaction to the governors of provinces where these crimes were committed, nor that any of them ever was subjected to a removal from office or even to a single disgrace.

The undersigned do not think, nor yet are willing to believe, that rumors concerning the perpetration of these crimes reach the Sultan's ear; they prefer the supposition that the functionaries who surround him conceal facts from His Majesty, leading him to believe that his orders have been carried out.

The undersigned cannot help making the most unpleasant comparisons between the general condition of the country two years ago and its present actual state. Crimes have increased in a proportion of one to twelve; it is not Jews alone who, unoffensively, are pillaged and massacred. We know that, in less than six months, more than one hundred Mussulmans have been assassinated, notwithstanding the latter's being armed and in a position to defend themselves.

The safety of life and property of Christians themselves is jeopardized, since crimes become general and remain unpunished, throughout the whole empire of the sheriff.

Out of respect for His Majesty, the undersigned hesitate to express their opinion as to the nature of punishment to be inflicted on murderers and other criminals, and the penalties or indemnities which should be suffered by governors who are incapable of securing the arrest of, or even expose malefactors, in order to show the Sultan's subjects, as well as to foreign powers, that His Majesty's government has the power as well as the wish to repress crimes and extend its protection and justice over all its subjects, whether Mussulmans or not.

The moment has come when prompt and decisive action should be taken. The undersigned have pleasure in repeating the assurances that they entertain the most profound respect and cordiality of sentiment and friendship towards His Majesty Mulay Hassan, whose happiness and independence they wish, but they also entertain the hope that the act whereby they clearly place before His Majesty the deplorable state of the

* May 2, 1880.

country, caused by the increase of crime, may be considered by His Majesty as a further proof of the interest which they take in the prosperity of the sovereign and his empire.

The undersigned beg that you will directly, and without delay, place this note under the eyes of His Sheriffian Majesty.

No. 644.

Mr. Fairchild to Mr. Evarts.

No. 108.] LEGATION OF THE UNITED STATES,
Madrid, January 29, 1881. (Received February 23.)

SIR: I have the honor to transmit herewith a copy, with translation, of a note from his excellency the minister of state to me, giving the results of the investigation ordered by the government of His Catholic Majesty of the circumstances under which the American vessels Ethel A. Merritt, Eunice P. Newcomb, George Washington, and Hattie Haskell were fired upon and visited by Spanish gunboats near the Island of Cuba in May, June, and July of last year.

That note is in answer to your instruction No. 52, of August 11, 1880, a copy of which I handed in person to Señor Elduayen September 11, 1880, as reported by my No. 74. I observe that all of the material statements made by those who were on board the American vessels are flatly contradicted.

I have, &c.,

LUCIUS FAIRCHILD.

[Inclosure in No. 108.]

Señor Elduayen to Mr. Fairchild.

MINISTRY OF STATE,
Palace, January 24, 1881.

EXCELLENCY: As I had the honor of stating in my note of 17th September of last year, in answer to that addressed to me by your legation, inclosing copy of the dispatch received by your excellency from the United States Secretary of State, dated 11th August last, relating to the detention and visit of four American merchant ships by Spanish gunboats, near the Island of Cuba, His Majesty's Government hastened to send the proper orders, so that the superior authority of that island might, without any delay, make the fullest official investigation of the facts in the case, and in view of them do justice to the claims of the government so worthily represented by you in this court.

His Majesty's Government's orders having been carried out by the governor-general of Cuba, and this department having received the data resulting from said investigation, I have to-day the honor to answer the contents of the honorable Secretary of State's dispatch, the copy of which you were pleased to transmit to me.

The importance attributed by the Hon. Mr. Evarts to the four cases of detention and visit of American ships on Cuban coasts, in which cases his excellency thinks he sees, should the report of facts which reached him prove accurate, not only an unlawful interference with the peaceful and honest pursuit of the commerce of the United States, but also an affront to the dignity of their flag, causes His Majesty's Government, after having cleared up the facts, to be the more bent upon removing the just susceptibility of the Washington Government, restoring the truth of the occurrences, and rectifying the errors contained in the particulars of the evidence given by those concerned in this matter.

First of all, I must call your excellency's attention to the official character of the service which, at the present time, and thanks to the restoration of peace in the Island of Cuba, is intrusted to our gunboats in the vicinity of that extensive coast, which, if it was intended as yet to watch and prevent the landing of filibustering expedi-

tions in our territory, it now devotes itself principally to the prevention of smuggling and to cause the enforcement of our customs regulations.

These remarks account, beforehand, for the interference of the Spanish men-of-war, and reduces it to its true proportions, divesting it of any other character, more or less connected with the measures formerly required by the state of insurrection which existed in a part of that island.

Therefore this question is reduced to the examination of the form and manner in which the commanders of the Canto and Blasco de Garay discharged their duty, and as to whether or not, in the discharge of the same, they infringed the stipulations of the treaties or the international practices.

From the scrupulous investigation ordered by the first maritime authority in Havana, it is verified that the gunboat Canto, on sighting the American merchant schooners Ethel A. Merritt and Eunice P. Newcomb, in accordance with the custom admitted by the navy of all nations, and with a view to ask for and get those ships to hoist their flags, which were not hoisted, she first fired a blank shot, which, having had no result, was followed by another firing with solid shot, fired from the stern, that they might stop their course, which she had a right to demand of both schooners, as they were within Spanish jurisdictional waters.

The Ethel Merritt was in latitude N. 19° 54′ 30″, and longitude 68° 40′ 30″ *de* San Fernando, and consequently hardly four miles from the coast; it must be noticed that, having cleared at Jamaica direct for Philadelphia, she was sailing some 35 miles out of her natural course, which is easily verified. The currents which are so strong in those places, on coming from the south part of Santo Domingo, some of them take their course along the Cuban coast, and others by the front, between these islands; so that, on leaving Jamaica, the course turning south must be taken, in order to find the favorable current for the course; further, the winds south of Santo Domingo are east, favorable to the north course, and after sheering off "Punta Maisi" to sight the "Yagua," from which place they must steer so as to cross the shoals as it may suit best.

On the coast of Cuba, the direction of the current to the west is adverse, and besides the breezes—*llamando al primer cuadrante cierran el rumbo que conviene segnir*. So that the course followed by the Ethel Merritt is contrary to practice, and it gave rise to the suspicion of the commander of the gunboat Canto, as it was an unusual one. The Eunice P. Newcomb was, according to notations, in latitude 19° 52′ 30″, and longitude 68° 49′ *de* San Fernando, and two miles off the coast. This schooner, which was sailing from Jamaica to Boston, had also deviated 50 miles from her natural course, and the same arguments which have been adduced regarding the Ethel Merritt should be brought forward to see clearly that, through ignorance or obstinacy, both ships were sailing out of their course, causing themselves to be suspected.

With respect to the George Washington, detained for the same causes, her position was, when visited, latitude north 19° 59″, and longitude west 68° 5′ *de* San Fernando, 4.8 miles off the coast. As this ship was sailing from Baltimore to Jamaica, the commander of the Blasco de Garay could not help having his attention called by this circumstance, the strange course followed by that ship inspiring him with suspicion, approaching the coast of Cuba, to loose the favorable night breeze which blows at midchannel, lengthening her voyage, and placing herself in a zone of calm, with an unfavorable current to her course.

The Hattie Haskell was, when visited, in latitude north 19° 57′ 20″, and longitude west 68° 21′, *de* San Fernando, 4.8 miles off the coast. She was sailing from New York to Colombia, and, like the former, she also deviated from her natural course, for, while she ought to have passed to the windward of Jamaica, both on account of the winds and for the currents, she was out of her course by 24 miles, and which excited the suspicion of the Spanish cruiser.

All these ships were detained because their nationality was unknown, and afterwards visited on account of the suspicion which would naturally be provoked by the circumstance of their following a course contrary to their safety and to their shortening the voyage they had undertaken. But the statement that the cargo and holds of either of the vessels were searched is entirely inexact. The formality of the visit was performed in accordance with the usages of the sea, by an officer who only had his sword by him, as a part of his uniform, in conformity with the regulations of his service, and on the documents having been examined and found in order, they were allowed to proceed, without having been forced to lie-to only during the short time while their respective papers were being examined.

These facts are verified by the conclusive evidence of the commanders, officers, boatswains, cockswains, and yeomen, who all agree in their statements.

And that things could not have occurred otherwise is substantiated by the conduct of the respective captains, who did not verify their protests against the proceedings of the commanders of the Spanish ships, in performing the above mentioned formalities, nor did they require, as an essential and inexcusable procedure, that the corresponding notations should be fixed, to show the position of each of the ships the moment they were visited, and to ascertain whether or not, as they have afterwards declared,

the visit took place outside of the jurisdictional waters. In this way the erroneous statements abounding in the declarations of the parties concerned would not have been allowed to prevail; among others, that of the captain of the Hattie Haskell, who supposes that besides having been detained and visited twenty miles away from the coast, his vessel was likewise searched by armed people while the searching steamer had her guns and armed crew ready for action. Common sense is sufficient not to give any belief to the latter assertion, which is contradicted by our officers, since there could be no reason for such a display of force.

The honorable Secretary of State, in his note addressed to your excellency, above referred to, states that in the opinion of his government this question cannot be decided by the geographical position of the vessels only, but by higher considerations involved in the unwonted exercise of a right of search in time of peace and to a greater extent than in time of public war. With the fact substantiated in our official inquiry showing that in the cases at issue our cruisers have not made under any pretext whatever the search assumed, and which could not have been effected in the short time that the visit of each of the schooners lasted for the examination of their papers, the Government of the United States will be convinced that there was not the least infringement of article 18 of the treaty of 1795.

Besides, the remarks set forth at the beginning of this note, in regard to the kind of service intrusted at present to the Spanish cruisers on the coast of Cuba, show that it is quite foreign to the exigencies of war, and will dissipate the unfounded apprehension that our ships may claim, under specious pretexts, to have a right to impede the peaceful and honest trade of the United States, the freedom of which His Majesty's Government respects as it does that of other friendly nations. But the honorable Secretary of State, both in these assumptions and in the application of his doctrine in regard to the limits recognized by international right to the maritime jurisdiction of each country, has not borne in mind that the actions of our cruisers in connection with these American vessels were caused, first, from their ignorance of the nationality of such vessels, inasmuch as, deviating from the general custom, none of them hoisted the flag, on the boats of our cruisers with the long flag coming alongside of them; and, second, from the necessity of ascertaining the nationality and the port of departure and destination of ships which were sailing in the vicinity of the Spanish coast and within the recognized maritime jurisdiction for the interception of smuggling.

If, then, these detentions and visits are the only ones which have taken place with the stated view, how can any affront be assumed, or even discourtesy, toward a flag which was not shown to our cruisers? Under such circumstances how was it possible to infringe the treaty stipulations or the international practices? What interest or what object could have induced the commanders of the Blasco and Canto to violate the instructions of their superiors to act with the greatest circumspection and prudence towards ships of friendly nations, and especially those of the United States, because they most frequently sail near our coasts? It would not be just to attribute gratuitously such rash designs to officers of the navy of any nation who, like those of the Spanish navy, consider as their first duty obedience to the orders of their chiefs.

His Majesty's Government confidently trusts that this report of the facts above referred to, and the frank explanations which, in its name, I have had the honor to offer in this note, will be sufficient to give full satisfaction to the Government of the United States in regard to the character which may have been wrongly attributed to the occurrences at issue, and that they will be welcomed as the most sincere expression of the feelings, always loyal and friendly, which actuate the Madrid cabinet in its intercourse with that of Washington.

I avail, &c.,

J. ELDUAYEN.

No. 645.

Mr. Evarts to Mr. Fairchild.

No. 111.] DEPARTMENT OF STATE,
Washington, March 3, 1881.

SIR: I have received your No. 108 of the 29th of January ultimo, with its accompanying copy and translation of the note addressed to you on the 24th of that month by the minister of state, giving the results of the investigation ordered by the Spanish Government of the circumstances under which the American vessels Ethel A. Merritt, Eunice P. Newcomb, George Washington, and Hattie Haskell were fired upon and

visited by Spanish gunboats, near the Island of Cuba, in May, June, and July of last year.

The tenor of that reply is to contradict all the material allegations of the masters and officers of the several vessels named, asserting that they were in each case nearer to the Cuban coast than appeared from the statements made to this government; that the gunboats which effected their detention and visitation acted in no warlike capacity, but as simple guardians of the revenue interests of Spain, and that neither in form nor in spirit was there any intended discourtesy to the flag of the United States.

Immediately on receipt of your dispatch I addressed the representatives of each of the vessels in question, contrasting the complainants' statements (which I may observe were only accepted by the Department after the most searching methods had been adopted to arrive at the truth of the facts according to the admitted rules of evidence in such cases) with the statements now presented in behalf of the Spanish Government, and asking what corroborative evidence of the exactness of their former affirmations they can now furnish, and what reply they desire to make to the allegation that their vessels were out of their course, and so liable to suspicion. Their awaited replies will enable the Department to better judge what direction shall be given to its further action, and instructions to you on the specific points of fact involved are necessarily deferred.

Meanwhile, it seems proper that I should briefly touch on certain points of principle suggested by Señor Elduayèn's note. The minister does not appear to meet the question of the jurisdictional limits within which the visitations were effected.

The wide contradiction between the several statements does not suffice to bring the position of three of the vessels at the time within the customary nautical league. This government must adhere to the three-mile rule as the jurisdictional limit, and the cases of visitation *without that line* seem not to be excused or excusable under that rule.

This government frankly and fully accepts the disclaimer of the government of His Majesty that any intention of discourtesy existed in these proceedings. It insists, however, on the importance of a clear understanding of the jurisdictional limit. It insists, likewise, on the distinction between the verification (according to the usual procedure of revenue cruisers), within a reasonable range of approach, of vessels seeking Spanish ports in the due pursuit of trade therewith, and the arrest by armed force, without the jurisdictional three-mile limit, of vessels not bound to Spanish ports. The considerations on these heads, advanced in my instruction to you of August 11, seem not to have attracted from His Majesty's Government the attention due to their precise bearing on at least three of the cases in hand under the express admissions of Mr. Elduayèn's note.

It is desired, therefore, that you should invite from the Spanish Government the expression of its views on these points, as necessary to a complete understanding of the matter before further discussion thereof is had between the two governments. You will accordingly embody the foregoing views in a note to the minister of state, and express the hope that an early reply thereto will enable you to acquaint your government with the views of that of His Majesty.

I am, &c.,

WM. M. EVARTS.

No. 646.

Mr. Reed to Mr. Blaine.

No. 61.] LEGATION OF THE UNITED STATES,
Madrid, April 7, 1881. (Received April 23.)

SIR: Referring to Mr. Evarts' instruction No. 111, I have now the honor to inclose herewith, for your information, a copy of my note of the 26th ultimo to the minister of state, on the question of jurisdictional limits, and of a copy and translation of his reply thereto, dated the 4th instant.

The minister of state confines himself to the question of jurisdictional limits in time of peace, or, in other words, to the jurisdictional limits established by Spain, within which Spanish *guarda costas* may detain and search merchant vessels with a view to the prevention of smuggling, claiming, as did his predecessor, that inasmuch as peace had been restored in Cuba at the time of the detention of the American vessels Ethel A. Merritt, Eunice P. Newcomb, George Washington, and Hattie Haskell, the question must necessarily be governed by those limits. Those limits are, as will be seen by his excellency's note, six miles from the coast.

I have, &c., DWIGHT T. REED.

[Inclosure 1 in No. 61.]

Mr. Reed to the Marques de la Vega de Armijo.

MADRID, *March* 26, 1881.

On the 24th January last your excellency's worthy predecessor addressed a note to this legation giving the results of the investigation ordered by His Catholic Majesty's Government of the circumstances under which the American vessels Ethel A. Merritt, Eunice P. Newcomb, George Washington, and Hattie Haskell were fired upon and visited by Spanish gunboats off the coast of Cuba, in the months of May, June, and July, 1880.

A copy of the above note was sent to Washington for the information of the Government of the United States, and as it seemed to contradict all of the material allegations of the masters and officers of the several vessels, as to the distance of said vessels from the Cuban coast at the time of the firing on and visitation by the Spanish officials, the Department of State addressed each one of the representatives of the vessels in question, contrasting their statements (which had been accepted by the Department of State after the most searching methods had been adopted to arrive at the truth of the facts according to the rules of evidence in such cases) with the statements presented in behalf of His Catholic Majesty's Government, and asking them if they had any corroborative evidence to offer as to the exactness of their former affirmations, and also what they had to say in regard to the allegations that the vessels were out of their course, and so liable to suspicion.

Meanwhile, the Government of the United States would be pleased to receive the views of that of His Catholic Majesty in regard to the question of jurisdictional limit. The position of the Government of the United States on this question was fully and clearly set forth in the instruction of the Secretary of State to this legation of the 11th August last, a copy of which was left with his excellency Señor Elduayen on the 13th September, and I need not now occupy the time of your excellency with a repetition of the views therein set forth further than to state that it still adheres to the three-mile rule as the jurisdictional limit.

The note of Señor Elduayen of the 24th January last does not appear to meet the question of the jurisdictional limits within which the visitations now under discussion were effected, and the wide contradiction between the several statements does not suffice to bring the position of at least three of the vessels within the customary nautical league.

While the Governm nt of the United States fully and frankly accepts the disclaimer of that of His Catholic Majesty, that no intention of discourtesy was intended in the visitations referred to, it insists on the importance of a clear understanding of the jurisdictional limit. It also insists on the distinction between the verification (according to the usual procedure of revenue cruisers), within a reasonable range

of approach, of vessels seeking Spanish ports in due pursuit of trade therewith, and the arrest by armed force, without the jurisdictional three mile limit, of vessels not bound to Spanish ports.

The considerations of my government on the above points, as advanced in its instruction to this legation of the 11th August (already referred to), do not seem to have attracted from His Catholic Majesty's Government the attention due to their precise bearing, and I am therefore instructed to invite, through your excellency, an expression of its views on the subject, and at the same time to express the hope that such views may be furnished at as early a day as may be convenient and practicable.

I avail, &c.

DWIGHT T. REED.

[Inclosure 2 in No. 61.—Translation.]

The Marques de la Vega de Armijo to Mr. Reed.

MINISTRY OF STATE,
Palace, April 4, 1881.

MY DEAR SIR: I have read attentively your note of 26th ultimo, in which you inform me that, having sent to the Government of the United States the one addressed by this ministry to the legation on the 24th January last, giving the result of the investigation instituted by order of the superior authority of Cuba in regard to the circumstances of the detention of the American merchant ships Ethel A. Merritt, Eunice P. Newcomb, George Washington, and Hattie Haskell, the Department of State had deemed it proper to transmit to the representatives of said ships the contents of the same, in case they might have new proof to offer, corroborating their former affirmations, or wish to refute the charges imputed to them that their vessels were out of their course, and so liable to suspicion.

You say further that meanwhile the Government of the United States desires to know the views of that of His Majesty on the question of jurisdictional limit, as closely connected with the question at issue.

In the note of the 24th January last my predecessor in this ministry plainly stated the official character of the service intrusted to the gunboats Canto and Blasco de Garay when the detention of the American ships occurred, remarking that the insurrection in the Island of Cuba being happily terminated, the vigilance in those coasts was actually directed to the prosecution of maritime smuggling and the enforcement of our fiscal laws.

This statement made, it is my duty to say to you that the jurisdictional limits within which the government of His Majesty understands itself to have exercise, necessarily refers to those established by our special legislation of customs and the reglamentary dispositions for the prevention of smuggling, which covers an extension of six miles (equivalent to 11.111 kilometers) from the coast to the high sea.

These limits were designated in 1775, repeated in 1830, and also in the royal decree of 20th June, 1852, relative to the prevention of smuggling, and finally in article 42 of the general customs ordinances of July, 1870, and as there exists no treaty which conventionally modifies these dispositions, and as no power has protested against them in the period of so many years, the Spanish Government, apart from the right which corresponds to Spain, in the use of its sovereignty, and in conformity with the regulations admitted by international law to fix the extension of its fiscal zone, deems it its duty to maintain and to cause them to be respected.

I avail, &c.

EL MARQUES DE LA VEGA DE ARMIJO.

No. 647.

Mr. Fairchild to Mr. Blaine.

[Extract.]

No. 140.] LEGATION OF THE UNITED STATES,
Madrid, April 20, 1881. (Received May 9.)

SIR: * * * I have now the honor to report that I proceeded to Tangier, Morocco, where I arrived on the 22d of last month.

Keeping constantly in mind that the object of the visit was to learn all I could of the present condition of the Jews and other non-Mohammedan subjects of the Sultan, I embraced every opportunity to converse with and make inquiries of residents of Tangier on the subject. I had before leaving Madrid provided myself with letters to certain Jews in Tangier who were well known to their prominent co-religionists here and in Paris, so that the very best facilities were afforded me for obtaining information from unofficial sources. I also conferred freely with several of the diplomatic corps resident in that city.

I will not attempt to describe the condition of the people in whose well-being the Government of the United States takes so great an interest. The files of the Department of State, through our energetic consul at Tangier, and from many other sources, contain all that can now be said on the subject by any one. That the treatment of the Jews is not now in any perceptible degree better or more humane than it was before the writing of the letter of the Sultan to the Madrid conference on affairs in Morocco last summer, is a melancholy fact, notwithstanding the far-reaching promises made in that communication.

While the Jews are subjected constantly to the greatest humiliation because of their religious belief, murders of and brutal behavior towards them by Mohammedans are not of daily occurrence; still, at brief intervals, such sad events happen, and the protection of the victims often enlists the earnest sympathy and active efforts of the official representatives of foreign countries at Tangier. Without such protection as those officials can give by interceding in behalf of the oppressed, and by urgent demands for the punishment of the guilty ones, the situation of the Jews would be an hundred-fold worse.

However, it is believed by many who have had much experience in Morocco, that the Sultan would be glad to see a greater measure of liberty granted to all of his non-Mohammedan subjects; but that should he endeavor to enforce official decrees to that effect he would be met by such resistance from his Mohammedan subjects as would endanger his throne. Of rebellions and civil wars His Majesty has on his hands more than a comfortable supply at all times, and his anxiety to avoid one which would seriously jeopardize his government cannot be wondered at. The bright side of the picture is the fact that most of the important governments of the world have representatives at Tangier, all of whom are unflagging in their endeavors to lessen the burdens of the oppressed in that unhappy land, and I am proud to know that my own country stands well to the front in this good work, and that our consul, Mr. Mathews, loses no opportunity to effectively contribute his full share in that direction.

All that can be done in the near future is to continue to protect the suffering people by intercession in individual cases, and by constant appeals to the Sultan to do all that he can, or dare, towards the uplifting of those who are now in such downtrodden condition. European complications may arise which will be of vast benefit to Morocco, and I look forward with pleasure to the day, which possibly we will see, when some one or more of the European nations will have gained such ascendency over it as to be able to compel, by force if necessary, a more enlightened and liberal administration of affairs. Thus the people of Morocco can be relieved, and I see at present no other hope.

While I am unable, because of this visit to Tangier, to add much to the information already in the possession of the Department, I have the advantage of having ascertained on the spot that the reports which have for years been published of the sad situation of the people there,

have not been in the least exaggerated, and I have the greatest satisfaction in knowing more of the philanthropic efforts in their behalf by the official representatives of foreign countries—the United States not being behind any other. And these efforts of the Government of the United States are most highly appreciated by those in whose behalf they are put forth, as well as by their brothers in religion in the United States and in Europe. As an indication of that feeling, I beg to quote from a letter to me from one of the most prominent Israelites (a citizen of the United States) in Europe, who learned of the object of my journey to Morocco. He writes:

> It does one's heart good to belong to a government which is as strong and mighty as it is humane and philanthropic, and which from motives of pure humanity sends one of its ministers to a far off country in order to alleviate the sufferings of a people and a race which is quite foreign to it.

Confident that my government will in the future, as in the past, be one of the foremost of nations in such good works, I shall always esteem it a high privilege, whether as one of its officials or as a private citizen, to contribute thereto my very best efforts.

I have, &c.,

LUCIUS FAIRCHILD.

No. 648.

Mr. Blaine to Mr. Fairchild.

No. 142.] DEPARTMENT OF STATE,
Washington, June 13, 1881.

SIR: I must express to you my appreciation of your admirable dispatch No. 140, of the 20th of April last, conveying your personal observations in regard to the condition of the Jews in Morocco. The confidence I have reposed in your discretion in this relation is abundantly justified, and I feel that I can safely leave to you the correct interpretation, now as in the past, of the sentiments of humanity which prompt the friendly action and counsel of the United States in the direction of endeavoring to procure toleration and personal security for this unhappy race in their chief African asylum.

I am, &c.,

JAMES G. BLAINE.

No. 649.

Mr. Fairchild to Mr. Blaine.

[Extract.]

No. 164.] LEGATION OF THE UNITED STATES,
Madrid, June 20, 1881. (Received July 5.)

SIR: The newspapers of Madrid announce that, in view of the persecutions to which the Jews in Russia and Germany are subjected, they have appealed to the representatives of foreign governments at Constantinople for advice and protection, and that the representatives have communicated the fact to their respective governments.

The Imparcial, one of the most important and best informed papers

here, states that, on the reception of the telegram from the Spanish minister at Constantinople announcing the fact, the minister of state at once consulted with a very high person (generally supposed to be the King) on the subject, and the minister at Constantinople was immediately authorized to offer to the Jews of Russia and Germany shelter and protection in Spain, and further to state, that they would be free to enjoy here their religious beliefs, and could count on the authorities to see that such beliefs were respected. It is thought that this offer will bring to Spain some 70,000 Jews.

The press in general highly commend this step on the part of the government. As yet I have nothing official, but I have every reason to believe that the order referred to has really been given.

* * * * * * *

Truly the world moves, when His Catholic Majesty the King of Spain publicly gives to the people of Germany a lesson in religious liberty.

It is to be hoped that the ultra conservative element in this country, which has the reputation of being opposed to religious and educational freedom, will not be strong enough to practically thwart the liberal and enlightened purposes of the King and his ministers.

* * * * * * *

I have, &c.,

LUCIUS FAIRCHILD.

No. 650.

Mr. Blaine to Mr. Fairchild.

No. 148.] DEPARTMENT OF STATE,
Washington, June 25, 1881.

SIR: Information has been received at this Department that the Republics of Costa Rica and the United States of Colombia have, by convention, agreed to refer certain differences on the question of boundaries to arbitration. The arbitrators named in the convention are, His Majesty the King of the Belgians, His Majesty the King of Spain, and his excellency the President of the Argentine Republic, the arbitration being offered to each in the order named.

I have reason to believe that the invitation to act as arbitrator extended to the King of the Belgians will be declined, and it is to be presumed that, according to the terms of the convention, a similar application will then be made to the King of Spain.

The subject submitted to arbitration is the boundary line between the Republic of Costa Rica and the State of Panama, one of the constituent States of the United States of Colombia, and its decision must seriously affect the extent of the littoral territory of Panama, both on the Atlantic and the Pacific coast. As you are aware, by the thirty-fifth article of the treaty of 1846 between the United States of America and the United States of Colombia, the United States of America have not only guaranteed the neutrality of any interoceanic connection across the Isthmus of Panama, but also the sovereignty of the United States of Colombia in and over the State of Panama.

This guarantee has now existed (and on more than one occasion been enforced) for thirty-five years. Under its protection all efforts for the execution of an interoceanic canal have hitherto been attempted, and the present enterprise so largely attracting the attention of the world,

by whatever individuals it may be undertaken, is equally covered by the obligations and responsibilities of that guarantee. Any question which, by affecting the boundaries of the State of Panama, either enlarges or diminishes the rights or the obligations of the United States of America, under this guarantee, is of direct and practical interest to this government.

It has been, therefore, a matter of surprise to the Government of the United States of America that this convention has been negotiated between the two republics without communication to us either of its purposes or methods.

The Government of the United States of America recognizes the wisdom of such a mode of settlement for international differences, and is far from making any pretension to be the only or necessary arbiter to whom the republics of South and Central America should appeal. Indeed, I may go further and say that this government can readily understand and appreciate the feeling which would induce the Spanish republics of this continent to seek in the great monarchy from which they have derived their life, their language, and their laws, a sympathizing umpire. While, therefore, this government has no dissatisfaction to express at the selection of His Majesty the King of Spain, it is only proper to avoid all possibility of future misunderstanding between His Majesty and the Government of the United States that His Majesty should be informed of the view of this convention entertained by the Government of the United States.

This government is of opinion that any question affecting the territorial limits of the State of Panama is to it one of direct practical concern, and that under the guarantee of the treaty of 1846 it is entitled to an active interposition in the solution of any such question, should it deem that its interests require such intervention; it further thinks that the convention providing for the arbitration should have been the subject of frank communication and friendly consultation with it on the part of the signatory powers.

This government will not interfere to prevent the accomplishment of such arbitration, nor does it undertake to express any opinion as to the acceptance by His Majesty the King of Spain of the invitation which has been tendered him. But it deems it due to itself and respectful to His Majesty to inform him in advance that the Government of the United States, where either its rights or interests are concerned, will not hold itself bound by any arbitration, where it has not been consulted on the subject or method of arbitration, and has had no voice in the selection of the arbitrator. Before you act upon the instruction now given, you will inform yourself whether such invitation has been or is about to be tendered to His Majesty, as I am informed the invitation has not yet been extended to His Majesty the King of the Belgians, and circumstances may therefore delay, if not entirely prevent, the reference to His Majesty the King of Spain. Should the contingency provided for, however, occur, you will take a proper opportunity to communicate to the secretary for foreign affairs the views which I have now expressed.

In doing so you will carefully avoid anything in the nature of a protest, and will say that your communication is induced by the anxiety of this government to avoid any misunderstanding or seeming disrespect of the decision which His Majesty may reach should he accept the arbitration.

I am, &c.,

JAMES G. BLAINE.

No. 651.

Mr. Blaine to Mr. Fairchild.

No. 154.] DEPARTMENT OF STATE,
Washington, July 8, 1881.

SIR: I have to acknowledge the receipt of your No. 164, by which you apprise me of a recent offer of protection extended by the Government of His Majesty the King of Spain to persons of the Jewish race in Germany and Russia, who had originally appealed for such protection to foreign representatives at Constantinople; and, in reply, to request that you will profit by the first suitable occasion to convey to the Spanish Government an expression of the lively satisfaction which has attended the reception of this intelligence by the Government of the United States.

The liberal and humane spirit which has inspired this act of noble hospitality is naturally appreciated by the people of this country, the laws of which are based on the same enlightened sentiment, and extend alike protection to the oppressed of every race, faith, and condition, from whatever country they may come.

I am, &c., JAMES G. BLAINE.

No. 652.

Mr. Fairchild to Mr. Blaine.

No. 176.] LEGATION OF THE UNITED STATES,
Madrid, July 16, 1881. (Received August 4.)

SIR: I have the honor to acknowledge the reception of your instruction No. 144, transmitting copies of the report recently made by an officer of the Department of State relative to the late rumors as to the alleged unhealthfulness of American pork.

In accordance with the instructions therein contained I have addressed a note upon the subject to the minister of state, and at the same time transmitted several copies of the report in question. A copy of my note is herewith inclosed.

As your instruction was very naturally based upon the supposition that the admission of American pork into Spain was still prohibited, it is necessary that I should make the following explanation:

When the question of the prohibition of American pork in France was occupying the attention of the Department and the legation at Paris, General Noyes wrote to me asking to be informed as to what measures, if any, had been taken by the Spanish Government in regard to the entry of that article of our produce into Spain. I at once examined the question and found that the royal order of the 28th February, 1880, prohibiting the admission of American pork into Spain had been annulled by royal order dated the 10th July, of the same year, and that that article would thereafter be admitted on complying with certain conditions prescribed therein. A copy of this order was sent to General Noyes.

I regret exceedingly that the royal order of 10th July, above referred to, entirely escaped my notice at the time of its issuance and publication, thus preventing my sending, as I certainly should have done, a copy to the Department. I now send a copy and translation of it that you may the better see upon what conditions American pork is now

permitted to enter Spain. Those conditions, I have no doubt, will appear to you as they do to me just and proper, and to which no reasonable objection can be made by the dealers in and shippers of that important article of our produce, as it has always been their wish that the article should be subjected to the most severe inspection, knowing full well that it would more than stand the test and comparison with that of any other country.

I shall avail myself of every opportunity to give publicity to the report by distributing it among those interested.

I have, &c.,

LUCIUS FAIRCHILD.

[Inclosure 1 in No. 176.]

Mr. Fairchild to Minister of State.

MADRID, *July* 15, 1881.

EXCELLENCY: In view of the disastrous effects produced throughout Europe by the reports of the alleged unhealthfulness of American pork, shipped to foreign countries, an officer of the Department of State at Washington was recently detailed to make a most searching and impartial investigation concerning the truth or untruth of such reports.

The officer in question, after having visited the cities of Chicago and Cincinnati, the two great pork centres, and where are situated and in daily operation the largest pork-slaughtering establishments in the United States, has lately submitted the result of his impartial investigations to the Secretary of State in a report, copies of which I beg to hand your excellency herewith.

The report not only clearly and fully proves that there was not the slightest foundation for the alarming reports set afloat, but also as clearly shows how impossible it is, owing to the severe inspection to which the pork is subjected, whether alive or dead, for unhealthful pork to reach either the home or the foreign markets. For your excellency's further information, and for greater convenience, I beg to refer to the conclusions arrived at on page 14 of the report above mentioned.

I do not know how I can better illustrate to your excellency the entire good faith with which my government ordered the inspection to be made, than by quoting the following paragraph from the instructions sent to me by the Secretary of State, in transmitting the report above referred to:

"This investigation was forced upon the government by the disastrous effects produced abroad by those rumors, and by the action of several European governments in stringently restricting or prohibiting the importation of swine products from this country. It was undertaken in the most impartial spirit and with full recognition of the weighty responsibility which would rest upon this government should the prevalent rumors be substantiated. Had it been found that this great American industry was the means of disseminating disease and death abroad, no admission could have been too frank or prompt, and no repressive measures too urgent to vindicate our national good faith.

"As it is, the result goes beyond our most sanguine expectations in proving the baselessness of the statements which have unhappily wrought such injury upon one of our most widely spread and valuable branches of foreign commerce."

I may add that the information contained in the report herewith inclosed is only sent to your excellency to bear out the wise and just decision arrived at in the royal order of the 10th July, 1880, rescinding that of February 28, of the same year, and permitting the entry into Spain of pork and lard, proceeding from the United States, on certain conditions prescribed therein. This laudable action of His Catholic Majesty's Government cannot be too highly commended.

I may also refer your excellency to the action of the Government of His Majesty the King of Belgium (on pages 15 and 16 of the report in question), which, disregarding the popular clamor and prejudice, and examining the question fairly upon its merits, reached some time since the conclusion, to which the Government of the United States is also irresistibly led, that of the widely-spread food staple of the world's commerce, none is grown, packed, and exported under conditions more calculated to assure safety and wholesomeness than the pork product of America.

I have inclosed to your excellency several copies of the report referred to, not doubting that your excellency will, in the interest of the dealers in and consumers of American pork in Spain, desire to give publicity to the facts therein contained.

I avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

LUCIUS FAIRCHILD.

[Inclosure 2 in No. 176.—Translation.]

Minister of the Interior to Minister of Hacienda.

EXCELLENCY: An account having been given to His Majesty of the applications made by various merchants and industrials of Valladolid, Cartagena, Santander, and of Madrid, soliciting the derogation of the royal order of February 28, ultimo, which prohibited the introduction into Spain of pork and pork grease, proceeding from the United States of America and Germany, and the grounds upon which their petitions were based having been attentively examined; and whereas the observance of said royal decree has brought about a remarkable rise in the price of the alimentary substance above referred to; and whereas in the fusion (melting) of the greases no trichina is found to exist, and as it is easily recognized with the microscope in the lean parts of pork, as in other meats; and as the same examination when made of the greases obtained by pressure does not give the assurance that they are free from the said parasite; and

Considering that the rise experienced in the prices of pork and pork grease shows the insufficiency of the national production to meet public consumption, and deprives the poorer class of a most necessary food; and considering how difficult it is to avoid fraud, on account of the impossibility of proving the country of production when they come from non-prohibited places; and considering that a guarantee must be given to public health, without injuring the interests of commerce, His Majesty the King, having heard the opinion of the royal board of health, has deigned to decree as follows:

1. The royal order of 28th February, ultimo, which prohibits the introduction of pork and pork grease proceeding from the United States of America and Germany, is annulled.
2. Only the prohibition regarding the greases coming from the United States which have not been obtained through melting will continue in force.
3. All meats which may be introduced shall be subjected to a scrupulous and microscopic inspection, and all that which contains trichina, or is injurious to health, shall be destroyed.
4. The inspection shall be made by a farrier of superior category appointed by the gobernador of the province, and paid by the importers in accordance with the following tariff.
5. The introduction of said meats and greases shall only be effected through the first-class customs.
6. The foregoing provisions will be applied to meats and greases already imported and pending clearance at the custom-houses.

By royal order I communicate this to your excellency for your information, and in order that the necessary orders to the above effect may be given by the ministry under your worthy charge.

God guard your excellency many years.

FRANCISCO ROMERO ROBLEDO.

MADRID, *July* 10, 1880.

Tariff for the payment of fees for the inspection of pork which may be imported from the United States of America and Germany: For each case containing from 80 to 100 hams, 2 pesetas; for each case containing from 250 to 300 shoulders, feet, legs, or tongues, 2 pesetas 50 centimes; for each case of bacon (containing muscular fiber) of from 20 to 30 pieces, 1 peseta 50 centimes.

Approved by me.

ROMERO.

MADRID, *July* 10, 1880.

No. 653.

Mr. Fairchild to Mr. Blaine.

No. 178.] LEGATION OF THE UNITED STATES,
San Ildefonso, July 22, 1881. (Received August 13.)

SIR: I have the honor to acknowledge the reception of your instructions Nos. 146 and 147, relating to the alleged intention of the Republics of Colombia and Costa Rica, to invite the great European Powers to join in the execution of a treaty guaranteeing the neutrality of the pro-

posed interoceanic canal across the Isthmus of Panama, and expressing the views of the United States thereon.

Before the reception of the last-mentioned instruction (No. 147) the minister of state had departed for this place, where the court is passing the summer, and as he was not to return to Madrid until the last days of August, I deemed it my duty to come here. I arrived on the night of the 18th instant, accompanied by Mr. Reed, and on the following afternoon, at three o'clock, and by appointment, had an interview with his excellency, the minister of state, during which I read to him your instruction No. 146, and at his request left a copy of it with him.

His excellency listened very attentively to the views of the United States therein expressed, and after the reading was finished, informed me in the frankest manner possible, that up to the present time the Government of His Majesty had not only not received any invitation to join in the execution of a treaty guaranteeing the neutrality of the proposed canal, but that this was the first information it had had of any such proposition. His excellency further assured me, in as frank a manner, that should any invitation be received to take part in such an undertaking, the views of the United States will be taken into the most careful consideration.

During the interview his excellency asked me if a similar instruction had been sent to all our representatives in Europe, adding that it was a most important and interesting question, and worthy of the gravest consideration. I answered that I did not know, but presumed that it had been.

I have, &c.,

LUCIUS FAIRCHILD.

No. 654.

Mr. Fairchild to Mr. Blaine.

No. 179.] LEGATION OF THE UNITED STATES,
San Ildefonso, July 22, 1881. (Received August 13.)

SIR: Referring to your instruction No. 148, I have the honor to report that in my interview of the 19th instant I asked the minister of state (unofficially) if His Majesty the King had been invited to act as arbiter on the question of the boundary-line between the Republic of Costa Rica and the State of Panama. His excellency replied that as yet the King had not been invited to act in such capacity, and further that the government had no information on the subject other than that obtained through the press.

I then said to him that in the event of an invitation being received I would be greatly obliged if he would kindly inform the legation, in order that it might be able to submit to him the views of the United States on the subject—being careful, at the same time, to assure him that the United States entertained no objection whatever to His Majesty acting as arbiter, but that as the United States had not been consulted in the matter of the negotiation of the convention between Colombia and Costa Rica providing for the proposed arbitration, as it had the right to be, under Article XXXV of the treaty with Colombia of December 12, 1846, it deemed it proper, in order to avoid any future misunderstanding which might arise between the two governments, that His Majesty

should be fully and frankly informed of its views upon the subject. His excellency replied that he did not see how he could very well inform the legation in the event of an invitation being received, suggesting that it would seem more proper to have the information proceed from Washington.

The matter will be closely watched by the legation, and should it ascertain at any time, for a certainty, that such an invitation has been received, will at once communicate to the minister of state the substance of your instruction.

I have, &c.,

LUCIUS FAIRCHILD.

No. 655.

Mr. Reed to Mr. Blaine.

No. 80.] LEGATION OF THE UNITED STATES,
Madrid, August 20, 1881. (Received September 7.)

SIR: I had the honor to receive this morning, at 8.30, your cipher telegram to General Fairchild, directing him to read to the minister of state your instruction No. 148, relating to the convention lately concluded between Costa Rica and the United States of Colombia, referring certain questions of boundary to arbitration.

As the minister of state is absent from Madrid (in the north of Spain), and as he is not to return until about the middle of September, I went this afternoon to the ministry of state, taking with me a copy of your instruction, and had an interview with the subsecretary, Señor Mendez de Vigo. I read to him the instruction, after first explaining my reasons for so doing, and asked, unofficially, if he could properly tell me whether or not the King had yet been invited to act as arbitrator.

Señor Mendez de Vigo replied that he would be very frank with me (in an unofficial manner) and say that he knew nothing about the question further than that the minister of state had said something to him in regard to the conversation had with General Fairchild at La Granja on the subject. (This conversation was reported to you in General Fairchild's dispatch No. 179.) He further stated that he was unable to tell me whether or not such an invitation had been received—that it certainly had not come to the ministry of state—but, as the court has, until very lately, been at La Granja, it was possible that it might have been sent there. He then asked if I would leave a copy of the instruction with him for transmission, to-morrow, to the minister of state. I replied that I was only instructed to read it to the minister of state, but under the circumstances, and as he had requested it, I thought there could be no objection to my doing so. I accordingly left the copy with him, and on returning to the legation sent you the following telegram:

Minister of state absent in north Spain. Have read 148 to under secretary of state. At his request I left a copy with him to be forwarded to minister of state to-morrow. He was unable to inform me whether or not the King had been invited to act as arbitrator.

I have, &c.,

DWIGHT T. REED.

No. 656.

Mr. Blaine to Mr. Fairchild.

No. 195.] DEPARTMENT OF STATE,
Washington, November 2, 1881.

SIR: I inclose a copy of a letter from Messrs. Miller & Houghton, of 32 South street, New York, and a copy of a note addressed to them on the 28th ultimo by the consul-general of Spain at New York. It appears from the latter that the consulate-general there requires payment of "10 cents for every 1,000 kilograms," of the cargo of vessels clearing for Spain, Cuba, and Porto Rico. A charge of this character you will perceive comes within the description of charges amounting to the levy of an export duty by Spain in the ports of the United States, such as contemplated in the note of Mr. Cushing of May 25, 1876, to the minister of state, communicated in his No. 963. In that note Mr. Cushing says:

> But that which is above all things inadmissible is the number of provisions [of the Spanish consular tariff] which, while not connected with corresponding acts of the consul, are expressly charges on cargo, equivalent to an attempt on the part of Spain to levy an export duty on shipments in foreign ports, in violation of the fundamental principles of public rights and of national sovereignty.

So far as appears, the charge now sought to be enforced is more obnoxious to the observations contained in Mr. Cushing's note than the special charges which were then being considered.

I address this instruction to you in connection with previous correspondence on the general subject, referring for the present only to instruction No. 349 of the 11th April, 1876, and in case you shall not find it advisable to present the matter to the attention of the minister of state at once, I will thank you to call Mr. Hamlin's particular notice to this communication on his arrival at Madrid, to the end that he may, on familiarizing himself with the correspondence on the subject, make such representations as may appear to him proper.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 195.]

Messrs. Miller & Houghton to Mr. Blaine.

NEW YORK, *October* 29, 1881. (Received October 31.)

SIR: Without any special notice from the consul of Spain, we see the annexed notice printed in the Journal of Commerce of this city, and would respectfully ask what charges the Spanish consul can properly impose upon American vessels before giving them a clearance from his office after the ship has been regularly cleared from the custom-house here for any of the Spanish colonies.

In addition to the charges heretofore made by the consul, it seems that he proposes to charge hereafter *to the ship* 10 cents per 1,000 kilograms on all the cargo carried—no matter to whom it belongs—before granting his clearance papers. Can he properly detain the ship here for the payment of the charges on the *cargo*, when the real interests of the ship and of the cargo are so entirely separate that the master cannot positively know of the weight or measurement of the cargo?

The cost heretofore of consul's clearance for Spanish colonies has been as follows:

Bill of health	$4 00
Visé of three manifests, $5 each	15 00
Certificates of crew and passenger lists	4 00
Making the consul's total cost of clearance	23 00

But it cannot be calculated until the vessels are completely loaded what the Spanish consul's charges may be on the cargoes under the new rule (a copy of which, over the consul-general's signature, we inclose herewith).

Very respectfully,

MILLER & HOUGHTON.

[Appendix 1 to inclosure in 195.]

SPANISH CONSULATE-GENERAL.

By orders received from Madrid, on and after October 31, vessels going to Cuba and Porto Rico will pay in this office the same clearance fees as vessels bound for Spain.

New York, October 24, 1881.

HIPOLITO DE URIARTE,
Consul-General.

[Appendix 2 to inclosure in 195.]

Mr. De Uriarte to Messrs. Miller & Houghton.

NEW YORK, *October* 28, 1881.

GENTLEMEN: In answer to your inquiry by letter of the 27th instant, I beg to say that, in conformity with orders received from Madrid, vessels bound for Spain, Cuba, and Puerto Rico will pay in this office, from the 31st instant, the following clearance fees:

For the manifest	$6 00
For bill of health	4 00
For crew list	4 00

For cargo, 10 cents for every 1,000 kilograms.

Very respectfully, yours,

H. DE URIARTE,
Consul-General of Spain.

No. 657.

Mr. Blaine to Mr. Fairchild.

No. 197.] DEPARTMENT OF STATE,
Washington, November 15, 1881.

SIR: Referring to instruction No. 195, of the 2d instant, relative to the charges on cargo required by the Spanish consul-general at New York, I inclose a copy of a letter from Messrs. Nutter, Kimball & Co., of Portland, Me., in reference to like exactions by the consular officers of His Majesty's Government.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 197.]

Nutter, Kimball & Co. to Mr. Blaine.

PORTLAND, ME., *November* 8, 1881.

DEAR SIR: We take the liberty to call your attention to the excessive charges recently imposed by the Spanish Government upon all American vessels clearing from the United States for the Island of Cuba.

Under the new regulations all vessels, without regard to their size, are obliged to pay the Spanish consul the sum of $23, and $8 additional for the first 50 tons of freight

carried, and 10 cents per ton additional for all in excess of 50 tons. Take, for example, a vessel carrying 700 tons. She would pay, to start with—

Lump sum of	$23 00
First 50 tons of freight	8 00
Balance, 650 tons of freight, at 10 cents	65 00
	96 00

This is in addition to the tonnage dues in Cuba of $1.35 per ton. Then, if the vessel's manifest does not show very nearly the exact weight of cargo, the vessel is fined from $100 to $300, and in some cases a larger amount. These charges are so excessive that it is difficult to find vessels that are willing to entertain Cuba business so long as they can find anything else to do, and is operating very seriously against exportations from this country.

We call your attention to these matters believing them to be of such importance that you will, if possible, take measures to secure a modification of the present arbitrary rules of the Spanish Government.

Respectfully, &c.,

NUTTER, KIMBALL & CO.

We concur with the above statements.

PHINNEY & JACKSON.
GEO. S. HUNT & CO.
CHASE, LEAVITT & CO.
J. S. WINSLOW & CO.
ISAAC EMERY.

No. 658.

Mr. Fairchild to Mr. Blaine.

No. 219.] LEGATION OF THE UNITED STATES,
Madrid, November 19, 1881. (Received December 9.)

SIR: In the senate yesterday the minister of state replied to a request, presented some days before by the Marquis of Sevane, for information concerning the instruction addressed by you to the diplomatic representatives in Europe on the question of the proposed European guarantee of the neutrality of the Panama Canal. The following is a translation of his reply, as published in the Gaceta de Madrid of to-day:

I have been asked a question by the Marquis of Sevane, through the secretaryship of this chamber. I must tell him that the government is acquainted with the communication of the Government of the United States on the subject of the Isthmus of Panama to which he refers; but the question is of such gravity, and the powers concerned in it are so many, that his lordship will comprehend that I must confine myself to saying that that communication has been received, that it is being considered, and that, in accord with other powers, Spain will do all that may be necessary to be done for the protection of her interests. I trust, therefore, that his lordship will be content to await the solution of the question, in common with other countries also interested in it.

The Marquis of Sevane replied as follows:

I thank his lordship for his answer. His lordship has acknowledged that my question was neither amiss nor useless, since he has corroborated the gravity of the matter referred to in it. I could never demand during a negotiation that explanations should be publicly made which might injure its proceedings, and much less when the matters at issue are international questions between nations with which some complication might intervene, nor that words be pronounced giving preconceived ideas which would afterwards have to be changed. Therefore I declare myself quite satisfied with his lordship's reply, and at once declare that I am sure he will proceed with all the care and circumspection required in the matter, and, at the same time (with the patriotism so prominent in his lordship), uphold the rights of the nation which has possessions in both worlds, and which, in having to choose between the two courses that may present themselves (according to the statements of the press that have dealt with the question, *i. e.*, to act collectively or separately), his action will be in accord-

ance with his well-known prudence, always avoiding for Spain, as a matter of course, all complications, but securing her rights both in the peninsula and the ultramarine regions, where we have so many interests to defend.

I have, &c.,

LUCIUS FAIRCHILD.

No. 659.

Mr. Fairchild to Mr. Blaine.

No. 223.] LEGATION OF THE UNITED STATES,
Madrid, November 23, 1881. (Received December 14.)

SIR: In the course of a social conversation had this morning with Señor Peralta, the minister of Costa Rica at this court, I incidentally asked him if his government had perfected the proposed arrangements for the arbitration mentioned in your instruction No. 148. He replied, substantially, that his government had not moved further in the matter since becoming aware of the position of the United States as set forth in its communication to the Spanish Government; that such position was undoubtedly a cloud upon the project, and that he thought upon a fair and friendly presentation of the whole question to the Department of State at Washington it could and would be satisfied that no possible interest of the United States would in the least suffer if the arbitration should be carried to a conclusion.

I infer from the general tone of Mr. Peralta's remarks that it is not at present very likely that the King of Spain will be pressed to act as arbitrator, and that the matter will be brought to the attention of the Department of State with a view to satisfying the United States as above indicated.

The President of Costa Rica is still here, but I am told by Señor Peralta that he will sail for home from Cadiz in a few days.

I have, &c.,

LUCIUS FAIRCHILD.

SWEDEN AND NORWAY.

No. 660.

Mr. Stevens to Mr. Evarts.

No. 93.] UNITED STATES LEGATION,
Stockholm, December 22, 1880. (Received January 10, 1881.)

SIR: In my dispatch 67, of March 9, 1880, I gave the terms of the decision of the Swedish and Norwegian Government touching the request of the United States Government embodied in the communication of Secretary of State as to the supression of the efforts of Mormon the agents promotive of the emigration of persons to Utah for unlawful purposes.

The conclusion of His Majesty's Government on the subject is stated in the following language of O. M. Björnstjerna, minister of foreign affairs, in a communication addressed to me under the date of February 24, 1880:

After your demand I addressed the competent authorities of the United Kingdoms, praying them to guard, by such means as they should judge proper, the populations

against the fallacious promises of the Mormon agents, and to inform them of the severe penalties to which they would expose themselves according to the American laws, those who should attempt to put in practice the doctrines of Mormonism in the United States.

As relating directly to this declared purpose of this government, I give below a brief statement of what has recently transpired in one of the Swedish provinces, according to the account given in the Dagblad, a very reliable and one of the most influential newspapers of Stockholm, which often reflects more or less the views of His Majesty's Government. This account says that—

Two Mormon preachers who, during the last few weeks, have wandered about in Holland trying to gain proselytes for their sect, arranged Sunday evening a meeting at a house on Golga Hill, where they probably thought to draw some of the simple people into their net and persuade them to join that respectable company who call themselves "Latter-day Saints." But this time their acquisition was little or nothing, says the Holland newspaper, for Pastor G. Gadd, who learned what the two Utah prophets had arranged for Sunday evening, applied to Police Commissioner Otterman, who with Mr. Gadd went to the place of meeting accompanied by two constables.

As the two gentlemen entered the room where a crowd of forty to fifty persons, for the most part women, were attentively listening to one of the preacher's sage sayings, the other politely offered them seats. The preacher, by the name of Ola Nilsson Stål, formerly a tailor's apprentice, painted in the most brilliant colors the beauties of the Mormon religion and the "heavenly Lion" far away in his beloved country, America, where he urged his hearers to go. When Stål, who had no idea who his last comers were, ceased for an instant his confused talk, Pastor Gadd interrupted him with the declaration that enough had been said, and that the speaker would be wiser if he ceased to appear in the rôle of "conversion preacher" and to confuse the people. As the two Mormons wished to make some opposition, and a murmur was heard in the room, the police commissioner declared that the meeting was dissolved and ordered those present to leave. Those who partly from curiosity had come, soon dispersed.

On Monday the two Mormons presented themselves at the police office to give information with regard to themselves, and declared themselves to be Ola Nilsson Stål, born in Sweden in 1835, and Peter Nilsson, formerly farm-laborer, born in Sweden in 1840, both in the province of Molmohus. The former had been converted to Mormonism in 1854, and the latter was not confirmed. They had both for many years been living in America, and had been recently sent to their native country to make converts to Mormonism and to attract people to Utah. As they made no kind of legal defense, or could not justify, they were ordered to immediately leave the city on penalty of being treated as vagrants.

I have previously stated in my communications on this subject that a Swedish pastor of the Established Church is in some regards a legal municipal officer, and by his official and social influence wields often decided authority. This action of the Swedish pastor and police authorities indicates that His Majesty's Government, for the safeguard of the interests of these countries, as well as for friendly regards towards the United States, is desirous of preventing the dissemination of the pernicious evils of Mormonism within its jurisdiction.

I have, &c.,

JOHN L. STEVENS.

No. 661.

Mr. Stevens to Mr. Evarts.

No. 100.] UNITED STATES LEGATION,
Stockholm, February 16, 1881. (Received March 9.)

SIR: Your dispatch No. 95, of January 24, was received last evening, in which is inclosed a communication from the mayor of Charleston, S. C., also a printed communication of Mr. Birney, United States

minister at the Hague, touching the most expedient method of ascertaining the reality or unreality of claims to property abroad.

As to the Springer heirs, to whom the mayor of Charleston refers as claiming property in Sweden, I am enabled to give prompt and decisive answer. During 1880 I had an application from a gentleman of California, and another from a gentleman of Maine, both representatives of the said Springer heirs, asking me to take effective steps to ascertain precisely the information which the mayor of Charleston desires to obtain. I took the liberty of making formal inquiry of the Bank of Sweden through the chief secretary of the department of foreign affairs. The answer was squarely in the negative on all points of the inquiry. I became thoroughly satisfied of the entire truthfulness of the answers given. During the present winter an intelligent and indefatigable American attorney, one of the Springer heirs and the agent of other heirs, spent two weeks in Stockholm, who had the assistance of a Swedish lawyer of this city, making a careful investigation in Swedish archives and of Swedish legal records, and the same conclusion was reached—that the whole story of there being property in Sweden for the Springer heirs in America has no substantial foundation, is a fiction. In fact, the last-named attorneys were able to find the original copy of the Springer will, duly authenticated, in which the said Christopher Springer disposed of all his property in Sweden about 1689 to parties then living in Sweden, and that no money of his estate was ever deposited in the Bank of Sweden. I conversed with this American attorney repeatedly and fully, and he entirely agreed with me as to the complete want of foundation of the "Springer claim" to property in Sweden.

You ask me to indicate the best course for American claimants to adopt as to property supposed to be left to them by will or otherwise in Sweden. In most cases of this kind it will be found no such property exists. To make the necessary inquiries the following seems to me the briefest and most practicable, though a uniform course of proceeding may not always be wise:

The claimants should embody their inquiry in a compact and explicit statement, which may be used as an advertisement, and send it to the United States consul or consular agent, according to the locality in Sweden or Norway where they have reason to suppose the desired property may be. They should employ the consul or consular agent, if he deems it expedient, to insert the advertisement in the best advertising medium in the given city, town, or district. The advertising rates in the Swedish and Norwegian newspapers are reasonably moderate—more so than in the United States—and the charge for service by consul or consular agent would not be high. This method of procedure, supplemented by other inquiries of the consul or consular agent, in most cases could not fail to be effective and conclusive. The consul or consular agent would generally be able to judge if any additional methods of inquiry should be necessary.

In some cases it might be inexpedient to advertise. There are no technical or practical difficulties in obtaining property in this country belonging to foreign citizens, provided the claimants send the properly authenticated papers that they are the legal heirs of the same.

I have, &c.,

JOHN L. STEVENS.

No. 662.

Mr. Blaine to Mr. Stevens.

No. 98.] DEPARTMENT OF STATE,
Washington, March 19, 1881.

SIR: Acknowledging the receipt of your highly satisfactory dispatch of the 16th ultimo, respecting inquiries made as to the estate said to have passed on the decease of Christopher Springer in Sweden, about the year 1689, and thanking you for the statement you give of the proper methods of ascertaining the facts in a case of property in Sweden alleged to belong to foreign residents, I have to request that you will be good enough to transmit information of any statute of limitations in Sweden or Norway whereby titles to estates in dispute are quieted in a given time.

I have sent a copy of your No. 100 to the Hon. M. P. O'Connor, House of Representatives.

I am, &c.,

JAMES G. BLAINE.

No. 663.

Mr. Stevens to Mr. Blaine.

No. 106.] UNITED STATES LEGATION,
Stockholm, April 30, 1881. (Received May 16.)

SIR: It is well that I should report to the Secretary of State what has been done at this legation to safeguard American pork interests against the alarm and prejudice caused by the recent prohibitory edicts of some of the European governments.

Soon after the action of the French Government in this regard had become generally well known in this country, I was called on by several Stockholm merchants, heavily engaged in the American pork trade, who informed me of the extent of the injury which the French edict and the alarm on the subject were causing their trade, and asked if my government would take any effective steps to counteract the damaging rumors and charges in general circulation in European countries as to American swine. I suggested that a few days or weeks were necessary for the operation of the laws of reaction and self-cure, and that as soon as the United States Government took any action they and the Swedish public should be informed thereof. Soon after the dispatch of the Secretary of State to Ministers Lowell and Noyes was received at this legation, in the New York Tribune and Boston Journal, I had the same translated into Swedish, accompanied by supplementary facts brought in the investigations at Chicago, such as were deemed strongly defensive of the American pork interest, and had the same signed by the United States consul of this consular district and published in the Stockholm newspapers. I forwarded the same document to our consul at Gottenburg, who signed the same and published it in the Gottenburg newspapers. The Stockholm and Gottenburg consuls, at my suggestion, sent the same document to the consular agents in their respective districts for publication in like manner.

In the way thus indicated the American side of the swine and pork question has become quite well known to the Swedish public. I think

also the views of the United States Government as expressed by the Secretary of State, and the substantial facts brought out at Chicago, tending to safeguard American interests, have become tolerably well known in Norway through the press, necessarily encountering, of course, the prejudices and interests of the pork producers of that country, precisely as the American statement has encountered like prejudice and interests in Sweden, as in the other European countries.

I have, &c.,

JOHN L. STEVENS.

No. 664.

Mr. Stevens to Mr. Blaine.

No. 107.] UNITED STATES LEGATION,
Stockholm, May 7, 1881. (Received May 21.)

SIR: In the dispatch of the Secretary of State, No. 98, of March 19, touching the claims of American citizens in this country, I am directed "to transmit information of any statute of limitations in Sweden or Norway, whereby titles to estates in dispute are quieted in a given time." I have made the proper inquiries to be able to conform to this instruction with the following result:

Under the present law of Sweden, persons dying leaving property, real estate or moveable, heirs in foreign countries must apply within one year after publication by court. The heirs may get notice by seeing publication in Swedish newspapers or through parties. Failing to apply for the possession of the property within one year after publication by the court, the same goes to the heirs next of kin. The *new law*, which will go into effect January 1, 1882, allows twenty years for heirs to claim real estate; but moveable property not affected by new law.

Claims for debt on note or account run ten years. Under the law of 1835, still in force, claims on all kinds of moveable property terminate in ten years. All claims in litigation on real estate die in twenty years under the new law, which will go into effect January 1, 1882.

Present law as to real estate, heirs in foreign countries must claim in one year after publication by the court in Swedish newspapers. Said heirs in foreign countries failing to make their claims within the year, the property will belong to the heirs next of kin.

Under the new law which will go into effect January 1, 1882, twenty years, after publication by court, are allowed for heirs in foreign countries to claim real estate. If not claimed within said time, the property goes to next heirs of kin. But the new law makes no change in this regard as to moveable property, one year being the limit of time to make claim after the publication of the court.

In Norway, titles to estates in dispute, whether real estate or personal property, are quieted at the expiration of twenty years. This term of limitation, however, is not sufficient, if anybody has had his title to a real estate registered in the public record books.

Legal heirs living out of Norway must claim property of deceased persons, citizens of Norway, within one year and six weeks from the time they have been called in to make their claims, *sub pœna præclusi et perpetui silentii.*

The Norwegian law of limitation dates from time immemorial, and

was expressly repeated in the statute-book still in force, of King Christian V of Denmark, which was published in 1687.

I have, &c.,

JOHN L. STEVENS.

[Postscript.]

UNITED STATES LEGATION,
Stockholm, May 7, 1881.

After I had finished the above dispatch I received, fortunately, a more complete and technical statement of the Swedish statutes of limitation from Judge Olivecrona, of the supreme court of Sweden, and the same I herewith inclose. I think correct answers to the inquiries of the Secretary of State can readily be found in either of the statements forwarded.

J. L. S.

[Inclosure in No. 107.]

MEMORANDUM.

I. According to the statute law or code of 1734, ch. 15, section of intestacy, *the general time of limitation* (*proscriptio*) for the right of succeeding to the property of a person deceased without a will is *night and year.*

II. The right of succeeding to property left by an intestate is limited to *night and year a tempore mortis defuncti.*

1. When a man dies leaving lineal descendants, *Swedish subjects, name known,* living in a country where Swedish subjects cannot inherit property.

2. When a man dies leaving descendants or ancestors or collateral heirs, *name known, subjects to a foreign government,* and living in a country where Swedish subjects may inherit property.

3. When *no heir, name known,* will in night and year claim the inheritance. But this time of limitation is of no legal effect, if in all these cases the heir can prove a *legal impediment* (*justa causa*).

III. The right of succeeding to property left by an intestate is limited to *night and year* (*a tempore scientiæ*) from the day the claimant gets knowledge of the property left.

1. When the heir (next of kin, *proximus heres*) is a Swede, *name and residence known* though he be settled so far away that he cannot get knowledge of the inheritance.

2. When *proximus heres* is a Swede, name and residence known, though he may be living abroad.

In these both cases the tribunal must give him notice of the property left by his deceased parent or relation.

IV. The right of succeeding to property left by an intestate is limited to *ten years* (*a tempore ultimo publicationis*) from the last publication (three publications) in the Official Gazette of Sweden (*Post-och Inrikes Tidningar*).

When the heir is a Swede, name known, but residence unknown.—The statute law or code of 1734 had fixed the said time to *twenty years,* but by an act of 30th May, 1835, the term was changed to *ten years.*

V. The act (*Förordning*) of 16th June, 1875, prescribes that every transfer of title of property concerning real estates shall be duly inscribed in the *Registry of titles to landed estates* (*lagfartsbok*).

The act of 14th May, 1805, prescribes that when a man *bona fide* gets possession of a real estate without the consent of the legal owner (*dominus*), the owner may claim the possession (*vendicare*) *in night and year* from the day he got knowledge of the unlawful possession and was able to claim his right; and his legal heirs have the same right within *twenty years* from the day of his decease.

Now, the Swedish Parliament of 1881 has approved a new bill, laid before the Parliament by the government, conforming to which bill the time of limitation (*proscriptio*) for all claims on real estates is fixed to *twenty years,* so that if a *bona fide possessor* has got his title of transfer inscribed in the registry of titles of landed estates (*lagfartsbok*), and has had possession of the estate without interruption for a time of twenty years after the inscription of his title in the said registry, *every claim is void.*

No. 665.

Mr. Stevens to Mr. Blaine.

No. 113.] LEGATION OF THE UNITED STATES,
Stockholm, September 23, 1881. (Received October 3.)

SIR: Your dispatch No. 103, of June 24, 1881, relative to the question of the proposed Panama Canal, was received about July 20. As its terms of instruction seemed to leave the time of the presentation of its subject-matter to this government somewhat to my judgment and discretion, I deemed it expedient to delay until I had received information from my colleagues that the communication had been made to some of the great powers. Besides, at the date of the reception of your dispatch, His Majesty the King of Sweden and Norway was absent from his kingdom, being on his visit of rest and recuperation in England, Holland, and Germany, after his serious illness of last spring. The King had previously evinced considerable interest in the proposed canal in conversation with me, and is understood to be a subscriber to the stock of the Lesseps Company. When he returned to Sweden in July, he came only within its southern border, where he remained for some time, and where his minister of foreign affairs joined him.

Well, in August, having informed myself by correspondence with our legations in London, St. Petersburg, and Berlin that the terms of your dispatch had been duly communicated to the British, Russian, and German Governments, I deemed the fitting time had arrived to make a like communication to this government. But in the mean time the minister for foreign affairs had obtained leave of absence and had gone on his usual summer vacation, and he did not return to his post until September 14.

Imperative circumstances prevented the necessary interview with the minister for foreign affairs, Baron Hochschild, until early in the day of September 20, before the information reached this legation of the sad death of President Garfield. Accompanied by a brief note of the undersigned, I communicated to Baron Hochschild the full text of your dispatch by careful reading, and left with him a copy of the same. In course of conversation with the minister for foreign affairs his opinion was expressed or implied that there was nothing in the terms of your communication to which His Majesty's government could object, though he wished it understood that he was speaking in an informal and unauthoritative regard. He did not know but that France and Great Britain, especially the latter, might have some objections to the views taken by our government. As Great Britain had extensive Australian colonies which might wish to make use of the proposed canal, that government might make some claim as to the control of the same. This gave me the opportunity to enlarge on the chief points of the surpassing importance of the interests of the United States and the broad liberality of our policy as to guaranteeing the proposed canal for the free and impartial use of all nations. I remarked that the Pacific slope of the United States was one of the fattest pieces of territory on the face of the earth; that California, Oregon, and Washington Territory had natural resources equal to France and Germany united; that at no distant day they would contain 25,000,000 of people; that according to carefully considered data at least nine-tenths of the commercial traffic to pass through the proposed canal would be that of the United States in transit between the Pacific and Atlantic States and Europe.

I remarked that the canal would be to the United States in relative importance much what the Gotha Canal is to Sweden, passing, as the latter does, from Stockholm to Gottenburg, affording a great central artery of travel and commerce between the Baltic, the North, and the Atlantic Seas. With the difference, remarked the minister, that the Gotha Canal is through Swedish territory, while the Isthmian territory is not the possession of the United States. To this I responded by urging the strength of our contract, obligations, and rights under our treaty with the United States of Colombia. The magnitude and great superiority of our interests the minister did not controvert nor question. That the United States should object to the European nations guaranteeing precisely what we were ready to guarantee—the free and perpetual use of the canal for the peaceful commerce of all nations—he seemed to demur somewhat.

He remarked, finally, that our position seemed to be the impartial use of the canal for the commerce of nations, and that Europe should assent that the United States should practically guarantee the police thereof. I assented that this might be regarded very nearly the view which we held and which our government had long maintained.

This conversation was very informal, and in the best temper on both sides, the undersigned confining himself strictly to the terms and spirit of your dispatch. The incidental conversations with the King, mentioned in the first part of this communication, took place last winter at the receptions of the minister of state and of the minister for foreign affairs. They were sought by His Majesty in a most genial spirit, and I responded to him with much caution, in no respect exceeding the known policy of our government, not then claiming to speak by authority or instruction, using such terms only as courtesy and prudence required. There has manifestly been more or less misunderstanding in Europe as to the position of our government relative to the proposed canal of Panama, and there can be no doubt that the broad and elevated language of our lamented President's inaugural, and the full and comprehensive statement of your dispatch, were timely, and will prove to be of commanding importance and value.

I have, &c.,

JOHN L. STEVENS.

SWITZERLAND.

No. 666.

Mr. Fish to Mr. Evarts.

[Extract.]

No. 319.] LEGATION OF THE UNITED STATES,
Berne, December 9, 1880. (Received December 23.)

SIR: I called yesterday upon Mr. Droz, to congratulate him on his election to the vice-presidency, and to give him some statistics concerning immigration into the United States during the month of October.

After expressing my congratulations on his election, I asked him what the prospects were of the passage of the bill now before the Federal

Assembly (see my Nos. 297 and 300) respecting emigration. He said that everything appeared favorable, and that the commission of the Council of States, before whom it is now pending, had reported in favor of substituting as an amendment to section 4 of article 10 of the bill as it passed the National Council the following:

The agents are forbidden to forward:

* * * * * * *

4. Persons to whom the laws of the country to which they emigrate forbid the entry.

And he said that he believed that would attain the end he had in view, in endeavoring to make that section of article 10 to meet our laws respecting criminals pardoned on condition of emigration.

He gave me an advanced copy of the report of the commission of the Council of States in German. I will send you additional copies in French and German when the bill comes up for discussion, probably next week. The principal alterations suggested by the commission, in addition to the one above mentioned, are a restoration of the amount of caution money to 50,000 francs (article 4), which was not, however, agreed to by Messrs. Hettlingen, of Schwyz, and Bitzius, of Berne, who favor 40,000 francs, as agreed to by the National Council; and (in article 19) giving to the department of the Federal Council, charged with the supervision of the matter of emigration, the requisite personnel to fulfill its duties.

I told Mr. Droz that should it become a law the amendment to section 4, article 10, would be satisfactory to us, as we could then legislate to prevent any abuses we might have reason to fear. I also asked him if he was aware of the large Mormon emigration from this country (reported in Foreign Relations for 1879, page 854), through Holland, and I remarked that the proposed legislation was quite in accord with the reply of this government respecting the Mormon question, and that while I had no instructions to bring that question again to the notice of this government, I should, if he wished, furnish him with a copy of Mr. Birney's dispatch and inclosure as published, but that my so doing must not be taken as an official act. He said he should very much like to have it, and I to-day handed it to him.

The proposed amendment will, in my opinion, more than ever render it expedient for us to protect ourselves by an act of Congress from the abuses which exist in immigration at home. After the discussion of last summer in the Federal Assembly, it is not likely that the interested communes will be deterred from sending us their helpless and their pardoned criminals, if we do not take such measures as will prevent their entry. The Swiss Government might answer any complaint that may be made with remark, "If your laws permit these people to land we cannot interfere; if they forbid their entry why don't you enforce them?" Proper legislation on our part, and a strict and rigid enforcement of the provisions of such legislation would not only obviate the possibility of such a retort, but would soon teach the commune guilty of such acts that in a pecuniary sense it was not a profitable business, as it now unfortunately, is.

* * * * * * *

I have, &c.,

NICHOLAS FISH.

No. 667.

Mr. Fish to Mr. Evarts.

No. 322.] LEGATION OF THE UNITED STATES,
Berne, December 15, 1880. (Received January 15.)

SIR: Referring to my No. 319, I have the honor to inclose herewith two French and two German copies of the report of the committee of the Council of States on the bill concerning emigration agencies, together with a translation of the amendments suggested by the committee, which will, upon comparison with my inclosure 1 to No. 300 give you the present state of the discussion of this important question.

In Friday's issue of the Swiss Emigration Gazette there is an article reproduced from the Argentine Wochenblatt, criticising the law as it was passed by the National Council, which appears to have been written by a Swiss emigrant in Buenos Ayres. The latter portion of the article calls attention to the shocking evil of Swiss local authorities getting rid of their unpunished criminals, insane, and helpless paupers at the expense of countries across the Atlantic.

The writer describes so exactly the circumstances of those shipments as they appear on the records of this legation—notably in the cases of Jacob Zimmerman, of Trasadingen; of his namesake, from Ebikon; of Daniel Seun, from Basle; and of Theodore Meier, from Bärschwyl—that I am convinced that the writer is well informed upon the subject; and that Buenos Ayres is about as much exposed to this abuse, in proportion to the Swiss emigration to that port, as is New York.

Similar cases, not from Switzerland alone, are constantly being reported in the American papers, and I fear that the present regulations for preventing the landing of such persons are either insufficient in their provisions or inefficient in their execution. As an evidence of this fact, I cite the search made for Daniel Senn, as reported in the New York Tribune of August 15, 1879, from which I copy the inclosed extract. We find, if this is a correct statement of facts, that a steamer being searched, the objectionable emigrant on whose account the search was instituted is not on board, owing to the intervention of American officials abroad, but that among the Swiss passengers is found another emigrant whose passage was paid by the authorities of her native village, and the sum of $2.83 ordered by them to be paid her on arrival at New York. It appears that she combined the elements of pauperism, crime, and insanity in a greater or less degree, and it is stated that on the voyage her presence had been a cause of corruption to the morals of the other emigrants.

The other cases above cited, all occurring within the past two and three-fourths years, show that this traffic still continues, and the small number coming under the notice of the legation is clearly due to the penalty which an informant in this country would incur, rather than to the lack of such cases.

In the same number of the Swiss Emigration Gazette is the advertisement of an emigration agent in Basle, announcing that third-class passengers from Havre to New York pay only 125 francs on the steamers of the French Company; that they receive their food, half a bottle of wine a day, bedding, table articles and linen, and are allowed 200 pounds baggage free, and are insured for 1,000 francs a head for adults, and children, paying half fare, 500 francs each, and closing with the offer to forward emigrants on the very cheapest terms. This, if honestly carried out, would show clearly the pecuniary profit to the commune and

other local officials to indulge in the business of sending us their paupers, criminals, and lunatics, to become a burden to our tax-payers, and a source of contamination and corruption to the honest emigrant who comes to make his home among us. In his interest, if in no other, this evil should be stopped.

The subject is not a new one; the evil has been going on for years. In 1870, with a population of 5,567,229 foreign born, and 32,991,143 native in the United States, there were—

	Among the foreign born.	Among the natives.
One blind to every	1,698	1,935
One insane to every	495	1,258
One deaf and dumb to every	4,167	2,218
One idiotic to every	3,384	1,441
One in prison to every	637	1,364
One receiving public support	248	611

Thus we find that out of the six classes of *unfortunates* the ratio among the foreign-born population is greater than among the native, with the exception of the deaf and dumb and idiotic, two classes of emigrants that could hardly escape detection by our officials at the port of debarkation, even with the assistance of unscrupulous local authorities of their native towns, or that of cunning emigrant agents on both sides of the water.

The great preponderance of the foreign-born element in the categories "in prison," "receiving public support," and "insane" is to my mind unaccountable for, unless such abuses as the "Argentine Wochenblatt" describes are systematically carried on.

The tables of the census of 1870 do not enable us to ascertain the proportion of Swiss "in prison" and "receiving public support."

In the remaining categories of "unfortunates" I find the following comparison between the Swiss and the natives:

	Among the Swiss.	Among the native.
One blind to every	1,833	1,935
One insane to every	671	1,258
One deaf and dumb to every	939	2,218
One idiotic to every	963	1,441

And comparing the Swiss with those of foreign birth of all countries, the census gives us the following results:

	Among the Swiss.	Among the aggregate foreign born.
One blind to every	1,833	1,698
One insane to every	671	495
One deaf and dumb to every	939	4,167
One idiotic to every	963	3,384

From which it appears that in no one of the four given categories is the ratio of Swiss unfortunates as low as among the natives, and that only in the case of the blind and the insane it is lower than among the aggregate foreign born. While the proportion of insane Swiss is less than among the aggregate foreign born, it is nearly double that of the native born. We find the Swiss ratio of deaf and dumb almost two and one-third times as great as the native and over four times that of the aggregate foreign born; their ratio of idiotic is one and one-half times as great as that of the natives, and over three times as great as that existing among the foreign-born population. In regard to the last two categories, it would seem that a very lax control is enforced at our ports of entry, or that the climate of the United States exercises an abnormally detrimental influence on the Swiss organs of speech and hearing, and an almost equally injurious one upon the intellectual capacities of natives of this country.

It is claimed that the cases of shipment of the objectionable emigrants have diminished, and are of rare occurrence, but the advocates of this theory do not tell us when the practice fell into disuse and no one pretends that it has ceased.

We have seen its baneful results as exhibited by the census of 1870. Unfortunately, over here at least, the result of the census for 1880 is not at our disposition for consultation.

In a most valuable work on pauperism in Switzerland, compiled by Mr. G. Niederer, at the request of the Swiss Statistical Society, entitled "Le Pauperisme en Suisse pendant l'anne 1870," we find that the authorities of public assistance throughout Switzerland relieved or assisted during a single year (1870) 31,379 children; 49,346 adults, permanently; 43,841 adults, temporarily; or 124,566 persons in all, at a cost of 12,781,090 francs, or $2,466,750.37—an average of 102.60 francs, or $19.80 per head.

In the same year, and included in the above statement, were 318 emigrants to whom subsidies were paid for the purpose of emigration, representing 22 of the 25 cantons. The amount paid to these emigrants was 55,494 francs, or $10,710.34, being an average of 174.50 francs, or $33.68 per head.

From this it will be seen that the average cost of assisting an emigrant to emigrate is 174.50 francs ($33.68), while the average cost of supporting him at home is 102.50 francs ($19.80); the difference, 71.90 francs ($13.88), represents the excess of assisting him to emigrate over maintaining him at home per annum. Who would not make an additional outlay of 71.90 francs ($13.88) to avoid paying 102.90 francs ($19.80) per annum during a lifetime? Is it to be wondered at that the local authorities who have the administration of the poor funds should indulge in so advantageous an investment for the benefit of the taxpayers whose interests they are supposed to represent? With the temptation offered by assisted emigration, we cannot expect the local authorities of this and other countries to refrain from profiting by our neglect to adopt adequate measures to protect ourselves from the evil.

Mr. Niederer says the number of indigents assisted in this manner is relatively greatest in the cantons of the Grisons, Schaffhausen, Aargovie, Tessin, Obwalden, Zug, Thurgovie, Valais, &c. (Pauperisme en Suisse, p. 290.)

Again, examining Mr. Niederer's above-mentioned work, we find, on comparison with the official Swiss statistics of emigration, that in 1870 the number of assisted emigrants (318) was 9.1 per cent. of the total number of emigrants from Switzerland to countries across the sea

(3,494). Of the latter, 2,377, or 68 per cent., went to North America, which would make the proportion of assisted emigration from Switzerland to North America 216 in a single year (1870).

The following table, compiled by the Swiss bureau of statistics, shows us what the emigration officially reported by the cantons from and including 1870 has been:

Years.	Emigration from Switzerland to countries beyond the sea.	Emigration from Switzerland to North America.	Per c't. to North America.
1870	3,494	2,377	68
1871	3,852	2,729	71
1872	4,899	3,288	66
1873	4,957	3,462	70
1874	2,672	1,631	61
1875	1,772	866	49
1876	1,741	1,011	58
1877	1,691	1,027	61
1878	2,608	1,602	61
1879	4,288	2,964	69
Total	31,974	20,957	66

TRANSLATION OF NOTE OF FEDERAL BUREAU OF STATISTICS.—The returns are complete only for the year 1879. The returns are wanting for the cantons of Soleure, Vaud, and Geneva from 1870 to 1877 inclusive; for the canton of Uri, during the years 1870-'78, and for the canton of Fribourg during the years 1872 to 1877.

It should be borne in mind that the year here referred to is the calendar year, and that the table, being one of *emigration*, is not as reliable as our own tables of *immigration*.

If we apply Mr. Niederer's ratio of assisted emigration, 9.1 per cent., to the foregoing table, we have:

Years.	Swiss emigration to North America.	Assisted emigration to North America.
1870	2,377	216
1871	2,729	248
1872	3,288	299
1873	3,462	315
1874	1,631	148
1875	866	79
1876	1,011	92
1877	1,027	93
1878	1,602	146
1879	2,964	270
Total	20,957	1,906
Average	2,095	190

When we bear in mind that but very few Swiss emigrate to Canada, or even to Mexico (not enough to warrant the establishment of a consulate in Canada, and only that of one in Mexico), it is clear that we are receiving the great bulk of assisted emigration going to North America, estimated at 1,906 in ten years. Were we to apply the ratio of assisted emigration obtained from Mr. Niederer's tables to the Swiss *immigration*

as given in our more complete and perfect statistics for the years 1878–'79 and 1880, we have:

Years ending June 30.	Number of Swiss imigrants.	Proportion of assisted emigrants.
1878	1,808	164
1879	3,161	288
1880	6,156	560
Total	11,125	1,012
Average	3,708	328

On the whole the statistics do NOT show that the Swiss *unfortunates* are more numerous than those of other nations in proportion to the emigration, but they DO show a disproportion of deaf and dumb and idiotic that calls for examination.

The statistics do not tell us how many Swiss were in prison, or in the receipt of public support, but the following table gives us the statement of the different categories, divided among native, foreign-born (in which the Swiss are included), and the Swiss:

Table showing the number and proportion of native and foreign in prison June 30, 1870; *receiving support; deaf and dumb; insane and idiotic, with a statement of the number of Swiss in the last four categories.*

Number.	Six categories of unfortunates.	Natives.		Foreign-born.		Swiss.	Aggregate in each class, including native, foreign, and Swiss.
		Number.	Per cent. of aggregate of unfortunates.	Number.	Per cent. of aggregate of unfortunates.		
1	In prison June 1, 1870	24,173	75.7	8,728	24.3	Not given.	32,901
2	Receiving public support, June 1, 1870	53,939	70.3	22,798	22.7	Not given.	76,737
3	Blind	17,043	83.9	3,277	16.1	41	20,320
4	Deaf and dumb	14,869	91.8	1,336	8.2	80	16,205
5	Insane	26,205	70.1	11,227	29.8	112	37,432
6	Idiotic	22,882	92.3	1,645	6.7	78	24,527
	Aggregate of six classes of unfortunates	159,111	76½	49,011	23½	Not given.	208,122

Twenty-three and one-half per cent. of our "unfortunates" are foreign born, while our foreign-born population was but 14.4 per cent. of the aggregate population.

It is not surprising with these figures before us that we should find the question asked, "Should emigration be checked or stopped?" I have given the subject careful study for a number of years, and I answer that to check or to stop emigration would be a physical impossibility, and were it possible it would be a moral as well as a political crime. I maintain, however, with equal emphasis, that emigration should be purified, controlled, and encouraged.

The time has perhaps gone by when the birthday of a king was celebrated by a general jail delivery of malefactors on condition of their emigration, but the time has not yet come when corporations and individuals, prompted by selfish motives, will refrain from passing their helpless and their criminals through the door which our lack of efficient legislation now holds open for them. It will not be done with a flourish of trumpets, but by the quiet instrumentality of some unscrupulous and grasping emigrant agent, who, while knowing the moral crime he commits, laughs at the idea of punishment, for none will come to him, none to the more guilty employer; that punishment exists only in the misery and suffering of the poor wretches whom they consign to the care and philanthropy of the American tax-payer.

Let us look at the evils of assisted emigration and the horrors attending it. The abuses of this sort became so numerous some years ago that Switzerland sent a minister to Brazil in 1860, to investigate the condition of the emigrants. In a report to his government dated October 6, 1860, he sums up the reasons for the distress existing among the Swiss colonists in Brazil, as follows:*

The reasons why the system of working on shares, the emigrant receiving half (systéme moitressier), could not generally meet with success, are:

1. *The advances obtained by the colonists especially the money advanced to them in the shape of a loan by the communes to meet the expenses of the journey.*

After condemning the contracts made by the authorities of the communes for their citizens and for advancing them money, he says:

But the communes went even very much further. In order to get rid of their incapable persons they connected or joined to other families; notwithstanding the prohibition in the contracts against receiving the sick, blind, deaf and dumb, crazy people and those over 60 years of age, the communes sent nevertheless their aged, their infirm, their deaf and dumb, their lunatics, their blind, and their cripples. They made persons supported by the poor fund responsible for debts of others who could not have been supposed to have any capacity, who were not in possession of their civil rights, and could not therefore contract; they even in more than one case made them sign the contracts.

The report continues under this head, picturing the horrors of this assisted emigration, and condemns it as follows:

Many communes of the cantons of Unterwalden, of Glaris, of the Grisons, and of Aargovie distinguished themselves in this way in a most deplorable manner. The history of civilization certainly has few examples to cite in which the authorities of communes have acted in such an inhuman and such an unworthy manner to their fellow-townsmen. In many cases the advance of money was only made on condition that the emigrants should take with them some person whom they would assign to them. A citizen of Unterwalden assured me that no other alternative was given him than to bring with him a female (*cadjointe*) assigned him by the commune officials, or to go to the house of correction. Another colonist told me that he only knew after he was on ship-board, and the contract was handed him, that he had had a female assigned to him for whom he was responsible; to another the promise was made that special contracts should be given his aged parents, unable to work, but they were included in his contract. In order not to support them in the poor-house, the aged, who had but a few years to live, were exposed to a long sea voyage, to a very difficult land journey, and to the influence of a climate to which they were not accustomed. In short, they committed a multitude of actions revolting to every sense of justice and equity, which may well be classed with the horrors of the slave-trade; moreover, the complaints of the colonists are much more bitter against their native communes than against the condition of affairs in Brazil.

Of the remaining ten reasons assigned for the failure of the Swiss colonists, two alone refer to the general question of assisted emigration; the others relate to the local conditions of the emigrants in Brazil,

*Rapport de l'Envoyé extraordinaire de la Confédération suisse au Bresil, Mr. Tschudi, au conseil fédéral sur la situation des colons établis dans ce pays, 6 Octobre, 1860. Published in Feuille Fédérale, No. 61, December 4, 1860.

and are therefore foreign to our examination of the question. Those two are, "(8) *Despondency of the colonists*," and "(9) *The bad selection of colonists*," in both of which the writer condemns the inhumanity of the communes, and depicts the revolting condition of their victims.

The writer closes his report by saying:

The misfortune of the majority of the colonists had its origin in Switzerland, from the funds advanced by the commune, by the system of joint guarantee, by the reprehensible system of joining individuals to families to which they do not belong, and by the signing of contracts which any man somewhat versed would have regarded as injurious to the colonists, &c.

Such is the picture drawn by the Swiss minister of the misery resulting from assisted emigration in 1860, when left to the tender mercy of the communal officials:

Quis talia fando temperet a lachrymis?

In looking upon it, it should not be forgotten that the emigrants referred to were sent to Brazil under agricultural labor contracts, and that the money for their journey was advanced to the contractors by the emigrants' native communes, as a debt on the part of the emigrants, which the latter were to pay by their toil.

Mr. Tschudi's mission had been created by the appeals of the poor emigrants, in describing whom the President of the Swiss Confederation had written in December, 1857, to the Brazilian minister, demanding that these Swiss colonists "should be delivered from their slavery." Slavery existed at that time in Brazil, and Mr. Tschudi, in his report, says that the employment of the word *slavery* was not justified. To justify this conclusion, he says:

In the United States emigrants are landed on the docks of some harbor, where they are left to shift for themselves. The horrors unknown that there exist are, for the most part, covered by a thick veil. No one says a word of the thousands of victims who perish from hunger and misery. They are in a country where the dominant idea is, "God helps those who help themselves." ("Aide-toi toi-même et Dieu t'aidera!") No complaints come to us from those regions, because every one knows that no government would pay any attention to it.

But in Brazil, where, unfortunately, slavery is not yet abolished, the colonists who, by engagements too lightly contracted, find themselves entrapped, have taken up the word *slavery*, and have loudly proclaimed it a thousand times in every tone in their native country, where it has received a responsive echo. If the same persons had found themselves with the same contracts, and in precisely identical circumstances, at Port Natal, New Holland, or in California, it is certain that it would not occur to a single one of them to say that he was groaning in slavery.

It will be contended that Mr. Tschudi's report refers to Brazil and not to the United States, to 1860 and not to 1880. We have his own testimony, given above, as to what the results of assisted emigration in the United States at that time were. The italics in the quotations from his report are those existing in the French edition of the report, as published by this government, and do honor alike to the author of the report and the government printing them. These quotations are here made not with a view to show what Swiss emigration is, but to point out the dangers resulting from assisted emigration.

The honest Swiss emigrants who go to make their homes among us are properly welcomed as the equals of any immigrants we receive. Their industrious, sober, and frugal habits, their sturdy adherence to the principles of civil and religious liberty, for which they and their ancestors have successfully struggled for centuries, make them the very best material for us to receive in our midst; for from such the republic has nothing to fear, and much to be proud of, when it clothes them with the high privileges of its citizenship. It is in their interest that I wish

to lay before you the dangers and evils of assisted emigration. It were an insult to them, and to all our naturalized citizens, to suppose that they refrain from an examination and exposure of the evils of assisted emigration.

In the period of our war the complaints of this nature were not of frequent occurrence, due no doubt to causes arising from the war, such as the fear of detection by our port officials on the part of the communes and emigration agents.

In No. 36 of the Feuille Fédérale, dated August 18, 1866, is a notice from the Swiss Federal Council to the governments of the respective cantons, as follows:

> The Swiss Relief Society at New York again sets forth the abuse existing, in that Swiss communes continue to send to North America the most wretched of their poor, who, arriving without any means, fall immediately to the charge of the society and of the establishments of public charity.
>
> It is not without reason that it is remarked that cases of this nature shed a very unfavorable light on Switzerland no less than on our fellow-citizens already established in America, while they may, at the same time, sooner or later give rise to grave remonstrances on the part of the Government of the United States.

On the 8th of February, 1867, the Swiss Federal chancery published a notice that—

> The consul-general at Washington dissuaded in the most serious manner from emigrating to America all those who do not possess some fortune (*capitaux*) or who cannot *positively* count on a place assured them with relatives or friends, in the absence of which they risk falling into misery and distress. (Feuille Fédérale Suisse, 1867, I 172.)

Similar notices, based on the reports of Swiss consuls in the United States, appear in the Feuille Fédérale Suisse, 1868, I, 78; 1870, II, 775; 1877, I, 727, and warnings of a like nature are frequent in the reports of the consuls as published in the Feuille Fédérale.

In 1868 Mr. Harrington, in his No. 63 to the Department of State, gave a picture of what was then the condition of affairs. I invite your attention to that dispatch, although the circumstances of the particular cases of *assisted* emigration therein mentioned are in a slight degree mitigated by the correspondence transmitted in his No. 71, of October 7, 1868. They do not, however, affect the very excellent summary he makes of the effects of assisted emigration from this country to the United States as it existed in 1868.

In the former of these dispatches he suggests as a remedy the passport system:

> While it would not prevent frauds and impositions, nor false oaths, it would tend largely to decrease the evil, if every emigrant from Europe, certainly from Switzerland, were compelled to be the bearer of a passport from the authorities of his commune, city, or village, in which those authorities should set forth clearly that the bearer, giving name, sex, age, &c., had never been accused of crime or acts of immorality, is of sound health, and able to earn his or her own support; and in the case of children that the parents are capable of supporting them. Those passports to be presented by the owners should be visaed by the United States consuls without charge; the consuls being instructed to refuse the visa to all such as were evidently helpless paupers, or that came within any restrictions that might be imposed by the home government.

Thanks to the energetic and successful efforts of Consul Erni, at Basle, aided by Consul Byers, at Zurich, in 1871, the commune authorities of Feusisberg, in the canton of Schwyz, were with great difficulty thwarted in their persistent endeavors to send an incurable lunatic, Baptiste Bachmann, to the United States, notwithstanding the repeated warnings of the federal government against such procedures, and in spite of the efforts of our consuls to prevent their so doing.

It is not necessary here to state all the cases which, in the period from 1870 to 1880, have come to the notice of the legation. It will suffice for our purpose to examine the repressive measures that have been taken by this government to prevent the abuses and to compare their effects upon the existing condition of affairs. I have no desire to paint the matter in darker colors than those which unfortunately characterize it.

Under date of November 3, 1873, the Federal Council addressed a circular to the cantonal governments, in which, speaking of a report recently received from Mr. Kohler, their consul at Bahia, respecting the condition of Swiss colonists in the colony of Monitz, against the dangers of emigrating, to which they had repeatedly warned Swiss emigrants,* they used the following emphatic language:

> There is one passage of the report of the consulate at Bahia to which we invite most specially your attention:
>
> The communes, says Mr. Kohler, play a most pitiful role. To get rid of inconvenient citizens, they send women and children to certain death.
>
> In fact we see, from the information the report furnishes us, that the greater number of the emigrants have received subsidies from their communes to pay their journey, this money being given to them or having been paid to the emigration agents.
>
> It is not necessary to dwell on this to cause you to notice all that is reprehensible in this procedure on the part of these communal authorities who thus encourage those of their citizens of whom they wish to rid themselves to emigrate to colonies without having informed themselves concerning the future that awaits them, for we cannot suppose that they have known the truth, and could have committed an action which under the circumstances, might have been characterized as criminal.
>
> Already on several occasions we have been compelled to denounce to their cantonal governments communes that have permitted themselves to be led thus to get rid of their poor citizens. (Feuille Fédérale Suisse, 1873, IV, page 292.)

It will perhaps be said that this circular, like Mr. Tschudi's report, refers to abuses existing in South America and does not apply to the United States. Unfortunately such is not the case, for on the 4th of November, 1873 (the day after the issue of the circular), my predecessor, Mr. Rublee, under instructions from the Secretary of State, informed the Federal Council, in reference to an infirm and ruptured assisted emigrant unable to earn a living, who had received $3 and his ticket to New York from the authorities of his commune, that he was—

> instructed by his government to inform the High Federal Council that it is confidently expected that the Government of Switzerland will adopt measures which will in future prevent similar occurrences, the tendency of which is to disturb the relations of cordial amity and friendship which ought to prevail between the two republics.

To which the Federal Council replied by inclosing a copy of the circular to Mr. Rublee, saying that they had sent it with a translation of his note to the canton that had assisted the emigrant to reach New York.

After the investigation of the case had been made wherein the physical incapacity of the emigrant was not mentioned, the Federal Council informed Mr. Rublee that—

> As to the general question whether the communes in the Grisons sometimes furnished their poor capable of working the means of emigrating to America, the government of the canton of Grisons replies in the affirmative.†

Thus, beyond this information and a copy of the circular, the United States received no redress for the unfriendly act of the commune in aiding a helpless being to emigrate to New York.

In reply to Mr. Rublee's report of the result of the case, the Secretary of State informed him:‡

> In so far, therefore, as the canton assumes the right to dispatch its paupers to the

* Feuille Fédérale Suisse, 1873, I, page 173; *id.*, III, pages 394 and 656.

† Federal Council to Mr. Rublee, December 11, 1873.

‡ Instructions No. 134, Mr. Fish to Mr. Rublee, January 23, 1874.

United States, whether capable of labor or not, and as the Federal Government sustains the canton, the United States are constrained to regard the act as one not indicating the cordial friendship which has subsisted and should subsist between the two republics.

The case furnishes us in another way a striking evidence of what *assisted* emigration is. The cantonal authorities of the Grisons declined shortly afterwards to allow a commune to send a somewhat similar emigrant. We have seen from Mr. Niederer's work that in 1870 this was the canton most addicted to assisting its emigrants. The emigration from the Grisons for 1870 had been 155, of whom 126 went to North America; in 1871 it was 211, of whom 179 to North America; in 1872, 369, of whom 324 to North America; in 1873, 304, of whom 256 to North America; in 1874, 72, of whom 59 to North America, and it has remained much less ever since.

Whether this sudden decrease is due to the effects of the circular or to a fear on the part of the local authorities that the assisted emigrants could not pass the examination at our ports of entry I am unable to say, but it is evident that both the circular and the action of our authorities in the case of Kruger were coincident with a decrease of emigration from the Grisons to about one-fourth its former proportions, and that it has since dwindled to about one-tenth of what it was. It may safely be inferred that the assisted emigrants from the Grisons were, as a rule, prior to 1874, largely composed of objectionable elements.

We are told by the defenders of assisted emigration from this country that the money furnished by the communes or cantons for this purpose is not to be considered as a payment by these latter to rid themselves of their paupers and objectionable classes; but that it is a withdrawal on the part of the emigrant of his share in the joint stock of the commune. The doctrine is not a new one. In 1855 the Federal Council wrote to Mr. Fay, then minister of the United States here:

It should not be forgotten that a portion of the soil of Switzerland belongs to the communes, and that if upon the departure of members of the commune the latter receive a subvention, it is not a charity that is accorded them, but an indemnity for their non-enjoyment (of the privilege of the commune) that is granted them; that the Swiss citizenship and nationality is not lost even by the acquisition of that of another country*, and that it would be but justice to make a distinction in favor of the Swiss emigrants in the tide of emigration. (Federal Council to Mr. Fay, March 19, 1855. See Mr. Fay's No. 116 to the Secretary of State.)

An experience of over twenty-five years shows that this very class of assisted emigrants, for whom the Swiss Government asked special distinction on our part, has been found largely tainted with pauperism, insanity, deformity, and vice.

The question is not whether those emigrants are all of the objectionable classes, but whether among them we find an undue proportion of such classes. There is ground for supposing that nearly all, if not all, the objectionable emigrants from this country to the United States, with the exception of fugitives from justice and Mormons, have been assisted.

While I am unwilling to question the remarks of the High Federal Council as cited above, it would seem, from Mr. Niederer's remarks concerning the subventions for emigration in 1870, that there had been some change in regard to the method of making such subventions. He says in his work on pauperism, page 290:

Subsidies for emigrating have been accorded to 318 persons or families; the total of these subsidies amounts to 55,494 francs, or 174.50 francs per head.

*This has since been somewhat modified by the Swiss law of July 3, 1876, concerning the acquisition and renunciation of Swiss citizenship. (See Foreign Relations, 1876, page 567.)

On page 299 he says, in regard to Argovie, the canton spending the largest sums to assist emigration (1,629,900 francs, or $314,560, from 1848 to 1877):*

> Subsidies are levied on the cantonal poor fund to help pay the board of poor children in families and in institutions; to place in apprenticeship poor young boys and girls; to subsidize district relief societies; societies of persons of the sex (*sic*), and charitable establishments, *to permit the indigents to emigrate.* †

But it is claimed that the assisted emigration comes from the wealthy cantons. An examination of Mr. Niederer's book does not bear this out. We have seen that he specifies 8 cantons as notoriously addicted to assisted emigration. I believe the amount per capita of the poor funds in the cantons would be a fair test of their wealth, as it relates to this subject.

The following table gives us the number of citizens in the cantons, the amount of the poor funds, the rate per head of the poor funds, and the relative rank of these cantons under this test of wealth:

Cantons.	Number of citizens.	Amount of poor funds in canton.	Per head of citizens.	Rank of canton in relative wealth of poor funds.
		Francs.	*Francs.*	
Grisons	87,020	1,561,726	17.95	22d
Schaffhausen	37,866	4,324,155	114.20	2d
Argovie	217,707	9,570,372	43.96	14th
Tessin	113,836	1,838,570	16.51	23d
Obwalden	13,859	442,478	31.93	20th
Zug	16,959	1,195,720	70.51	7th
Thurgovie	102,227	4,366,953	42.72	15th
Valais	92,787	1,164,814	12.55	25th
All Switzerland (25 cantons)	2,517,555	133,822,624	53.16	

Thus out of the eight cantons there are but two that attain the average degree of wealth, and of the remainder we find but one that attains to four-fifths of the average throughout Switzerland, and the four remaining cantons are among the five poorest. So much for this claim in favor of assisted emigration. The evil, it will be seen, exists among the rich as well as the poor cantons. Recent cases show that it exists in other cantons besides those cited by Mr. Niederer.

The following table, compiled from the publications of the Swiss Federal Bureau of Statistics, gives us an approximate idea of what the emigration from those eight cantons has been from 1869 to 1879 inclusive; 9,046 emigrated to North America out of a total emigration of 17,695. If we bear in mind the discrepancy which always exists between the Swiss tables of emigration and our tables of immigration, we may safely say that the emigration to the United States from these cantons addicted to assisting their poor to emigrate amounted to upwards of 11,000.

* Mouvement de la Population de la Suisse pendant l'année 1878. (Published by the Swiss Federal Department of the Interior, page xxiii.)

† The italics are mine.—N. F.

Table showing the number of emigrants from the eight cantons principally addicted to assisting their poor to emigrate, and the number emigrating to North America from 1869 *to* 1879 *inclusive.*

[Compiled from Swiss official statistics.]

Years.	Grisons.		Schaffhausen.		Argovie.		Tessin.		Obwalden.	
	North America.	Total.	North America.	Total.	North America.	Total.	North America.	Total.	North America.	Total.
1869	204	210	154	154	380	439	446	1,425	33	33
1870	126	155	120	120	274	381	241	754	4	4
1871	179	211	167	167	308	420	223	644	36	36
1872	324	369	234	239	365	425	297	889	69	69
1873	256	304	249	267	369	434	453	1,194	60	60
1874	59	72	91	92	115	142	249	602	30	31
1875	21	43	51	56	52	88	166	472	8	8
1876	19	40	13	18	50	81	177	392	12	12
1877	15	35	41	51	63	123	288	550	8	9
1878	24	31	49	61	122	214	246	507	22	22
1879	11	31	97	104	289	359	271	667	23	32
Total	1,238	1,501	1,266	1,329	2,387	3,106	3,057	8,097	305	316

Table showing the number of emigrants from eight cantons, &c.—Continued.

Years.	Zug.		Thurgovie.		Valais.		Total, 1869–1879.	
	North America.	Total.	North America.	Total.	North America.	Total.	North America.	Total.
1869	12	13	51	89	.....	134	1,280	2,497
1870	5	7	75	96	3	78	848	1,595
1871	8	9	64	97	30	126	1,015	1,710
1872	1	5	54	70	39	552	1,383	2,618
1873	3	5	56	80	83	393	1,529	2,738
1874	9	11	41	56	26	447	620	1,453
1875	1	4	18	47	27	438	344	1,156
1876	.....	3	31	37	19	237	321	820
1877	3	3	23	26	12	38	453	835
1878	2	3	26	54	1	26	492	918
1879	.....	.....	56	78	14	84	761	1,355
Total	44	63	495	730	254	2,553	9,046	17,695

Having seen what portion of this emigration we receive, let us now look at the condition of affairs here. In the annual report of the government council of the canton of Schaffhausen* for the year 1879 we find a table, compiled from official returns from the governments of the different cantons (with the exception of five), showing that the number of the beggars and vagrants arrested by the police had increased in those cantons furnishing returns from 12,215 in 1874 to 31,085 in 1878. The government of Schaffhausen estimates the total number of vagrants and beggars arrested in Switzerland in 1878 at 40,000, or 6.6 per cent. of the population, which the cantonal government with reason denominates as a "frightful number." I inclose a copy of this table herewith, to which I have added a statement of the population of each canton, for the purposes of comparison.

*Verwaltungs Bericht des Regierungsrathes des Kantons Schaffhausen an den Grossen Rathüber das Amtsjahr 1879, pages 39 and 40.

In the year 1879, according to the above-mentioned report*—

The number of persons in the canton of Schaffhausen arrested was never so great as in this year, namely, 1,240. The daily average was 43. It repeatedly happened that the cells were overcrowded. Inasmuch as for a long period there was no place in the penitentiary, 21 of the convicts had to work out their sentence in the city hall (used as a place of detention).

Such is the picture furnished us by the second canton in wealth.

Nor is the condition of the honest or industrious a prosperous one; but a few days since there was a meeting in this city of workmen out of work, petitioning the municipal council to furnish them work that they might earn their livings. In every portion of Switzerland the supply of laborers is greater than the demand.

In one branch of the federal legislature the petition of the "Grütliverein," supported by 18,000 signatures, in favor of a gigantic emigration scheme to America, is now pending. The town of Zug recently voted 200 francs to each adult and 40 francs to each child conditioned on their emigrating, *with their relations* (*Eltern*) *having a claim on the commune, to another hemisphere.*†

Is it to be wondered at that, with no effective barriers to impede their so doing, we should find communes and local authorities seeking, under the circumstances, to rid themselves of their objectionable classes? Under the existing condition of affairs, when they can do so almost with impunity, at the rate of $33.68 (174.50 francs) per head, is it not rather to be wondered at that this cheap and effectual method of saddling the American public with their burdens is not more frequently resorted to? Emigration from this country has taken a new and active start. We had 6,156 Swiss immigrants last year (ending June 30, 1880), as compared with 3,161 in the previous year. We had 761 as compared with 492 in the calendar years 1878 and 1879 from the eight cantons addicted to assisted emigration.

I do not maintain that all the emigrants from this country, receiving either a subsidy from the authorities, as Mr. Niederer expresses it, "to permit the indigent to emigrate," or "an indemnity for the non-enjoyment of their commune privileges," as it was described in 1855 by the Federal Council, are of the objectionable classes. Many, no doubt, among the large emigration from this country, have turned over a new leaf, and under the benign influence of our free country have become worthy citizens of the country of their adoption.

But I believe that the special distinction in favor of assisted emigration which the United States has for a quarter of a century accorded to it, as requested by the Swiss Government, has been the source of many heinous abuses, and that it tends to the demoralization and corruption of the honest emigrants, and to the pollution of our social and political relations.

If there is any benefit to the United States in tolerating a system which brings us cripples, lunatics, helpless paupers, and ex-convicts, who reach us with the paltry sum of a few dollars furnished by their communes, because it is their share of a joint interest in their native soil, it is difficult to see wherein that benefit lies. It makes but little difference to the American taxpayers, who have to support them, whether the pittance with which they reach our shores is due to mistaken legislation or comes from a mistaken charity; one or both of which enable the bearers of such pittance to come to fill our prisons, our poor-houses, and eleemosynary institutions, and to augment our criminal classes.

* *Idem*, page 104.

† See inclosure, "Extract from minutes of the town of Zug, September 12, 1880."

Should we not rather adopt the ideas which Mr. Tschudi assigns to us, and aid ourselves? We certainly should hold every country responsible that permits abuses to exist in assisted emigration. How much more then should we hold Switzerland responsible for such abuses in a class of emigrants for whom she has asked for special consideration!

But we will be met with the argument that these cases are of rare occurrence, and that we do not frequently suffer therefrom; that it is not as bad as it was; and we must not interfere with free emigration. If these cases are of rare occurrence, it is singular that at no period of the existence of this legation have more frequent complaints of this nature come to its notice, and called for its action, than since the spring of 1878. The number of cases reported in the American and European press during the same period is very large, and I find an undue proportion of those mentioned by the press to be Swiss. Free emigration is what we need and what I advocate. The assisted emigration is not free. Swiss statesmen have denounced it as "slavery," and the Federal Council have told us that where the communes are guilty of these abuses, without informing themselves of the future in store for their victims, their action may be "characterized as criminal." It is time that this "slavery" and this criminal offense should be extirpated. It remains for us to decide whether we will intrust this extirpation to the guilty parties, or whether we shall condemn it to perish as a relic of the feudal times, when the rulers of Europe sold their subjects and citizens to perish under the banners of foreign princes.

I have fully reported to you the legislation contemplated and in course of enactment here. I have in like manner shown in my No. 263 the inefficiency of such legislation to reach the evil. The proposed law does not mention the communes or the communal authorities, who are the guilty parties; it forbids the agents to ship *some only* of the objectionable classes, and with respect to them the fine imposed for this offense is only from $3.86 to $38.60, an amount altogether inadequate to deter them. It is much as if, by law, the thief could not be punished, and the receiver of the stolen goods were let off on payment of half or one-quarter of the amount stolen. We have little or nothing to hope for from this proposed law, and we are practically told to help ourselves. Certainly, under these circumstances, we are called upon to defend ourselves. In that way alone can we obtain free emigration. That I may not be accused of exaggerating the frequency of the complaints received at the legation during 1878 and 1879, and those referred to above as mentioned in the public press, even at the risk of cumbering your files with repetition, I now furnish you with an abstract of those cases:

I.—CASES COMING OFFICIALLY UNDER THE NOTICE OF THE LEGATION, 1878 AND 1879.

1. *Jacob Zimmermann, of Trasadingen, canton of Schaffhausen.*—On the evening of May 30, 1878, the legation received information emanating from a Swiss who had been in the United States, but who is now a resident of Basle, that a helpless imbecile, forty-two years of age, subject to fits, deprived of all means of support, who had been within three months sent back to Trasadingen by the police of Rhinefelden, in the neighboring canton of Argovie, as a "lunatic and destitute," was to be sent by his commune to America. The legation at once notified the Federal Council of the case, protested against the shipment, and asked for an investigation.

The legation, at the same time, by letter and by wire, instructed the

consulate at Basle to protest to the authorities at Schaffhausen against the shipment. In both cases the protests were made in ample time to have rendered the detention of the emigrant at Antwerp, whence he was by his contract to proceed on June 1, possible, but he was not detained. The legation then requested the United States consul at Antwerp to have him detained there until an inquiry could be made as to his condition and the circumstances attending the shipment, but upon representations made by the President of the Confederation this request was withdrawn, and the emigrant was allowed to leave Antwerp for the United States, via Hull and Liverpool, at the time specified in his contract. The legation finding that there was no desire, either on the part of the cantonal nor of the communal officials, to cause Zimmermann's detention, and no power on the part of the Federal Government to do so, notified the consul of the United States at Liverpool, by telegraph, of the circumstances of the case. The latter laid the telegram before the agents of the ship, and the latter, with Zimmermann before them and subject to examination, declined to receive him on board of their vessel.

The following extracts from the minutes of the town meeting of Trasadingen not only show us the motives for sending the man to America, but also exhibit the mental and physical unfitness of the emigrant:

Extract from the protocol of the proceedings of the commune of Trasadingen, April 16, 1878.

The following report and the motion of the commune council in the matter of the emigration of Jacob Zimmermann, Andreas's son, were read:

REPORT AND MOTION OF THE COMMUNE COUNCIL OF TRASADINGEN TO THE HONORABLE COMMUNE OF THE SAME PLACE.

MR. PRESIDENT, WORTHY FELLOW-CITIZENS: Jacob Zimmermann, the son of Andreas, a citizen and native of this place, has been already for a long time without employment, and he will no longer be able to find work as a factory workman in the town. He has already several times been employed to do chores by inhabitants of this place. He has, however, never been long in any one place, as agriculture does not suit him, and he is, in general, presumptuous and eccentric. It is to be feared that he will, through his present vagabond wanderings, become mentally and physically broken down, and that he will soon be left entirely to the charge of the commune. He has, however, a desire to emigrate to America, and begs the commune to aid him to do so.

The commune council, in consideration:

1st. That if this is not granted he will have in a very short time to be supported out of the poor funds, and in a single year would cost the commune more than the expense of the journey would amount to.

2d. That it is not to be feared that he would be sent back, as he has several near relatives in America who are in easy circumstances, and care would be taken that he should find work and a living.

Resolved, That it shall be proposed to the commune that it should determine that there shall be given to Jacob Zimmermann, Andreas's son, the money requisite for the journey to his relatives in America out of the funds of this commune.

The commune, after a long discussion, and after the motion of Mr. Hallauer, government counsellor, as follows, "That we should wait another year, and the trial should be made whether the party in question could not be lodged in the compulsory labor establishment of Kalchrain, or with an inhabitant of the town," had been rejected—

Resolved, That the proposition of the commune council be adopted as a decision.

Few of Mr. Tschudi's remarks are too strong to qualify the enormity of such proceedings. Here we find, as we find in many another similar case, the pretext raised that the man wished to go to America. There was but one reason for gratifying that wish, and that was that it was cheaper to pay 160 francs to send him to New York than it would be to keep him in the commune. It is stated in the minutes that the man "has near relatives in America in easy circumstances, and care would

be taken that he should find work and a living." The names and addresses of those relatives were nowhere mentioned in the very voluminous report of the result of the investigation made under the direction of this government, and a similar silence is maintained as to by whom the "care was to be taken that he should find work and a living." Is there any doubt that such a man, maimed as to one hand, landed in New York with but 15 francs ($2.89), which is the sum he had when he reached Liverpool, would have to look to the American taxpayer for his living?

A similar vagueness concerning "relatives in America" is almost invariably found in this class of cases; it is not claimed that those alleged relatives had any desire to support him, much less that they were under any moral or legal obligation to do so. It was by these subterfuges that the good people of Trasadingen were led into being participators in one of the foulest crimes that disgraces the annals of assisted emigration, as shown in the archives of this legation.

This case has another circumstance attending it, which is common to many others of a like nature, viz, that the communal and cantonal authorities exhibited far more zeal in their futile endeavors to ascertain whence the legation first obtained its information than they did in preventing the shipment.

There is a final characteristic which may here be mentioned, viz, that in this and in similar cases the cantonal and communal authorities seek to impeach the charges made by the legation on the ground that the information on which they are based has been obtained from rival emigrant agents, rather than to rebut the allegations of such statements by facts or the testimony of disinterested parties. It is somewhat singular that for this purpose they should generally rely on the statements of the culpable emigrant agent, and that of the more guilty and more interested officials of the commune.

Might it not be supposed that the writer of the article in the Swiss Emigration Gazette had Jacob Zimmermann, of Trasadingen, in his mind when he wrote:

> As notably unable of earning their living, not only should be included those who suffer from bodily deformity, but also those mental cripples, who unfortunately, in a greater or less number, are everywhere to be found, and who are designated by the words imbeciles (*blödsinnige*) or "cretins." To send such unfortunate beings to America should be classed among the criminal offenses, for such persons are here thrown entirely upon the charity of their fellow-countrymen, and that charity has its limits, or they must miserably perish in distress. Such cases unfortunately occur more often than people at home imagine.

2. *Jacob Zimmermann, of Ebikon, Canton of Lucerne.*—Under date of January 29, 1879, the legation was instructed to use its good offices in behalf of Zimmermann, who had become a citizen of the United States, and whose property was withheld from him by a guardian, appointed with the consent of his relatives by the communal authorities. The legation, after much difficulty, and notwithstanding the endeavors of the communal authorities to prevent it, succeeded in obtaining the release of the property, amounting to several thousand dollars. The man is thus described by his attorney in New York:

> The man is destitute here; has to be fed by other people; was sent to this country as a man unable to make his living; he has two ruptures caused by his brother just before leaving for this country. * * * His guardian paid for his voyage to this country. Zimmermann landed in New York; has worked for a couple of weeks as a farm hand, but could not hold out on account of his ruptures; he has not had any place of residence to so speak of; was for sometime a *tramp;* made at times his living by rag-picking and begging; has to some extent to receive assistance from the Swiss Benevolent Society of this city, and so on; * * * has never followed any regular

occupation here; is by trade an organ builder (church organs), same as his brother in Switzerland. * * * A brother of Mr. Z. has written to Jacob to let him know how much Jacob would give him if he would cause the communal government of Ebikon to discharge him, Jacob, from his guardianship, and thus get his money.

Buenos Ayres is not free from this class of individuals, according to the article in the Swiss Emigration Gazette.

Cases are known to us which are surrounded by the most terribly aggravating circumstances, where this class of unfortunates have been sent off by their relatives, with the assistance of the authorities of their native places, notwithstanding, or rather *because* they had come into possession by inheritance of not inconsiderable property. The property, however, is naturally not sent with them, but is placed under the paternal care of a relative as guardian, and under that of the officials of the orphans' court until the object is attained, that is, until the emigrant has perished in a more or less miserable manner. Our consuls should be empowered to send back such people, and those who have assisted in sending them off should be held responsible for the cost of their return journey, and an additional fine should be imposed in cases where aggravating circumstances are shown, as described above.

That the United States might present a number of such cases will be seen from the correspondence published in Foreign Relations, 1879, page 973 to 976.

3. *Many Swiss Emigrants.*—Under date of January 22, 1879, the legation was instructed that the Secretary of the Treasury having received a report from the legation concerning a newspaper notice relating to the emigration of a family from Bressancourt, canton of Berne, consisting of eleven persons, the eldest child being sixteen years of age, and the youngest scarcely two months, had requested the collector of the port at New York to inquire into the matter, and that the collector having brought the subject to the notice of the commissioners of emigration at Castle Garden, had received from them a statement from which it appears "*that many Swiss emigrants have been returned by the commissioners to the ports whence they came.*" The legation is unable to furnish a statement of how many emigrants were thus returned, nor does it possess the means of ascertaining whether all of them were returned during 1878 and 1879. Such information could doubtless be furnished by the commissioners of emigration, and would afford a valuable assistance to the investigation of this subject.

4. *Daniel Senn, of Basle,* an inmate of the poor-house at Basle since 1877, was to have been sent to the United States in July, 1879. The legation protested against the shipment, and the man was thus prevented being sent by the local authorities. Senn, who was sixty-two years of age, had served seven years' imprisonment in the house of correction for embezzlement; had been afterwards employed in a clerical capacity by the government prefect at Sissach until 1876, and in 1877 was admitted to the poor-house at Basle. He claimed to be a citizen of the United States, but the claim was not borne out by the documents he presented, nor does his name appear upon the list of the citizens of the United States in Basle as furnished by the police at that place. The man is weak-minded and has since attempted to commit suicide. It was the search for this man that led to the detection of Louisa Tschopp.

5. *Theodor Meier, of Bärschwyl, Canton of Soleure.*—A deformed pauper, unable to do hard work; has never learned a trade; was sent to New York by the vice-president of his commune, who furnished him with his passage and an order on New York for $3. Under date of November 18, 1879, the legation was instructed that the commissioners of emigration of the State of New York stated that "the law as now in force does not give power to compel the return of any pauper or lunatic that might be brought to this country."

The legation was instructed to bring the case to the attention of the

Swiss Government, with a view to obtaining such an exercise of its power, if possible, as might not only cause the return of this person to his native country, but may be effective in preventing shipments of this character in the future. The legation did so on the 8th December, 1879. On the 23d of April, 1880, the Swiss Government informed the legation that it had hastened to invite the government of Soleure to issue the necessary orders to satisfy as speedily as possible the requirements of our government; moreover that it appeared from a letter sent by the communal authority of Bärschwyl to the government of the canton of Soleure that said authority had written to the Swiss consul at New York asking him to procure an asylum for Theodor Meier, and in case that were not possible, to have him returned to his native country; and that inasmuch as no reply has been received to that request the communal authority "admits that Meier has found an asylum *at New York*." Since then the legation has not heard anything concerning the case, and presumes that the man is still in the United States.

It is to such cases as these that the correspondent of the Argentine Wochenblatt refers when he writes:

> The first point concerns that unjustifiable traffic in human beings, of common occurrence, of which certain unprincipled local authorities in Switzerland are sometimes guilty, whereby they rid themselves of persons unable to gain a living, whom they lure into consenting to emigrate to America by false representations, or even send them without their consent to some transatlantic port, well knowing that the poor wretches—at least as far as it depends upon themselves—have been deprived of every facility for returning. Concerning the method of carrying on this wretched traffic, as well as the pitiful consequences which it involves, the High Federal Council has already received so many complaints and descriptions, that we may here touch briefly upon the topic. It suffices to say that the HONOR of Switzerland demands that a stop should be put to this scandal, and the time for so doing can never be more appropriate than at the enactment of a law on emigration matters.

Unfortunately the proposed law imposes no punishment upon the presidents of communes, who, as in the case of the vice-president of Bärschwyl, are guilty of such offenses. The commissioners of emigration say that our law gives them no power to compel the return of any pauper or lunatic. Therefore the emigrant agents alone can be punished, if the proposed Swiss law should be enacted, by a fine of from $3.86 to $38.60 for this "traffic in human beings of common occurrence." Our laws appear to leave it unpunished. Can we then complain? The cases reported in my numbers 266 and 277, where the emigrant agents inquired concerning the shipment of nearly blind people, indicate that the traffic is still carried on.

II.—CASES OF OBJECTIONABLE EMIGRATION FROM SWITZERLAND NOTICED IN THE PRESS OF BOTH COUNTRIES FROM SEPTEMBER 22, 1878, TO DECEMBER 31, 1879.

The case of Jacob Zimmermann, of Trasadingen, caused me from the receipt of the note of the Swiss Government, dated August 3, 1878 (wherein his fitness, both mental and physical, is maintained), to collect the notices concerning shipments of that nature to the United States, and those wherein the destination of the emigrant is not stated, appearing in the public press, and relating to emigrants from different countries in Europe. Those extracts have been impartially selected by me from the newspapers that have come to my notice. I do not pretend that it is a complete collection of *all* the cases reported by the press, but I can say that I have made it as complete as I could, without favor-

ing any particular country or suppressing any extract coming to my notice from September, 1878, to December 31, 1879.

Those extracts, of which the following is a brief summary, relate to 34 persons, 21 *of whom are Swiss*, and but three of those extracts refer to cases reported as coming officially under the notice of the legation.

Summary of cases of objectionable emigration mentioned by the press, September 22, 1878, *to December* 31, 1879.

Newspaper.	No. of persons referred to.	Town, canton, or country.	Brief description of newspaper statement.
Journal de Genève, September 22, 1878.	11	Bresancourt, Berne	Family with nine children; the oldest sixteen. and the youngest scarcely two months.
Pall Mall Gazette, London, February 5, 1879.	1	Germany	A lunatic found in England, en route for America. Says: "The authorities in Germany don't seem to mind sending their lunatics here. It is becoming quite a common thing."
New York Times, February 9, 1879; Der Bund, March 5, 1879; Intelligenz Blatt, Berne, March 5, 1879.	3	Canton of Argovie	Abraham Koenig, of Bottenwyl, Jacob Werfeli, and Johann Fritz, of Zofingen, in the canton of Argovie, all incapable of earning a living, sent to New York by the authorities of their native places, at a cost of 150 francs a piece.
New York Times, February 11, 1879.	2	Germany	Criminals v Uxhull and Fritz Saeger.
New York Times, February 13, 1879.	1	Germany	A criminal, Edward Parkes, arrived in New York February 6, 1879; sentenced to State prison for 2½ years February 11, 1879.
New York Times, February 20, 1879.	1	Italian	Deformed cripple; professional beggar.
New York Tribune, February 18, 1879.	3	Ireland	Three girls about to become mothers.
New York Tribune, February 18, 1879.	3	Sweden	Paupers sent by the authorities of native place.
Intelligenz Blatt, Berne, June 9, 1879; Zofinger, Tagblatt.	3 (or more)	Graben, near Herzogenbuchsee, canton Berne, Switzerland.	The authorities of Graben send the Brugger family to America. They have recently been assisted by the commune. The husband is incapable of work; the wife is half blind.
Amerikanishe Schweizer Zeitung; Intelligenz Blatt, Berne, August 8 and 9, 1879.	1	Lichtensteig, canton St. Galle, Switzerland.	Heinrich Brunner had been twice in an insane asylum; was sent to New York on steamship Amerique June 22, 1879, with $18.85; was sent to Ward's Island in July, 1879.
New York Times, August 15, 1879.	1	Basle	Daniel Senn, criminal in poorhouse; case fully described in previous chapter. (*Supra.*)
New York Times; New York Tribune, August 15, 1879.	1	Hellstein, canton of Basle, Switzerland.	Louise Tschopp, immoral character; had been frequently in prison; was sent to the United States with an order for $2.83 by the authorities of her commune; accused of criminal intercourse with passengers on voyage.
New York Tribune, August 16, 1879.	1	Sweden	A lunatic.
New York Tribune, August 16, 1879.	1	Germany	A helpless pauper, whose journey was paid by the authorities of his native place, and $2 given him.
New York Tribune, November 8, 1879.	1	Bärschwyl, canton of Soleure, Switzerland.	A deformed pauper sent to United States with $3, by authorities of his commune. (See preceding chapter, *supra.*)
Total	34	(Of whom 21 are Swiss.)	

In order that we may more fully judge what this discrepancy amounts to, let us compare the numbers of each nationality with the immigration from those countries.

Countries.	No. of cases.	Immigration year ending—		Total immigration 1879 and 1880.
		June 30, 1879.	June 30, 1880.	
Germany	5	34,602	84,638	119,240
Sweden	4	11,001	39,186	50,187
Ireland	3	20,013	71,603	91,616
Switzerland	21	3,161	6,156	9,317
Italy	1	5,759	12,327	18,086
Total	34	74,536	213,910	288,446

The ratio of the cases of objectional emigration referred to by the press is to the total immigration for 1879 and 1880 in each nationality as follows: Irish, 1 to 30,538; German, 1 to 23,848; Italian, 1 to 18,086; Swedish, 1 to 12,546; *Swiss*, 1 *to* 443⅔.

Such a discrepancy would only be increased were we to include in this table the number of cases set forth in the abstract of those coming officially before the legation.

I attribute this discrepancy, as I attribute that of a somewhat similar though less marked nature in the census of 1870, solely to assisted emigration. That such discrepancies will continue to exist there can be no reason for doubting, so long as we receive unchecked the assisted emigrants from the communities of Europe.

There is another class of emigrants that we should stop, and that is the recruits for the Mormon polygamists. One hundred and nineteen of these from Switzerland passed through Rotterdam alone in a single month of 1878, and were followed by 103 of the same nationality in May and June, 1879.* There is no means under existing legislation to check this flow of women imported into the United States for immoral purposes, unless the act of March 3, 1875, could be applied to them. It is a far more dangerous element than the Chinese women against whom that act was framed, and will not fail to show its effects if we do not deal with it at once.

It may be pleaded in favor of assisted emigration from Switzerland to the United States that the federal and cantonal governments contribute regularly to the funds of the very excellent Swiss relief societies scattered throughout the United States. In reply to this argument it may well be doubted whether, even if those contributions were sufficient to maintain the indigent Swiss, it would be expedient for the United States to continue to tolerate the existing abuses in that emigration. According to a recent table issued by the Federal Government there were in the United States eleven Swiss relief societies, ten of whom receive a subsidy from the confederation amounting in the aggregate to $559.70, and subsidies from the cantons amounting in the aggregate to $579, making a total of $1,138.70 for the whole number of societies in the United States. I am unwilling to disparage or to detract from the most praiseworthy motives of the federal and cantonal governments in supporting the philanthropic and charitable endeavors of their countrymen abroad. It is a good example, most worthy of imitation by other

* Foreign Relations, 1879, page 854.

governments. When, however, their so doing is used as an excuse for assisted emigration, it cannot be maintained as valid. The Swiss relief societies in the United States spent during 1879 the sum of 65,610 francs, or $12,643.48; the federal and cantonal subsidies for the present year ($1,138.70) are less than 9 per cent. of the expenses of the societies for last year. The balance is covered in a large degree by the generous contributions of the residents of the United States of Swiss, American, and other nationalities. We have seen that the Swiss immigration for 1880 (year ending June 30) was 6,156; that for the present year will doubtless exceed that number; based on the emigration of last year, the total amount of the subsidies would give the immigrants 18$\frac{7}{10}$ cents a head, while if it were distributed among the Swiss in the United States it would give them less than 1½ cents apiece.

An examination of the table of the Swiss relief societies throughout the world shows that the subsidies given by the cantons and the confederation amount to 34,920 francs, of which the societies in the United States receive 5,900 francs, or a trifle (80 francs) more than one-sixth. It is calculated that there are 100,000 Swiss in the United States; if the distribution of the subsidies is in accordance with the number of Swiss in the different countries this would indicate that Switzerland has in the neighborhood of 600,000 citizens living in foreign countries, a large proportion for a country with barely three millions of inhabitants. If the distribution of the subsidies is not made on this basis, then a heavier burden is placed on the Swiss in the United States than on their fellow-countrymen in other lands. The expenses of those relief societies in the United States for 1879 amounted to 65,610.29 francs, or more than one-fifth of the total (315,482.91 francs) of those throughout the world, a fact that appears to indicate that the Swiss in the United States require proportionally more relief than those in other countries. It is difficult, therefore, to see how the subsidies given to those societies can in any way be construed into an excuse for assisted emigration as it exists from the communes of this country to the United States. The burdens of that emigration and the baneful influences thereof fall more heavily on the American public than on the Swiss contributions to the relief societies in the United States.

Reciprocity is one of the elements which should characterize the intercourse of nations. We cannot, with the preceding summary before us, refrain from considering how the cantons that "levy subsidies on their cantonal poor funds to permit their indigents to emigrate" treat the indigent of other nationalities who happen to be among them, or even those who are overtaken by misfortune while dwelling in their midst. The action of the police of Rhinefelden, in the canton of Argovie, in sending Jacob Zimmermann back to Trasadingen ("*weil mittellos und geisteskrank*") "because destitute and insane," furnishes us an answer to our inquiries on this point. And without injustice we may say *ex uno disce omnes*. Nor can the authorities of Schaffhausen complain, for in 1879 the number of persons "sent off from the canton with a transportation-order, or simply over the frontier" ("*aus dem Kanton wurden abgeschoben mit Transportbefehl oder einfach über die Grenze*"), was 2,920.* The vigilance and activity of the authorities of Argovie in this direction is not outdone by those of Schaffhausen. In those cases only where a foreign official protests against the shipment of such individuals do those authorities complain, as was done by the government of Schaffhausen, in reference to the action of this legation, and the

* Verwaltungs bericht des Kantons Schaffhausen über das Amtsjahr 1879, page 8.

consulate at Basle, respecting Zimmermann. The authorities of Argovie have on several occasions complained of similar actions of our consuls to prevent the forwarding of unfit persons to the United States. Among the cantonal and local authorities of the respective cantons there is a constant and lively game of shuttlecock and battledore, having the paupers as the shuttlecock; and should a foreign consul take exception to their casting the latter on the territory and charity of his country, they are quick to resent his action, and to call him to account for interfering in the movements of a Swiss citizen. Nor are they more indulgent in regard to citizens of the United States established in or passing through Switzerland who fall into distress or are overtaken by misfortune. The cantonal governments on more than one occasion have, through the intermediary of the federal government, asked the legation to provide for the support of such distressed Americans, or to send them to the United States. Such applications have generally been made in regard to natives of Switzerland, and are even sometimes accompanied by a threat that a failure on the part of the legation to comply therewith will lead to the expulsion of the individual on whose behalf it is made. The most recent application of this nature was made at the suggestion of the canton of Argovie in reference to a native of that canton who denied having been naturalized in the United States, and whose naturalization there was not established by the investigation made for that purpose. The number of beggars and vagrants arrested by the police in the canton of Argovie in 1879 was 3,257, and the number of police transportations was 7,740 as compared with 6,458 in 1878.* In 1879 the communes of Argovie contributed "*unterstützung*" amounting to 22,374.15 francs, or $4,218.01, to emigrants, as against 9,755.35 francs, or $1,882.78, in 1878. In 1879 North America was the destination of 289, and in 1878 of 122. The total number of emigrants from Argovie was in 1878, 214; in 1879, 359.†

These emigrants are said to have had the following amount of property:‡

Years.	Total number of emigrants.	Vermögen property.		Unterstützung assistance.	
		Taken with them.	Left behind them.	From the communes.	From the canton.
		Francs.	*Francs.*	*Francs.*	*Francs.*
1878	214	48,570 00	41,590 00	9,755 35	34 77
1879	359	62,854 30	69,826 64	22,374 15	381 00
Total	573	111,424 30	111,416 64	32,129 40	415 77
Total	573	$20,505 89	$20,503 31	$6,200 97	$80 24
Average		$35 78	$34 00	$10 82	$0 14

If we add the amount of property taken with them and the amounts of the communal and cantonal "unterstützung" together, it gives us an average of $46.74 per head; if we deduct therefrom $35 as the average price of the journey to the port of debarkation in the United States,

*Rechenschafts bericht des Regierungrathes über die Staats Verwaltung des Kanton Argau in Jahre 1879, page 54.

†Idem., inclosure 11.

‡This table is compiled from the annual report of the cantonal government of Argovie for 1879, above cited.

we find that the Argovian emigrants land on our shores with an average of $11.74 per head with which to reach the interior, or to support themselves until they can obtain employment.

I invite your attention to the employment of the word "*unterstützung*," "assistance." Mr. Neiderer tells us it is leveled on the poor funds. I also invite your attention to the very small amount of this assistance, $10.82 per head from the communes, and 14 cents a head from the canton. It is advanced certainly on good security, as the emigrants leave behind $34.03 each for this assistance, amounting to $10.96. Is it strange that the government of Argovie is jealous of any action on the part of our consuls which might interfere with so profitable a transaction?

The same official report gives a detailed statement of the number of emigrants from the eleven districts into which Argovie is divided. Taking the number of persons domiciled in the canton on December 1, 1870 (198,718),* we find that, in 1879, 1 to every 553 emigrated, while in the district of Zofingen the ratio of emigration in 1879 was 1 to every 319 of those domiciled in that district. It was from the district of Zofingen that Abraham König, Jacob Werfeli, and Johann Fritz are reported by the New York Times of February 9, 1879 (and other newspapers), to have been sent to America by the authorities of their communes, at a cost of 150 francs apiece. Over 28 per cent. of the emigration from Argovie to North America in 1879 came from the district of Zofingen.

If this analysis of the assisted emigration from the canton of Argovie does not reduce it to the simple deportation of paupers by the communes of that canton, it shows sufficiently that the danger of such deportation is sufficiently imminent to warrant a rigid scrutiny of the emigrants arriving from that canton, and measures of precaution against their falling to the charge of the community in the United States.

I have above referred to the recent action of the town of Zug in voting 200 francs to each of its citizens who should emigrate to another quarter of the globe, and 40 francs to each child they take with them. It will be seen by a reference to the minutes of the town-meeting at which this decision was arrived at that the people of Zug had an eye to business in adopting it:

To parents who emigrate and leave their children behind, no advance will be made.

The payments will only be made to the licensed emigration agents for those members of the township who are forwarded to another continent, and then only when they prove by a duly authenticated certificate their shipment over the sea.

They shall receive the advance only upon the condition that they renounce all and every benefit of the municipality, until their shares of the revenue derived from the wood and meadows shall have reimbursed the amount advanced to them with 5 per cent. interest.

* Since writing the above, the following statement concerning the population of the canton of Argovie has appeared in the Swiss press:

Census canton of Argovia.

[Population.]

Districts.	1880.	1870.	Districts.	1880.	1870.
Aargau	19,996	19,212	Lenzburg	18,283	18,482
Baden	24,119	23,373	Muri	14,351	14,280
Bremgarten	18,127	18,731	Rheinfelden	11,227	11,385
Brugg	17,231	17,160	Zofingen	27,415	26,990
Kuhn	19,826	20,798	Zurzach	13,329	13,895
Laufenburg	14,362	14,410			
			Total	198,266	198,718
			Decrease	452	

While we can but admire the prudence of the towns people in adopting this resolution, it certainly is a novelty as prescribing the method of a withdrawal of an individual from a joint-stock concern.

Should one of these assisted emigrants fall to the charity of any community in the United States, and should the latter request the town of Zug to support him, would not the answer be: "He has renounced all his communal benefits for a good and valid consideration"? Or it would depend on the price of wood at Zug, or the condition of the hay-crop in that neighborhood, whether the poor emigrant might look for support to those among whom he was raised, and who furnished him the means of exiling himself, but not his full share of the communal fortune.

Such is the picture of assisted emigration as it exists from this country, and I believe that the sooner it is stopped the better it will be for the emigrants, and the better it will be for the people of the United States. It will not be stopped either in Switzerland or in Europe so long as it offers, as it now does, great pecuniary advantages to the corporations on this side of the water. Congress alone can protect us from the evil, and to that end legislation is most urgently needed.

We cannot expect every vessel to bring us a Gallatin, an Agassiz, a Sutter, or a Portales, but we have a right to exact that no vessel shall bring us the Zimmermanns, or Senn, or Theodor Meier, or the "many Swiss emigrants" sent back by our commissioners of emigration.

Almost all our immigrants are brought on vessels belonging to foreign owners and flying foreign flags. The business, with the present tide of emigration, is a remunerative one, and the earnings of some foreign ship-owners derived from the carrying of emigrants is enormous. Should they not be required to support the objectionable emigrants they bring us? Were we to exact that of them, establish a rigid control at our ports to prevent the entry of unfit immigrants, and send them back with a heavy fine upon the vessel bringing them, and require every assisted emigrant to produce some such certificate as was suggested by Mr. Harrington, we would soon cause the objectionable emigrants to seek other ports than those of the United States; while those who evaded the vigilance of our port officials would do so at the cost of foreigners, who now are the gainers by the immigration of the objectionable emigrants.

Without legislation of this nature we are destined to receive an increased and increasing proportion of the objectionable classes. With such legislation, emigration and immigration would be *free* to all who are fit for the latter, and the "slavery" of the European communes would not be carried on at the expense of the people of the United States.

It is absurd for us to shut our eyes to the evils and abuses which exist in assisted emigration. The Swiss press does not claim that they have ceased to exist; the federal legislature is discussing a bill which, while not forbidding the communes to send the objectionable emigrants, forbids the licensed agents to forward them; and the Federal Council, in recommending this bill as recently as November 25, 1879, said:

Der artikel 10 enthält die Vorschriften, welche dem Abschieben jeder Art von hilflosen Leuten, wie es noch in neuerer zeit häufig vorgekommen sein soll, wirksam vorzu beugen trachten. (The tenth article contains the provisions necessary to prevent the shoving off of every sort of helpless persons, as has repeatedly happened in recent times.)

It is difficult to reconcile this statement with the theory advanced by some persons in the United States that such cases are of such very rare occurrence; it is impossible to reconcile it with the idea that they have

ceased. They will cease only when Congress shall adopt a sufficient protection against them.

We cannot expect that protection from Swiss legislation. In the very year that Columbus discovered America, a Swiss statesman declared that* "Die Schweizer müssen ein Loch haben." ("The Swiss must have an outlet.")

The necessity for an outlet for its population is far more urgent in Switzerland to-day, and every commune in the German-speaking cantons is jealous of any legislation that might possibly interfere with or obstruct the outlet which emigration affords. When we consider that the development of the organization of the commune is the fundamental basis of Swiss liberty, we cannot expect Swiss legislation to deal with the root of the evil, which lies in the action of the guilty communes.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 322.—Translation.]

Report of the Commission of the Council of States concerning the law for the government of the operations of emigration agencies, December 3, 1880.

MAJORITY REPORT.

ART. 2.—Suppress the third paragraph.

ART. 3.—Suppress the section numbered 2.

ART. 3, sec. 3.—Read "five years" for "ten years," and in paragraph concerning the emolument to be paid for a license read "50 francs and 25 for each renewal."

ART. 3.—Insert after article (Nos. 1 and 2).

ART. 3, last paragraph.—After Federal Council read "and give up his license to it."

ART. 4.—Read 50,000 francs for 40,000.

ART. 4.—New paragraph, as follows:

If for any reason whatsoever the value of the guaranty decreases in value without the depositor being to blame, the depositor is to deposit the equivalent immediately; in default of which the Federal Council may withdraw the license.

ART. 5.—They shall fulfill the same requirements (article 3, Nos. 1 and 2) as the principal agents. Their nomination is submitted to the approval of the Federal Council; it should also be communicated to the direction of the police of the canton where they have their domicile.

ART. 5, paragraph 3.—To read: The Federal Council may withdraw from a subagent who gives occasion for well-founded complaints the permit to carry on the business and demand his immediate revocation.

ART. 7.—The Federal Council shall publish in the Feuille Fédérale the names of the licensed agents and the representatives of recognized associations as well as those of their sub-agents. This publication must be made immediately after the entry of the names in the register; a bulletin thereof shall be made each year.

ART. 8, paragraph 3. For "the agents shall" read "they shall."

ART. 9.—For the "agents of immigration" read "the agencies of," &c.

Art. 10, No. 2.—Insert after "persons under eighteen years of age," "who are not accompanied by reliable persons."

ART. 10, No. 4.—Amend so as to read: "Persons who by the laws of the country of destination are forbidden to be received as immigrants."

ART. 10, No. 5.—Persons who are not furnished with papers establishing their origin and their nationality, as well as Swiss citizens liable to military service who do not prove that they have returned to the state their military effects.

ART. 11.—Amend to read: Measures shall be taken by the agents that the emigrants arrived at the place of debarkation or destination fixed by the contract, the emigrants may receive the whole amount in cash of the sums that they may have deposited with the agents before leaving.

ART. 12, No. 6.—Amend to read: The insurance in case of accidents of the head of the family, for the duration of the journey, to the place of destination, and for the sum of 500 francs per head.

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*Anshelm, Kronik II, 106. Daguet, Histoire de la Confederation Suisse, I, 382.

ART. 13, No. 6.—Amend to read: Every shipment of emigrants having to cross the sea which is accompanied neither by an agent nor a sub-agent, shall be received at the intermediary stations and at the port of debarkation by a representative of the agency. The representative shall not leave the emigrants before the departure of the vessel.

ART. 14, No. 3.—Amend to read: An exact indication of the place and space to which the emigrant and his family are entitled on the vessel.

ART. 14, No. 4.—Omit the words: "according to the provisions of article 12, Nos. 1, 5, and 6."

ART. 17.—Add the words: "of the canton in which the contract was made in writing."

ART. 17 *bis* (afterwards article 18).—Amend as in the second paragraph of article 17, of the National Council.

ART. 19.—Add: For this purpose there shall be accorded to the latter the necessary personnel.

MINORITY REPORT.

ART. 3—Amend to read: The license can only be delivered to agents or agencies of emigration who prove that their representatives fulfill the following conditions.

ART. 4.—Retain 40,000 francs.

ART. 5, paragraph 1.—Amend to read: It is lawful for agents to be represented by sub-agents. The latter are subject, as to the license, to the same conditions as the principal agents. They are not required to deposit a guaranty.

ART. 5, paragraphs 3 and 4.—Omit third and fourth paragraphs of the bill, and in Federal Council's projet omit: "The Federal Council may exact the revocation," &c. Omit: "The agents and sub-agents."

ART. 10.—Omit No. 3.

ART. 11.—Add: Which they are required to deposit with the agents before leaving.

[Inclosure 2 in No. 322.—Translation.]

Extract from the Schweizerische Auswanderungs-Zeitung, an independent organ for emigration and colonization, No. 24, *Berne, December* 10, 1880.

THE PROPOSED SWISS EMIGRATION LAW.

[Correspondence of the Argentine Wochenblatt.]

We learn with pleasure from No. 135 of your valued paper that the "Swiss Philanthropic Society" in Buenos Ayres has recently occupied itself with the question designated in the title of this article. In fact, nothing could more clearly prove how necessary it is that the Swiss in America should participate therein as experts than the manner of the treatment of this matter by the national (Swiss) council in its June session, and the previous handling of this subject. We consider it also a piece of good luck that the summer heat of the "patriarchs" of Switzerland was dissipated before the High Council of States found time to occupy itself with the above-mentioned subject, for thereby we are least justified in hoping that that high assembly will give the legislative requirements of emigration matters a somewhat more thorough examination than did the National Council in its summer session, and reconsider those resolutions. It is not possible, in a matter of such wide scope, at the first attempt, to attain legislative perfection, and it is therefore natural that such perfection should not be found in the report of the Federal Council, but the latter is welcomed as a marked improvement over the former careless ones, and should be sustained; not so, however, the bill which was passed at the recent session of the National Council. Of the latter it cannot even be said that the "laboring mountain had brought forth a mouse." It was rather false labor pains, and the result was—gas.

If anywhere it seems necessary that the ridiculous should be avoided, it certainly is in the statutes. Is it not, however, laughable to frame a provision of law which everyone, even a half-witted person, would stamp at a glance as impossible of execution? What else is it, however, when the law, without any official to superintend its execution (the National Council refused to create a special commissary of emigration), decrees:

"ARTICLE 1. The transportation by rail must be in well-closed carriages, in which only so many persons shall be placed as there are seats."

Even were the official, contemplated in the proposal of the Federal Council for the special supervision of the execution of the law, created, a strict compliance with this provision would never be attainable; this must be obvious to every one somewhat acquainted with international railway matters; it is, therefore, surprising that the National Council, so versed in railway matters, should have published such a provision. What is "a well-closed railway carriage"? Who determines in the case of a large

number of persons of *all ages* how many seats there should or must be? Should, perhaps, the emigration agents, who are almost without exception foreigners, require the railway companies, with whom they have to do in forwarding emigrants to Havre, Antwerp, Bordeaux, Marseilles, Bremen, Hamburg, &c., to place at their disposal specially constructed railway carriages? In this respect, therefore, the emigrants will depend as hitherto, not upon the honesty and good will of the emigration agents, but upon the more or less fit equipment of the foreign railways, and the good will of their officials.

This sphere of the emigration question is the one that least required a legislative regulation, for it is to the interest of the emigration agencies themselves to prevent well-founded complaints on the part of the emigrants so long as the latter are still on European territory; the reasons therefor are obvious to every one. On that account, also, the majority of these agencies have their employés not only at the ports of embarkation, but also at the railway stations of the great cities where cars or railway lines are to be changed, as in Paris, who are charged with the reception and forwarding of the emigrants. When violations of the emigration contract occur, it generally happens after the gangway connecting the ship with the land has been withdrawn, and thus every recourse to an effectual complaint has been cut off.

We come now to the second point in the law in question, which relates to the journey by sea:

"ART. 2. The transportation by water shall only be effected on vessels which are authorized to carry emigrants, having a physician on board, and subjected to a proper control concerning their seaworthiness and their equipment, at the port from which they sail, whereby the emigrant has the opportunity of making complaints before sailing to a public official, and to have a formal protocol thereof drawn up."

Inasmuch as we have seen in what manner the gentlemen of the National Council dealt with that, to them so familiar subject of railways, we cannot be astonished that they have shown little knowledge in their treatment of that of the sea journey. We might, however, have expected them to know that in no harbor of the civilized world would a ship, with or without emigrants, be allowed to sail without being authorized to do so, and without being subjected to the control of the harbor police. It is, moreover, open to every one to have as many complaints as he wishes protocoled. But, naturally, all this is done in accordance with the laws of the land to which the particular port belongs, and not in accordance with the resolutions of the Swiss National Council; this would not be possible according to all human comprehension, so long as the latter does not more clearly define what it understands by "a proper control."

But when even all this were clear and plainly defined in the law, it would not even then be of use, for how could a poor peasant from German-speaking Switzerland make a complaint to be protocoled before a French official? And our geographical situation, as also the greater facilities of the French railway companies as compared with the German, compel the Swiss emigration almost without exception to seek a channel through French ports, and inasmuch as we are now dealing with a question of language, we may add Antwerp also. Furthermore, the emigrants will nowhere and never be taken on board some eight days before the sailing of the vessel, in order that they may first try the accommodations and food, and in case they are not suited return to shore to have their complaints drawn up in a protocol, but, on the other hand, all passengers are first received on board when the ship is ready to sail as live freight, that must be fed and cared for. At such a moment no one has either time or inclination to make complaint. We believe that even the complaint-exacting National Council in such a moment would let fall no complaints; then, too, the poor peasant who is barely master of his mother tongue, and who leaves for the first time his native valley, in most cases with the sorrowful farewell thought that "*it is forever,*" is also silent. What thoughts engross his whole strength and make his heart throb as he crosses the short gangway connecting the dock to the ship, which in a few moments is to carry him away from that continent in which *home* and all belongings lie, that from childhood were near and dear to him!

It should not be thought that these men leave everything behind with so light a heart; they have much less attained to the cosmopolitan consideration of "*ubi bene, ibi patria,*" than many a fine gentleman, and the potent hope of finding in the new world a better reward for their industry, and thus obtaining a future free from want for themselves and their children has alone ripened in them the grave determination to leave the fatherland, not, however, to forget it. The law-maker should be in certain cases also somewhat of a psychologist; in that case he would not require such a man, at such a moment, to have a protocol drawn up.

We have now sufficiently shown the aimlessness of this portion of the law as the National Council was pleased to adopt it. In the following section we can do this with many less words:

"ART. 3. The emigrant under no circumstances has any further payments to make, neither fees (*trinkgeldern*) nor other dues (hospital dues) to pay, but the agent has to

provide everything requisite during the whole duration of the journey, and all the requisites of the emigrant must be included in the price agreed upon."

All these conditions, with the single exception of the prohibition of fees (*trinkgeldern*) have always existed, and been set forth in the contracts of emigration of the emigration agents. It could not have occurred to them to forbid (*trinkgelder*) fees, for they, no doubt with us, by "*trinkgeld*" understand a voluntary payment, to forbid them which no right exists; this is, therefore, a peculiar construction on the part of the National Council to adopt such a prohibition in this law, where it is about as much required as, for example, a provision which should forbid the members of the National Council to refuse their salary. Far more important and much more necessary would it have been to have had a provision which should have given to the Federal Council the possibility of exercising a control to ascertain whether the remaining provisions had been fulfilled as they were specified in the contract.

What the purport of the following provision is, it is even more difficult to see:

"ART. 4. The amount of the passage money shall not be paid either in whole or in part by personal service"—

for to the agents in Switzerland it would never occur to forward an emigrant upon such terms; that coin is not current with them. When, however, a Swiss in some port proposes to the master of a vessel to take him to some other part of the world on condition of his working his passage, we should like to know who has a right to forbid him; truly

"Difficile est satyram non scribere"

against such legislative work.

"ART. 5. It is forbidden to agree that the emigrant shall provide his food during the sea journey, but the provisions must be furnished him entirely prepared"—

could in any event only in the rare cases where emigrants are still carried on sailing ships, as to Australia for example, have any application, when at the same time a control could be effected; without the latter, however, it is as meaningless as the others.

On the other hand, article 6 ("The agent must arrange that the emigrants shall be received at the port of debarkation by a representative of the agency, unless the authorities of the port themselves guarantee to furnish the emigrants with advice and information") has no value whatever, for in every case the agent could defend himself with the pretense that the officials of all emigration, or rather immigration sea-ports "furnish the emigrants with advice and information"; more the law does not exact. Besides "more" without the possibility of a control, would be impossible.

The last provision—

"ART. 7. Every shipment of emigrants, having to cross the sea and consisting of at least 50 persons, must be accompanied to the port of sailing by the agent or a sub-agent, who shall not leave them before the sailing of the vessel. Every shipment of less than 50 persons which is not accompanied by the agent or sub-agent must be received at the intermediary stations and at the port of sailing by a representative of the agency, who must not leave the emigrants before the sailing of the vessel"—

falls to pieces from what has been said above concerning article 1; for it would seldom happen that an agency on the same day would have more than 49 persons to forward, and should it happen, the law would not hinder it from detaining them at the place of departure a day longer; when it does not suit it to send an employé to accompany them, its representative is, however, at the port and at the above described intermediate stations.

We have now the result of the National Council's discussion of this bill from which we Swiss in America expected relief from so many evils, and even if some are unimportant, judging it not altogether from an incompetent point of view, we find that even if we may not say it is a pity so much time was spent on it by the members, no one can refrain from saying that it is not worth as much as it has cost the Swiss federal treasury; we therefore express the hope that the Council of States will make amends for the fault.

We cannot be accused of being merely actuated by a spirit of contradiction and criticism in the foregoing examination of this subject, and in the conclusion we have reached, or of being unable either to support or suggest something better, for already upon the presentation of the Federal Council's report we did not withhold our opinions. But in order to prevent such a reproach from being made, we show below that we are not only in a position to tear the present bill to pieces, but to furnish the material for a solid new edifice, leaving the construction thereof to technical experts. For this purpose we will here call attention to a few points which every one conversant with the matter will recognize as essential for a law on emigration, but which have been left entirely unnoticed by the High National Council, while they were in a measure at least dwelt upon in the message of the Federal Council.

The first point concerns that unjustifiable traffic in human beings, of common

occurrence, of which certain unprincipled local authorities in Switzerland are sometimes guilty, whereby they rid themselves of persons unable to gain a living, whom they lure into consenting to emigrate to America by false representations, or even send them without their consent to some transatlantic port, well knowing that the poor wretches—at least as far as it depends upon themselves—have been deprived of every facility for returning. Concerning the method of carrying on this wretched traffic, as well as the pitiful consequences which it involves, the High Federal Council has already received so many complaints and descriptions that we may here touch briefly upon the topic. It suffices to say that the honor of Switzerland demands that a stop should be put to this scandal, and the time for so doing can never be more appropriate than at the enactment of a law on emigration matters. We state, however, that we desire to see included in the contemplated prohibition only two categories of persons, namely, persons notoriously unable to earn a living and unpunished criminals. It is well known that it has often happened that most wise judges have given to the criminal a choice between the penitentiary and America; this is an ignominy for Swiss justice, and a gross insult for every country of the hemisphere which has offered and continues to offer to hundreds of thousands of Swiss citizens a better existence than the old country is able to afford them. As notedly unable of earning their living not only should be included those who suffer from bodily deformity, but also those mental cripples who unfortunately, in a greater or less number, are everywhere to be found, and who are designated by the words "imbeciles" (*Blödsinnige*) or "cretins." To send such unfortunate beings to America should be classed among the criminal offenses, for such persons are here thrown entirely upon the charity of their fellow-countrymen, and that charity has its limits, or they must miserably perish in distress. Such cases unfortunately occur more often than people at home imagine. And cases are known to us which are surrounded by the most terribly aggravating circumstances, where this class of unfortunates have been sent off by their relatives, with the assistance of the authorities of their native places, notwithstanding, or rather *because* they had come into possession by inheritance of not inconsiderable property. The property, however, is naturally not sent with them, but is placed under the paternal care of a relative as guardian, and under that of the officials of the orphans' court until the object is attained; that is, until the emigrant has perished in a more or less miserable manner. Our consuls should be empowered to send back such people, and those who have assisted in sending them off should be held responsible for the cost of their return journey, and an additional fine should be imposed in cases where aggravating circumstances are shown, as described above. This would be far more important than to legislate concerning the fitness of the railway carriages in which emigrants may be carried.

[Inclosure 3 in No. 322.—New York Daily Tribune, August 15, 1879.]

A strict search was made among the emigrants by the French steamers which have arrived, but failure to discover him (Senn) makes it probable that the man has been detained from starting.

Another case of a similar nature has been discovered by Superintendent Jackson, of Castle Garden; that of Louise Tshopp, who arrived on the Amerique, from Havre, on Wednesday. In an affidavit she states that she is thirty-two years of age, a native of Hellstein, Switzerland; that she worked in a tobacco factory at home, and that she has an illegitimate child, now seven years old. The child was left with Elisa Burgemeister, at Basle, and has since been sent to an asylum. The village authorities, through her consent, paid her passage to the United States, and gave her an order through Jobs Baumgartner to J. F. Wahrenberger, No. 130 Greenwich street, for $2.83, which constitutes her entire capital. Upon further investigation by Mr. Jackson she was found to be weak-minded, and Mrs. Mary Geck, a fellow-passenger, states that she was requested by Baumgartner not to let her run away. She also understood her to be a person of bad character, and that she had been many times in prison, and has two illegitimate children. She also believed that the woman had been criminally intimate with passengers on the voyage. Mr. Jackson was authorized to send the woman back by the first steamer to the Swiss authorities.

[Inclosure 4 to No. 323.]

Table showing the number of the beggars and vagrants arrested by the police in Switzerland, as published by the Cantonal Government of Schaffhausen.

[The cantons furnishing no returns are marked with a star (*).]

Cantons.	Population, 1870.	1874.	1875.	1876.	1877.	1878.
Zurich	284,786	1,254	1,652	1,996	2,453	3,804
Berne*						
Lucerne	132,338	371	398	528	951	1,097
Uri	16,107	119	230	358	458	349
Schwytz	47,705	632	573	535	1,073	1,192
Unterwalden*						
Glaris*						
Zug	20,993	105	118	140	212	266
Fribourg	110,832	296	258	400	627	1,231
Soleure	74,713	701	701	1,283	1,336	1,638
Basle Ville	47,760	1,878	1,339	2,621	2,948	3,219
Basle Campagne	54,127	442	391	412	362	473
Schaffhausen	37,721	1,246	1,334	2,092	4,029	5,542
Appenzells*						
St. Galle	191,015	1,336	1,423	1,820	2,762	3,111
Grisons	91,782	333	315	354	649	660
Argovie	198,873	761	953	1,172	1,764	2,452
Thurgovie	93,300	788	1,113	1,178	2,336	3,409
Tessin	119,619	83	84	90	47	76
Vaud*						
Valais	96,887	73	72	49	45	131
Neuchâtel	97,284	1,799	1,780	1,926	2,610	2,442
Geneva						
Total 17 cantons	1,715,842	12,215	12,734	16,954	24,662	31,085

The government of Schaffhausen reckons the number in the six cantons making no returns at 9,000 at least, and for all Switzerland 40,000.

[Inclosure 5 in No. 322.—Translation.]

Extract from minutes of town meeting of Zug, September 12, 1880.

Special session of citizens held in the Kloster church, Sunday, the 12th September, 1880.

The minutes of the last session of citizens, of May 9 last, were read and approved.

The following subjects were declared by the president, C. C. Weiss, to be in order for discussion in the present session:

The renewed request for furnishing a cash payment in advance out of the town revenues to members of the community emigrating out of Europe.

The repairing of Muhlebach street.

The election of tellers..

The president then announced that, under date of August 2 last, a demand for a special meeting of the citizens of the town had been made by 123 citizens, therefore by a sufficient number, for the purpose of reconsidering the petition considered and rejected in the town meeting of May 9 last, for the payment in advance out of the town revenues to members of the township for a certain number of years to aid emigration out of Europe.

In pursuance of the urging of certain members of the township ready to emigrate, this matter was therefore appointed by the corporation for to-day. In the matter itself, the Verwaltungsrath stated that his views concerning this question of emigration had not altered since the last meeting, and again moved its rejection and that of the petition which had been read. After Mr. Fridlin, formerly of the Grand Council, had, in view of the generally existing desire to emigrate, spoken in favor of considering this petition for assistance to emigrate ("Auswanderungs-Unterstüzungsgesuch"), the question of entering upon the discussion or non-entry thereon of the emigration question was put. After a show of hands without result, and Messrs. Waller and Bosshard had been chosen tellers, and two further votes had been taken by a show of hands without decision, the question was decided by the yeas and nays, 85 for considering it and 75 against, 10 majority for entertaining the emigration petition.

The emigration assistance demanded by the petition as an advance from the corporation funds, and the conditions of granting the same in case of the reception by the

corporation, which had been considered by the (Verwaltungsrathe) municipal council, were set forth as follows:

1. The corporation government is authorized to advance 200 francs in cash, to persons of full age of both sexes, being citizens of the town, and 40 francs to children under age, who emigrate with their parents, as well as to the former who emigrate to another hemisphere.

To parents who emigrate and leave their children in their native commune, no advance will be made.

2. The emigration payments will only be made to the licensed emigration agents for those members of the corporation who are forwarded to another continent, and then only when they prove, by a properly-authenticated certificate, their shipment over the sea.

3. The persons belonging to the corporation who are provided with an advance for the purpose of emigration shall receive the same only upon the condition that they renounce all and every benefit of the corporation, until from their share of the wood and pasture lands, which they would have continued to receive had they remained at home, the amount of the advance has been repaid from 1881, with interest at 5 per cent. from the day of the payment of the advance, together with the costs.

4. The municipal council is empowered to levy the money thus accorded for emigration subsidies by means of a loan, and shall keep an exact account thereof, as well as the repayments out of the emigrant's share of the produce of the wood and meadow of the corporation, and a special account of such advance, interest, and costs.

[Inclosure 7 in No. 322.]

Table showing the amount spent by the eleven Swiss aid societies in the United States in 1879; *the amount of the federal subsidy for* 1879 *and* 1880; *the amount of cantonal subsidies for* 1880, *and the distribution of those subsidies among the different relief associations.*

Towns.	Spent in 1879.		Federal subsidy in 1879.		Federal subsidy in 1880.		Cantonal subsidies in 1880.		Total of subsidies in 1880.	
	Francs.	*Dollars.*	*Fr's.*	*Dollars.*	*Fr's.*	*Dollars.*	*Fr's.*	*Dollars.*	*Fr's.*	*Dollars.*
Boston	599 00	115 60	50	.....	100	.....	105	.....	205	39 57
Chicago	1,130 30	218 15	200	.....	200	.....	240	.....	440	84 92
Cincinnati	1,051 40	202 92	150	.....	150	.....	70	.....	220	42 46
New York	24,866 70	4,799 27	1,200	.....	1,200	.....	1,230	.....	2,430	468 99
New Orleans	10,652 49	2,055 93	200	.....	200	.....	210	.....	410	79 13
Patterson	.....	.....	.....	.....	50	.....	30	.....	80	15 44
Philadelphia	3,872 60	747 41	200	.....	200	.....	580	.....	780	150 54
Saint Louis	No report	.....	250	.....	50	.....	100	.....	150	28 95
San Francisco, I	2,470 75	476 86	450	.....	500	.....	150	.....	650	125 45
San Francisco, II	20,000 00	3,860 00	.....	.....	.....	.....	.....	.....	.....	.....
Washington	867 05	167 34	250	.....	250	.....	285	.....	535	103 25
Total	65,610 29	12,643 48	2,950	569 35	2,900	559 70	3,000	579 00	5,900	1,138 70

No. 668.

Mr. Fish to Mr. Evarts.

No. 326.] LEGATION OF THE UNITED STATES,
Berne, January 10, 1881. (Received January 26.)

SIR: The Gazette de Lausanne of Friday evening contains a notice to the effect that the commune of Gersau, in the canton of Schwytz, is, owing to the scarcity of work, compelled to assist its citizens to emigrate, and that it has voted a subsidy of 250 francs to those over eighteen years who emigrate, and 100 francs to their children over ten, and 30 francs to those under ten years of age.

The Bund of this morning contains a similar statement. I inclose copies of both of these notices, with translations thereof herewith.

I have instructed Consul Byers to inquire and report concerning the action of the authorities of Gersau.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 326.—Translation.]

Extract from Der Bund, Berne, January 10, 1881.

SCHWYTZ.—The citizens of Gersau appear inclined to solve the social question through a possible assistance to emigration. The commune recently adopted a resolution to furnish every citizen who would emigrate, who had attained his eighteenth year, 250 francs for his journey; citizens from ten to eighteen years receive 100 francs; for children under ten years of age an allowance of 30 francs is reckoned.

No. 669.

Mr. Fish to Mr. Evarts.

[Extract.]

No. 328.] LEGATION OF THE UNITED STATES,
Berne, January 10, 1881. (Received January 25.)

SIR: Referring to my No. 322, I have the honor to inclose herewith a copy,* in French, of the federal law concerning the operation of emigration agencies as it is published in the Feuille Fédérale of the 8th instant.

I shall send you as printed matter several copies in French and German.

The law will not cure the evils of assisted emigration, but it will ameliorate the condition of such emigrants as may be forwarded by the licensed agencies in this country, and it should cause us to scrutinize with suspicion all Swiss emigrants not forwarded by the agencies licensed by this government.

It is due to the Federal Council that we should recognize the strenuous endeavors they made to make section 4 of the 10th article conform to our statute respecting the shipment of pardoned criminals. They did not succeed in securing the enactment of their original proposition, which forbade the agents to forward—

> Persons having to undergo a penal sentence for crimes which are not of a political nature or in connection with political crimes, besides those persons to whom a remission of sentence has been made on condition of their emigration.

They were, however, successful in procuring a substitute which, under our existing legislation, includes all such persons, and should Congress see fit to legislate to exclude other catagories of objectionable immigrants, the agents licensed by this government would be by the present law prohibited from forwarding them. The Federal Council met with strenuous opposition, and their endeavors to legislate to respect the usages of international law and the provisions of our statute for a time jeopardized the whole bill. Fortunately, owing to the tact and judgment of Mr. Droz, the bill was saved, with the following amendment to article 10:

> The agents are forbidden to forward * * * those persons that the laws of the country of destination prohibit to be received as immigrants.

I have but little doubt that the law will go into effect without much opposition, and should it be exposed to a popular vote, I have no doubt that it would be accepted by a large majority. It has, however, to await

* The law as proposed, together with the modifications as adopted, will be found as an inclosure to Mr. Fish's No. 297, of September 18, 1880, printed in Senate Ex. Doc. No. 62, Forty-sixth Congress, third session, p. 117.

three months from its publication (January 8, 1881) before it can be put in operation.

I believe that the legislation thus enacted is all that we can expect from Switzerland to prevent abuses in emigration. If we desire to prevent those in immigration, we should legislate for the purpose.

I take pleasure in stating that the Federal Council, throughout the discussion of this law, have sought to ameliorate both the condition and class of emigrants, and have shown a friendly desire to make their legislation conform, as far as circumstances permit, with the requirements of our immigration laws.

I have, &c., NICHOLAS FISH.

No. 670.

Mr. Fish to Mr. Evarts.

[Extract.]

No. 330.] LEGATION OF THE UNITED STATES,
Berne, January 15, 1881. (Received February 1.)

SIR: I have the honor to inclose herewith an extract from the Schweizerische Auswanderungs Zeitung of this morning, respecting the emigration in July last from Rudolfingen, canton of Zurich, of Heinrich Ruegger, an infirm Swiss, suffering from an incurable cataract.

If the statements in the newspapers are correct, the emigrant in question obtained a portion of the money for his journey from members of his family, a portion by contributions from his townsmen, perhaps obtained by begging a trifle from his commune, and 25 francs from the poor-funds of his town. The contract for his emigration is said to have been made by the authorities of the commune with the emigrant agency of Schneebeli & Co., at Basle, for the sum of 160 francs. The man is described as being now in the poor-house at Ottokee, Ohio!

I have written to Consul Mason, at Basle, to investigate the matter, so far as the emigration contract is concerned, and I have requested Consul Byers, at Zurich, to ascertain the facts concerning the action of the authorities at Rudolfingen in the premises.

The same article gives us an idea of what the very numerous assisted emigration from the canton of Argovie is. It would appear that, in some cases at least, the property which those emigrants leave behind them is, to a considerable extent, consumed by costs which they have no power of controlling, and from which they derive no benefit.

The same newspaper contains the advertisement of the "Compagnie Général Transatlantique," who profess to carry emigrants at cheaper rates, and to furnish them with greater comforts, than the other steamship companies.

* * * * * * *

I have, &c., NICHOLAS FISH.

[Inclosure 1 in No. 330.]

Mr. Fish to Mr. Mason.

LEGATION OF THE UNITED STATES,
Berne, January 15, 1881.

SIR: I inclose herewith a copy of this morning's Schweizerische Auswanderungs Zeitung, in which is published an account of the emigration in July last of one Heinrich Ruegger, from Rudolfingen, canton of Zurich, to the United States.

It is stated that said Ruegger was afflicted with an incurable attack of cataract, was assisted by his commune out of the poor-funds, that the authorities of the commune made a contract with Messrs. Schneebeli & Co., of Basle, for Ruegger's journey for 160 francs, and that Ruegger is now at the poor-house at Ottokee, Ohio.

I will thank you to inquire concerning the emigration contract, and if possible to obtain a copy of that document; and I should be greatly obliged to you if you could furnish Consul Byers, at Zurich, whom I have asked to investigate and report concerning the alleged action of the authorities of Rudolfingen, with the name and description of the emigrant in question, and such other information as will serve to carry out his investigation.

I am, &c.,

NICHOLAS FISH.

[Inclosure 2 in No. 330.—Translation.]

Extract from the Swiss Emigration Gazette, No. 3, II, January 15, 1881.

UNSCRUPULOUSNESS OF THE COMMUNES.

Last July Heinrich R——, from Rudolfingen, in the canton of Zurich, an infirm Swiss, emigrated to America to seek his fortune in that country, which up to the present time, he has not found, nor will he find it, for things have happened to him very differently from what they did in his dear Switzerland. He has very poor eyesight, and does not see sufficiently to enable him to perform all sorts of work; besides, over there all work, even the simplest, is performed in a very different way from what it is in Switzerland. (R—— had been suffering from cataract, and had previously been discharged from the hospitals because he could not be cured!) The money for his journey was collected in different manners. From his mother he got 60 francs; a sister supplied him with 30 francs; from voluntary contributions of his townspeople he obtained 63 francs; from the commune 10 francs; and 25 francs from the poor-funds; in all, 190 francs (*sic*).*

The contract for his journey was made by the authorities of the town of Rudolfingen with Messrs. Schneebeli & Co., of Basle, for the price of 160 francs. The emigrant agent at Basle gave R—— 10 francs in money, and he was to receive the remaining 20 francs by a draft on Warensburg's "Bundes Brudern" in New York. He went to Ohio from New York with pain and difficulty, where he worked at Archbold—on the railway. From there he went to Wauseon. After working there about three hours in the sewer he broke his foot and was taken to the *poor-house* at Ottokee, where he now is, but, thank God, was soon cured. Since then, without work and without money, he greatly longs for the old country, where he properly belongs; and in common justice we add that such a casting out by the commune very strongly resembles a *banishment.*

A certain C—— R——, from Wolfingswyl, canton of Argovie, writes us from Nebraska: "Inasmuch as the president of our village, Mr. Frei, wrote to me that our commune had to pay 21 francs on account of our family, because somebody had been to our place from the Swiss consul and had asked how we were getting along, and as we had seen no one at our house, I wonder how this could have happened."

These are merely occasional specimens, but they clearly show that in the sphere of emigration many things happen which are not shown in the pictures painted of it; namely, how heartlessly some communes act to their townspeople, even if they have not, in a criminal manner, got rid of them by shipping them to America. Would that, for the welfare of the unfortunate victims, and for the honor of the *Swiss fatherland,* it might, in this respect, be otherwise!

No. 671.

Mr. Fish to Mr. Evarts.

No. 332.] LEGATION OF THE UNITED STATES,
Berne, January 24, 1881. (Received February 9.)

SIR: Referring to my dispatches numbered respectively 330 and 331, I have the honor to inclose herewith an extract from the Schweizerische

* This makes but 188 francs.—N. F.

Auswanderungs Zeitung, of January 22, respecting the emigration of Heinrich Ruegger. It contains a statement from one of the guardians of the poor, who assisted Ruegger to emigrate, and who claims that the accusation of "shoving him off," on the part of the commune, is unwarranted, because Ruegger repeatedly asked for assistance to emigrate, which was refused him by the poor-board repeatedly, "because they could not conceal the fact that the emigrant would no more find his fortune in the New World than he had in the Old. And this was not due to Ruegger's shortsightedness, which in no way prevents him from performing agricultural labor, but on account of his aversion to labor and his dissolute life." He also accuses Ruegger of having been an inmate of a forced labor establishment, and of having been guilty of numerous frauds or swindlings which merited punishment. He states in extenuation of the action of the people and officials of Rudolfingen that they assisted Ruegger to emigrate from motives of compassion!

This explanation appears to be satisfactory to the editor of the newspaper; it can hardly, however, prove so to the tax-payers in Ohio who have to provide for Ruegger's support.

The explanation, coming as it does from a clergyman and one of the overseers of the poor, furnishes us with a striking illustration of the convenience made of our country as a receptacle for the paupers of very many of the Swiss communes. Its acceptance as satisfactory by the editor represents, in my opinion, the manner in which it would be viewed by a large portion of the press and of the people of this country.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 332.—Translation.]

Extract from the Swiss Emigration Gazette, Berne, January 22, 1881.

CORRECTION.

In our last number, under the head of a "*few specimens*," from J., our New York correspondent, we mentioned the case of Heinrich R——, of Rudolfingen, in the canton of Zurich, complaining of R——'s helplessness, and holding the commune answerable for him and demanding the means for his return.

Mr. Simmler, the pastor in Trüllikon, the head of the committee of the poor-board having charge of Heinrich R——, requests us to publish the following letter:

"In No. 3 of your valued paper, under the heading '*Unscrupulousness in the Old Country*,' you published a statement relating to the experience of a certain Heinrich R——, an emigrant from Rudolfingen, canton of Zurich, in which you accuse the communal authorities of being guilty of 'a shoving off by the commune,' much in the nature of a 'banishment.' This serious accusation is altogether unwarranted, and compels the undersigned to make a correction concerning the facts.

"In the first place, it should be noted that neither the commune authority of Rudolfingen nor the poor-board of that place instigated R——'s emigration. On the contrary, they repeatedly refused assistance for this purpose, because they could not conceal the fact that the emigrant would no more find his 'fortune' in the new world than he had in the old. And this was not because of R——'s, shortsightedness, which in no way prevents him from doing agricultural labor, but on account of his aversion to labor and his dissolute life. Among the establishments in which your correspondent mentions R—— as having been, he neglected to mention a forced-labor establishment. Indeed, the aforementioned R—— merited altogether another sort of treatment on account of his many swindles committed during his peddling.

"If, however, officials and persons in private life finally gave a helping hand to the unceasing requests to assist R—— to emigrate, it was evidently out of commiseration. If this was misplaced, it does not, however, deserve censure. In the case of persons like R——, 'fortune' is to to be found only in that Utopia which unfortunately is still undiscovered.

"Here once more we find the old story repeated again to us—that as rule the worthless fellows of the old country, because in America the luxuries of life do not drop

into their mouths ready cooked to their taste, as they had expected, instead of working, raise the customary cry of complaint. For this reason, therefore, not only should those intending to emigrate turn a deaf ear to such stories, but the newspaper writers should sift such tales before giving them to the press as true."

In the same paper was also an inquiry from C—— R——, from Wölfiswyl, at present in Nebraska, asking why 21 francs had to be paid for him, to which a satisfactory answer is likewise furnished in the proceedings of the High Swiss Federal Council of March 5 and May 21 last.

C—— R—— emigrated to America in December, 1879, of his own free will, and at his urgent solicitation received from his native commune assistance amounting to 525 francs. In February, 1880, a letter was received by the government of the canton of Argovie, in which Mr. John Jenny, in Lincoln, Nebraska, demanded on account of C—— R—— a sum of $200, and in case of refusal threatening that the latter should be sent back at the cost of his commune. Thereupon the government of Argovie made an official investigation. It appears from the latter that C—— R——'s circumstances are not so miserable, and that he himself would oppose being sent back.

For the requisite investigation, including postages, the commune was ordered to pay the costs, amounting to 21 francs.

No. 672.

Mr. Fish to Mr. Evarts.

No. 333.] LEGATION OF THE UNITED STATES,
Berne, January 24, 1881. (Received February 9.)

SIR: Referring to my No. 326, respecting the action of the town of Gersau, in the canton of Schwytz, in furnishing the unemployed citizens of that place with subsidies to emigrate, I have now the honor to inclose herewith a copy of a letter from Consul Byers, transmitting a letter from the authorities of Gersau, and a copy of the ordnance passed at a town meeting held August 22, 1880.

An examination of these documents shows that the authorities of Gersau have resorted to the same method as those of Zug to rid themselves of those persons out of employ who might desire to emigrate. Already 29 persons have thus been assisted to emigrate, and have been furnished with 5,755 francs ($1,110.72), an average of 191.55 francs, or $37.97, apiece.

The population of Gersau is given as 2,270 under the census of 1870. It is claimed by the authorities of the town that all the assisted emigrants were able-bodied young men.

It will be seen that the amount furnished these emigrants leaves them but a bare pittance on their arrival in the United States. It may well be doubted whether such emigration will be beneficial to the country of their immigration. Certainly our experience of assisted emigration from Switzerland to the United States should prompt us not to trust the decision concerning the fitness of such emigrants to the communes having a material interest in getting rid of them.

I inclose full copies of all the correspondence, with translation thereof.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 333.]

Mr. Byers to Mr. Fish.

CONSULATE OF THE UNITED STATES,
Zurich, January 22, 1881.

SIR: Referring to yours of the 8th instant, I beg to report that after three different requests the officials of the community of Gersau have sent me an official copy of the

resolutions by which that town concluded on aiding its unemployed men and boys to emigrate to the United States.

I inclose you the law itself, as well as a letter from the town treasurer giving his view of its provisions. This law does not differ materially from that adopted last summer by the town of Zug. By it persons are aided to emigrate to the United States, but the money given does not much more than pay their expenses to the harbor of New York. What little is over is to be paid them only there, in order to insure that they cross the ocean.

Twenty-nine persons have accepted the offer of the town to be aided to emigrate to the United States, and were paid 5,755 francs. After deducting amount for steerage passage, say 180 francs, the emigrant would have on landing about 20 francs, or $4. He surrenders, on accepting aid from the town, all rights to commune interests or profits, supposing there are any, for the period of twenty years; so, if he fails to obtain employment in New York, he has neither the means to live on nor to go farther west.

The emigrants who avail themselves of this law are not likely to be well-to-do persons who would emigrate anyway, but persons too poor to live at home. Indeed, the preamble of the law or resolutions states that it is intended to help the unemployed.

It is, I notice, proposed to withdraw the privileges of this law whenever times shall become better, and employment be had for the poor at home.

I am, &c.,

S. H. M. BYERS.

[Inclosure 2 in No. 333.—Translation.]

Municipal council of Gersau to Mr. Byers.

GERSAU, *January* 21, 1881.

To the American Consul, Zurich:

Replying to your valued letter of 12th instant, we inclose herewith a copy of the decision of the commune of August 22, 1880, from which you will perceive the conditions upon which citizens of our commune can receive assistance. The amounts are only paid to male citizens belonging to the municipal corporation of Gersau. Female citizens receive, according to the decision, no assistance, unless they should be exceptionally assisted by the commune. Concerning all emigrants a strict control is maintained; those citizens who had previously emigrated have no claim to the same assistance, because, according to the decision, we only assist those who, owing to a lack of employment, may wish to emigrate. In those cases we give our assistance by means of the emigration contracts from Lucerne to New York, and the remainder is then only paid in New York. During the year 1880 we assisted 29 persons, all able-bodied young men. For these 29 persons 5,755 francs were paid. When, however, in Gersau we may again have employment, as we hope to have, at the next meeting of the town, in May, 1881, it will be decided to suspend the decision of August 22, 1880, once more.

Hoping that we have answered your request, we are, with all respect, yours obediently, for the municipal council,

JOS. CAMENZIND,
Treasurer.

[Inclosure 3 in No. 333.—Translation.]

Extract from the minutes of the town meeting of the commune of Gersau, August 22, 1880.

Decision of the municipal council of Gersau concerning the payment of assistance to citizens of the corporation for the purpose of emigration to America, and the resolution of the town meeting of Gersau of August 22, 1880.

The town meeting of August 22, 1880, recognizes, in consideration of the inability to obtain work at the present time, and of many requests for the purpose of emigrating to America, the following provisions shall, until further notice, be in force:

ARTICLE. 1. The citizens of the corporation who are physically and mentally sound, and have a fixed destination in view, may be paid a sum by the corporation for the expenses of the journey to America. The decision respecting the fitness to emigrate is intrusted to the council. Emigrants who leave their families behind them shall furnish the municipal council with evidence that the latter shall be properly taken care of without their falling to the charge of the commune.

Art. 2. The amounts to be paid to citizens of the corporation, according to article 1, are fixed as follows:

a. Citizens of the corporation upwards of eighteen years of age shall receive 250 francs.

b. Sons of citizens, from ten to eighteen years of age, shall receive 100 francs.

c. Sons of citizens, under ten years of age, receive a proportionate assistance, the determination of the amount of which is intrusted to the executive council.

ART. 3. Those citizens who, according to article 2, receive from the corporation sums for the journey must fulfill the following conditions:

a. They renounce, from the day of their departure, for the next twenty years, their right to the annual benefits of the commune here.

b. Should a citizen who had received one of the above-mentioned subsidies return within fifteen years to his native place, he must repay to the corporation the total advance made to him by the corporation, with full interest from the day of his departure, reckoned at 5 per cent. per annum, if he wishes to be again entitled to participate in the benefits of the commune.

c. Should he return after fifteen years, but before the expiration of twenty years, then he shall repay the advance made to him, but without interest, before he shall be entitled to share the benefits of the commune.

d. To those, on the other hand, who first return after the expiration of twenty years the advance is remitted, and they shall be entitled to share in the benefits of the commune.

ART. 4. The executive council shall, in accordance with articles 2 and 3, make a contract with every citizen who wishes to emigrate, which shall be signed by both parties.

ART. 5. The funds necessary for this purpose shall be taken from the annual receipts. In case the latter are not sufficient, the executive council is authorized to make a loan for this purpose, and to repay it during the following years.

ART. 6. The town meeting reserves to itself the right to alter at any time the foregoing provisions (with the exception of articles 3 and 4).

The sums fixed by articles 2, letters *a*, *b*, and *c*, will be paid upon the conclusion of the emigration contracts to the emigration agent concerned.

Gersau, August 22, 1880.

In the name of the corporation of Gersau:

The President:

[No signature.]

The town clerk.

J. KAMMENSIND,
Teacher.

SUPPLEMENT.

In accordance with the decision, article 2, letter *b*, the municipal council, under date of October 24, 1880, fixes the indemnity for traveling expenses of the young sons of citizens at the following rates:

a. For sons under two years of age, 20 francs.

b. For sons from two to five years old, 25 francs.

c. For sons from five to ten years old, 30 francs.

No. 673.

Mr. Fish to Mr. Evarts.

No. 335.] LEGATION OF THE UNITED STATES,
Berne, January 26, 1881. (Received February 10.)

SIR: Referring to my dispatches numbered 330,* 331, and 332,* I have now the honor to inclose herewith copies of a correspondence with the consulate at Zurich respecting the emigration of Heinrich Ruegger, of Rudolfingen, from this country to the United States.

It will be seen from the letter of the president of the commissioners of the poor of Trüllikon, that the man obtained a considerable portion of the money for his journey by begging; that until he had done so, the poor-board declined to assist him; that finally they gave him 25 francs

*Printed in Senate Ex. Doc. No. 62, Forty-sixth Congress, third session.

and the commune gave 10 francs; and that just before leaving, Ruegger, who is spoken of as a dissolute fellow, squandered the small amount of money he had in drinking saloons. It will also be seen that the poor-board do not consider this a case "of shoving off by the commune." This opinion is not shared by either Consul Byers or Consul Mason, the latter of whom sums up the case as follows:

It seems to be a clear case of "assisted emigration," the result of which is that the State of Ohio has acquired a pauper.

It seems incredible that our legislation should not protect us from such abuses, and in the absence of such legislation, I most strongly recommend that the man be sent back to Rudolfingen at the expense of the Swiss Government, and that the legation be instructed to demand the payment of a sum for the injury done the United States by the authorities of Rudolfingen.

I have, &c., NICHOLAS FISH.

[Inclosure 1 in No. 335.]

Mr. Byers to Mr. Fish.

CONSULATE OF THE UNITED STATES,
Zurich, January 25, 1881.

SIR: Referring to yours of the 15th instant, asking me to investigate the case of Henry Ruegger, an emigrant to the United States, reported to have been sent there by the authorities of his native commune, Rudolfingen, canton Zurich, I beg to state as follows:

My letter to the authorities of the commune was, on the 24th instant, answered by the president of the poor commission, and the answer is herewith inclosed. By this letter it is shown that after H. Ruegger had raised a small amount of money from relatives to aid him to go to the United States, the poor commission resolved, at request of Heinrich Ruegger, to give him 25 francs additional. His "commune" of Rudolfingen gave him 10 francs. Private individuals had given him 70 francs. Altogether, Ruegger was equipped with 190 francs, which the president of the poor commission sent to Schneebeli & Co., in Basle, with the request to forward H. Ruegger to New York, he to have an order for some 25 francs, or $4.80, remaining after paying passage contract.

The president of the poor commission does not enlighten me any as to the physical condition of Ruegger. He only intimates that he was a worthless fellow, spending at the last moment in saloons, a part of the money he had begged from relatives and acquaintances to help him off for America. The president of the poor commission apparently sees nothing amiss in aiding this man out of the commune and off to the United States. The secretary of the commune, to whom my letter was addressed, did not reply to it at all, but turned it over to the poor commission, although, as noticed, the commune itself did aid the man to leave, and without any consideration, unless getting rid of him was such consideration. I do not see that the case is bettered much by the fact that Ruegger begged the money three times of the poor commission before they concluded to aid in getting rid of him. The fact remains that a worthless (and reported half-blind) pauper was helped to emigrate to the United States by the *authorities of his commune*, and that he was landed there with a mere trifle of money in his possession, and is to-day in an American poor-house in the State of Ohio.

The official letter of Consul Mason, at Basle, also inclosed, shows that the passage contract with Schneebeli & Co., in Basle, was about as stated by the president of the poor commission, except that Ruegger must have had even less than $4.80 on landing.

I am, &c.,
S. H. M. BYERS.

[Inclosure 2 in No. 335.]

Mr. Mason to Mr. Byers.

CONSULATE OF THE UNITED STATES,
Basle, January 17, 1881.

SIR: I am in receipt of a letter from the United States legation at Berne, inclosing a copy of the Auswanderungs Zeitung, and instructing me to make certain investiga-

tions concerning an alleged case of assisted emigration therein reported as having been negotiated with an emigration agency in this city.

Presuming that the same newspaper report has been forwarded to you, I have the honor to report, without further explanation, that in July last the president of the commune of Rudolfingen, canton Zurich, made a contract with Messrs. Schneebeli & Co., emigration agents of Basle, to transport to the United States one Heinrich Ruegger, a citizen of Rudolfingen. For this service Messrs. Schneebeli & Co. were paid 188 francs, which sum had been collected as follows:

	Francs.
From Ruegger's mother	60
From Ruegger's sister	30
Voluntary contributions by neighbors at Rudolfingen	63
From the commune of Rudolfingen	10
From the poor-house fund	25
Total	188

This sum was paid to Schneebeli & Co., who gave to Heinrich Ruegger—

	Francs.
Cash	10
Passage to New York	160
Money-order on Wahrenberg, New York	20
Total	190

And thus equipped, this "assisted emigrant" was shipped to the United States. He is reported to be nearly blind and to be in a poor-house at Ottokee, Ohio, having broken his foot while at work digging a sewer. It seems to be a clear case of "assisted emigration," the result of which is that the State of Ohio has acquired a pauper.

I am, &c.,

FRANK H. MASON.

[Inclosure 3 in No. 335. Translation.]

The president of the commissioners of the poor at Trüllikon to Mr. Byers.

JANUARY 24, 1881.

SIR: Having been requested by the worthy town-chancery of Trüllikon to answer your valued communication of the 19th instant, because the town council had nothing whatever to do with the matter in question, I will give you a true statement concerning the emigrant, Heinrich Ruegger, of Rudolfingen, Trüllikon.

I beg to remark that immediately upon the appearance of newspaper article in No. 3 of the Swiss Emigration Gazette, I sent to the paper a correction of the statement of facts, but I do not yet know whether it has appeared in the newspaper or not.

In the first place it should be stated (see the two inclosed documents) that the idea of emigrating came first from H. Ruegger himself. Concerning the whole affair, please to take notice of the following extracts from the minutes of the poor-board of Trüllikon:

"MEETING OF 11TH OF APRIL, 1880.

"Heinrich Ruegger, peddler, of Rudolfingen, applies in writing requesting the poor-board to help him to emigrate to America. The authorities decide to reject the application. The petitioner being in good health and able to work, should certainly be able to earn the necessary money for the journey himself; after he shall have made strenuous endeavors with that view, the poor-board might, perhaps, decide to furnish him with a small sum."

"SITTING OF MAY 14, 1880.

"Heinrich Ruegger again applies to the poor-board with the request that they should grant him an allowance of 25 francs for the purpose of emigrating to America. The remaining money for the journey he will soon have collected by means of voluntary contributions.

"After the board had received more definite information concerning the circumstances of the petitioner from members from Rudolfingen, upon motion of Mr. Zuber, a definite refusal was decided upon.

"SITTING OF JUNE 6, 1880.

"Heinrich Ruegger, under date of 29th of May, presents a third petition concerning the granting of a sum of 25 francs on account of his emigration. In a more just consideration of the circumstances, it was determined to grant the request."

Therefore the poor-fund furnished 25 francs, the corporation of Rudolfingen gave 10 francs, about 70 francs were voluntary contributions from private individuals among whom R——— went for this purpose. He received 90 francs from his relatives. How much he may have collected in addition we are unable to say. I sent to the emigrant agent the sum of 190 francs, begging him to take care of the matter, and I gave him the order to pay the 35 francs over the price agreed upon, in a sight-draft on New York to R———; but I had afterwards, at R———'s request, to beg Messrs. Schneebeli to give 10 francs as pocket-money, because R———, in his customary manner, a few days before his departure, squandered the greater portion of the money for his journey in his possession in drinking saloons.

Believing that I have complied with your wishes, I hope that you will be convinced that in this case there is no question of a "shoving off" by the commune. I inclose two of the documents referred to herewith.* I beg you kindly to return them.

I am, &c.,

E. SIMMLER.

[Inclosure 4 in No. 335.]

Mr. Fish to Mr. Byers.

LEGATION OF THE UNITED STATES,
Berne, January 26, 1881.

SIR: I have to acknowledge the receipt of your letter of 22d instant, inclosing a communication from the authorities of Gersau, and a copy of the ordinance of that town respecting assisted emigration from that place to the United States, and to thank you for your prompt and successful endeavors to obtain the same.

I wish you would thank the authorities for furnishing you the information, and ask them if possible to furnish you with a list of the names and ages of the 29 emigrants so assisted.

I have also to acknowledge the receipt of your letter of 25th instant, transmitting the copy of the reply of the commissioner of the poor of Rudolfingen, canton of Zurich, in reference to the assisted emigrant Heinrich Ruegger, now in the poor-house at Ottokee, Ohio.

Your prompt and energetic action in both these cases merits not only my thanks but commendation for the efficient and able manner in which you have carried out the wishes of the legation.

I am, &c.,

NICHOLAS FISH.

No. 674.

Mr. Evarts to Mr. Fish.

No. 188.] DEPARTMENT OF STATE,
Washington, February 3, 1881.

SIR: I have to acknowledge the receipt of your No. 330, in reference to the emigration of a pauper whose name is given as Heinrich Ruegger, of Rudolfingen, canton of Zurich, who is represented as now in the poor-house at Ottokee, Ohio; and to commend the intelligence and great zeal you have employed in the investigation of cases like the one you present during a considerable period. The subject of pauper emigration to this country will soon be brought to the attention of Congress.

I am, &c.,

WM. M. EVARTS.

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*These documents were not inclosed in the letter of Consul Byers to the legation. It is presumed they are unimportant.

No. 675.

Mr. Fish to Mr. Evarts.

No. 343. LEGATION OF THE UNITED STATES,
Berne, February 16, 1881. (Received March 3.)

SIR: Referring to my Nos. 330, 331, 332, and 335, I have now the honor to inclose herewith a copy of a letter from the consulate at Zurich, transmitting a list of the assisted emigrants from the commune of Gersau to the United States from August 22 to the 31st of December, 1880.

I have been prevented from forwarding the list of these emigrants owing to an omission of one of the names by the communal officials in the list as originally furnished to the consulate—an omission the correction of which I have only to-day obtained.

An examination of the list shows that four of the emigrants were under fifteen years of age, twenty-two were between fifteen and forty years of age, and three were over forty years old. Three of the assisted emigrants were females, and were "exceptionally assisted," as the resolution of the town does not provide for assisting females to emigrate. (See inclosures 3 and 4 to my No. 333.)

These figures show that but 69 per cent. of the emigrants were young men (between fifteen and forty years of age), and nine (or 31 per cent.) were under fifteen, over forty, or females. Thus, out of twenty-nine emigrants we find but twenty who could possibly correspond to the description of the communal officials when they stated that they were "*all* able-bodied *young men.*" Of the remaining nine four were children, aged respectively twelve, six, two and a half, and one year; two were men, forty-six and fifty years of age; three were women, aged respectively sixty, thirty, and seventeen years.

As to the claim that they were able-bodied I have no means of judging, but respectfully suggest that in future a strict inquiry should be made upon the arrival of immigrants from Gersau and other communes addicted to assisting their citizens to emigrate to the United States. The present case shows the danger of entrusting to foreign officials to determine who are "able-bodied young men."

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 343.]

Mr. Byers to Mr. Fish.

UNITED STATES CONSULATE,
Zurich, January 29, 1881.

SIR: I beg to hand you herewith a list of persons, and their ages, who have been "assisted" to emigrate to the United States from the town of Gersau since the 22d day of August, 1880. This list furnished me by the authorities is presumably correct.

I am, &c,,

S. H. M. BYERS.

List of citizens assisted to emigrate since 22d of August, 1880, *to 31st of December,* 1880.

	Years of age.
Franz Küttel	20
Gottlieb Küttel	12
Victor Camenzind	26
Franz Camenzind	32

	Years of age.
Wittwe Theresa Camenzind (assisted exceptionally)	60
Marina Camenzind (assisted exceptionally)	30
Marie Camenzind (assisted exceptionally)	17
Xaver Nigg	25
Melchior Waad	26
Alois Laggenstos	30
Marzell Müller	31
Joseph Müller	19
Marzell Müller	21
Joh. Conrad Müller	19
Zachaus Nigg	27
Joseph Camenzind	46
Joseph Camenzind (son)	6
Alois Camenzind	32
Xaver and And. Camenzind (two sons of Alois)	2½, 1
Anton Bagenstos	27
Balz Camenzind	23
Mathias Camenzind	31
Franz Müller	39
Xaver Müller	32
Leo. Nigg	27
Kasemis Nigg	19
Caspar Baggenstos	23
Manzell Küttel	50

No. 676.

Mr. Fish to Mr. Evarts.

No. 353.] LEGATION OF THE UNITED STATES,
Berne, February 25, 1881. (Received March 12.)

SIR: The recent prohibition of the entry into France of American pork has been followed by a motion introduced into the council of states by Mr. Estoppey, directing the Federal Council to inquire and report whether a similar prohibition should not be pronounced on the part of Switzerland.

Mr. Schenk, the chief of the federal department of the interior, stated that the matter had already been considered by that department, and that several of the cantons had already taken measures in reference thereto. Germany had taken efficient precautions, and the Confederation could do so also. A few cases had occurred in Switzerland of a serious nature, and a strict supervision would prevent a recurrence. Moreover, in France, where the importation of American pork is large, there may have been reasons of a national economical nature for the prohibition, and not only a fear of a real danger. He was of opinion that a prohibition would be too extreme a measure, and that an inquiry should be made whether there were not other methods of protecting the public health. After a short discussion, the motion as amended by Mr. Schenk was adopted,

I have, &c.,

NICHOLAS FISH.

No. 677.

Mr. Fish to Mr. Blaine.

No. 366.] LEGATION OF THE UNITED STATES,
Berne, March 15, 1881. (Received March 29.)

SIR: The news of the atrocious and fatal attempt on the life of the Emperor of Russia was first made known here yesterday morning. I called at once on the Russian envoy to express to him my feelings of regret and sympathy at the loss which his country had sustained. I felt that I was but executing your wishes and those of the President in so doing and in conveying to him the assurance of the regret at the success and the horror at the perpetration of the crime.

Afterwards I wrote a letter to Mr. de Hamburger to the same effect. I inclose a copy thereof. I report my action to you as required by the regulations, in the confident assurance that it will meet your commendation. There is no people on the face of the globe that more thoroughly condemns the cowardly assassination of rulers, and none that is better able to appreciate the enormity of such an offense than ours. I did not, therefore, hesitate to exhibit every mark of respect to the memory of a man who had set his name to the edict of freedom of the serfs in his own country, and who, of all the crowned heads of Europe, had exhibited the most sympathy for us in our struggle for the Union and the emancipation of the slaves.

This morning, the President and Vice-President of the Confederation and the entire diplomatic body attended a funeral service at the Russian legation. It was attended with all the solemnity and grandeur of the rites of the Russian church. The black drapings of the chapel, the dim light of the tapers, and the deep mourning of the ladies served to set in bold relief the uniforms of the military representatives, and all, with the chanting of the funeral service, combined to render it one of the most impressive and solemn occasions at which I have assisted.

Fortunately there has been as yet no attempt made to connect the assassins of the Emperor of Russia with Swiss antecedents.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 366.]

Mr. Fish to Mr. Hamburger.

LEGATION OF THE UNITED STATES,
Berne, March 14, 1881.

MY DEAR COLLEAGUE: The atrocious crime perpetrated, with fatal result, on the life of His Majesty the Emperor of Russia, naturally brings to recollection the generous and heartfelt sympathy of His Majesty, the Government and people of Russia for us when the people and Government of the United States stood aghast at the loss, by an assassin's hand, of one who gave freedom to millions. To-day the United States will be pervaded with horror and consternation at the terrible loss that in another land has been occasioned by assassination to a government and people always friendly to the United States.

The sympathy and regret at the loss your country has sustained, and the abhorrence of the crime, will be all the more deeply felt when the people realize that the name of Alexander II, which stands imperishably recorded as an emancipator of men, is enrolled on the list of those whom foul murder has claimed as its victims.

The terrible affliction that has fallen upon the imperial family, and upon all classes in your country, is too deep and too recent to allow of intrusion, but I beg you to rest

assured that you have in this trying moment my most sincere condolence and heartfelt sympathy for the loss with which you have been so crully stricken.

I beg you, my dear colleague, to accept the renewed assurance of my most distinguished consideration.

NICHOLAS FISH.

No. 678.

Mr. Fish to Mr. Blaine.

No. 371.] LEGATION OF THE UNITED STATES,
Berne, March 20, 1881. (Received April 2.)

SIR: I have the honor to inclose herewith an extract from the Bund of this morning, respecting the action of the commune of Böttstein, in the canton of Argovie, in sending to America a girl seventeen years of age, hitherto supported by that commune, who is described as suffering from serious mental infirmity. It is due to the Bund to say that it condemns such proceedings, and recommends that the girl should be sent back by our officials at the cost of the commune indulging in this speculation at the cost of American tax-payers.

I have brought the article to the notice of the collector of the port of New York, but as she is said to have been sent on Sunday last she has a week's start of my letter. I have also written to Consul Mason, at Basle, asking him to investigate the circumstances of the case.

The absence of legislation on our part to protect us from such abuses is greatly to be regretted.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 371.—Extract from Der Bund.—Translation.]

BERNE, *March* 20, 1881.

ARGOVIE.—Last Sunday the commune of Böttstein, according to the Baden Tagblatt, through the medium of the emigration agent, Frei, of Klingnau, shipped off to America an orphan girl of seventeen, whom the commune had hitherto been compelled to support, and who was, not on account of bodily deformity, but from very serious aberration of the mind, unable to support herself. It is to be hoped that the American officials will send the poor girl back, by the same vessel, at the cost of the commune guilty of such speculation. Those agents who indulge in such speculations will have their business forbidden by the new Federal law.

No. 679.

Mr. Fish to Mr. Blaine.

No. 372.] LEGATION OF THE UNITED STATES,
Berne, March 23, 1881. (Received April 8.)

SIR: Referring to my No. 371, I have the honor to inclose herewith copies of a correspondence with the consulate at Basle, respecting the shipment to the United States, by the commune of Böttstein, canton of Argovie, of two notorious prostitutes, Fridolina Vögelin, aged seventeen, and Theresa Hauser, for the purpose of getting rid of two shameless and burthensome characters.

As the Suevia will not be due at New York until the end of this week, I defer following Consul Mason's suggestion of telegraphing you in regard to this shipment until I can ascertain whether the case reported in the Bund was well founded, and whether the person therein referred to is on board the Suevia. The delay will also enable the consul to furnish more ample details respecting the shipment of the two women above named.

I have the firm belief that the return of these women at the cost of the commune sending them would prove the most effectual method of stopping the tendency of the communes of the canton of Argovie to get rid of their worthless and helpless citizens at the expense of the taxpayers of the United States.

The employment of a detective at Basle would, in my opinion, reveal the fact that hardly a ship-load of emigrants is forwarded by the emigration agencies of that city that has not a number of emigrants who, being public burdens or objectionable characters over here, are furnished the means of emigrating to the United States by those whose duty it is to support or take charge of them here. The cost of employing a detective for this purpose would be more than repaid to the United States, in the prevention of the increase of our public burdens, which assisted emigration from the canton of Argovie now creates. I most strongly recommend such a course, if we wish to break up this long-continued and, I fear, increasing abuse.

A couple of thousand dollars properly employed in detecting such cases, and the prompt return of the objectionable emigrants, would, I believe, teach the communes that the business was not a profitable one, and such an appeal to their pockets is the only one they are likely to heed. It is more than probable that a similar investigation at the other centers of emigration in Europe would disclose similar cases, but I doubt whether in such proportions as at Basle.

I shall await further information from Consul Mason before bringing these cases to the notice of the Swiss Government, as the delay will not materially affect the complaint, and it is now too late for any action of the Federal Council to prevent the emigrants from sailing. Moreover, there is but little to be gained by discussion of the question, in view of the manner in which previous similar complaints have been dealt with by this government. I shall consider carefully the expediency of such a complaint and be guided by the developments of Consul Mason's report.

I have sent by this mail copies of the inclosed correspondence to the collector of the port of New York.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 372.]

Mr. Mason to Mr. Fish.

CONSULATE OF THE UNITED STATES,
Basle, March 22, 1881.

SIR: Referring to yours of March 20, inclosing a statement from the Bund newspaper reporting an alleged violation of the emigration laws, I have the honor to report that I have instituted a careful investigation of the case and have progressed so far as to be able to state that on the 16th of March there embarked at Havre, on board the Hamburg steamer Suevia, two notorious and depraved prostitutes from Böttstein, Canton Argovie, Switzerland. Their names are Fridolina Vögelin, aged seventeen, and Theresa Hauser, somewhat older. They were sent away to America by the commune of Böttstein to get rid of two shameless and burthensome characters.

There is a long story of the negotiations of the communal authorities with various emigration agencies, which I have not yet thoroughly investigated, but when I have done so I shall report the case in detail to the Department.

Meanwhile I venture to hope that your legation will consider these facts sufficient to warrant it in telegraphing to the American authorities to detain the parties until the facts can be exhibited.

It seems to be a case of wilful and flagrant violation not only of the Swiss emigration law, but of the comity of nations.

I have, &c.,

FRANK H. MASON.

No. 680.

Mr. Fish to Mr. Blaine.

No. 373.] LEGATION OF THE UNITED STATES,
Berne, March 23, 1881. (Received April 8.)

SIR: After mailing my No. 372 to you and a letter to the collector at New York, and after the outgoing mail had left, I received from Consul Mason a private letter in which he inclosed me a copy of his No. 31 of this date to the Department. The facts therein stated made me decide to telegraph you concerning the shipment of the prostitutes on board the Suevia, as follows:

Commune Böttstein, Argovie, paid passage of Fridolina Vögelin, seventeen; Theresa Hauser, older; notorious prostitutes, Suevia; sixteenth Havre.
Particulars mailed. Disregard 371.

I have addressed a note to this government requesting the return of the women on the ground of their immoral character, and also of their destitute condition. Should they be, by some defect in our law, or the negligence of our authorities at New York, allowed to land, such a request might possibly have some effect, but I see but slight grounds to hope that this government will take any decided and effectual measures to break up the large assisted emigration from the canton of Argovie, of which the present case is a specimen, and I fear by no means an exceptional one.

I respectfully ask your approval of my action in telegraphing you and in addressing this government.

In view of the method of discussion of previous cases of a similar nature by this government it is most desirable that the women should be returned as promptly as possible, and for a like reason the speedy announcement of their return would have a most beneficial effect on emigration from Switzerland, which is assuming enormous proportions. Unless we employ means to counteract the action of the communes we are, in the absence of efficient congressional legislation, bound to receive a large number of objectionable emigrants who could never reach the United States but for the assistance of the authorities.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 373.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, March 23, 1881.

The undersigned, chargé d'affaires of the United States of America, has the honor to inform his excellency Mr. Droz, President of the Swiss Confederation, and through

his excellency the high federal council, that this legation is informed that the communal council of Böttstein, in the canton of Argovie, about the 1st of March instant, applied to an emigration agent by the name of Frei, at Klingnau, in Argovie, to secure transportation to New York for two women, viz, Fridolina Vögelin, aged seventeen, and Theresa Hauser, somewhat older, two notorious and depraved prostitutes, living by their shameless calling, who are reported to have been frequently arrested in other communes and cantons and returned by the police to Böttstein on account of their dissolute and immoral life.

The legation is further informed that the said commune council through the agency of Frei contributed 390 francs for the passage of these women to New York, 350 francs of which was paid to Rudolf Werdenberg, an emigration agent at Basle, who furnished them tickets from Basle to New York, and that the remaining 40 francs was divided between the two women, who are now on board the Suevia, which sailed from Havre on the 16th of March.

The law of the United States of 3d March, 1875, as published in Feuille Fédérale Suisse, II, 661, of that year, sufficiently explains the views of the United States respecting such shipments.

Should these women evade the vigilance of the authorities at New York, they must, if of the character described, inevitably augment the number of prostitutes in the United States. Were they of stainless character, their destitute condition would, with almost equal certainty, consign them to the public charity there.

The undersigned therefore entertains the hope that the high federal council will cause these women to be returned to Switzerland, and that in the future efficient means may be taken to prevent the communes from assisting persons to emigrate who must, of necessity, become burdens to the public charity, or otherwise objectionable, upon their arrival in the United States.

While reserving to his government the further discussion of this subject, the undersigned avails himself of this occasion to renew to his excellency Mr. Droz, President of the Swiss Confederation, and to the high federal council, the assurances of his most distinguished consideration.

NICHOLAS FISH.

No. 681.

Mr. Fish to Mr. Blaine.

[Extract.]

No. 375.] LEGATION OF THE UNITED STATES,
Berne, March 25, 1881. (Received April 11.)

SIR: Referring to my Nos. 371, 372, and 373, I have now the honor to inform you that I have received from Consul Mason, at Basle, an affidavit of Mr. Henry Hofacker, a native-born citizen of the United States, employed as clerk of the consulate at Basle, respecting the shipment of Fridolina Vögelin and Theresa Hauser to New York by the communal authorities at Böttstein, in the canton of Argovie, setting forth the circumstances of the shipment and the action of the communal council and agents engaged in this case of "assisted" emigration from the canton of Argovie.

Mr. Hofacker's statements I fully believe, and have every reason to consider him a most trustworthy and truthful man. It appears from his affidavit that Frei, the emigration agent at Klingnau, stated that he knew of no insane girl having been recently transported to the United States from Böttstein.

It was owing to similar information sent me by Consul Mason (see inclosure 4 to my No. 372) that I added to my telegram: "Disregard 371."

The fact that the investigation concerning the alleged shipment of the girl mentioned in the article in the Bund should reveal the shipment of two prostitutes from the same village (having but 420 inhabitants in

1870) is a striking proof of the frequency of improper emigrants being assisted by the communes of that canton to emigrate to the United States, without the assistance of whom these emigrants could never reach New York. It will be remembered that a similar circumstance attended the case of Daniel Senn, an inmate of the poor-house at Basle, who was not sent owing to the opposition of the legation, where the New York officials found a woman on board of the steamer they searched who was described by the New York papers as combining the elements of pauperism, crime, and insanity, whose passage was paid by the authorities of her commune in the canton of Basle, and she was landed on our shores with the munificent sum of $2.83 as her share of the commune property, or, as the Federal Council expressed it in 1855, "as an indemnity for the non-enjoyment of their commune privileges." Similar cases among the assisted emigration from this country are and have been of too frequent occurrence to make it desirable for the United States to longer extend to it "the distinction in favor of Swiss emigrants in the tide of emigration" requested for it by the Swiss Government in 1855. The present case shows that the Swiss tributaries of that tide contain elements of pollution and filth that no government should "distinguish" except by exclusion and condemnation.

If those women are landed in the United States, there will be hundreds of the same class who will follow in the same manner. If they are sent back, the announcement of their return would serve to check some of the latter from being forwarded. I therefore respectfully suggest that the legation should be informed by telegraph whether they are allowed to land at New York or whether, as in the case of the Danish convicts, they are sent back by the vessel bringing them.

I have requested Consul Mason to procure, if possible, the copies of the minutes of the town meeting at Böttstein at which their shipment was decided upon, of the "Transportbefehl" under which the police arrested them, and the affidavits or statements of other parties as to the character and antecedents of the women.

* * * * * * *

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 375.]

Mr. Fish to Mr. Mason.

LEGATION OF THE UNITED STATES,
Berne, March 22, 1881.

SIR: I have received your telegram and letter of this date respecting the action of the commune of Böttstein, canton of Argovie, in sending to the United States Fridolina Vögelin and Theresa Hauser, notorious prostitutes. You recommend that the legation should telegraph to America to cause their detention until you can exhibit the facts, which you expect to develop by a thorough investigation in detail. I am desirous of telegraphing to the Department of State respecting this case and that one mentioned in "Der Bund" of Sunday; but as the Suevia will not reach New York until Saturday or Sunday, and to have more ample grounds for my action, I beg you to hasten your investigation and to report the result thereof to the legation and to the Department of State. Should the same warrant my so doing, I shall be happy to meet your wishes as to telegraphing.

If the girl mentioned in the Bund is on the Suevia also, it will economize expense to include all three in one telegram.

I am, &c.,

NICHOLAS FISH.

[Inclosure 2 in No. 375.]

Mr. Fish to Mr. Mason.

LEGATION OF THE UNITED STATES,
Berne, March 24, 1881.

SIR: Upon receipt of your unofficial letter of yesterday, inclosing the press copy of your No. 31 to the Department of State, and based on the information therein contained, I telegraphed to the Secretary of State respecting the shipment of the two prostitutes by the communal council of Böttstein, to New York. I have also informed this government of the shipment.

Time being essential to successful action to secure the detention of the women, I sent my telegram without delaying for more ample evidence to sustain the complaint. You will see the necessity of furnishing such evidence as promptly as possible. In a previous similar case I succeeded in procuring copies of the minutes, or protocol of proceedings of the commune council, and of a declaration from a police officer who had returned the objectionable emigrant in the manner you describe to have been pursued with reference to these women. I therefore telegraphed you this morning as follows:

"Can you obtain copy of minutes of meeting at which sending was decided; also, transportbefehl of police or the testimony of police of the neighboring communes or cantons? Report what you get. Let your clerk make affidavit."

In the absence of the certified copies of the protocols or transportbefehl obtain the testimony of credible witnesses as to the character of the women, their antecedents, and have the same attested by some Swiss notary or other competent official; legalize his signature, and send the documents thus authenticated to the legation.

Mr. Hofacker should embody his statement in an affidavit, and, if an American citizen, he should swear to the same before you.

I recommend your acting with dispatch in this matter, as my complaint to this government may disincline the local authorities to furnish any evidence that would sustain our complaint.

I am, &c.,

NICHOLAS FISH.

[Inclosure 3 in No. 375.]

Mr. Fish to Mr. Mason.

LEGATION OF THE UNITED STATES,
Berne, March 25, 1881.

SIR: The inclosed affidavits should be executed as originals by Mr. Hofacker before you, to go as inclosures in two letters which I shall send you by next train as "express letter," which I will thank you to mail as soon after receipt as possible. Ascertain the date of meeting at which the sending was decided; obtain, if possible, copy of minutes and of transportbefehl; a statement of some of the police who returned them, and such testimony as you are able to get.

I am, &c.,

NICHOLAS FISH.

No. 682.

Mr. Fish to Mr. Blaine.

No. 376.] LEGATION OF THE UNITED STATES,
Berne, March 26, 1881. (Received April 11.)

SIR: I have the honor, referring to my No. 375 and previous dispatches therein mentioned, respecting the emigration of Fridolina Vögelin and Theresa Hauser, to inclose herewith an affidavit respecting a conversation which I had with Wirth-Herzog of Aaran, through whose agency those women were shipped to New York on the Suevia. He fully admitted that the commune of Böttstein paid for their passage and that the two women were of the very lowest order of prostitutes.

Consul Mason telegraphs me that he mailed my No. 375 at ten this

morning, and that he has affidavits from the police and of an official character which will be forwarded to you through this office.

I send a similar affidavit to the one inclosed to the collector at New York.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 376.]

Affidavit of Nicholas Fish.

LEGATION OF THE UNITED STATES,
Berne, March 26, 1881.

To-day, at a few minutes before 11 o'clock, Mr. Wirth-Herzog, of Aaran, an emigrant agent, licensed as such in the canton of Argovie, called at this office and asked to see Mr. Hofacker. He was told that he was not here, but that Mr. Fish would like to speak with him. Mr. Wirth-Herzog said that he came to see Mr. Hofacker about the alleged sending of an insane girl by the name of Vögelin, who had been forwarded through his agency to New York from Basle on the account of the commune of Böttstein, canton of Argovie; that the said Vögelin was of sound mind and that the statement as to her insanity was untrue.

I then asked him if Vögelin was not a notorious prostitute of the lowest sort. He said with a smile, she was "liederlich" (a loose character). I then asked him if the woman Vögelin was not accompanied by another woman of the same character, from the same place, and he said, "Yes." I then said, "Are they not both prostitutes of the lowest class? He admitted that they were, but said that he was not aware of it when his sub-agent, Frei, made the arrangements for their shipment. He fully admitted that the commune council of Böttstein, canton of Argovie, paid the passage of the two women to New York. I advised him not to send any more such persons to America, and in general not to accept emigrants whose passage is paid by the communes unless they produce a certificate of good moral character and are not destitute of means.

Mr. J. E. Hinnen, consular agent at Berne, whose mother-tongue is German, was present during our conversation, and my own knowledge of German, in which the above-described conversation took place, is sufficient to enable me to swear that I understood all that was said by Mr. Wirth-Herzog.

I solemnly swear that the foregoing is a correct statement of my conversation with said Wirth-Herzog.

NICHOLAS FISH.

CONSULAR AGENCY OF THE UNITED STATES,
Berne, Switzerland, Mareh 26, 1881.

I, John E. Hinnen, consular agent of the United States of America at Berne, hereby certify that Nicholas Fish, to me personally known, personally appeared before me, and by me being duly sworn, signed the foregoing affidavit, and stated under oath that the same was a true and correct statement of the facts therein mentioned.

I further certify that I was present at the conversation described in the aforesaid affidavit, and that the statements therein contained are correct and true.

In testimony whereof I have hereunto set my hand and affixed the seal of this office at Berne, this 26th day of March, 1881.

[CONSULAR SEAL.] JOHN E. HINNEN.

No. 683.

Mr. Fish to Mr. Blaine.

No. 379.] LEGATION OF THE UNITED STATES,
Berne, March 28, 1881. (Received April 11.)

SIR: On Saturday evening the annual dinner of the Federal Council, which had been postponed owing to the death of the Emperor of Russia, took place, and was attended by all the heads of missions, excepting

those of Spain and Russia. The former was absent because of the manner in which he was invited; the latter, because of the death of the Czar.

There was nothing of political interest that occurred on that occasion calling for mention. Personally I received many warm expressions of regret at my resignation, which has become generally known here by the announcement, in the newspapers, of the nomination of my successor.

As the representative of the United States at that dinner, it was humiliating to my pride in my country to be seated below the representatives of every other country diplomatically represented at Berne, when, by seniority of arrival, I should rank fifth out of the ten chiefs of missions here. This fact is attributable solely to what I am sure is a mistaken economy on the part of the United States, in selecting for the grade of its representative here a rank which no other nation, great or small, considers suitable for its agent, viz, chargé d'affaires, a hybrid title, for which the English language has as yet been unable to find an equivalent, and which the dictionary defines as "the third or lowest class of foreign ministers, according to the regulations adopted at the Congress of Vienna in 1815."

In a previous dispatch, No. 48 (published on page 828 of Foreign Relations for 1878), I wrote to your predecessor:

> I have a delicacy in expressing my own views on this subject, but I have no hesitancy in saying that the reduction in the grade of the British mission, from that of an envoy to that of minister resident, weakened their influence here, &c.

That statement was based on conversations with two former British ministers now holding other important missions of a higher grade. It has since been confirmed by the conversation of the present British minister here, and recently the rank of the latter has been increased to that of envoy extraordinary and minister plenipotentiary, the London foreign office appreciating the injurious effects the former reduction had worked upon the power and usefulness of their mission here.

The personal reasons which restrained me from entering upon the full discussion of this question in 1878 have ceased to exist, owing to the tender of my resignation on the 14th of last month. The fact that I occupied a rank inferior to that of the representative of every other country was one of the moving causes which prompted my resignation. When I presented my letters of credence here, in 1877, Belgium and Spain both were represented by ministers of the lowest class, *i. e.*, chargés d'affaires, but by priority of arrival I took precedence of them. Since then, both Spain and Belgium have seen the folly of being thus represented, and have sent, the former a minister plenipotentiary, and the latter a minister resident. I believe the usefulness of our mission here would be greatly enhanced were the rank of the minister upon the level of that of the other representatives of foreign powers who (with the exception of France, which has an ambassador, and Belgium a minister resident) have each an envoy extraordinary and minister plenipotentiary at Berne. The friendship for and influence of the United States in this, the only republican government in Europe whose history, traditions, and people are in full sympathy with our own, ought certainly to be encouraged, and the trifling additional cost of the change is insignificant compared with the results to be attained.

Nor should we listen to the argument that Switzerland has no legation at Washington. Switzerland cannot afford to have legations at all the seats of foreign governments, and therefore has them only at the capitals of the frontier countries by which she is surrounded. I have

the very highest assurance that were she to increase the number of her legations, the first place selected for such an increase would be Washington, and more than one member of the government has mentioned to me the desire of the members of the Federal Council to create a legation there.

The growing and ever-increasing trade and intercourse between the two countries also demand that we should not neglect to retain our influence and respect in this country.

I therefore recommend that the representative of the United States to the Swiss Confederation should be placed on the same footing as those of other nations here, and that he be given the rank and title of envoy extraordinary and minister plenipotentiary, with an adequate salary to maintain the rank and dignity of the office.

I make this recommendation upon no personal consideration, either as regards myself or my successor, but solely with a view to the best interests of the United States.

I have, &c.,

NICHOLAS FISH.

No. 684.

Mr. Fish to Mr. Blaine.

[Extract.]

No. 383.] LEGATION OF THE UNITED STATES,
Berne, March 31, 1881. (Received April 15.)

SIR: Referring to my Nos. 372, 373, 375, 376, 377, and 378, I have now the honor to inclose herewith copies of two notes which I have addressed to this government respecting the action of the commune of Böttstein in sending Fridolina Vögelin and Theresa Hauser, notorious prostitutes, to the United States.

In the first of these, dated and sent on the 29th instant, I informed the Federal Council of the arrival of the Suevia at New York on the 28th instant, and renewed the expression of the hope that they will cause the women to be returned as promptly as possible, and that in future similar action on the part of the local authorities in this country may be prevented.

As I had not heard from the Federal Council in answer to my note of the 23d instant, and I desire to give both the federal and cantonal authorities every opportunity to effect the return of the women by the Suevia, if possible, I suggested to Consul Mason to enter a formal and forcible protest with the cantonal governments of Argovie and Basle against the shipment of the women, and sent him drafts of notes to be addressed to those governments. In the one to Argovie the complaint was set forth in the body of the note, and the consul—

Forcibly protested against the unfriendly, unpardonable, and outrageous action of the authorities of Böttstein in sending to the United States these notorious prostitutes, who, if permitted to land, must without fail increase the number of prostitutes there, or, in their destitute condition, become a burden to the public charity there. It is solely by reason of the assistance furnished by the commune that they were able to reach the United States.

The undersigned therefore entertains the hope that the high cantonal government will take immediate measures, by cable, to prevent these women from longer polluting the soil of the United States by their presence, in case they should have eluded the vigilance of the authorities of the United States. He also entertains the confident

hope that the parties guilty of this infringement of the comity existing between Switzerland and the United States, and of the laws of both countries, may be severely and promptly punished.

Accompanying the note were copies or English translations of all the inclosures accompanying Mr. Mason's No. 32 to the department, as specified in my No. 377.

In his protest to the government of Basle Ville, he transmits the same inclosures as in his note to Argovie, and in addition to the protest he says—

He confidently hopes that the high government of Basle Ville will at once co-operate with that of Argovie in effecting the return of these women, and that it will severely punish the guilty parties concerned therein who may be within its jurisdiction. The undersigned likewise hopes that efficient measures may be promptly taken to prevent in the future any objectionable emigrants being forwarded from Basle to the United States.

These notes of Consul Mason were sent to-day, marked "to be de-delivered immediately"; the one to Basle should have been in the hands of the government before 5.30 this p. m.; and the one to Argovie should be delivered to it in Aaran not later than 8 p. m.; which, by New York time would be before 2 p. m. of this Thursday. The latest New York papers announce the Suevia as sailing on Saturday, April 2. There is, therefore, ample time for the government of Argovie to cable to New York to secure the return of the women by the Suevia, if they have not already done so, in case they desire to repair the damage done the United States.

My note of this date was delivered at the federal palace at 6 p. m., and was marked on the envelope "Cito! très-pressé!" and the messenger who took it was directed to say that it should be delivered at once to the President, or, in his absence, to the vice-president of the Confederation. In my note I carefully avoided characterizing the action of the Böttstein officials in the language of the Consular Regulations (§ 286), owing to their exception to my so doing in Zimmermann's (Trasadingen) case. I, however, felt it incumbent on me to state:

It is unnecessary for the undersigned to designate the unpardonable action of the commune council by the language which it merits. The views of the Government of the United States concerning this and shipments of a similar nature are sufficiently well known to the High Federal Council.

(*See Secretary of State to Mr. Rublee, Nos.* 114, 127, *and* 134, *and Mr. Rublee's Nos.* 142, 149, *and* 155, *and my Nos.* 180, 181, *and* 261.)

I have protested "against this unfriendly action of a Swiss commune towards the United States," and express the hope—

That the High Federal Council will at once take measures that these women may be immedia ely removed from the soil of the United States, which is now polluted by their presence, unless the vigilance of American officials shall have prevented them from landing. Their return by the vessel bringing them would have a salutary effect in deterring other communes from committing similar offenses, and is greatly to be desired.

* * * * * * *

If the measures of the legation and consulate at Basle in this case are unsuccessful in securing the return of these women, it will, in my opinion, be useless hereafter for them to try to carry out §§ 241 and 286 of the Consular Regulations, and I respectfully recommend in the interest of economy, both of labor, time, and money, that they should be instructed to take no further measures to execute these paragraphs of the Regulations.

I respectfully and urgently request your approval of the action of the legation and the consulate at Basle in this case. The position of the

Swiss Government in previous cases of a like nature renders it important that our action should be sustained promptly and strongly, or that it should be disapproved. In the latter case I ask that the disapproval may entirely rest on my shoulders as being the party responsible for and dictating the action of the consulate.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 383.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, March 29, 1881.

The undersigned, chargé d'affaires of the United States of America, has the honor, referring to his note of March 23, 1881, respecting the shipment of Fridolina Vögelin and Theresa Hauser, notorious and depraved prostitutes, whose journey was paid to New York by their native commune of Böttstein, canton Argovie, to inform his excellency Mr. Droz, President of the Swiss Confederation and the High Federal Council, that the steamship Suevia arrived yesterday at New York.

The undersigned renews the expression of the hope that the High Federal Council will cause these women to be returned to Switzerland as promptly as possible, and that in future similar action on the part of the local authorities in this country may be prevented.

The undersigned avails himself of this occasion to renew to his excellency Mr. Droz, President of the Swiss Confederation, and to the High Federal Council, the assurances of his most distinguished consideration.

NICHOLAS FISH.

[Inclosure 2 in No. 383.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, March 31, 1881.

The undersigned, chargé d'affaires of the United States of America, has the honor, referring to his notes of March 23 and 29, 1881, to inclose herewith to Mr. Droz, President of the Swiss Confederation, copies or English translations of the documentary evidence of the charge contained in the aforesaid notes against the commune of Böttstein, canton of Argovie, of having assisted to emigrate to the United States two notorious and depraved prostitutes, Fridolina Vögelin and Theresa Hauser, earning their living by their shameless calling.

The undersigned regrets his inability to furnish the High Federal Council with the German text of all these documents, but this omission, so far as it relates to the extracts from the register of proceedings of the commune council of Böttstein, and from that of the church council of Leuggen, can doubtless be obtained at those places, the reference to the volume and page of those registers being in each case given. Should the High Federal Council desire it, the undersigned, will be happy to ask his government to furnish authenticated copies of the originals of the remaining documents.

The inclosed documents furnish an unbroken and unbreakable chain of unimpeachable evidence as to the action of the commune council in forwarding these vagrant and abandoned women to the United States. It is unnecessary for the undersigned to designate the unpardonable action of the commune council by the language which it merits. The views of the Government of the United States concerning this and shipments of a similar nature are sufficiently well known to the High Federal Council. It suffices for the present that the undersigned, in bringing the proof of the guilt of the commune and their unblushing admission of the same to the notice of the High Federal Council, should, on behalf of the Government of the United States of America, forcibly protest against this unfriendly action of a Swiss commune towards the United States, and express the hope that the High Federal Council will at once take measures that these women may be immediately removed from the soil of the United States, which is now polluted by their presence, unless the vigilance of American officials shall have prevented them from landing. Their return by the vessel bringing them would have a salutary effect in deterring other communes from committing similar offenses, and is greatly to be desired.

The undersigned, while reserving to his government the further discussion of this

question, avails himself of this occasion to renew to his excellency Mr. Droz, President of the Swiss Confederation, and to the High Federal Council, the assurances of his most distinguished consideration.

NICHOLAS FISH.

No. 685.

Mr. Fish to Mr. Blaine.

No. 384.] LEGATION OF THE UNITED STATES,
Berne, April 4, 1881. (Received April 19.)

SIR: On the 1st instant I received a telegram from the Hamburg Steamship Company, announcing that the Suevia would leave New York on Saturday, the 2d instant, probably in the forenoon. I at once telegraphed to Consul Mason to telegraph the cantonal government at Aaran, announcing this fact, and saying that he would be happy to learn that they had taken steps by cable to secure the return of the two prostitutes sent from Böttstein. He has been unable to get any answer from the cantonal government of Argovie.

On the 1st instant I called on the President of the Confederation, but found him absent, and saw the Vice-President, Mr. Bavier, who speaks English fluently. He told me he had received my note, with the evidence, on the evening of the 31st March, and that the next morning he had referred it to Mr. Ruchonnet, the head of the department of commerce and agriculture. I asked him if the proof were not clear. He said "Yes, there is no doubt about it; how did you procure it?" I told him briefly how it had come into our possession. He said that he wished me to see Mr. Ruchonnet about it. I called on the latter immediately (4.45 p. m.), and showed him the telegram from the steamship company, and said that it was greatly to be desired that the women should be returned by the same vessel. He said that unfortunately there was no federal competence to allow them to coerce the commune or cantons, and that the new law on emigration agencies could not go into effect for some time to come. I said that I was well aware of that, but that it was greatly to be desired that those women should return by the Suevia, and that I hoped that the Federal Council would have sufficient influence to cause the government of Argovie to telegraph to New York requesting their return. He said, "You are in a great hurry." I said that I thought Switzerland and the Swiss emigrants in the United States, as well as our own people, would be in a great hurry to get rid of them when their character became known, and that I thought it would be greatly to the interest of the former to spare no means to secure their return. I called his attention to the fact that there was ample time to permit the Argovie government to cable before the vessel sailed, as it was not yet 11 o'clock a. m. in New York. He said that a telegram would greatly increase the expense of the commune, but he said that he would at once request them to cable.

Since then I have not heard from the Federal Council in reference to the case.

If the women were not returned on the Suevia, and I infer from your silence that they were not, it is not because the canton of Argovie and the Federal Council did not have time to make the request.

The onus of the delay or neglect to make such a request belongs entirely to them. The legation and the consulate at Basle rendered them every facility for so doing.

I have, &c., NICHOLAS FISH.

No. 686.

Mr. Blaine to Mr. Fish.

No. 205.] DEPARTMENT OF STATE,
Washington, April 7, 1881.

SIR: I have to acknowledge the receipt of your No. 371, in which you inclose an extract from the Berne newspaper Der Bund, respecting the action of the commune of Böttstein, Switzerland, in sending to America an imbecile young woman, name not given, who had hitherto been supported by that commune; and to approve your communication of the facts to the collector of the port of New York, whither, it was understood, she had been sent.

I am, &c.,

JAMES G. BLAINE.

No. 687.

Mr. Fish to Mr. Blaine.

[Extract.]

No. 386.] LEGATION OF THE UNITED STATES,
Berne, April 8, 1881. (Received April 23.)

SIR: I have the honor to acknowledge the receipt of your telegram of the 5th instant, which reached me shortly before midnight of the same day, and which reads as follows: "Fridolina Vogelin and Theresa Lauser (*sic*) willingly returned to Switzerland, March 31st by Lessing." I took for granted that "Lauser" should read "Hauser."

On the 6th instant I addressed a note to this government, informing them of the return of the two women in question; that the consulate at Basle had been unable to ascertain whether the government of Argovie had taken any steps to secure their return, although the consul had asked by telegraph for such information.

I expressed a desire to be informed of what punishment may be inflicted on the persons guilty of this unfriendly act, and that I entertained the—

Confident belief that the Federal Council will insist upon a punishment the severity of which shall correspond with the enormity and aggravated circumstances of the present case.

I have also expressed my readiness to inform you what measures the Federal Council may have taken to prevent a recurrence of such action on the part of the communes of this country.

I thought it advisable in view of article 10, section 4, of the new Swiss law on emigration (see my No. 328) to bring the tenor of § 241 of the Consular Regulations to their notice. * * *

The Swiss press is, as far as I can see, loud in its condemnation of the Böttstein commune, and in many of the papers the officials will be ridiculed. The "Intelligenz Blatt" suggests that we should sue the commune for our costs. I most strongly recommend that we ask for damages from the Federal Government.

* * * * * * *

I send you a collection of extracts from the Swiss press with translations thereof, and respectfully suggest that they be given to our press

as soon as possible. I regret the impossibility of recopying the translations, but in the absence of a clerk I am unable to find time to do so.

I have sent you as printed matter by this mail copies of the newspapers from which the extracts are taken.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 386.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, April 6, 1881.

The undersigned, chargé d'affaires of the United States of America, referring to his notes of March 23, 29, and 31, last, has the honor to inform the High Federal Council that the prostitutes sent to the United States by the commune of Böttstein, canton Argovie, on board the Suevia, reaching New York March 28, returned to Switzerland on board the Lessing, a vessel belonging to the same steamship company which left New York on March 31, last.

The undersigned is informed by the consulate at Basle, that it has been unable to ascertain whether or not the cantonal government of Argovie took any measures to secure the return of the women in question to their native commune, although the consulate asked by telegraph for such information.

The undersigned will be happy to inform his government what punishment may be inflicted on the persons guilty of this unfriendly act towards the United States, and he entertains the confident belief that the High Federal Council will insist upon a punishment, the severity of which shall correspond with the enormity and aggravated circumstances of the present case.

The undersigned will in like manner be happy to inform his government what measures the High Federal Council may have taken to prevent a recurrence of such action on the part of the communes of Switzerland.

The United States has seen with regret that in foreign countries municipal corporations, private societies for reforming offenders, directors of almshouses, and even private individuals have not been restrained by their governments from sending to the United States convicts or discharged convicts or lunatics, or paupers, or prostitutes, or cripples and persons unable to maintain themselves either from bodily or mental defects, or those who have been a social, moral, or criminal plague to the place whence they come, and where they properly belong. The diplomatic and consular officers of the United States are instructed to exert an active vigilance to prevent the emigration of such emigrants to the United States, and the undersigned expresses the hope of his government that the High Federal Council will always facilitate the execution of its instructions to its diplomatic and consular officers on this subject.

The undersigned avails himself of this occasion to renew to his excellency Mr. Droz, President of the Swiss Confederation, and to the High Federal Council, the assurances of his most distinguished consideration.

NICHOLAS FISH.

No. 688.

Mr. Fish to Mr. Blaine.

[Extract.]

No. 387.] LEGATION OF THE UNITED STATES,
Berne, April 9, 1881. (Received April 23.)

SIR: Referring to my No. 386, I have the honor to inclose herewith an extract from the Journal de Genève of to-day, with a translation thereof, in which the action of the commune of Böttstein in sending its prostitutes to the United States is justified; the United States is regarded as the reformatory of Europe and compared with England's penal settlements.

The writer admits the frequency with which Swiss communes send us their infirm and helpless, and he maintains that we should not complain of their so doing; he claims that Switzerland is no worse than other countries in this respect, and alleges that the Swiss emigrants do not furnish us with a greater proportion of objectionable immigrants than other countries, and, in the particular case in question, thinks too much attention is being paid to it, "as it is not stated that the women were incapable of work."

I invite your special attention to the article in question as emanating from Berne, and from the correspondent of one of the most influential newspapers in this country.

When I asked you to telegraph me in case the women were returned to Böttstein, I did not suppose that everybody in this country would be pleased, but I certainly did not suppose that a respectable newspaper would be found defending the action of the communal council in sending them to America.

The article is in itself an evidence of the debasing tendency of assisted emigration, as well as an admission that we are being used as a Botany Bay for the benefit of Swiss communes.

* * * * * * *

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 387.—Extract from the Journal de Genève.—Translation.]

GENEVA, *April* 9, 1881.

[Special correspondence of the Journal de Genève.]

BERNE, *April* 7.—Certainly one cannot sufficiently condemn those communes, which, to rid themselves of certain of their helpless citizens, unable to gain their livelihood in Switzerland on account of their physical infirmities, furnish them with the necessary means for transporting them to America, or elsewhere, for they thus expose these unfortunate beings to suffering, and unload the communal obligations upon our countrymen abroad.

Such cases are not rare, and those who have inhabited the large cities of the United States are well aware of it; moreover the American authorities have sometimes had to be severe with such cases. Nevertheless, is there not too much noise being made over the case of these two women of loose character, sent by the commune of Böttstein, canton of Argovie, and still more so since it is not stated that they were incapable of work? In very many cases the reformation is impossible in the native country, and it can only be attained by emigration; for example, the English have attained none but satisfactory results by deportation, which is after all nothing but a compulsory emigration.

Of late, and especially in the discussion of the law concerning emigration agencies, Switzerland has been much talked of, but it would be a mistake to suppose that Switzerland contributes a larger contingent of persons whose past is not irreproachable than other countries to the American immigration. As to pecuniary resources, the Swiss emigrants certainly have more than the Irish, and generally as much as the Germans, but it is true that the Irish land in a country where they know the language, and that they at once find numerous country people anxious to assist the newcomers in every manner, and that with an excellent feeling of unity which is astonishing to find.

No doubt the United States have a hundred reasons for not wishing that we should send them infirm persons and those destitute of means, but as that country profits largely from the honest emigration of the industrious and of those in easy circumstances, it cannot complain if Europe at the same time sends it some elements of more or less equivocal character, which is also the case as to other countries, thanks to the facilities of communication. Moreover, if some regretable facts have happened, the immigration of which America has reason to complain has never been created into a system in Switzerland.

No. 689.

Mr. Fish to Mr. Blaine.

[Extract.]

No. 391.] LEGATION OF THE UNITED STATES,
Berne, April 16, 1881. (Received April 30.)

SIR: Referring to my Nos. 372, 373, 375, 376, 377, 383, 384, 385, 386, and 387, I have now the honor to inclose herewith copies and translations of the correspondence between the consul at Basle and the cantonal governments of Argovie and Basle Ville respecting the shipment of prostitutes from Böttstein to the United States.

The cantonal government of Argovie state that they had heard of the case about the middle of last month and ordered an examination; that the result of the examination confirmed the statements made by the consul, but that unfortunately they were only able to intervene at a time when the women had already been sent off. They disavow all responsibility for the action of the commune, whom they claim is alone responsible. They say that according to a telegram they had received from the federal department of commerce and agriculture of April 1, it appeared that the two women would probably be sent back on the same ship on the 2d instant, and that they have not felt themselves bound to take any steps to prevent their being sent back. They express regret at the circumstances of the present case, and say that they will do their best to prevent a recurrence thereof.

An examination of the note shows that they *may* have had knowledge of the case before the women left Havre (March 16); it certainly shows that, although they knew of the case before the consulate, they took no means whatever to secure the return of the women, and that when requested to do so by the consul they paid no attention to his request. I can but believe that had we not effected the return of the women the case would not have been heard of, and that the failure to endeavor to obtain their return was due to a desire that they should be saddled upon the American tax-payers rather than on those of their native Argovie.

The reply of the cantonal government of Basle Ville states that, the original contract having been made outside of their jurisdiction, they consider Rudolf Werdenberg free from responsibility, and that the question concerns only the Argovie government.

Such is the result of Mr. Mason's protests. Up to to-day the legation has received no intimation from the Federal Council as to the result of its investigation beyond that mentioned in my No. 384.

In the New York Tribune of the 29th ultimo is an account of the arrival of the women at New York, from which it appears that on the same day there were landed at New York 111 destitute persons, of whom 45 had sufficient means to reach their destination, and that the remaining 66 had to be supported by American charity, and that these people all came from a village in Baden, whose authorities enabled them to emigrate.

* * * * * * *

The Swiss press has very generally commented on the Böttstein case, and I am happy to say that, as far as their comments have come under my notice, they have, with the exception of the Journal de Genève (reported in my No. 387), unanimously condemned the procedure of the commune council. I inclose you a file of extracts from the Swiss papers with translations thereof.

The first and third of these are from the Nouvelliste Vaudois, published at Lausanne, which is generally supposed to be the organ of Mr. Ruchounet, the chief of the federal department of commerce and agriculture. They furnish us with a sad picture of some of the causes which give rise to the abnormal exodus from this country to the United States. The latter of these two articles refers to the Baden correspondence of the Bund, which I sent you in my No. 386. The Bund, if not the official organ of the federal government, may certainly be deemed the officious organ, in which its inspirations are generally first given to the press. The general sentiment of the press is that the guilty commune should be made to pay for the return of the women.

I trust that the Department will sustain the views of the Swiss press on this point, and insist upon the payment of the costs by the commune.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 391.]

Mr. Mason to Mr. Fish.

CONSULATE OF THE UNITED STATES,
Basle, April 13, 1881.

SIR: I have the honor to submit herewith copies of two notes sent by this consulate to the high cantonal governments of Argovie and Basle Ville, respectively, under date of March 31, and likewise copies of the replies thereto of the high contonal governments above named, which were received at this consulate simultaneously on the 7th of April. I have simply acknowledged the receipt of these replies, and informed the writers that copies of their communications had been forwarded through your legation to the United States Government.

I am, &c.,

FRANK H. MASON.

[Inclosure 2 in No. 391.]

Mr. Mason to the Cantonal Government of Argovie.

CONSULATE OF THE UNITED STATES OF AMERICA,
Basle, March 31, 1881.

The undersigned, consul of the United States of America at Basle, has the honor to bring to the notice of the high cantonal government of the canton of Argovie, the action of the commune of Böttstein, in Argovie, in causing to be forwarded to the United States, Fridolina Vögelin and Theresa Hauser, two of the vilest and most depraved prostitutes, earning their living by their shameless calling. The records of the meeting of the electors and citizens of Böttstein for the 30th January, 1881, show that it was *unanimously* resolved:

"That Frau Theresa Hauser, born Rheinisperger, of Böttstein, and Fridolina Vögelin shall, if they consent to the same, be transported to America at the expense of this commune; if they will not consent to be thus transported, then, *resolved*, that the former, viz, Theresa Hauser, shall be placed in the house of correction."

The register of proceedings of the church council of Leuggern, canton Argovie, vol. 2, page 120, p. 2, furnishes a description of Fridolina Vögelin. It reads as follows:

"Personally appeared before this council Fridolina Vögelin, illegitimate daughter of Christina Vögelin, of Böttstein, and made the following statement: That the husband of her mother, one Gottfried Meier, a tailor residing in Olten, had for a long period, while she (Fridolina) was living with her mother, had daily sexual intercourse with her (Fridolina), and maintained this unlawful intercourse until she left home."

These women have been a moral plague and financial burden to the commune of Böttstein, owing to the fact that they were continually being arrested by the police, to the cost, shame, and disgrace of their native commune. Of this fact the high cantonal government can convince itself from the receipts of the police officials bringing

them back as vagrant prostitutes. Six of those receipts refer to Mrs. Theresa Hauser, and two to Fridolina Vögelin, all relating to the returning of those two women by the police within the brief period of a single year.

The president of the commune council, the vice-president of the commune council, and one of the members of the council have jointly declared that it was on "account of their shameless course of life, their harlotry, and total aversion to honest labor, that the two following-named persons, Fridolina Vögelin, of Böttstein, and Theresa Hauser (born Rheinisperger), were sent to America, and because they were frequently returned to their native commune as vagabonds, to the especial shame and dishonor of the commune of Böttstein," to which they added, "that the passage money of the afore-named emigrants, viz, from Basle to New York, 350 francs, was guaranteed and to each of them was given besides 20 francs as pocket money."

In the early part of March, Felix Hüsler, president of the commune of Böttstein, Fridolin Kalt, vice-president, and Joh Haver Vogelin, secretary of said commune council, applied to Joseph Frei, an emigration agent at Klingnau, in canton Argovie, and through him secured the transportation of said women to the United States. Said Frei, well knowing the character of these women and not having passports for them, as this consulate believes is required for the emigration of citizens of Argovie, took them to Basle, and purchased for them of an emigrant agent, Rudolf Werdenberg, of this city, giving him in payment therefor the guarantee bonds of the commune for 350 francs. The women were sent by the French railway to Havre, and thence, on the 16th of March, to New York by the Suevia, reaching New York on the 28th of this month.

Under the instructions of my government, I have the honor to forcibly protest against the unfriendly, unpardonable, and outrageous action of the authories of Böttstein in sending to the United States these notorious prostitutes, who, if permitted to land, must, without fail, increase the number of prostitutes there, or in their destitute condition become a burden to the public charity there. It is solely by reason of the assistance furnished by the commune that they were able to reach the United States.

The undersigned therefore entertains the hope that the high cantonal government will take immediate measures by cable to prevent these women from longer polluting the soil of the United States by their presence, in case they should have eluded the vigilance of the authorities of the United States. He also entertains the confident hope that the parties guilty of this infringement of the comity existing between Switzerland and the United States, and of the laws of both countries, may be severely and promptly punished. The United States has seen with regret, that in foreign countries municipal corporations, private societies for reforming offenders, directors of almshouses, and even private individuals have not been restrained by their government from sending to the United States convicts, or discharged convicts, or lunatics, or idiots, or imbecile or other paupers, or prostitutes, or cripples, and persons unfit to maintain themselves, or those who have been a social plague to the place whence they came. It is therefore hoped by the undersigned that the high cantonal government will take the necessary steps to prevent the emigration of any such persons to the United States in the future.

The undersigned incloses herewith translations of documents, the originals of which have been duly authenticated and transmitted to his government, and which fully establish the guilt of the commune of Böttstein, whose authorities, with unblushing effrontery, admit that they thus abused the hospitality of the United States to rid themselves of persons who were a burden and shame to their native place. While reserving to his government the further discussion of this case, the undersigned avails himself of this occasion to express to the high cantonal government of Argovie the assurances of his most distinguished consideration.

FRANK H. MASON,
Consul of the United States.

[Inclosure 3 in dispatch No. 391.—Translation.]

The Cantonal Government of Argovie to Mr. Mason.

ARGOVIE, *April 6*, 1881.

SIR: On the 31st of last month you notified us that two prostitutes had been sent to America by the commune of Böttstein, with very little money and under circumstances which appear highly objectionable under the laws of the government which you represent. At the same time you ask us to call the offending commune to account and to take efficient measures to prevent a repetition of such misdoing. We have to report to you as follows:

We first learned of the present case about the middle of last month, and ordered an examination into the matter.

The result of that examination has been to confirm your entire statement. Unfortunately our information was received after the women had been already sent away. The emigration agent, with whom the contract was made, had forgotten to procure passports from the canton for the two women, as prescribed by the laws of canton Argovie, and consequently the government was not able to prevent their departure.

In the mean time the United States minister at Berne had given notice of the case to the Federal Council, to which we have sent all the documents. We explained that we could in no wise sanction the action of the commune of Böttstien, which alone was guilty and responsible for the consequences, and we further gave assurance that measures would be taken by us to punish the offenders. Through a dispatch from the Swiss commercial department we learn that probably the two objectionable emigrants would be returned on the 1st of April by the same ship that carried them to America. We have certainly taken no steps to prevent this return.

These are all the facts, and we have to express our great regret for this unfortunate occurrence. You may see from the foregoing that we shall do all in our power to prevent a repetition of such offenses.

Receive, sir, the assurance of our high respect.

For the cantonal government:

The president:

FISHER.

The secretary:

TSCHOKE.

[Inclosure 4 in No. 391.]

Mr. Mason to the Government of Basle.

CONSULATE OF THE UNITED STATES OF AMERICA,
Basle, March 3, 1881.

The undersigned, consul of the United States of America, has the honor to bring to the notice of the high cantonal council of Basle-Ville the action of the emigration agents, Joseph Frei, of Klingnau, in canton Argovie, of Rudolf Werdenberg, of Basle, and Wirth-Herzog, of Aarau, in forwarding Fridolina Vögelin and Theresa Hauser, of Böttstein, Argovie, from Basle to New York; the said women being notorious and depraved prostitutes of the vilest sort, earning their living by their shameless calling, whose journey, with a small allowance of pocket-money, was paid by the commune. The laws of Argovie requiring, as this consulate is informed, the production of passports to enable its citizens to emigrate, the aforesaid Frei, of Klingnau, escorted the women to Basle, and there agreed with Werdenberg for their tickets from Basle to New York. Werdenberg, in consideration of the guarantee bonds of the commune to the amount of 350 francs, undertook their transportation to New York, and forwarded them by the French railways to Havre, and thence to New York on the steamship Suevia, sailing from Havre on the 16th and reaching New York on the 29th of March, 1881.

The undersigned has communicated the facts in like manner to the high government of Argovie, who have the full evidence of the circumstances of the shipment, and the admission of the commune officials and of Frei, that the prostitutes were thus forwarded, and has requested their immediate action to prevent these women from longer polluting the soil of the United States by their presence, in case they should have evaded scrutiny of the officials of the port of New York.

He has the honor, in bringing these facts to the attention of the high government of Basle-Ville, to most forcibly protest, on behalf of his government, against such shipments of emigrants to the United States, who are inevitably consigned to the shameless class of prostitutes or to the public charity of the United States. He confidently hopes that the high government of Basle-Ville will at once co-operate with that of Argovie in effecting the return of the women, and that it will severely punish the guilty parties concerned therein, who may be within its jurisdiction. The undersigned likewise hopes that efficient measures may be promptly taken to prevent, in the future, any objectionable emigrants being forwarded from Basle to the United States. The undersigned avails himself of this occasion to renew to the high cantonal Council of Basle-Ville the assurances of his most distinguished consideration.

FRANK H. MASON,
United States Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Basle, March 3, 1881.

[Inclosure 5 in No. 391.—Translation.]

Cantonal Government of Basle City to Mr. Mason.

BASLE, *April* 6, 1881.

SIR: With your esteemed letter of 31st March we received your protest against the emigration of two prostitutes from the commune of Böttstein (canton Argovie) sent away by an emigration agent of this city, named Rudolf Werdenberg.

We have to report as follows:

After the inquiries made by our police department, we can only see that the emigration agent above named has done nothing wrong, he having not issued the first contract. Besides, he has violated no law of this canton.

In respect to your further complaint about the emigration of prostitutes, we pray you to observe that the two women alluded to belong to the canton of Argovie, and we have, therefore, nothing whatever to do with this case. Your protests should be sent to the cantonal government of Argovie.

Please accept the assurance of our highest respect.

The president of the cantonal government:

Dr. PAUL SPEISER.

The secretary:

GÖTTSHEIN.

[Inclosure 6 in No. 391.]

[Extract from the Nouvelliste Vaudois, Lausanne, April 2, 1881.—Translation.]

EMIGRATION.—The condition of affairs compels us to touch once more on this topic, even at the risk of tiring our readers. We announced the passage of large numbers of emigrants through Zurich, who went to join a band of 800 persons arriving in Basle on their way North to a port of embarkment. On all sides it is the same story; everywhere people are closing up their affairs, realizing what they can, and leaving the country. The propaganda of the press is bearing its fruits; it could not have been otherwise. The heavy taxes which weigh on the people, the military and civil requirements, the bad crops, the hard times, such are the contributing causes which prompt them to leave without regret a country where existence has become so difficult. We cannot reproach these people, who, despairing of their future, do not wish to condemn their children to a life of anxiety and care. It has been stated in our news columns, from the different cantons, that during the first two months of the year there were five hundred failures in the canton of Zurich, and these fall most heavily upon the agricultural population.

It is unnecessary to dwell upon this fact, which explains many things. From the canton of Berne the emigration is among the most active; last Monday a hundred emigrants passed through Thoune; two families alone had with them 20 children. Is it, by the way, to be supposed that these young people, who are going to become acclimatized in the United States, will there keep any recollections of their native land? It is evident that this is a loss of so much physical strength for us. Moreover the spring of this year promises other surprises for us; at Zurich the passage of regular trains of emigrants is announced.

[Neue Zurcher Zeitung, April 8, 1881.—Translation.]

The habit of many smaller communes of sending off their poor people or otherwise objectionable elements to America would be put a stop to if the America immigration commissioners would deal energetically with the question. The authorities over there complain that not only from Italy and Germany, but just now especially from Switzerland, all sorts of dangerous elements are being cast upon them, and on this account the commissioners of emigration of the State of New York will send back on board the Lessing, of the Hamburg line, the two prostitutes sent by the commune of Böttstein. They will be a joy to Böttstein!

[Nouvelliste Vaudois, April 8, 1881.—Translation.]

The Swiss communes, notably those of the canton of Argovie, continue their exploits in the matter of emigration. The Bund's Baden correspondent writes that the so-called emigrants are getting to be more and more regular runaways or even convicts, infirm persons, broken-down persons, children or grown-up persons unable to perform any sort of work, whom they send off by steamships to the promised land. The correspondent says it resembles the custom of parents who, having brought up their

children badly, see fit to use coercion to correct their faults. We should say that is not the cause, but rather the members of the commune, who having become more and more rapacious as regards the communal funds, get rid at all hazards of those who in any way risk falling to the charge of the community. It is a renewal of the doings of 1860, which evoked the indignant report of our representative in Brazil. We have our hands upon the documents concerning an individual who was condemned eight times in succession in the canton of Berne, and to whom these well-beloved members of the commune tendered 200 francs to get him over the ocean. How proud our fellow-countrymen in the United States must be to see arriving this invasion of invalids, mentioned in the scriptures, complicated by the scum of our prisons!

The period in which a demand for a popular vote on the law of emigration expires April 8; its provisions will be applicable at once; nevertheless a delay until May 15 will be granted the agencies to furnish their guaranty.

[Tagblatt of the city of St. Galle.—Translation.]

APRIL 9, 1881.

ARGOVIE.—The commune of Böttstein (district of Zurzach) sent in March two women of loose character. After their arrival in New York on the 29th of March, and upon their occupation being announced, the immigration commissioners sent the two "ladies," on the 31st of March, back to their native Böttstein, where the commune will have the pleasure of footing the bill for their trip and board. The Americans in this way exercise their best method to put the communes out of conceit of assisting objectionable emigrants to emigrate.

[Extract from the Basler Nachrichten.—Translation.]

BASLE, *April* 10, 1881.

ARGOVIE.—The commune council of Böttstein decided about the middle of March to contract with the emigrant agent, Joseph Frei, in Klingnau, for sending off to America two notorious, shameless prostitutes, named Fridolina Vögelin and Theresa Hauser, who have for a long time shed discredit and dishonor on the commune. They were brought by Frei to Basle, and from thence were sent to Havre, and embarked on the 16th March. The expenses of the journey were paid by the commune; moreover, these women were provided with but 20 francs apiece. Fortunately the consul of the United States at Basle discovered the matter and reported it to the American minister at Berne, sending at the same time all the official documentary evidence to his government at Washington. The Secretary of State, Mr. Blaine, intervened, and the result thereof was that the two women had to return. They left New York on board the Lessing, March 31, and will be back here in a few days. The government of the canton of Argovie fully acknowledges the justice of the complaint of the American consul, and must naturally put all the responsibility on the commune of Böttstein, where it also properly belongs.

[Extract from the Genevois, Geneva.—Translation.]

APRIL 10, 1881.

A telegram recently announced that two citizens of the commune of Böttstein (canton of Argovie) had just been sent back to their native Switzerland by the action of the Government of the United States, and at the expense of the canton of Argovie. This affair has, it seems, made some noise in the United States. The police authorities of New York have received orders to specially watch the Swiss emigrants; they have announced the case of the women Fridolina Vögelin and Theresa Hauser, who arrived at New York on the Suevia on the 29th ultimo. These unfortunate women, incapable of gaining their living in the United States, were sent without any means to the new world by the commune of Böttstein, which thus got rid of its duties towards its citizens. These poor creatures were re-embarked on board the Lessing, and should be soon back in their native canton. We cannot too strongly condemn such procedures. The cantons and the communes are bound to support their unfortunate citizens, and to furnish them aid and protection as far as possible. Those communes which interpret their duties toward their citizens in the way that Böttstein has done, have a singular way of putting into practice our national motto: "Un pour tous, tous pour un"—"One for all, all for one."

We protest with all our force against such actions, which can but lower the whole Swiss nation in the eyes of the world.

It is in the administration of the communes and in the institutions of our towns that there remains within our confederation great progress to be made and great abuses to be abolished. The day will soon come, let us hope, in which we shall see the last traces of a period in which neither equality nor the idea of human dignity existed disappear from our cantons and municipal institutions.

No. 690.

Mr. Fish to Mr. Blaine.

No. 392.] LEGATION OF THE UNITED STATES,
Berne, April 18, 1881. (Received May 2.)

SIR: I have so frequently dwelt upon the temptations afforded the communes of this and other European countries to get rid of their paupers at the expense of the people of the United States, that I deem it proper to bring to your notice another powerful cause contributing to that abuse, namely, the activity and machinations of unscrupulous emigrant agents.

The increased emigration has given rise to several newspapers being entirely devoted to the question. Among them is the Helvetia, published weekly, as a supplement to the Schweizer Handels-Courier of Bienne, Canton Berne.

In the number of April 10 appears an appeal for aid from the Emigration and Colonization Society of Basle, of which I inclose a copy and translation. It is a carefully drawn and plausible request for assistance to enable those to emigrate who now have to be helped by public charity at home. In the same paper there appears as a regular advertisement an announcement of an emigrant agency at Neuchatel offering "special arrangements for persons without means." I say that it appears as a regular advertisement; it appears in Nos. 13, 14, 15, and 16, of Helvetia. It is in a measure owing to the activity of such people as those composing the Emigration and Colonization Society of Basle and the "Bureau Maritime" at Neuchatel that the emigration of paupers and other unfit emigrants is rendered easy. It is worthy of remark that the papers of the "Helvetia" class are silent on the Böttstein case, and refrain from referring to it.

The advertisement in the Helvetia is similar in tenor to one appearing at intervals in the Intelligence Blatt of this city in 1879, from another agent whose terms were slightly different, but who likewise offered "special arrangements for persons without means." The latter advertisement no longer appears. Whether its disappearance is due to the fact that the business no longer requires advertising or to the intervention of the authorities I am unable to say, but according to the Intelligence Blatt of February 13, last, the agent inserting it was punished for a violation of the cantonal regulation concerning emigration. The punishment inflicted does not appear to deter others from inserting advertisements of a like nature.

I inclose a copy and translation of the advertisement appearing in the Helvetia.

I have, &c., NICHOLAS FISH.

[Inclosure 1 in No. 392.—Extract from Helvetia, Bienne, April 10, 1881.—Translation.]

No. 15.

Helvetia.—Organ for the interests of Swiss emigrants and for the Swiss foreign countries. Weekly, free. Supplement to the Schweizer Handels-Courier.

Bienne, Sunday, April 10, 1881. (From the public, *i. e.*, communicated.)

AN APPEAL FOR ASSISTANCE IN BEHALF OF THE EMIGRATION AND COLONIZATION SOCIETY OF BASLE.

For a number of years a crisis has prevailed in the manufacturing and trade circles, which becomes more aggravated each year, and, in the opinion of those competent to

judge, does not lead us to hope for its speedy termination; on the contrary, in view of the increased tariffs by which we are surrounded, we must look for still worse times. While employment is constantly on the decrease, not only is the number of inhabitants constantly on the increase in our country, but the excess of population in certain districts has attained such proportions that it produces consequences which cannot be permanently borne.

The poorest portion of our people in many places is in a truly pitiful condition. Thousands who would gladly work no longer find employment. Whole bands of able-bodied men, on this account, tramp from place to place, and numerous families fall to the charge of the public assistance. Many who cannot consent to beg lay their hesitating hand upon their own life; many, in their distress, seize upon their neighbors' property, and thus add to the overcrowding of our prisons; and many more sit in the midst of their families and sorrowfully contemplate their dismal future.

This all results from the fact that in the labor market the supply far exceeds the demand, and unprecedented competition continually lowers the price of wages.

True, much is done, as we readily admit, to alleviate the existing distress in our country, and especially in this city. But we consider that the customary method of assistance, though well meant, in many cases, yes, even in most, is not the proper one. By great or small gifts a hungry family is only helped for a short space of time, apart from the fact that the acceptance of assistance undermines their self-respect and confidence in their own force. In fact, the working man can only be properly helped by furnishing him with remunerative labor. Were it possible to furnish every laborer in the old country with sufficient employment so indeed would it be best. But if a country is no longer in a condition to furnish work and bread to all her sons, then it is demonstrated from the nature of the circumstances that a portion of the unemployed workmen should emigrate to a land where his work will be remunerated. Very many families in our country have to be assisted by charity, solely because there is no work for them. If these people are able to emigrate to the country which suits them, they not only better their own lot, but indirectly benefit the workingmen whom they leave behind by decreasing the great competition among the latter.

Entertaining such views, and with the belief that each one should as far as possible help himself, in the summer of 1880 a number of workmen united themselves together as an emigration society. Each member pays a monthly sum of 60 centimes (12 cents) into the treasury. With the money thus received the emigration of some of the members and their families to some of the colonies to be founded in the United States should be rendered possible. Unfortunately, the number of subscriptions paid is insignificant, so that we must wait a long while before attaining our object. We therefore, in the first place, appeal to our fellow-citizens among the working classes to become members of our association. When many feeble forces unite together they may finally become powerful. We address our appeal for assistance also to the public, who are well-disposed towards the working classes. If such persons as do not themselves desire to emigrate would become members of our association, they might by their counsel and contributions greatly aid our endeavors.

We believe that the undertaking that we have as an object recommends itself to every one who reflects upon our condition, and therefore hope that our appeal will call forth many friends and well-wishers. Applications for admission into our association will be received by the undersigned, who will willingly furnish further information.

Basle, March 24, 1881.

In the name of the Emigration and Colonization Association, Basle.

The President,

J. H. RUEGG, *Hammerstr.*, 108.

The Secretary,

CONRAD FREI.

[Inclosure 2 in No. 392.]

[Advertisement appearing in the Helvetia, No. 15. Bienne, April 10, 1881.—Translation.]

Bureau Maritime, rue Pury 6, Neuchatel.

Only 133 francs emigrants pay at our office for the journey from Havre to New York, everything included, by the French mail steamers, and only 132 francs by the English mail steamers. Special arrangements for persons without means.

Bureau Maritime, rue Pury 6, Neuchatel.

No. 691.

Mr. Fish to Mr. Blaine.

No. 395.] LEGATION OF THE UNITED STATES,
Berne, April 18, 1881.

SIR: The Federal Council decided, on the 8th instant, that the law concerning the operation of emigration agencies should go into effect on the 12th of April, instant. I inclose herewith the official announcement of their decision as published in the Feuille Fédérale of the 16th of April.

Inasmuch as section 4 of article 10 of the law "forbids the agents to forward persons to whom the laws of the country to which they emigrate prohibit the entry," and in view of Article III of the treaty of 1855 between the United States and the Swiss Confederation, I respectfully suggest that the Swiss law and Article III of the treaty should be brought to the notice of the governor of the State of New York, and to the governors of the several States receiving any considerable portion of Swiss immigration. In the absence of Congressional legislation it may be that the legislation of the respective States will, in a measure, check the abuses.

I have, &c.,

NICHOLAS FISH.

No. 692.

Mr. Fish to Mr. Blaine.

No. 397.] LEGATION OF THE UNITED STATES,
Berne, April 25, 1881. (Received May 10.)

SIR: On the 12th of September, 1879, as I was leaving my residence with the Hon. George M. Robeson, formerly Secretary of the Navy, I was stopped as we were about getting into the cab, which was at the gate, by a man, who presented me a petition, stating that he desired to go to the United States, and was endeavoring to collect the money by subscription for that purpose. He produced the impression of a man of about thirty years of age, able-bodied, but somewhat the worse from the effects of drink. I had not time then to examine the petition closely, and confined myself to an abrupt refusal, and telling him that there was no demand for such immigrants as he. I noted, however, his name, as given in the petition. The cab-driver told me that he knew the man, whose name was Benedict Eberhard, of Münchenbuchsee (canton Berne), and that he had frequently been imprisoned. In my hurried examination of the list of subscribers I recognized that of one of my colleagues.

Subsequent inquiry of the police confirmed the statement of the cab-driver.

The numerous complaints of improper emigration from this country to the United States, and the open admission of the president of the poor-board of Rudolfingen that Ruegger was prompted by that board to beg for the means which enabled him to reach an Ohio poor-house, prompted me to further investigate the case of Eberhard.

I have in my possession the original petition presented to me by him on the 12th September, 1879, which I have caused to be authenticated by the competent authorities of the canton, and their signature is authen-

ticated by the Swiss Federal Chancery. It should not be supposed that the authentication was given at the time Eberhard went about begging with the petition; they have been since added to establish the authenticity of the signature of the notary who drew up the document, and who recommends Eberhard to the charitable consideration of his fellow citizens.

The notary, who was at that time the town clerk, was of opinion that it would be a piece of good luck for Eberhard's native place (Münchenbuchsee), as well as that of his present domicile (Zollikofen), could he find the means of emigrating. The list shows that this opinion was shared by a large number of his fellow townsmen and neighbors, and that the burgess of the former place, who would be compelled to contribute towards the support of himself and family in case of their falling into distress, as well as the cashier of the poor fund at Zollikofen, shared this opinion. The burgess subscribed for 100 francs, and the poor-fund at Zollikofen subscribed for 40 francs. There certainly was good reason for their opinion, for at the time it was given Eberhard had been convicted five times for theft, and had been sentenced to various terms of imprisonment, amounting in the aggregate to over 3 years and 3 months.

It may be an interesting subject of inquiry to the citizens of Joliet, Ill., to ascertain in what manner he would have benefited their community had the emigration been effected. Fortunately for them the obtuseness of Eberhard in distinguishing between meum and tuum prevented its accomplishment, as on the 25th of October, 1879, he was sentenced to four months imprisonment in the (to him, familiar) house of correction for theft, and on the graver charge of dangerously threatening life. He has since been punished for participation in robbing a wood-pile.

The action of the burgess of Münchenbuchsee, of the poor board of Zollikofen, and the fact that the man was permitted to go begging from door to door with the sanction of the authorities to whom his vicious and even dangerous character was known, coupled with the detection of other similar cases, tend to discredit the claim of the Journal de Genéve, that "the immigration of which America has reason to complain has never been erected into a system in Switzerland."

I submit the circumstances of the present case to your consideration, and leave it for your judgment to determine whether this attempt to make a reformatory of Joliet, Ill., on the part of Swiss communal officials calls for a remonstrance on the part of this legation.

I have, &c.,

NICHOLAS FISH.

[Inclosure 2 in No. 397.—Translation.]

Begging petition of Benedict Eberhard to obtain means to emigrate to Joliet, Ill., August 20, 1879.

PETITION.

The undersigned, Benedict Eberhard, of Münchenbuchsee, a rope maker, living at Zöllikofen, husband of Maria, born Lehmann, has decided to emigrate with his family (consisting of his wife, three children, one of whom was born in wedlock, by his wife, and one child in expectation), to Joliet, in the State of Illinois, in North America. He has well-founded prospects to get on better in the world over there than here.

He has, however, for this purpose too little money unless he should reach the place of destination entirely without means, or should even fail to reach it. Now the journey thither costs, according to the estimate of the emigrant agent, Mr. Tanner, in Berne, 638 francs. The communes of Zöllikofen and Münchenbuchsee it is hoped will con-

tribute, but in any case that would not be more than sufficient for the family Eberhard to reach their destination, and there would remain nothing over to enable them to establish themselves in Joliet.

Under these circumstances Eberhard appeals to the generosity and charity of his fellow-townsmen in Zöllikofen and in Münchenbuchsee, and expects from them voluntary contributions for the contemplated emigration; he believes that his design will meet with approbation on all sides and opposition from none.

Zollikofen, August 20, 1879.

The intending emigrant.

BENED. EBERHARD.

The undersigned deems that the above-mentioned Bened. Eberhard really has the intention of emigrating to America, and that it would be a matter of good luck for his family as well as for his native commune and that of his present domicile, could the emigration be effected.

Upon this supposition, the undersigned promises the hereafter stated contribution towards the expenses of the journey, upon the condition that the same shall be collected by an official of the commune of Münchenbuchsee, or of Zollikofen, and handed to the emigration agent, or sent to America after Eberhard.

Whosoever will contribute under the condition to aid the petitioner is requested to enter the amount opposite his signature on the list below.

Münchenbuchsee, August 21, 1879.

FR. HÄBERLI,
Notary, Town Clerk.

For the genuineness of the foregoing signature
Berne, April 19, 1881.
In the name of the cantonal chancery of the canton of Berne.
The secretary of the chancery.

L. KURZ.

No. 2,530. 6.60.
Seal of the Staats Canzlei of the republic of Berne. [L. S.]
[Tax stamp, 30 rapp.]
No. 1408, franc 1.
Seen for authentication.
Berne, the 19th April, 1881.
Swiss federal chancery.

SCHIESS.

Seal of the federal chancery of the Swiss confederation. [L. S.]

[Names and remarks in brackets are erased in the original.]

	Signatures of the honorable donors.	Residences.	Amount.	Remarks.
			Francs.	
1	Friedr. Häberli, notary	Munchenbuchsee	5.00	Five francs.
2	[Dr. Uhlmann]	Nicht erhalten	5.00	Five francs.
3	[Iegerlehner]	Angelsee	5.00	Five francs.
4	[Illegible]	Reichenbach	5.00	Five francs.
5	[Ulrich Bärtschi]	Zollikofen	5.00	Five francs.
6	[D. F. Muller]	Hofwyl	5.00	Five francs.
7	[A. J. Anderson]	V. Fellenburg Inst. Hofwyl	5.00	Five francs.
8	Nik Schnell Carier	Munchenbuchsee, not received	10.00	Ten francs.
9	Dr. Glaser	Munchenbuchsee, not received	5.00	Five francs.
10	[Frau Straub]	do	3.00	Three francs.
11	[E. Martig Pastor]	do	1.00	One franc.
12	[Chr. Kupfer]	do	1.00	One franc.
13	[Gottl. Häberli]	do	4.00	Received 4.
14	[Ed. Balsiger]	Not received	2.00	Two francs.
15	[Rügg]	do	4.00	Four francs.
16	[Chrs. Häberli]	do	5.00	Five francs.
17	[Rudolf Buri]	do	5.00	Five francs.
18	The Burgess of Munchenbuchsee, per Schadli, President.		100.00	Hundred francs.
19				
20	[Joh Kobi]	Munchenbuchsee	3.00	Three francs.
21	[Ed. Laughaus]	do	5.00	Five francs.
22	[Jacob Käch]	do	2.00	[Two francs.]
23	Christian Häberli	Not received	3.00	Three francs.
24	[Fr. Hofer]		2.00	Two francs.
25	B. Schnell, at the sand pit	Not received	2.00	Two francs.
26	[Jacob Castli]	Not received	3.00	Three francs.
27	Illegible		1.00	[Franken.]
28	R. Moser, at Buhlikofen	Not received	5.00	Five francs.
29	[Peter Burkhalter]	Not received	3.00	Three francs.

	Signatures of the honorable donors.	Residences.	Amount.	Remarks.
			Francs.	
30	R. Moser, jgr	Not received, two francs	2.00	Nikl Fahin.
31	Rudolf Moser, jgr	One franc	1.00	Not received.
32	The Poor Fund	Zolliskofen cashier Nich Häberli	40.00	Forty francs.
33	Jb. Häberli	do	3.00	Three francs.
34	Friedrich Häberli, sen	M. Buchsee	5.00	
	Rudolf Häberli, jr	do	3.00	
	Fritz Bartlone	Sand-pit, not received	2.00	
	(Illegible)		4.00	Four francs
	Do		2.00	Two francs.
	Joh Kästli	M. Buchsee	4.00	
	Joh Eberhard, brick-maker	Zollikofen	2.00	Two francs.
	(Illegible), tavern-keeper	Zollikofen	4.00	Four francs.
	Joh Wegmüller	Reichenbach	1.00	One franc.
	G. Heumann, paid	Reichenbach	4.00	Four francs.
	Joh Hädorn	Reichenbach	2.00	Two francs.
	Widow Otti	Steinbach not received	?.00	[Two francs.]
	J. Ulr. Friedrich, teacher	Rutti	1.00	One franc.
	(Illegible)	Zollikofen	1.00	One franc.
	(Illegible)	Landgraben	2.00	Two francs.
	Do	Landgraben	2.00	
	[Johannes Haueter]	Landgraben	4.00	Franken.
	[Benedict Haubi]	Hubel	2.50	Fr. 2, rp. 50.
	(Illegible)	Hubel, not received	----------	
	[Mrs. Meister]	Not received	----------	
	E. Maurer	Not received	----------	
	(Illegible)	Landgraben	1.00	
	[Jacob Kœnig, farmer]	Munchenbuchsee	4.00	Ditto 4.
	Chr. Haberli		4.00	
	[Ottenfels]	Berne	3.00	Three francs paid.
	Joh. Otti, nicht erhalten	Steinibach	4.00	
	Joh. Walther	Diemerswyl	1.00	Not received.
	[Fr. Gerber]	Diemerswyl	1.00	Received 1 franc.
	[Jb. Hegg]	Diemerswyl	2.00	Received 2.
	[Fried Walther]	Diemerswyl	1.00	Ditto 1.
	[Widow Baumgartner]	Diemerswyl	3.00	Ditto 3.
	[Benedict Kœnig]	Diemerswyl	2.00	Ditto 2.
	[Benedict Hegg]	M. Buchsee, fr	2.00	Received franc 2.
	[Niklaus Kœnig, Jak]	Disswyl	2.00	Ditto 2.
	(Illegible)		1.00	Paid 1.
	Do		1.00	
	[Fr. Schneider]	Two francs	----------	Paid 2.
	[J. Walter]	Not received	5.00	Paid 5.
	[Bend Rufer]	Not received	----------	Paid 2.
	[Bend Rauber]		----------	Paid 2.

TRANSLATOR'S NOTE.—The signatures of the subscribers on the original petition are for the most part written in pencil, and from the wear and tear of circulating the document many of them have become illegible. The crossing out and the remarks "not received" &c,, in the original are likewise either in lead or blue pencil.

[Inclosure 4 in No. 397.—Translation.]

Certificate of the police at Berne, concerning Benedict Eberhard.

The undersigned officially certifies hereby that Benedict Aeberhard, son of Christian and Magdelina Baumann, born in 1851, a rope-maker, has been punished, as follows:

1. January 26, 1870, by the judicature at Fraubrunnen to 1 day imprisonment.
2. October 2, 1872, magistrate's court at Burgdorf to 1 month solitary confinement.
3. April 4, 1873, to 1½ years house of correction.
4. November 8, 1875, at the assizes of the second district 16 months in prison.

All on account of theft.

5 September 1, 1877, discharged by the police justice without costs, and as innocent, on a charge of theft.

6. January 5, 1878, by the police justice, for theft and to four months in the house of correction.

7. October 25, 1879, by the police justice, for theft and dangerously threatening life, to four months in the house of correction.

8. November 20, 1880, by the police justice, for aiding in stealing wood, to twenty days' imprisonment and ten francs fine.

Berne, April 4, 1881.

The secretary of the police department.

VON GOUTER.

Seal of central police, Berne.—[L. S.]

For the authenticity of the foregoing signature.
Berne, April 19, 1881.
No. 2532, 60.
In the name of the cantonal chancery, Berne.
The cantonal secretary.

L. KURZ.

Seal of the cantonal chancery, Berne.—[L. S.]
No. 1406, fr. 1.
Seen for authentication.
Berne, April 19, 1881.
The Swiss federal chancery.

SCHIESS.

Seal of the Swiss federal chancery.—[L. S.]

No. 693.

Mr. Fish to Mr. Blaine.

No. 398.] LEGATION OF THE UNITED STATES,
Berne, April 28, 1881. (Received May 16.)

SIR: Consul Mason, at Basle, on the 22d instant, transmitted to me his dispatch to the Department No. 36, with a letter asking my approval of his action in interfering to prevent the emigration of a man by the name of Camastral, whom he described as a dissolute, weak-minded inebriate and ex-convict, who had been recently released from confinement, and started for the United States by the authorities of his native commune, in the canton of the Grisons. In view of the provisions of §§ 241 and 286 of the Consular Regulations, I felt bound at once to approve the course pursued by Mr. Mason, notwithstanding the objection raised by this government to our interference with the emigration of a similar emigrant reported in my No. 181.

In the absence of instructions modifying the above-mentioned paragraphs of the Consular Regulations—and I certainly do not favor or advise any such modification—I should deem it my duty to report any consular officer within my jurisdiction who, with knowledge of the facts, failed to interfere to prevent the emigration of such persons as Sebastian Camastral, under the circumstances described, for willful neglect of duty and disobedience of instructions. In view of Consul Mason's telegram of the 23d instant, I returned his dispatch No. 36 to him. He has since informed me that the commune guilty of this outrage was Mazein, and not Thusis, as he was led to suppose from the fact that the contract was signed in the latter place. Mr. Mason has, I believe, likewise reported to you his action in giving to the press the true version of the shipment and return of the two prostitutes from Bottstein. His action in so doing has had a most beneficial effect already, and I trust that it will meet with your approval.

It is most gratifying to learn that the emigration agents co-operated in full accord with Mr. Mason to effect Camastral's return. Their firm (Zwilchenbart & Co.) is one of the largest in Switzerland, and if we can secure its co-operation in preventing improper emigration it would be a powerful assistance in stopping the abuses.

I take much pleasure in testifying to the fact that the new Swiss law appears to give us a remedy in preventing the forwarding of such emigrants as Camastral (article 10, sections 1 and 3), unless it should be maintained that the emigrant was not incapable of work, and that a man of that description with thirty francs ($5.79) in Chicago would not

be considered as arriving there devoid of resources. The law has certainly been beneficial in rendering the emigration agents less desirous to forward such emigrants, and the recent sending back of the Böttstein women, and other unfit emigrants, has had a powerful effect in deterring them from such shipments.

Camstral's case is a striking evidence of the propriety of employing a detective for the purpose of bringing to light similar cases of objectionable emigrants. It can hardly be expected that the consul at Basle should be called upon to frequent the emigrant boarding-houses and drinking saloons for the purpose of such detection. I therefore renew the suggestion made in my No. 373 of the 23d ultimo. The employment of such a detective would save the United States the expenses of reshipment in very many cases, and the Böttstein case is evidence that detection and reshipment, as in that case, is both costly and uncertain. Moreover, every objectionable emigrant landed on our shores is a positive and pecuniary injury to the United States. The State Board of Charities of New York estimate the average cost of an alien pauper at $2,250 a head (14th annual report). The calculation is based on an average of life of only 15 years. If we take an average of life of 20 years, which, in the case of immigrants, would be nearer the correct average, it will be seen that the average cost of an alien pauper immigrant to the United States is $3,000.

In my dispatch No. 322 I showed that under the census of 1870 there was an undue preponderance of foreign-born, blind, insane, in prison, and receiving support. The preponderance of the foreign born in those different categories was, in 1870, as follows:

Excess of foreign-born blind	231
Excess of foreign-born insane	5,800
Excess of foreign born in prison	3,958
Excess of foreign born receiving support	11,672
Total	21,661

A total of 21,661 helpless or obnoxious persons for whom (at the low estimate of $150 a head per annum) the people of the United States have an annual burden of $3,249,150 cast upon them, which properly belongs to other countries. Converted into capital at the present rate of government securities this represents a debt of about *one hundred millions of dollars which is due to objectionable emigration*, without counting the increased cost of police supervision and proceedings, the increased prison accommodations, and the augmentation in the number of the judiciary necessitated by the influx of foreign criminals and vagabonds leaving their country for their country's good, with the connivance, and often with the assistance, of the authorities on this side of the water. You will soon be able to judge from the statistics of the census of 1880 how the continued emigration of the past ten years has affected this burden resulting from uncontrolled immigration.

In the New York Times of the 6th instant, I noticed an account of a recently arrived immigrant, whose journey to New York had been paid by his native commune of Birmensdorf, in the canton of Zurich. I instituted an inquiry, from which it appears that the emigrant in question, Feliz Trachsler, after squandering a portion of his money in loose company, and rendering himself ill by excesses, was discharged by the farmer who had employed him at 4 francs (77.2 cents) per week; that he then applied to be admitted to the hospital at the expense of his commune. This request was refused by the poor-board on the 12th of December. It further appears that from that time on he led a vaga-

bond life, working a little here and a little there; and that the poor-board authorities *now* are of the opinion that he committed various petty thefts, of which they were then ignorant; that on the 1st of March he applied to the poor-board to help him to emigrate, and that they favorably recommended his petition to the commune, and that the latter assisted him to reach New York provided he should have some means of subsistence on landing. A relative at Zurich contributed 50 francs towards the emigration, a sum which was paid him on his arrival at New York. The commune made up the balance, and he was started. He reached New York on Saturday April 2, and on the following Tuesday he came begging to the authorities at Castle Garden. Fortunately the latter, if the newspapers are correct, promptly directed his return to Switzerland. I invite your attention to the letter from the poor-board at Birmensdorf as an extenuation of their action in the premises, and as a justification of the theory of the Journal de Genève that the United States is the reformatory for European delinquents.

While there are but few newspapers that would have the boldness of the Journal de Genève to claim us as their reformatory as a matter of right, there is a very widely extended sentiment in Europe that we are such a reformatory. I may sum the sentiment up in the following expression, "What is not good enough for Europe is plenty good enough for America." We find traces of this sentiment in nearly every country of Europe. There are but few families in Germany, or in Switzerland, without some relative in America who has gone there because at home he was a failure or a burden to his family. Very many of these on reaching the United States have been able doubtless to effect the desired reform; the remainder of them are numbered among the 21,661 burdens mentioned in the census of 1870, or are still undergoing the trying and uncertain trial between honest toil and criminal contamination to which the "reformatory" of emigration naturally exposes them. Will they stand the test? If not, who is the sufferer?

The people who neglected their early education, who later did not restrain them in their tendency to vice, or who, perhaps, by mistaken care, encouraged and aided them in their evil ways, have lost all interest in the solution of the problem once the ocean is between them. The respectable, honest, and industrious emigrants, and the people and tax-payers of the United States, are the ones who have to support the consequences of those too often unsuccessful attempts at reformation of European delinquents.

If I have cited German and Swiss families it is because I have lived for a number of years among the people of those countries and have a personal knowledge of such cases. The average German or Swiss emigrant, with the exception of those who are assisted by the authorities to emigrate, is the equal of any that we receive.

The abuse of assisted emigration extends in my opinion to every European country from which we receive a considerable immigration, and wherever it is, the axiom of the "Journal de Genève" will find numerous, though often tacit, advocates.

In the London Times of the 21st instant, a political economist, in discussing the Irish land bill, prescribes as a panacea for Ireland's woes, "emigration and the drainage of wet lands." The writer says that he has had much experience on these two points, and that it is a pity they should be lost sight of. Under the head of "emigration," he says:

> Forty years ago the south of Munster was as much overpeopled as Connaught is now. * * * After 1846 nearly all left the land and ended in emigrating. It was

the most wonderful clearance that ever was known. There was no pressure of landlords or any one else. It was mere necessity. They were dependent on potatoes; when the potatoes failed they had to find another way of living.

He then describes the effects produced in the district from which this wholesale emigration took place as being most beneficial:

It is not only the poor people that emigrated that prospered; they made room for more prosperity for others who staid at home. Wages rose much. Shopkeepers throve. Rents were well paid. Everybody did better.

The emigration thus described was spontaneous, and, as a rule, free from the assistance of poor-house authorities, and notwithstanding the fact that it consisted in a large degree of the very poorest classes, it furnished us a valuable contingent of honest and industrious workmen, whose labor has contributed largely to the prosperity and welfare of the country, many of whom lived to be valuable and worthy citizens of the country of their adoption. But listen now to the same writer's recommendation based on subsequent experience and the altered condition of affairs:

The subject has never been thoroughly examined, but the general statistics of Munster and Connaught prove my assertion. I believe there is no other way in which it is possible Connaught can improve. It is quite a mistake that only the strong and able emigrate. Many such go. Why should they not? *But a great number of bad and worthless go too.* The better wages of America are the attraction. *With us all who would otherwise help to make up the criminal class go. Every one who gets into any trouble, social, criminal, or any other, goes at once, women as well as men. I could give a great number of cases in my own knowledge.* That 96,000 persons went in 1880 is enough; some of these, however, in the bad times in America [sic], had to come back to Ireland, and returned in 1880. Only the door should be set open more widely than now; officers should be at the ports to help and protect emigrants, and provide them with food and lodging at the lowest cost while waiting for their ships, instead of leaving them to be preyed upon by sharks. * * * *Boards of guardians in Ireland have power now to assist emigration*, but this power needs some arrangement and extension to make it more practical. If a union has many emigrants, it may need a moderate loan to prevent the present burden being too heavy. *A pauper costs £6 to £7 per annum in workhouses, and a passage to America costs only £4 or £5.* It is plain unions can afford such loans and secure them well.*

Here we have an open admission of the existence of, and a strong appeal in favor of, the development in Ireland of the systematic emigration of the pauper element, which the Journal de Genève, while protecting the deportation of prostitutes, claims does not exist in Switzerland. The cases of Camastral and Trachsler, and others of a like nature, will enable you to judge how far that claim is well founded.

I have the honor to be, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 398.]

Mr. Mason to Mr. Fish.

CONSULATE OF THE UNITED STATES,
Berne, April 22, 1881.

SIR: I have the honor to inclose herewith to your legation dispatch No. 36 from this consulate to the Department of State, giving the details of my interference to prevent the emigration to America of a dissolute, weak-minded inebriate and ex-convict who had been recently released from confinement and started for the United States under a contract made by the commune authorities of Thusis, canton Graubundten.

Accompanied by my clerk, Mr. Hofaker, I found Camastral at his hotel, where his eccentric conduct had attracted general attention, and in the course of a long and

* Letter of Mr. M. Bence Jones to the London Times, dated Athenæum Club, April 20, 1881. The italics are mine.—N. F.

thorough examination I found him to be practically an imbecile. He is afflicted with goiter, and, by his own account, has been twice imprisoned—once for licentious abuse of a servant-girl, and again (nine months) for incorrigible drunkenness and cruelty to his wife. He manifested constant and frequent symptoms of a disordered mind, although he was at the time entirely free from the influence of stimulants. I was shown a telegram from the emigration agent in Thusis, explaining that drink made Camastral insane; and as it further appeared that he had been sent away at the expense of his commune, immediately after being released from his seeond term of confinement, I deemed the case one justifying interference, and I therefore informed the manager of Zwilchenbart & Co., who submitted the matter to me for decision, that Camastral was not a proper person to emigrate, alone and destitute, to the United States. In this the agent readily concurred, and Mr. Camastral has been to-day returned to his commune.

Hoping for your approval of my action in this case, I have to report that the conduct of Messrs. Zwilchenbart & Co. has been, in respect to this entire matter, honorable and commendable, and gives evidence of the salutary influence of the new Swiss emigration law, which took effect on the 8th instant.

I am, &c.,

FRANK H. MASON.

[Inclosure 7 in No. 398.]

Mr. Syz to Mr. Fish.

UNITED STATES CONSULATE,
Zurich, April 25, 1881.

SIR: * * * The authorities of Birmensdorf, in answer to my investigations of the Felix Trachsler emigration, send me the inclosed letter.

I hereby return the two newspaper clippings, of which a copy is filed at this office.

I have, &c.,

JOHN SYZ,
United States Vice-Consul.

[Inclosure 10 in No. 398.—Translation.]

The poor-board of Birmensdorf Canton Zurich to Mr. Syz.

BIRMENSDORF, *April* 22, 1881.

HONORED SIR: In reply to your esteemed favor of the 20th of this month, concerning Felix Trachsler, I have to inform you as follows:

Felix Trachsler, a day laborer, was, as is shown by the inclosed certificate, employed by a farmer of this place, as farm-boy, for about 1½ years. Previously he had a comfortable property, which, however, he dissipated in frequent visits with loose company in drinking saloons in Aussersihl, and especially by his senseless eating of "sugar and candies." In consequence thereof, at Christmas he suffered from a stomach-ache and was forced to call in a doctor, and on that account had to leave his employer's service. At that time he appeared for the first time before the poor-board of this place with the request that he might be taken into the hospital at the cost of the commune. The poor-board, on the 12th December, 1880 (see minutes, page 220), determined "inasmuch as F. Trachsler, according to his own statement, still has property amounting to 150 francs, and the commune cannot give assistance to such as still have property, his request is refused." From that time on Trachsler worked a little here and a little there, but led rather a "vagabond" life.

On account of his passion for sweets, and because, as I afterwards learned, on account of his petty thefts, although he was never arrested or punished therefor, he found it difficult to find a new situation, especially as it is well known even the best workmen lack employment and the strongest fellows find no work. Then Trachsler voluntarily determined to emigrate to America, as he had heard that day laborers and farm hands were well paid there. On the 1st of March, therefore, he appeared before the poor-board with the statement that he desired to go to America if the commune would aid him in so doing (minutes, page 225).

The poor-board decided to recommend his proposition to the favorable consideration of the commune. Trachsler's property amounted then to 100 francs, and a relative in Zurich promised him 50 francs additional. The balance the commune was willing to pay, on condition that on his arrival at New York he should be provided with some means of subsistence. Therefore, 50 francs were to be paid him there, which was actually done. Therefore, Trachsler was in no respect sent off by the commune against his will. He had never been assisted by the commune except in the single case of a

portion of the expense of his emigration being paid, so far as his own property did not suffice.

Trachsler is positively not insane, but rather crafty. Probably he regrets his emigration, and therefore, perhaps, has feigned in the manner reported from over there. We are confident that Trachsler could, if he had wished, made his way very well; his intelligence was not lacking, but rather, as it appears, his will and the requisite energy. We, as officials, strongly protest against the reproach being made as if we had sent off to America, against his will, an insane individual, incapable of work, who was supported by the commune, although we readily admit that we should have felt glad if Trachsler had remained in America and had there sought his subsistence, as we hoped that he might there give up his evil habits, which are all due to his giving up work for the purpose of eating sweet things, and did not show himself trustworthy and responsible in little things.

Respectfully, in the name of the poor-board,

The President,

EUGSTER, *Clergymen.*

[Inclosure 11 in No. 398.—Translation.]

Certificate of Jacob Baur, farmer, respecting Felix Trachsler.

CERTIFICATE.

The undersigned hereby certifies that Felix Trachsler was in his service for a year and a half, viz, from July, 1879, to Christmas, 1880, and did his work satisfactorily, receiving therefor, summer and winter, 4 francs (77.2 cents) per week wages.

JACOB BAUR, *Farmer.*

BIRMENSDORF, *April* 21, 1881.

No. 694.

Mr. Fish to Mr. Blaine.

No. 400.] LEGATION OF THE UNITED STATES,
Berne, April 29, 1881. (Received May 16.)

SIR: I have the honor to transmit herewith copies and translations of a correspondence between the Council of Burgess of Neuveville and this legation respecting the proposed emigration to Sardis, Ohio, of a poor widow, thirty-three years of age, accompanied by her four children, between five and ten years of age, now residing at Langnau, canton Berne.

I, of course, could not in any event enable the Olivier family to avoid the customary inspection at landing at New York, nor could I exempt them from detention there were that inspection to show them unfit to immigrate, as requested to do by the Burgess' Council.

The facts that it is necessary to ask "this special consideration" for this family, that the request comes from the guardians of the poor, and that they are willing to furnish a subsidy for emigration, all tend to show that an inspection of the family on landing is much to be desired, unless the tax-payers of Sardis are desirous of receiving this class of immigrants without any visible means of support.

I have therefore furnished the collector at New York with a copy of the correspondence.

In my answer to the Burgess' Council I dwelt upon the fact that they furnished me with no means of judging of the fitness of the family for emigration, and that the names of the alleged friends and acquaintances were not stated, and that there was no document showing that they were prepared to assist her in case she required it, or to return her to Neuveville should she become a charge to the community at Sardis.

I profited by the opportunity thus afforded to bring to the notice of the Burgess' Council the frequent reshipment of objectionable emigrants from New York. I believe that were the commissioners of emigration at New York to make it known that they will exercise an active vigilance to detect objectionable immigrants, that they have already caused a considerable number to be sent back, and that they will continue such reshipments with unabated energy, the communal authorities would be more careful about speculating in this manner. An announcement of this nature drawn up by the commissioners of emigration and published in the "New York Staats Zeitung," the "Amerikanischer Schweitzer Zeitung," and the "New York Handels Zeitung" would find its way into the German and Swiss press. If properly drawn up, it would deter many foreign paupers from reaching the charitable institutions of the United States.

The present case is a striking proof of the excellent effect produced by the prompt return of the two women from Böttstein, and the announcement of the facts in regard to them. It has aroused public attention to the question, and it has awakened a feeling of anxiety on the part of the guilty communes lest the speculation in which they have so long indulged should now be broken up or become a losing one.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 400.—Translation.]

The council of burgess of Neuveville to Mr. Fish, April 26, 1881.

NEUVEVILLE, *April* 26, 1881.

SIR: Having learned that difficulties are sometimes made upon the arrival of emigrants at New York about letting them continue their journey, we have the honor to set forth the following facts:

One of our citizens, the widow Olivier, thirty-three years of age, the mother of four children between five and ten years old, desiring to join her acquaintances at Sardis, Ohio, we take the liberty to request you that these people may have an authorization or permit, that their landing at New York may be effected without difficulty. The mother is active and industrious, the children are bodily and mentally sound.

Moreover, they are escorted by one John Rensser, who is going to establish himself over there with his wife and buy property there. This man has submitted to us the inclosed declaration, which we beg you to return, to guide you. All the information that we have taken respecting him having been very good, we have decided to furnish to the widow Olivier and to her children a sufficient subsidy to enable her to settle where she intends going, under the direction of Rensser. Please, therefore, to have the goodness to send us a document of some sort, that in case of necessity she may show it to those who might seek to prevent her from continuing her journey beyond New York.

Awaiting a favorable answer, we assure you of our most distinguised consideration.

The president of the burgess:

LOUIS SIG. IMER.

The secretary:

CÉSAR WYSS.

[Inclosure 2 in No. 400.—Translation.]

Declaration of John Rensser, April 16, 1881.

DECLARATION.

The undersigned, John Rensser, maker of wooden shoes at Langnau, Ementhal, declares himself ready and willing to undertake the escort and protection of the widow Maria Olivier, born Wälte, now residing in the Schlossmatte here, provided all the expenses of the journey to Sardis, Ohio, North America, are paid by her in such manner that the undersigned shall not be put to any expense for the journey for her or her

four accompanying children; this being done, that he will accompany as protector in every respect the family Olivier, consisting of the above-named widow and her four children, Carl, Rosa, Martha, and Fritz Olivier, upon the journey to be taken in the month of May next, to Sardis, Ohio, aforesaid, and will see that on the journey, both by land and sea, they are taken care of as well as himself. The undersigned, upon his arrival at Sardis, will see that the four children are well and properly boarded and lodged with his friends and acquaintances, and that the widow Olivier, by obtaining employment at good wages, can find means to support herself, so that there will be no question of the said family being sent back to Switzerland. Such is my earnest declaration and assurance.

Langnau, April 15, 1881.

JOHN RENSSER.

Mr. John Rensser personally signed the above. It is therefore genuine. Moreover, it is declared that he is respectable and in every respect of good repute. Moreover, Rensser is a man who, so far as is here known, always fulfills his promises, and it must therefore be taken for granted that he will conscientiously fulfill the above written promise concerning the Olivier family.

Langnau, April 16, 1881.

In the name of the commune council.

The president:

G. JOOST.

The secretary:

S. FIECHTER.

[Inclosure 3 in No. 400—Translation.]

Declaration of F. Olivier, senior, April 14, 1881.

HONORABLE AUTHORITIES: The undersigned, as father-in-law of Mrs. Maria Olivier, widow of Fredson Friederich, residing here, hereby declares that he has known John Rensser, a maker of wooden shoes, for many years, as a quiet and upright man, to whom the care of the widow Olivier and her children can safely be trusted. He will, as an honest man, consider the protection of said family as if it were his own. I also declare my consent to the contemplated journey to America, and find that the widow and children of my deceased son Fritz will be better taken care of and sheltered in their new home than in Switzerland. I recommend them for a suitable subsidy.

Langnau, April 14, 1881.

With friendly greeting,

F. OLIVIER, senior.

[Inclosure 4 in No. 400.]

Mr. Fish to the conseil de bourgeoisie of Neuveville.

LEGATION OF THE UNITED STATES,
Berne, April 27, 1881.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 26th instant. You ask me to furnish you with a pass for the widow Olivier, thirty-three years of age, mother of four children between five and ten years old, who desire to join some acquaintances at Sardis, Ohio, for the purpose of avoiding the inspection of immigrants made at the landing in New York.

You further inform the legation that you have decided to furnish the widow Olivier and her children a subsidy for the purpose of their journey and their establishment at Sardis; but you do not inform me of the amount of that subsidy, nor the names of the friends and acquaintances of Mme. Olivier at Sardis, nor the means that she has to support her family in the United States; nor do you give me any details concerning her profession, her moral character, or whether her children are legitimate or not.

You produce no documents from Mrs. Olivier's friends and acquaintances at Sardis, declaring that they are ready to support her and her children, or to send her back at their cost to Neuveville should they become a charge to the parish at Sardis. In the absence of such information the legation cannot tell you what the result of the examination of the family in question at landing in New York as immigrants will be. If you are doubtful on that point, it would be prudent not to expose the poor woman and her young children to the expense and discomfort of a long and costly journey.

The authorities at New York, according to their last report on this subject, returned in a short space of time thirty emigrants who did not satisfy the requirements for immigration, and the American newspapers of subsequent date mention the sending back

of several others, not to speak of those whom the steamship companies have been forced to take back at their cost.

A copy of this correspondence will be communicated to the authorities at New York for their guidance.

I am, &c.,

NICHOLAS FISH.

No. 695.

Mr. Fish to Mr. Evarts.

No. 401.] LEGATION OF THE UNITED STATES,
Berne, April 30, 1881. (Received May 16.)

SIR: In yesterday's session of the National Council a motion was introduced by Messrs. Joos and Vögelin, and signed by sixty-eight other members of that body, to the following effect:

In view of the annual increase in emigration of Swiss citizens, the Federal Council is invited to promptly present a report and propositions to the Federal Assembly, after an examination of the question, to ascertain how emigration without a fixed destination can be prevented, and the efforts of families emigrating to a new home can be directed into the proper channel.

The subject of this so-called "aimless emigration" has been the subject of comment in the Swiss consular reports for many years, and has also frequently been noticed in the messages and reports of the Federal Council. It was, perhaps, the reference to it in Mr. Byer's article in the New York Tribune that called forth the most criticism of that article from the critics in the United States.

The signatures to the motion indicate that it will meet with the support of a majority of the National Council; but it remains to be seen whether the Federal Council will consider that, under the present constitution, the Federal Assembly is competent to deal with the question. Hitherto it has always been held that the constitution did not give them power to legislate on the question of emigration, and there were many deputies who considered the law concerning emigration agencies as verging on the extreme limit of federal competence in this matter. The enormous proportion which emigration from Switzerland has assumed (good judges estimate the number of emigrants this year at 15,000; it averaged, according to the Swiss statistics, 3,197 per annum from 1870 to 1879, inclusive) may possibly effect a change in the opinions hitherto entertained, or may eventually place the subject of emigration fully under federal jurisdiction.

I inclose herewith the printed text of the motion, in German and in French, and

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 401.—Translation.]

In view of the annually-increasing emigration of Swiss citizens, the Federal Council is hereby requested to examine this question, and to present a report as speedily as possible to the Federal Assembly, together with suggestions in regard to the manner in which aimless emigration may be prevented, and the efforts, especially of families seeking new homes, may be properly directed.

No. 696.

Mr. Fish to Mr. Blaine.

No. 403.] LEGATION OF THE UNITED STATES,
Berne, May 8, 1881. (Received May 23.)

SIR: Having noticed in the New York Evening Telegram of the 5th ultimo a letter from Mr. John Feierabend to the superintendent of Castle Garden respecting the case of Friedrich Kienast, of Riesbach, canton Zurich, who emigrated to the United States in June, 1880, and whom Mr. Feierabend described as a "notorious vagrant," sent by the municipality of Riesbach on the ground that he did not want to work, I directed the vice-consul at Zurich to inquire into the circumstances of Kienast's emigration.

I have the honor to transmit herewith a copy and translation of the reply of the commune council to Mr. Syz.

It appears that this assisted emigrant is able-bodied, but disinclined to work, and consequently had been two years in a compulsory labor establishment, and that he was afterwards employed as a scavenger. In 1879 he inherited a small fortune, which was placed in the custody of a guardian, and after he had been assisted several times he applied, in May last, to have the means to emigrate to the United States. The commune council granted his request, being of opinion "that it might be useful to him if he should live at a place where he would have to work," and furnished him out of his own property 420 francs for the journey to Colorado, and 400 francs in cash on his arrival in America. It is stated in this letter that Kienast had recommendations to natives of Zurich in Denver City, but, as is customary in such cases, the names of the parties are not given. The balance of his property, amounting to about 500 francs, remains in the hands of the guardian at his native place.

My dispatch No. 218* will show you what difficulties Kienast might expect to encounter should he reform his ways, become a citzen of the United States, and seek to recover those 500 francs. Unfortunately, this trial of the United States as a reformatory for European delinquents has not thus far been attended with success, as the commune council state that Kienast has squandered his money in loitering about New York, a statement which is corroborated by the reported comments of the superintendent of Castle Garden respecting the man:

> When he returned from the West he threw himself on our hands. The labor-bureau manager obtained him several situations where he might have earned a fair livelihood, but he was so outrageously lazy that no employer would keep him more than a few days.

I respectfully suggest that the facts concerning Kienast's emigration be made known to the State board of charities of New York, with the recommendation that he be sent back, if possible, to Riesbach.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 403.—Translation.]

Commune council of Riesbach to Mr. Syz, May 2, 1881.

RIESBACH, *May* 2, 1881.

To the CONSULATE OF THE UNITED STATES IN ZURICH:

SIR: In reply to your inquiry of the 25th April respecting Friedrich Kienast, who emigrated to America (June 30, 1880,) we have the honor to inform you as follows:

Kienast is an able-bodied man, but has an aversion to work, on account of which

* Published in Foreign Relations 1879, p. 973.

he was confined for two years in the forced-labor establishment at Utikon, the director of which assured us at the time of his discharge that he could work very well when he was so disposed, but that it did not at all suit him so to do, and that he tried in every manner to avoid having to work, at one time making believe that he was stupid, at another that he was ill, in order not to be compelled to work; and on that account we beg you, in your report to America, to mention the fact that he is neither ill nor stupid, but pretends to be so. From the time of his discharge from the forced-labor establishment (middle of May, 1879) to the end of May, 1880, he has worked here as a scavenger, and at times very satisfactorily; at times again he shammed illness, and on that account had to be assisted from time to time. In 1879 a small inheritance fell to his lot, and that was a source of evil to him, inasmuch as he imagined that he was no longer obliged to work. At the end of May, 1880, he, of his own accord, gave up his position of scavenger, and then himself presented the proposition of emigrating to America, and the commune council was of opinion that that might be useful to him if he should live at a place where he would have to work.

Out of his own little property the cost of the journey to Colorado was allowed to him, amounting to 420 francs, besides which 400 francs cash were paid him upon his arrival in America, apart from his outfit. He also had some recommendations to natives of Zurich in Denver City; but instead of going there and seeking work, Kienast appears to have loafed about New York. Kienast has not yet directly addressed the commune council from America.

His property and guardianship here amount to about 500 francs now.

Informing you of these facts, we remain, very respectfully,

In the name of the commune council,

The president:

GEORGE FREYDAG.

The town clerk:

JULIUS BEBIE.

No. 697.

Mr. Fish to Mr. Blaine.

No. 409.] LEGATION OF THE UNITED STATES,
Berne, May 13, 1881. (Received June 2.)

SIR: I have the honor to inclose herewith copies of a correspondence respecting the proposed shipment of an inmate of the penitentiary of the canton of Argovie to America by his commune of nativity, Schwaderloch.

It appears that the individual in question is now serving a term of three years in that establishment, and that the commune council describes him as a man born in 1844 and given to a life of vagrancy, and that they have applied to an emigration agent at Basle to know whether he would forward him, and to ascertain to what place "they could send him without anxiety." As their letter states that the individual in question is reported by the director of the penitentiary as having "from his own means sufficient to establish himself in America," I have no doubt that the intention of the commune council is to send him to the United States, where more than six-sevenths of the Argovian emigrants go. I have therefore addressed this government on the subject, and requested the President of the confederation to take immediate measures to prevent the commune council from furnishing the man any pecuniary assistance whereby he could reach the United States. I have also requested that "the authorities of the Swiss communes may be informed that the United States is not to be made the receptacle for the inmates of the penal establishments or reformatories in which the delinquents belonging to those communes are confined."

As the sentence of the individual in question will expire on the 23d instant, and it is quite possible that the commune council will seek to forward the emigrant in spite of the protest of the legation, and notwith-

standing any endeavors the Federal Council may make to prevent their so doing, I took my note this afternoon to President Droz, and explained to him the circumstances under which it was written, and told him that I hoped they would by a publication in the Feuille Fédérale, or in some other manner, draw the attention of the communal authorities to the impropriety of such procedures. He asked me if the laws of all the States excluded the immigrants of this class. I said that the United States statute of 1875, a copy of which had been communicated to the Federal Council by Mr. Rublee, and which had been published in the Feuille Fédérale, excluded this category of immigrants from *all* the United States. I also mentioned to him the case of Camestral (reported in my No. 398). He said that he would attend to the matter, and that he was glad to learn that our statute was a Federal one; that he had erroneously supposed that it only related to some of the States. I reassured him on this point, and I hope that the result of my interview may be a notice from the Federal Council to the communal authorities that such procedures as that contemplated by the commune of Schwaderloch cannot be permitted, so far as the United States is concerned.

It is due to Mr. Mason that the present case was brought to the notice of the legation, and I have instructed him to remonstrate, to the cantonal as well as the communal authorities, against the man being sent, or assisted to reach the United States. I have also instructed him to ascertain the name and description of the man, and to report the same to you and to the collector of the port at New York.

I respectfully submit my action in the premises for your approval, and, as in the Böttstein case, request that the legation may be supported in its action, or, if the latter does not meet with your approval, that it may be instructed for its guidance in future cases of a similar nature.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 409.—Translation]

The Commune Council of Schwaderloch, canton Argovie, to Mr. Störr, emigration agent in Basle.

SCHWADERLOCH, *May* 8, 1881.

The Commune Council of Schwaderloch to Mr. Otto Störr, emigrant agent at Basle:

SIR: On the 23d of this month a native of this place, born in 1844, up to the present time addicted to a life of vagrancy, a shoemaker by trade, will be discharged, after a three years' confinement in the compulsory labor establishment of the Canton of Argovie.

He has expressed a wish that he may be furnished, by his native commune of Schwaderloch, with the requisite money for traveling expenses to enable him to emigrate, a request which we declare ourselves willing to grant.

According to the information received from the director of the compulsory labor establishment, the man [desiring to emigrate (sic)] in question has, from his own earnings, sufficient means for establishing himself in America on his arrival.

In order to better inform ourselves concerning his emigration, we ask you if you will forward this man? In case of a favorable answer, we request you to inform us to what place we can send him without anxiety, and how much the cost of the journey will amount to, and upon what date he must be in Basle to start on his journey.

Awaiting your answer in this matter, we are,

Yours, respectfully,

In the name of the Commune Council.

The president of the Commune:

J. HUG.

The town clerk:

S. KNECHT.

[Inclosure 2 in No. 409.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, May 13, 1881.

The undersigned, chargé d'affaires of the United States of America, has the honor to invite the attention of the High Federal Council to the action of the commune council of Schwaderloch, in the canton of Argovie, who contemplate assisting to emigrate to America a native of that commune, now in his 38th year, who has hitherto led the life of a vagrant, and is actually at the present time undergoing a three years' sentence in the compulsory labor establishment of the canton of Argovie.

The commune council has expressed its willingness to assist this criminal to emigrate, and has applied to our emigration agent at Basle to know to what place they can send him ("nach welcher Gegend wir denselben ohne Sorgen befördern sollen") without fear of the consequences, and have inquired whether the agent will ship him.

The sentence which the man is now undergoing will expire on the 23d of this month.

The undersigned, in view of the fact that a very large majority of the Swiss emigrants go to the United States, has the honor to request his excellency, President of the Swiss Confederation, to take immediate measures to prevent the commune council from furnishing the man in question any pecuniary assistance whereby he could reach the United States, and he requests that the authorities of the Swiss communes may be informed that the United States is not to be made the receptacle for the inmates of the penal establishments or reformatories in which the delinquents belonging to those communes are confined.

In view of the short period before the expiration of the term of service to which the man is sentenced, the undersigned respectfully requests that the name of the man may be furnished him in order that he may communicate it to his government and to the immigration officials in the United States in the event of the man being forwarded there notwithstanding this protest, which the undersigned makes on behalf of the Government of the United States.

The undersigned avails himself of this occasion to renew to his excellency and to the High Federal Council the assurances of his most distinguished consideration.

NICHOLAS FISH.

[Inclosure 3 in No. 409.]

Mr. Fish to Mr. Mason.

LEGATION OF THE UNITED STATES,
Berne, May 13, 1881.

SIR: Your letter of the 12th instant respecting the proposed emigration of a vagabond belonging to Schwaderloch, canton Argovie, at present serving a three years' sentence in the compulsory labor establishment of the canton Argovie, is received. I have brought the matter to the notice of the Federal Council and requested that the emigration, so far as the United States is concerned, may not be carried out.

It is desirable that you should ascertain the name of the party in question, and as far as possible his description, and report the same to the collector of the port of New York and to the Department of State. You should also protest against the shipment both to the communal and cantonal authorities, and inform them that the immigration authorities of the United States have been notified of the case.

You will please to thank Mr. Störr for his co-operation in hindering this violation of the hospitality of the United States.

I am, sir, your obedient servant,

NICHOLAS FISH.

No. 698.

Mr. Blaine to Mr. Fish.

No. 213.] DEPARTMENT OF STATE,
Washington, May 26, 1881.

SIR: I have to acknowledge the receipt of your No. 397, and to express my satisfaction respecting your course in the case of Eberhard,

whose emigration to the United States would evidently have proved undesirable.

The communication of the facts mentioned in your No. 400, in the case of the Oliver family, to the collector of customs at New York is approved.

A copy of your No. 403 will be sent to the State board of charities, New York, as you suggest.

I am, &c.,

JAMES G. BLAINE.

No. 699.

Mr. Fish to Mr. Blaine.

No. 418.] LEGATION OF THE UNITED STATES,
Berne, July 14, 1881. (Received July 30.)

SIR: Referring to my No. 409, respecting the proposed shipment to the United States of an inmate of the penitentiary of the canton of Argovie by the commune of Schwaderloch, I have now the honor to inclose herewith copies of correspondence between the legation and the Federal Council respecting the case in question, and also as to the right of the Swiss communes to send the inmates of their prisons or penitentiaries, at the expiration of their term of sentence, to the United States.

In their note of June 25 the Federal Council says:

> The citizen in question, Jacob Beda Thoma, is not, however, a criminal. The condemnation to compulsory labor is not an infamous punishment in the canton of Argovie; it has only a reformatory significance. In the present case it was not imposed for crime, but merely for dissoluteness and vagabondage. Moreover it is clearly shown by the documents which have been submitted to us that Jacob Beda Thoma is a strong man and able to work, and that the commune of Schwaderloch had much less the intention of getting rid of him, than to cure him of the horror of work. We ask ourselves whether the emigration to the United States can be forbidden to a man under such circumstances, and to whom moreover the means of existence are assured for a certain time.

This claim of the Federal Council of a right on behalf of the Swiss communes to use the United States as a reformatory for their dissolute vagabonds, renders it difficult if not impossible for the consular officers of the United States in Switzerland to effectually carry out §§ 241 and 286 of the consular regulations, and it appears from the records of this legation that attempts on their part to carry out such instructions generally evoke useless and irritating discussions.

In the present case the intervention of the legation has met with a successful result, and in view of the frequency of such cases, I have, in thanking the Federal Council for their action in the premises, brought to their notice the approval you have accorded to my remonstrance against the commune assisting the man to emigrate to the United States. I have not thought it expedient to inform them that "there appears to exist no legal obstacle to the immigration," and I earnestly recommend that such legislation may be recommended to Congress at its next session as will create an effective obstacle to this numerous category of obnoxious immigrants.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 418.—Translation.]

Mr. Droz to Mr. Mason.

BERNE, *May* 17, 1881.

SIR: We are informed by a note of the 13th instant, from Mr. Nicholas Fish, that he is informed that the commune of Schwaderloch, canton Argovie, intends to send to a foreign country one of its prisoners, who is about to be released after serving out a sentence of three years at enforced labor. Further, that as the United States may probably be the country to which this ex-convict is destined, the United States legation feels constrained to protest against the intended action of the commuue of Schwaderloch, and requests us to take the necessary steps to prevent the appropriation of money for the purpose of sending the person in question to the United States.

In response to this note we wish in the first place to call your attention to the fact that in this whole communication we find nothing to show that the commune of Schwaderloch desires to send this person to the United States. Even the legation admits that its protest is based upon a mere supposition. But in our judgment a supposition does not justify the complaint and demand which are contained in the note of the 13th instant; moreover we cannot see wherein the commune authorities of Schwaderloch have merited reproach. In making inquiry as to where one of its released prisoners can be sent, it has shown rather a disposition to respect the laws of those countries which prohibit the immigration of certain classes of men. We would moreover thank you to notify us whether American laws prohibit the immigration to that country of a person no longer a prisoner, and who has expiated his crime and is able to support himself by honorable means.

Awaiting our opportunity to acquaint you with the result of the inquiry which we have invited the government of canton of Argovie to make, we take this occasion, &c.

The President of the confederation:

DROZ.

The chancellor of the confederation:

SCHIESS.

[Inclosure 2 in No. 418.]

Mr. Mason to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, May 24, 1881.

SIR: I have the honor to acknowledge the receipt of your note of May 17th, in which it is stated the Mr. Nicholas Fish, United States chargé d'affaires at Berne, has notified the federal government that the commune of Schwaderloch, canton Argovie, contemplates sending to the United States a convict recently imprisoned for a term of three years, and asks that the federal government interfere to prevent that action. Your note states further (1) that Mr. Fish has furnished no evidence that the commune of Schwaderloch contemplates sending such an emigrant *to the United States*, and (2) asks whether the laws of the United States forbid the immigration of that class of persons.

In reference to the first of these points, I have the honor to inclose herewith a copy of a letter now on file in the United States consulate at Basle. It bears date of May 8, 1881, and is an inquiry by the president and secretary of the commune of Schwaderloch to an emigration agent in Basle as to the best means of sending to the United States a vagabond convict, who was to be released from an imprisonment of three years on the 23d of this month. No mention is made in the letter of sending this man to any other country than America, the only question asked by the commune officers being to what part of the United States it would be best to send him. It is also shown by the letter that the commune of Schwaderloch is willing to pay the expense of a passage to America in order to rid itself of this "*Vaganten Lebenergebenen Mann.*"

In reply to your second inquiry, I have the honor to state that the laws of the United States do forbid the immigration of criminals, released convicts, paupers, imbeciles, and cripples from other countries. Paragraph 241 of the United States Consular Regulations says:

"It has been seen with regret that in foreign countries municipal corporations, private societies for reforming offenders, directors of almshouses, and even private individuals, have not been restrained by their governments from sending to the United States convicts, or *discharged convicts*, or lunatics, or idiots, or imbecile paupers, unable to maintain themselves. Consuls are enjoined to exert an active vigilance to prevent such acts." * * *

Paragraph 286 of the Consular Regulations directs that: "If the consul has reason to think that any person, society, or corporation, municipal or otherwise, in the

country in which he resides, contemplates shipping paupers or criminals as emigrant to the United States, he will at once forcibly protest to the local authorities, and wil also immediately notify the diplomatic representative of the United States and the Department of State. Such an act is regarded by the United States as a violation of the comity which ought to characterize the intercourse of nations."

To make this point more clear it may be stated in general terms, that the United States Government, while offering a welcome and home to honest, well-meaning, and capable persons from all other countries, does object very positively to receiving criminals, discharged convicts, paupers, imbeciles, or any persons who by reason of their crimes or misfortunes have become a burden or disgrace to their native communities. In general, it may be fairly assumed that when a commune is willing to expend 175 francs to land a destitute emigrant at New York, that emigrant is not a desirable addition to the population of the United States.

From the foregoing it will be apparent:

1. That the commune officers of Schwaderloch were seeking means to send to the United States a vagabond criminal who was about to be discharged after a long term of imprisonment.

2. That the protest of Mr. Fish, United States chargé d'affaires at Berne, to the Federal Government of Switzerland, against the transportation of that released convict, was in strict accordance with his prescribed duty as the representative of the United States.

Receive, &c.,

FRANK H. MASON,
United States Consul and Acting Chargé d'Affaire.s

[Inclosure 3 in No. 418.—Translation.]

Mr. Droz to Mr. Mason.

BERNE, *June* 25, 1881.

Mr. CHARGÉ D'AFFAIRES: By a note of May 24 last you transmitted to us the copy of a letter which the communal authority of Schwaderloch (Argovie) had addressed to the emigration agency of Otto Stoerr at Basle to ask to what country it could, without difficulty, send one of its citizens who had suffered a sentence of three years in a house of correction.

Upon this information you considered it proper by your note of 13th of same month to protest against the action of the communal authority of Schwaderloch, and to request our intervention in this matter.

After having taken cognizance of the letter of the Argovian communal council abovementioned, we deem that we should confine ourselves purely and simply to the reply which we have made to you by our note of the 17th ultimo. Moreover, it does not appear in any manner from the letter above mentioned that the communal authority of Schwaderloch had the intention of sending the person in question to North America. In the question presented to Mr. Otto Stoerr we have found nothing, as we have already observed, that could give rise in any manner to an intervention on the part of the legation.

It appears from the report that the government of the canton of Argovie has made on this subject that the communal authority of Schwaderloch has altered its first intentions as a result of the information it has received from the aforesaid emigration agent. The citizen in question, and who is named Jacques Beda Thoma, is not, however, a criminal.

The condemnation to compulsory labor is not an infamous punishment in the canton of Argovie; it has merely a reformatory significance. In the present case it was not imposed for crime, but merely for dissoluteness and vagabondage. Moreover, it is clearly shown by the documents which have been submitted to us that Jacques Beda Thoma is a strong man, and able to work, and that the commune of Schwaderloch had much less the intention of getting rid of him than to cure him of the horror of work. We ask ourselves whether the emigration to the United States can be forbidden to a man under such circumstances, and to whom, moreover, the means of existence ence are assured for a certain time.

Moreover, as the authority of the commune has changed its first intention, it appears to us that this matter may be considered as terminated.

Accept, &c.,

The President of the confederation:

DROZ.

The chancellor of the confederation:

SCHIESS.

[Inclosure 4 in No. 418.]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, July 14, 1881.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the reception of the highly-esteemed note of his excellency Mr. Droz, President of the Swiss Confederation, of the 25th ultimo, addressed to Mr. Frank H. Mason, in charge of this legation during the undersigned's absence, in reference to the contemplated furnishing of assistance, to emigrate to America, to an inmate of the penitentiary of Argovie, by the commune of Schwaderloch.

The legation, in its note of May 13 last, had the honor to request that immediate measures might be taken "to prevent the commune council from furnishing the man in question any pecuniary assistance whereby he could reach the United States."

The undersigned did not interpose any objection to his being transported or assisted to other countries, but under the instructions of his government he felt it incumbent on him to ask that the commune should not be permitted to assist him to reach the United States. The undersigned did not fail to report his action to the Government of the United States. In reply to this report the Secretary of State has answered: "Your remonstrance against his being assisted by the commune to which he belongs to emigrate to America meets approval."

The undersigned, in communicating these views of his government respecting this category of emigrants, begs to express to his excellency Mr. Droz the appreciation which he entertains for the successful result of preventing the commune from assisting the man in question to emigrate, and also his thanks to the High Federal Council for communicating, as requested, the name of Jacques Beda Thoma to the legation. The undersigned will not fail to report this friendly action of the High Federal Council to his government, by whom he is sure that it will be duly appreciated.

The undersigned avails himself, &c.,

NICHOLAS FISH.

No. 700.

Mr. Fish to Mr. Blaine.

No. 420.] LEGATION OF THE UNITED STATES,
Berne, July 15, 1881. (Received July 30.)

SIR: I have the honor to acknowledge the receipt of your No. 217, inclosing and accompanying a number of copies of the report of the result of an investigation of the exaggerated allegations against American pork and pork products, and to transmit a copy of a circular issued by this government to the cantonal governments, in regard to the proposed prohibition of the importation of American pork into Switzerland. I believe that Consul Mason during my absence brought the same to your notice, and I therefore do not accompany it with a translation.

The Federal Council finds no ground for prohibiting the importation of a product "which has in this country and in other countries very rarely produced injurious effects." The circular recommends the cooking of pork before eating, and maintains that it should be heated to 100° Centigrade, to destroy the trichinæ in the interior of the piece.

In compliance with your instruction I have transmitted ten copies of the report to the Federal Council, and have communicated the conclusions arrived at on pages 14 and 15 to them *in writing*, and accompanied the same with an expression of your satisfaction and appreciation of the judicious and temperate manner in which they have dealt with the question.

I hope that my execution of your instruction will meet with your approval.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 420.—Translation.]

The Federal Council to the various States of the Confederation.

CIRCULAR OF JUNE 3, 1881.

FAITHFUL AND DEAR CONFEDERATES: The voluntary prohibition by which France has forbidden the *importation of American pork* has also, in other countries, drawn public attention to the danger of using this meat. In Switzerland the fears in regard to it have found expression in the motion presented by Deputy Estoppey to the Council of States.

After this motion we have hastened to submit this question to a new and searching examination. It is shown by this investigation that the existing facts and the experiments resulting therefrom do not justify the prohibition of the importation of American pork, and do not appear to show the utility of a compulsory inspection of this meat on account of trichinæ.

The very numerous examinations to which this commodity has been submitted leave, it is true, no doubt of the fact that we oftener find trichinæ in American than in European pork, and more especially than in that of North Germany. The number of pieces with trichinæ found in these examinations is about from 1 to 2.5 per cent. In Europe, and even in Switzerland, a considerable quantity of this meat is consumed. In spite of that, and the number of trichinæ found in it, it is nevertheless very seldom that we have known injuries to result from it to the public health. Especially in Switzerland we should not consider American pork among the causes of trichinosis, in the small number of cases which have occurred. Abroad, also, the cases of trichinosis are rare and partly disputed. This remarkable state of things rests on the fact that, by the preparation of the meat also, which is very salt, the trichinæ are, for the most part, killed. It is very seldom—in Basle, for example, it has never happened—that live trichinæ have been found in American pork, and numerous experiments have, without exception, given a negative result.

Moreover, we are in the habit, in order to prevent any danger that there might be, of eating the meat only when *cooked.*

Consequently it does not seem to us to be justifiable to prohibit the importation of an article of food which has had no injurious effects among us and very few abroad, and which, by its cheapness, exerts over the price of native meat a most salutary influence and one desired by the public.

Moreover, the usefulness of compulsory inspection of meat on account of trichinæ is quite as little proven. In Northern Germany, where this inspection takes place on a grand scale, the danger of trichinosis has not disappeared. A very minute examination of some parts of a hog does not give absolute certainty that there is no trichinæ in the whole hog. Partly on account of that, and partly from the fact of a careless inspection, it often happens that hogs officially declared to be sound, and therefore eaten, without fear, in a state more or less raw, are found to have had trichinæ, which was later proven by the diseases which resulted from it.

It is then not only much more simple to properly *cook* pork, but it is the only sure means for avoiding the danger. It is necessary to impress more and more upon the minds of the people, that it is not only in American pork that trichinæ are found.

The rare cases of trichinosis thus far known in Switzerland arose from animals slaughtered there, and in view of the international traffic which is now being carried on in swine, it is very easy to bring among us animals with living trichinæ.

Therefore we beg you to be pleased in whatever manner may appear to you most practicable to call the attention of the population of your canton to the fact that there is consumed in Switzerland much American pork, introduced partly by Swiss houses, *and that the use of this meat, as that of pork, generally,* is not without danger, unless the meat is thoroughly *cooked.*

With regard to the cooking of this food, we should state that it is not sufficient to have a heat of 60 degrees, but that it should be subjected to the temperature of boiling water in order that the meat may have through and through a heat sufficient to destroy trichinæ.

[Inclosure 2 in No. 420,]

Mr. Fish to Mr. Droz.

LEGATION OF THE UNITED STATES,
Berne, July 15, 1881.

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 Mr.

Droz, President of the Swiss Confederation, and through his excellency to the High Federal Council, ten copies of a report issued by the Government of the United States of an examination made under its direction respecting the allegations of an injurious character which have been so industriously circulated in various quarters against American pork and pork products.

In transmitting these pamphlets the undersigned is instructed to bring to the notice of the High Federal Council the following conclusions arrived at as the result of this investigation, viz:

1. That the swine of America are of the best and purest breeds, and are fed and fattened for market on corn. It is not believed that swine are thus fed in any other country.

2. That the reports published in Europe concerning the deaths of American hogs from hog cholera are gross exaggerations.

3. That the percentage of deaths among American swine from disease is no greater than the percentage of deaths among European swine from similar diseases.

4. That American hogs which have died or may die of cholera or from any cause whatever, can have no relation to the meat product (except to decrease it), as such animals cannot by any possibility pass the severe scrutiny and inspection to which hogs destined for killing and curing are subject; that even if it were possible to pass such inspection, no art of the curer could convert such animals into meat which could pass the inspection, in the words of a leading curer, "even of a blind man."

5. That the fears excited and fostered in parts of Europe by interested persons that any portion of hogs which have died or may die of cholera or from any other cause is or can be converted into merchantable lard are founded on the grossest ignorance, for merchantable lard cannot be produced from such dead animals.

6. That every pound of the product rendered from diseased hogs, except that part used as a fertilizer, is plainly marked "brown grease," "white grease," or "dead hog's grease," and sold as such largely to soap manufacturers, and that its color and odor preclude it from being mistaken for lard.

7. That the same care is taken in the handling and manufacture of American lard which is taken in the handling and curing of American meats; and that, as the corn-fed American hog is the cleanest of its species anywhere, it is undeniable that American lard is the purest lard in any market.

8. That the percentage of American hogs infected with trichinæ (though this question is thus far largely one of supposition), is in all probability, by reason of the superiority of the breed and feed, much less than that among the hogs in any other country.

9. That the freedom from trichinosis of the two great pork-consuming centers of the West, Chicago and Cincinnati, furnishes the strongest possible evidence of the purity of American pork. In Chicago for a series of years in which forty thousand deaths were reported, with their causes, only two cases of trichinosis were reported. In Cincinnati during the same period not one case was reported.

10. That the reported cases of trichinosis have resulted from eating uncooked meat shown to be inferior or rejected, and that thorough cooking entirely destroys this parasite and removes all danger in this regard from eating pork.

11. That the selection, inspection, and killing of American hogs and the subsequent handling and curing of the meat, are not surpassed if at all equaled for care, precision, and understanding by the packers or meat-curers of any other country.

12. That as a rule the hogs selected for foreign trade are in all respects equal to the very best disposed of in our home market.

13. That the great exaggerations so industriously spread in regard to diseased pork have been aided by the different significations attached to the word "pig." In Europe it is used as the synonym of hog, whereas in America it means the young swine under six months, and generally refers to those only a few weeks old. The number of pigs that die from various causes compared with the numbers of hogs that die is very large, and grossly erroneous conclusions are formed by confounding the two words.

It will be seen that these conclusions fully sustain the high character of American pork products; that they fully demonstrate the exaggerated character of the accusations brought against this branch of American trade, and that they fully justify the wise and considerate decision arrived at by the High Federal Council in reference to the proposed exclusion of American pork from Switzerland.

The undersigned has not failed to bring to the notice of his government the temperate and judicious action of the Federal Government of Switzerland in dealing with this question, and he is instructed to express the favorable appreciation of his government for the considerate manner in which the High Federal Council has dealt with the question. A reference to page 15 of the report shows that the same enlightened decision has been reached by the Government of His Majesty the King of the Belgians.

The undersigned, while executing with pleasure this instruction of his government, avails himself, &c.,

NICHOLAS FISH.

No. 701.

Mr. Fish to Mr. Blaine.

No. 421.] LEGATION OF THE UNITED STATES,
Berne, July 15, 1881. (Received July 30.)

SIR: Referring to my No. 401, I have the honor to inclose herewith an extract from the proceedings of the Federal Council of June 6, in regard to the motion respecting a federal interference in emigration matters.

It will be seen that the Federal Council have called for reports from Swiss consuls on the subject.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 421.—Translation.]

Extract from the deliberations of the Federal Council, June 6, 1881.

In the last session of the Federal Assembly the National Council requested the Federal Council to present promptly a report and propositions to the legislative authority of the confederation, after examination of the question of how aimless emigration might be prevented, and how the efforts of families emigrating to a new home can be properly directed. As in this matter the efficacious co-operation of the Swiss consuls in the countries of emigration is needed, the Federal Council has requested them—

1st. To send from time to time a report on the countries which can be recommended in full confidence as a destination for Swiss emigration.

2d. To persuade the Swiss colonies already established in their jurisdiction to report to them at least once a year upon what they deem useful for the information of emigrants, as to whether they could undertake to receive in their midst a number of persons or families in case the latter should be sent to them by the Swiss consuls or by the communes.

3d. To be present at the port of debarkation upon the arrival of a large number of Swiss, and to aid, by their advice and good offices, those who address themselves to them.

No. 702.

Mr. Fish to Mr. Blaine.

No. 430.] LEGATION OF THE UNITED STATES,
Berne, July 29, 1881. (Received August 18.)

SIR: Referring to my No. 400, concerning the proposed emigration of the widow Olivier and her young children, I have the honor to inclose herewith copies of a further correspondence between the council of Bourgeoisie of Neuveville and this legation.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 430.—Translation.]

Council of Bourgeoisie of Neuveville to Mr. Fish.

NEUVEVILLE, *July* 25, 1881.

SIR: Concerning the emigration of the woman Olivier and her children, about whom we had the honor to write you on the 26th of April last, and to which you had the kindness to reply, we take the liberty to submit to you the inclosed declaration asking you to inform us whether, upon the production of this document, the authorities

of New York will create difficulties to *permit* said woman to continue her journey to her destination.

You will excuse us, sir, but desiring to allay the difficulties which might arise concerning this family, we desire to be informed on this point.

In begging you to accept our thanks in advance, we tender you the assurance of our distinguished consideration.

In the name of the Council of Bourgeoisie.

The secretary.

CESAR WYSS.

[Accompaniment to inclosure 1 in No. 430.—Translation.]

We, the undersigned, hereby bind ourselves to receive and provide for the widow Mrs. Maria Olivier and her children in case they come to America.

JACOB REEF.
FRIED. SCHÜPBACH.
ELIZABETH KAHIN.
BENEDICT EUCH.
JAKOB HEINZMANN.
ALBERT WIDMER.
JACOB EUCH.
JAKOB HAFELI.
FRED. LEISER.

WETZEL COUNTY, WEST VIRGINIA,
Clerk's Office, County Court:

I, John C. McEldonnell, clerk of the county court of Wetzel County, in the State of West Virginia, do hereby certify that I am well acquainted with Frederick Schüp, bach, Jacob Reef, Benedict Euch, Jacob Hintzmann, Albert Widmer, Jacob Euch, Jacob Haferle, and Frederick Leiser, whose names are signed to the within instrument of writing, and know them to be good citizens, careful and responsible men, and in my opinion will do and perform any contract they may enter into. Given under my hand and official seal this 28th day of June, 1881.

[SEAL.]

JOHN C. McELDONNELL,
Clerk County Court, Wetzel County, West Virginia.

[Inclosure 2 in No. 430.]

Mr. Fish to the Council of Bourgeoisie.

LEGATION OF THE UNITED STATES,
Berne, July 27, 1881.

GENTLEMEN: Your letter of 25th instant, inclosing a document relative to the widow Mrs. Maria Olivier and her children, is received.

This legation cannot undertake to say what view the authorities at New York may take as to the sufficiency of the document in question, and in no event can the legation assure you that the widow and her children will be exempt from the customary examination on landing in the United States.

The facts of the case, as set forth in the previous correspondence, have been made known to the emigration authorities.

Returning the document you inclosed for examination,

I am, &c.,

NICHOLAS FISH.

No. 703.

Mr. Fish to Mr. Blaine.

No. 437.] LEGATION OF THE UNITED STATES,
Berne, August 5, 1881. (Received August 20.)

SIR: The Federal Council and the diplomatic corps attended yesterday the celebration of the four hundredth anniversary of the entry of

Fribourg and Soleure into the Confederation, and the federal shooting festival at Fribourg.

The authorities of the festival had invited the diplomatic corps and received us with every attention, including a national salute. At the banquet the President of the Confederation, in speaking to the toast of "La Patrie," took occasion to touch upon the question of the right of asylum in Switzerland. He said, "the anniversary signifies the triumph of moderation and political wisdom over partisan spirit. This land is ours and it is well earned, for we have inherited it from our fathers, whose sweat has watered every inch of it, and whose blood has hallowed so many portions of it; it will ever remain, notwithstanding the complaints from the north, a sacred asylum for the representatives of the vanquished cause. But in exercising this hospitality we will remain neutral ourselves. We will not tolerate a conspiration within our borders, and we will 'know how to keep order in our own house,' without calling for representations from abroad." The thundering applause with which the assembly, consisting of many thousands, received this part of his speech was evidence that the position of the government on the question of the refugees is fully supported by the people of Switzerland. That position has been consistent and just in the past, and I have every reason to believe that it will remain so to the end of time.

The French ambassador made a short speech on behalf of the diplomatic corps, and proposed the toast of "the legendary heroes of Switzerland and peace."

The celebration was a most beautiful one in many respects, and was a typical one as illustrating the national fondness for the sharp-shooter and his rifle.

I was glad to find so prominent a position given to our flag in the decorations, and to see our national colors worn by a Fribourg lady of grace and distinction in the *cortége* which met us upon our arrival.

I have, &c.,

NICHOLAS FISH.

No. 704.

Mr. Cramer to Mr. Blaine.

No. 9.] LEGATION OF THE UNITED STATES,
Berne, September 8, 1881. (Received September 22.)

SIR: I have the honor to transmit to you, herewith inclosed, a letter addressed to this legation by Mr. S. H. M. Byers, United States consul at Zurich, accompanied by a sworn affidavit of Mr. F. G. Vetter, United States consular agent at Horgen, near Zurich, both documents relating to what appears to be a case of the sending, by the village authorities of Gossau and Altstätten, canton St. Galle, Switzerland, of a pauper, named A. Steiger, and his family, to the United States, in violation of law.

Although the circumstantial evidences furnished by the inclosed documents appear to be sufficient to make out a case of illegal proceedings against the local authorities referred to, yet, on account of the lack of documentary evidences, I did not feel at liberty to lay the case, officially, before the Swiss Government, because I fear "it would not believe it, unless indubitably proven," as Mr. Byers says. It is evident, however, from both documents, that some local authorities in Switzerland, in

plain violation of the laws of the United States and of Switzerland, send frequently improper persons to the United States. For the purpose of obtaining documentary evidences necessary to detect and prove such illegal proceedings, our consular officers should have a certain amount of money at their disposal. It cannot be expected that they, from their own small salaries, defray the expenses incurred by quietly visiting such communities as are reported of intending to ship paupers and incorrigible criminals to the United States, and procuring documentary and other evidences necessary to prove the illegal proceedings of the authorities of such communities. In this manner the attempted shipment of objectionable persons to the United States might often be nipped in the bud.

I, therefore, take the liberty to suggest that, in view of the immense proportions which emigration from Europe to the United States has assumed, the Department lay this matter before Congress, and ask for an appropriation, to be placed at the disposal of the several legations of the United States in foreign countries, to be divided among them in proportion to the number of emigrants that land, annually, on our shores from these countries. Our diplomatic and consular officers, by a judicious expenditure of comparatively small amounts of money in detecting and proving cases where local authorities attempt to get rid of a class of objectionable persons by shipping them to the United States, would thus be enabled to prevent, frequently, such mean intentions from being carried into effect, and our country would in a large measure be relieved from the presence of paupers, imbeciles, and incorrigible criminals, who otherwise might be sent thither, notwithstanding the vigilance of our diplomatic and consular officers.

I am, &c.,

M. J. CRAMER.

[Inclosure 1 in No. 9.]

Mr. Byers to Mr. Cramer.

UNITED STATES CONSULATE,
Zurich, September 5, 1881.

SIR: I beg to call your attention to what seems to me to be a case of improper emigration to the United States.

The inclosed affidavit of Consular Agent Vetter explains itself.

I had been privately informed that the village of Altstätten was about shipping a worthless vagabond to the United States at the expense of the community.

I sent Mr. Vetter to the place, and conversation with the villagers there confirmed him in the belief that the man Steiger and family were cases of improper emigration. Of course it was impossible to secure from the officials there any documentary evidence convicting them, but the affidavit shows what the case is.

The refusal of the town president to give any information whatever on the subject is on a par with the action of the authorities of Zofingen, canton Argovie (reported to your predecessor, Mr. Fish), who simply leave unanswered my letters, asking explanation of their reported shipment of a number of paupers to the United States some weeks since.

This later case I reported to the State Department in my dispatch No. 265, copy handed to Mr. Fish at the time, August 9. I place the Steiger case before you that in case you deem it best to lay the matter before the Department, or to cable asking the detention of the persons on landing, you can have the facts so far as known to me. While on this subject, I may mention that I have been *privately* informed that, notwithstanding the Swiss laws, and our own laws against such action, the sending of improper persons to the United States as emigrants continues almost daily.

One emigrant agent, knowing I had been interested in the matter, privately offered to give me a list of fifty improper emigrants forwarded by commune authorities to the United States since March 1, if I would pay him well for it. Of course I have not the funds to pay him with, and, as from the nature of the case, he would expect considerable, I can do nothing. He told me there had been, only two weeks

since, *twelve ex-convicts* taken to Basle by a certain commune, and shipped from there to New York. It seems there ought to be a stop to this. Of course the federal government does not know of it, nor would it indorse it, nor would it *believe* it unless indubitably proven. From the nature of the case it is hard to prove by documentary evidence any of these shameful violations of law. They are nearly always kept secret, and as the offenders are the officers themselves, record evidence convicting themselves will not be granted.

The use of some money, however, in the hands of a proper agent, might result in exposing a lot of cases and ending the traffic.

I am, &c.,

S. H. M. BYERS.

[Inclosure 2 in No. 9.]

Affidavit of United States consular agent at Horgen.

Under the instruction of Consul Byers, I went to the village of Gossau, in canton St. Galle, Switzerland, to learn if the report were true that the communities of Gossau and Altstätten were sending a pauper named A. Steiger, and family, to the United States in violation of law. From numerous residents, and from the father-in-law of Steiger, in Gossau, where Steiger lived recently (although he is a citizen of the village of Altstätten), I learned that he had once had a good business as a carpenter, but that he took to hard drink, and bad habits, and became bankrupt; finally going from bad to worse, making debts and spending his time in drinking houses, and earning little or nothing to support his wife and three children.

I then went to Altstätten, and there was told personally by Mr. Engstler, the *supervisor of the poor*, that Steiger had long since become a worthless fellow, and had at one time to be aided from the poor fund to the extent of thirty francs.

Recently, on his application, it was concluded by the village corporation, or commune, to give Steiger and his family two hundred and twenty francs to aid them to go to America, and this was done, they sailing on September 3, by steamer Labrador, from Havre. The money to pay the passage was to be given to the emigrant agent, Meyer Mettler, at St. Galle, as soon as proof should be shown that Steiger and family were really on ship-board.

The money was being paid as follows:

	Francs.
Community fund	100
Poor fund	120
Total amount received	220

Information received since then shows that the family sailed on last Saturday, and that the emigrant agent was probably paid as contracted. The supervisor of the poor further informed me, directly and personally, that numbers of such had been disposed of by the community by shipping them to America.

I could not, however, secure anything from him on this subject in writing. I next went to J. Schneider, president of the community, told him I was an officer of the United States, and asked for information as to this improper shipment of persons to our country. He refused to give me any information whatever, adding that it was none of my business, nor did it concern the United States what the commune does in this matter.

J. G. VETTER,
United States Consular Agent.

HORGEN, *September* 5, 1881.

Sworn to before me this 6th day of September, 1881.

S. H. M. BYERS,
United States Consul at Zurich.

No. 705.

Mr. Hunter to Mr. Cramer.

No. 7.] DEPARTMENT OF STATE,
Washington, October 6, 1881.

SIR: I have to acknowledge the receipt of your No. 9, and of the letter of Consul Byers inclosed therein, relative to an apparent shipment

to America of a pauper named A. Steiger, and of his family, by the authorities of Gossau and Altstätten, canton St. Gall, Switzerland.

Your suggestion touching legislation here to supply to our legations means to collect evidence in such cases, and to prevent similar shipments, has been noted, with a view to bringing the subject before Congress. Meanwhile the Department urges and expects diplomatic and consular agents to use the utmost vigilance to discover, and promptness to prevent, as far as possible, the very objectionable shipments to which your dispatch relates.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 706.

Mr. Cramer to Mr. Blaine.

No. 18.] LEGATION OF THE UNITED STATES,
Berne, October 18, 1881. (Received November 1.)

SIR: I have the honor to inform you that yesterday afternoon, the 17th instant, I called on the President of the Swiss Confederation for the purpose of taking leave of him previous to my departure for the United States *en congé*. During the course of our conversation he observed that he would cause a bill to be introduced into the Federal Legislature looking towards the establishment of a diplomatic mission at Washington, its chief having the rank of an envoy extraordinary and minister plenipotentiary, with a salary of forty thousand francs, or about eight thousand dollars. He also observed that the Swiss Government had in no country either a chargé d'affaires or a minister resident, but only envoys. I noticed from the entire tone of our conversation that the Swiss Government would be highly pleased to see this legation raised to the rank of an envoy extraordinary and minister plenipotentiary; the more so, since no foreign power, great or small, has a mission here of a lower grade than that of an envoy, &c. Even the King of Belgium recently raised his mission here from a minister resident to that of the next higher grade.

As you will have noticed from the dispatches of my predecessor on this subject, it is exceedingly unpleasant for the diplomatic representative of the United States, who is only a chargé d'affaires, to be always placed at the foot of the diplomatic corps on occasions of ceremony and official and social entertainments. The giving precedence to the diplomatic representatives of such small countries as Belgium, Holland, Denmark, and Sweden-Norway, by virtue of their higher rank over the diplomatic representative of such a great power as the United States, creates unpleasant remarks, if not unpleasant feelings, and has a tendency to lower our country in the estimation of the official and unofficial world.

I therefore take the liberty to join my predecessor in the request to lay before Congress the propriety, if not necessity, of raising this and other similar legations of the United States to the rank of an envoy extraordinary and minister plenipotentiary, with a salary attached to it adequate to the reasonable demands made upon the hospitality, &c., of such an official.

In this connection I would also request that in case no secretary of lega-

tion will be appointed, an appropriation be made for clerk hire of about four hundred dollars. The demands upon the time of the chief of the mission, both by his own countrymen and by official society, are such as to absolutely necessitate the presence and assistance of a clerk. It cannot be expected that the chief of the legation should pay the expenses of clerk hire out of his own meager salary.

Recommending the foregoing to your favorable consideration,

I am, &c.,

M. J. CRAMER.

No. 707.

Mr. Blaine to Mr. Cramer.

No. 16.] DEPARTMENT OF STATE,
Washington, December 3, 1881.

SIR: I desire to invite your prompt and earnest attention to the case of one Carl Benjamin Dunkel, who has recently landed in New York from the steamship St. Germain, which vessel sailed from Havre on the 12th ultimo. Dunkel, it appears, is a native of the commune Bottmingen, in Basel Land, Switzerland, and was sent to the United States by the local authorities of that commune, with the approval of the superior authorities of the canton of Basel Land, and at the public expense of the commune. It appears from his record furnished to the Department by Mr. Mason, consul at Basel, the result of a very careful investigation made by that gentleman, that Dunkel is a notorious and incorrigible criminal, and that, although he is now only twenty-two years old, he has served fifteen terms of imprisonment in his native country for various crimes and offenses against the laws; theft and vagrancy being those with which he has been most commonly charged. It appears that in April of the present year Dunkel was sentenced to the penitentiary at Basel for the term of six months for larceny, and this sentence was supplemented with a judgment that upon the expiration of these six months in the penitentiary he was to be sent to the town of his residence, Liesthal, there to serve one year additional in the workhouse as a vagrant. When the six months had expired, however (29th of October, 1881), the council of his commune (Bottmingen), on the advice of the chief of police at Liesthal, determined to rid the commune of his care by sending him to the United States at the public expense; and this scheme was carried out through the instrumentality of one Baumgartner, an emigrant agent at Basel.

This, although the most flagrant case that has come under the notice of the Department, is not, as you are aware, the only one of the kind. This government has had frequent occasion to complain to that of Switzerland in regard to similar instances of the abuse of the hospitality of the United States. The practice is in direct contravention of a law of the United States (see act of March 3, 1875, U. S. Statutes at Large, vol. 18, page 477; or Richardson's supplement to the Revised Statutes, page 181). I inclose a printed copy of the act referred to.

It is also understood by this government that deportation of criminals and paupers to the United States by the cantonal and communal authorities of Switzerland, is in contravention of an express law of that republic. But in defiance of these laws of both nations, and in disregard of the principles of international law and the friendly comity that has always existed between the United States and Switzerland, the

practice is continued by these local authorities; and the evil has grown to such proportions that the President has deemed it necessary to notice the subject in his forthcoming annual message to Congress.

While, under the Constitution and the laws, this country is open to the honest and industrious immigrant, it has no room outside of its prisons or alms-houses for depraved and incorrigible criminals or hopelessly dependent paupers, who may have become a pest or a burden, or both, to their own country; and the sending of such persons to our shores by the public authorities of Switzerland, either local or supreme, cannot be looked upon by this government otherwise than as a violation of our national hospitality and a disregard of the spirit of comity and good neighborhood, which it is so desirable to foster and cherish between two nations bound so closely by the ties of long and unbroken friendship and kindred institutions as are the United States and the Swiss Republic.

You will take an early occasion to bring the case of Dunkel to the attention of the Swiss Government, and in doing so you will express the earnest desire felt by the President, that such measures may be adopted by that government as will put an end to the practice which has become so constant a source of complaint. Mr. Mason will put you in possession of the proofs in regard to Dunkel's criminal record, and apprise you of the details of the case. In the mean time steps have been taken here looking to the return of Dunkel to his native country.

I am, &c.,

JAMES G. BLAINE.

TURKEY.

No. 708.

Mr. Heap to Mr. Evarts.

[Extract.]

No. 32.] LEGATION OF THE UNITED STATES,
Constantinople, October 16, 1880. (Received November 5.)

SIR: I had the gratification to receive, on the 14th instant, your telegram, * * * which I interpreted as follows:

Congratulations on successful efforts in Parsons' case. Pursue matter till sentence executed.

The record of the trial of the murderers of Dr. Parsons will go to the court of revision (*cour de cassation*), and if no technical exception is taken the sentences, as rendered by the criminal court, will be submitted to the Sultan for his approval.

I expect to see the prime minister and the minister for foreign affairs on Monday next, the 18th instant, and shall endeavor to impress upon them the necessity for the prompt and full execution of the sentences. The prevailing belief, however, is that the sentence of Ali will be commuted to imprisonment with hard labor.

The non-execution of Veli Mehemet, the murderer of Colonel Kummeran, about which the Russian Government seems strangely indiffer-

ent, and the commutation of the sentence of Mirzan, lead to the belief that the Sultan will avail himself of the pretext furnished by the alleged youth of the convict to avoid sending him to the gallows.

The Department may feel assured that the legation will not relax its efforts to secure the full execution of the sentences obtained with so much difficulty.

I am, &c.,

G. H. HEAP.

No. 709.

Mr. Heap to Mr. Evarts.

No. 36.] LEGATION OF THE UNITED STATES,
Constantinople, November 8, 1880. (Received November 29.)

SIR: I had the gratification of receiving on the 4th instant your dispatch of the 15th ultimo, numbered 278, expressing your approval of the efforts of this legation to obtain the condign punishment of the murderers of the lamented Dr. Parsons and his servant. I regret that I am still unable to report the conclusions of the court of revision in their case, although I am daily promised a prompt decision confirming the sentences rendered by the criminal court.

In this connection I have to inform the Department that I received yesterday the visit of M. de Novikoff, the Russian ambassador, who showed me a paper he had prepared addressed to the minister for foreign affairs, protesting in moderate but firm terms against the failure to execute the sentence passed on Veli Mehemet for the murder of Colonel Kummeran. On the 27th of February last, Mr. de Novikoff informed me that all the foreign representatives, with the exception of the Spanish, had expressed their readiness to sign this paper, and he had come to ask me if I would be willing to join in the protest.

I am convinced that so long as the sentence of Veli Mehemet remains in abeyance there is scarcely a probability that Ali, the murderer of Dr. Parsons, will be executed; and, besides, it has really become imperative, in view of the daily, it might almost be said hourly, attempts on life and property here, together with the impunity with which they are made, that a pressure of some kind should be brought to bear on the authorities to put an end to this state of things. For these reasons I considered it advisable to give my assent to the Russian ambassador's request.

Mr. de Novikoff informed me that he had proof of Veli Mehemet having been seen at liberty in the streets of Scutari, a neighboring suburb.

The Department will be able to judge from this incident how difficult it is to obtain the execution of a Mahometan for the murder of a Christian, even when this government has to deal with a powerful neighbor who has so recently shown, not only the disposition but the power to crush them. I am credibly informed that there are at this moment in the prisons of Constantinople alone not less than fifty prisoners under sentence of death, and that it is not likely that any of them will be executed. The Sultan has an invincible repugnance to ordering the execution of a Mahometan, and he cannot, consistently, sign the death warrant of a Christian.

When the prisons become too crowded some of the more favored crim-

inals are turned loose, and others are sent off to their native countries or to other localities where they are soon released and find their way back to their old haunts. It is not an uncommon thing for a man arrested for burglary one week to be apprehended the next for a similar offense, having found the means to leave the prison in the interval.

I have just received the joint note referred to above and inclose a copy of it.

I am, &c.,

G. H. HEAP.

[Translation.]

To H. E. ASSIM PACHA,
Minister for Foreign Affairs, of H. M. the Sultan.

Monsieur le MINISTRE: The court-martial appointed to try Veli Mehemet, the murderer of Lieutenant-Colonel Kummeran, pronounced in May last a sentence of death.

Several months have elapsed since this sentence, and the undersigned have noticed with surprise that nothing has been done yet for its execution.

Painfully impressed by such an inexplicable delay and justly moved by the consequences that the impunity of the crime may have on the security of foreigners in Turkey, the undersigned are under the necessity of requesting His Excellency Assim Pacha, minister of foreign affairs, of His Majesty the Sultan, to have the kindness to let them know when finally satisfaction will be given to public opinion by the execution of the sentence given against the criminal.

The undersigned take this occasion to renew to his excellency the minister of foreign affairs the assurances of their high consideration.

MOHSIN (Persia).
HATZFELDT (Germany).
NOVIKOW (Russia).
G. J. GOSCHEN (Great Britain).
L. CORTI (Italy).
TH. TISSOT (France).
CALICE (Austria).
A. G. COUNDOURIOTTIS (Greece).
T. D'EHRENHOFF (Sweden).
GRONITCH (Servia).
VAN ITTERSUM (Holland).
BARTHOLEYUS DE FOSSELÆRT (Belgium).
G. H. HEAP (United States).

No. 710.

Mr. Heap to Mr. Evarts.

[Extract.]

No. 41.] LEGATION OF THE UNITED STATES,
Constantinople, December 1, 1880. (Received December 21.)

SIR: After more than four months of negotiations, the weary question of Dulcigno is at rest, and that obscure fishing village on the Adriatic, which at one time promised to be the spark that was to set Europe ablaze, has been surrendered to Montenegro. On Saturday last, the 27th ultimo, Dervisch Pacha, the commander of the Turkish forces in Albania, having retired from the town and placed his troops in a position to prevent the Albanian leaguers from anticipating the entry of the Montenegrins, the Black Mountaineers occupied the place with two thousand men without firing a shot.

The remaining question to be settled between the Ottoman and Montenegrin Governments is the difficult and usually irritating one of frontiers.

The Porte has thus far acquitted itself of the obligations it assumed in its note of the 3d of October last, which caused so much surprise by its outspoken frankness.

* * * * * * *

It comes out of this difficulty with no loss of prestige, and notwithstanding the imposing array of power exhibited by the "European concert," the Sultan has firmly maintained what he considered his rights, and has refused to order the shedding of the blood of the subjects who stubbornly held to their allegiance rather than pass under the dominion of their traditional enemy. It is true that in occupying Dulcigno preparatory to its surrender to Montenegro, Dervisch Pacha met with resistance from the Albanians occupying the town, and was obliged to force an entrance at the cost of a few lives.

* * * * * * *

It may be said in conclusion that the surrender of Dulcigno has been accomplished not only with credit, but with an actual increase of prestige, and that the credit and prestige is not on the side of Europe.

The Sultan has offered houses and lands to all the Mohammedan inhabitants of Dulcigno who may prefer to abandon that place rather than remain subject to Montenegrin rule.

* * * * * * *

I have, &c.,

G. H. HEAP.

No. 711.

Mr. Heap to Mr. Blaine.

No. 4.] UNITED STATES LEGATION,
Constantinople, May 4, 1881. (Received May 23.)

SIR: I inclose copies of two communications from American citizens to the minister resident, received on the 20th March last, relative to a tax, which there is a well-grounded belief the Ottoman Government has the intention of imposing on all foreigners holding real estate in Turkey.

It is a misnomer to designate this measure a "tax," for it is in reality a forced loan which, in some cases, will be equal in amount to the market value of the property "taxed."

It will, it is presumed, meet strenuous opposition on the part of all foreigners holding real estate, as they look upon it as an act of spoliation, and they will have no desire to renew the experience they had in 1878, when they were required to pay two years' taxes in advance under the distinct understanding that account should be kept of the sums paid to be credited in the tax-lists of those years, a promise which, it is scarcely necessary to say, was not kept, and the taxes had to be paid over again.

The foreign missions will probably come to an understanding on this subject so as to act in concert.

It is to be regretted that the pecuniary necessities of the Ottoman Government oblige it to employ such objectionable expedients to obtain relief from their ever-pressing embarrassments.

Pending the receipt of instructions from the Department, I shall be guided in this matter by the action of the representatives who have such large interests in charge.

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 4.]

Mr. Bliss to Mr. Longstreet.

BIBLE HOUSE,
Constantinople, March 18, 1881.

DEAR SIR: We forward a paper touching the proposal of the Imperial Ottoman Government to raise a forced loan from proprietors of real estate in Turkey. One of of our number, in whose name quite a large amount of property is held, is not in the city. A large amount of property is held in the interior, but the gentlemen in whose name it is held cannot of course sign the paper. We therefore present it in their behalf, as well as our own, having the full indorsement of those Americans who are not property holders.

Trusting that the result desired by us all may be reached, and with grateful remembrances of all your excellency's favors,

I remain, &c.,

ISAAC G. BLISS.

[Inclosure 2 in No. 4.]

Messrs. Long, Bliss, and Pettibone to Mr. Longstreet.

CONSTANTINOPLE, *March* 16, 1881.

YOUR EXCELLENCY: The undersigned American citizens, holding, either for themselves or in trust for various benevolent organizations in America, real property in Turkey, desire, in the present memorandum, to respectfully call your excellency's attention to the proposal upon the part of the Imperial Ottoman Government to raise a forced loan from all proprietors of real estate.

Believing this proposal to be illegal and in violation of the capitulations made with the United States Government, and the privileges hitherto accorded to American citizens resident within the bounds of the Ottoman Empire, we respectfully ask your excellency to withhold your consent to its enforcement.

In support of this request upon our part, we suggest for your excellency's consideration the following points:

1. The proposed loan cannot, in our judgment, be in any way regarded as a *tax upon the land.* The government simply proposes, for its own convenience, to make use of a certain valuation or appraisement of house and landed property (which estimation, it must be observed, is arbitrarily made and notoriously discriminative in favor of Musselman property holders) as *a basis* upon which the loan is to be levied. The law, then, of the 7th Sefer, 1284, in regard to the tenure of land by foreigners, would not cover this case, and the capitulations distinctly prohibit *personal* taxes, such as this may be justly considered, from being levied upon foreigners. That this does fall under the category of personal taxes, may be further seen from the fact that the proposed regulations exempt certain *persons* from the payment of this new loan, thereby showing that the tax is not to be a general one upon the whole community, but rather a personal one upon those indicated.

2. The proposed loan, even if the law of the 7th Sefer, 1284, were held to be applicable to it, would, in our judgment, still be illegal, because it proposes to levy and collect taxes *by anticipation,* which even under that law the Porte has no right to do. It will readily be seen that if the right be conceded of collecting for two years, or even one year, *in anticipation,* it can with equal right collect the taxes for *ten years* in advance, or, in other words, *confiscate* the property.

We would add that there are many reasons why such a proposal should not be submitted to. Among such, we may mention the fact that a similar demand was made in 1878, and moneys were collected from property holders with the distinct promise that all sums thus given should be deducted from the taxes to be paid the following year. No such deduction has been allowed, and those sums thus paid remain still due from the government, or must be considered as a *personal contribution* levied in addition to the already excessive tax upon the landed property itself.

Without multiplying arguments we submit the above to your excellency's consideration.

ALBERT L. LONG.
ISAAC G. BLISS.
J. P. PETTIBONE.

No. 712.

Mr. Heap to Mr. Blaine.

[Extract.]

No. 6.] UNITED STATES LEGATION,
Constantinople, May 5, 1881. (Received May 23.)

SIR: I have just received a communication from the Rev. J. E. Pierce, an American missionary residing at Baghchejik, a village near Ismid, the residence also of the late Rev. Mr. Parsons, who was assassinated in its vicinity in July last.

This letter, copy of which is inclosed, gives the details of his robbery by a band of Circassian brigands who infest the country and render the highways so insecure as to stop all travel except in large and well-armed parties.

I have addressed a note on the subject to his excellency, the minister for foreign affairs, of which I inclose a copy, and shall call on him on Monday next, the 9th instant, the first day on which he can be seen, and urge on him to have prompt and energetic measures taken for the security of life and property in the provinces.

The murderers of Mr. Parsons were, after some delay, duly tried, convicted, and sentenced. Two, I am informed, died in prison, but the third and principal convict, who was condemned to death, still awaits the execution of his sentence, which there appears no present probability of being carried out.

Had these sentences been promptly executed, the lesson would probably have prevented much crime in those lawless districts.

* * * * * * *

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 6.]

Mr. Pierce to Mr. Heap.

BAGHCHEJIK, NEAR ISMID, *May* 3, 1881.

DEAR SIR: I wish to inform you of an incident in my experience, and wish your counsel and aid. While going, on the 30th ultimo, from this place to Kourdbelery, accompanied by three men, at a point on the mountain about three hours from Aislembeg, I was attacked by eight armed Circassians. One of them, putting a revolver to my face, ordered me to dismount; I obeyed, as did our whole party. They then took from us our money, watches, &c. As we had but about 5 liras (£5) in money and two watches, they were not satisfied, but proceeded to threaten us with death if we did not give them more. Two of our number they beat severely; but after searching our persons and baggage three times and finding nothing more of value, they tied us to trees and left. We were subject to their abuse and threats about two hours, during which time they used every means to make us think they would kill us.

We were afterwards liberated by a Turk, when we returned to our homes, our business unaccomplished. A few weeks ago, two young men, natives of Aislembeg, were murdered at that place, and their horses stolen; and such things are of frequent occurrence. There is no security on any road going from this village, and the same insecurity prevails in all the Adabazar and Geiveh districts. This reign of terror has continued for three years. The people of the whole region are terribly oppressed and harassed by this state of things. It is just nine months since my colleague, Mr. Parsons, was brutally murdered only five hours from this village. What am I to do? Must I remain shut up in my house, neglecting all my business? Must the business interests of all this region remain paralyzed, as they have been for three years, because the government does not protect us from a few Circassian ruffians? If you can do anything for our relief I beg you to do so; and will you please advise me what I ought to do in the circumstances? Shall I relinquish my business, or may I hope for protection from the government?

Very, &c.,

J. E. PIERCE.

[Inclosure 2 in No. 6.—Translation.]

Mr. Heap to M. Pacha.

No. 38.] LEGATION OF THE UNITED STATES,
Constantinople, May 5, 1881.

SIR: It is my duty to communicate to your excellency a fact of the most painful urgency.

A citizen of the United States, the Rev. J. E. Pierce, residing at Baghchejik, near Ismid, traveling peaceably on business, accompanied by three men in his service, was attacked on the highway, at three hours' journey from Baghchejik, by a band of Circassian brigands, who robbed them and treated them brutally. The malefactors tied them to trees, where they remained until delivered by a Mussulman.

It is in this district that the Rev. Mr. Parsons was cruelly murdered on the 28th of July, 1880, and his assassins, although tried and condemned, one to death, and the other two to fifteen years' hard labor, are still unpunished.

It is to be believed that if the sentences given against the murderers of Dr. Parsons had been executed, this punishment would have served as a salutary lesson, and would have prevented many other crimes and offenses.

I bring this new circumstance to your excellency's knowledge with the firm conviction that you will be pleased to have the necessary measures taken for the arrest, trial, and punishment of the criminals, in order to forestall, by a prompt and efficacious example, more dreadful outrages.

I hand you herewith the translation of a letter that I have just received from Mr. Pierce, dated the 3d instant, giving the details of the outrage.

Relying on your excellency's well-known justice and equity, I beg you to accept, etc.

G. H. HEAP.

No. 713.

Mr. Heap to Mr. Blaine.

No. 7.] UNITED STATES LEGATION,
Constantinople, May 6, 1881. (Received May 23.)

SIR: The ministry of foreign affairs sent a circular to this legation on the 20th of April last, informing it that the importation of American pork was forbidden from that date on account of its being infected with trichinæ.

I have addressed a note to the minister for foreign affairs on the subject, calling his attention to the hasty manner in which it was assumed that American pork was so infected, and asking his excellency what it was proposed to do with that which might be en route to Turkish ports.

I inclose copies of the circular, and of my letter to the minister for foreign affairs, with translations of both.

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 7.—Translation.]

SUBLIME PORTE. MINISTRY OF FOREIGN AFFAIRS.

(Gt. No. 62186. St. No. 26.)

CIRCULAR.

Verbal note.

April 20, 1881.

In consequence of the existence of trichinæ in the salt pork imported from America, the Sublime Porte has decided to prohibit, until further notice, the importation of this meat in the empire. As regards pork which may already have been imported

and is for sale in the shops, it will be taken possession of by the agents of the municipality upon payment of its value as estimated by the custom-house, to be immediately destroyed.

In bringing this measure to the knowledge of the legation of the United States, the ministry of foreign affairs requests it to give the information to its citizens.

To the LEGATION OF THE UNITED STATES OF AMERICA.

[Inclosure 2 in No. 7.—Translation.

No. 39.] LEGATION OF THE UNITED STATES,
Constantinople, May 6, 1881.

MONSIEUR LE MINISTRE: Referring to the circular of the imperial ministry of foreign affairs, dated the 20th of April, 1881, and numbered 62186, 26, in relation to the interdiction set upon the importation into the empire of salt pork from America, I beg permission to ask your excellency to inform me when and where the existence of trichinæ in American pork has been ascertained.

It is true that a report was spread in France that trichinæ existed in American swine, and that this rumor induced that government to adopt measures which were afterwards found to be rather precipitate. But these reports were afterwards fully disproved by careful and minute examinations in America, where the existence of trichinæ was not confirmed except in very rare and exceptional cases, such as, for that matter, occur in all countries.

The circular of the ministry of foreign affairs goes on to state that the pork which has already been imported and is for sale in the shops shall be seized by the municipality, upon payment of a price to be fixed by the custom-house. But no mention is made of that which, in ignorance of the decree, may be on its way to Turkish ports, and which cannot be re-exported without serious loss.

If, previous to adopting so arbitrary and radical a measure against importations from the United States, the Sublime Porte had named a commission of experts to examine carefully, and with the aid of the microscope, the salt pork offered for sale in the markets, there is reason to believe that, as regards trichinæ, the examination would not have proved unfavorable to the pork imported from the United States.

The Government of the United States will learn with regret that the Sublime Porte has thought it necessary to adopt so hastily a measure which affects in so serious a manner one of the most important articles of produce of the United States.

In submitting these remarks to the enlightened appreciation of your excellency, I beg you to accept, etc.

G. H. HEAP.

No. 714.

Mr. Heap to Mr. Blaine.

No. 10.] UNITED STATES LEGATION,
Constantinople, May 11, 1881. (Received June 4.)

SIR: I called on the minister for foreign affairs on the 9th instant, and and spoke to him about the robbery of the Rev. Mr. Pierce, of Baghchejik, near Ismid, on the 30th ultimo, by a band of eight Circassian brigands, report of which I had the honor to make to the Department on the 5th instant in my number 6.

His excellency assured me that as soon as my note of the 5th instant was received he had communicated it to the prefect of Stamboul, who is the governor of the district, and that orders were immediately sent for the search and arrest of the robbers.

I took this occasion to ask his excellency if he could inform me when the sentence rendered by the criminal court of appeal on Ali, the murderer of the Rev. Dr. Parsons on the 28th of July last, would be carried into execution; adding that had this sentence been duly carried out it would probably have had a salutary effect in the district, and that I feared that the inertness of the authorities in repressing and punishing crime was calculated to render the lives and property of Americans re-

siding in Turkey insecure. I mentioned several assaults on Americans in the interior, which had occurred within the last year or two, none of which had received redress.

His excellency replied that Ali would, he thought, be executed, but that this depended on the will of the Sultan, whose royal prerogative it is to approve the sentence of death, or to commute it, or to pardon the prisoner.

I remarked that we did not for a moment question the right of His Majesty to exercise his prerogative. We only asked for a decision of some kind, and if the assassin of two unresisting men was considered deserving of a mitigation of the sentence passed on him by the highest Turkish tribunal, or even of a pardon, it should be declared without delay.

I repeat now what I said from the first in this case, that the execution of a Mahometan for the murder of one or more infidels will not be tolerated. Ali will remain in prison until he dies or escapes.

I am, &c.,

G. H. HEAP.

No. 715.

Mr. Heap to Mr. Blaine.

No. 12.] UNITED STATES LEGATION,
Constantinople, May 14, 1881. (Received June 4.)

SIR: I have to inform the Department of two more cases of robbery of American citizens by highwaymen.

Rev. Mr. Barnum, a missionary, traveling from Harpoot to Sivas, in Armenia, in company with a post-rider, was waylaid near the latter place by six robbers, who, after taking his money and arms, were persuaded by Mr. Barnum to restore their booty.

Consul Edgar, of Beyrout, telegraphed yesterday that Mr. Montgomery, consular agent at Marash, in Syria, had been robbed by Circassians of one thousand dollars.

I communicated the fact at once to the minister for foreign affairs by telegraph, and requested that energetic orders be transmitted to the governor of Adana, Syria, to pursue the robbers.

I also sent a note to his excellency, recapitulating the three cases of robbery of Americans within ten days, attributing this state of affairs in part to the failure to punish malefactors who have been captured, tried, and sentenced.

Robberies are of daily occurrence, and some are accompanied by acts of cruelty. Another Englishman, Mr. Suter, his wife and child, were recently carried off by brigands from a village near the Gulf of Cassandra, in Macedonia. Although they had the protection of thirty soldiers, the robbers, who were in superior force, overawed them. The wife and child were returned, with a demand for £15,000 as ransom for the husband. They hold him in the mountains pending negotiations with the English consul at Salonica.

The insurrection in Albania has spread confusion in every direction, and a state of anarchy exists which will not cease until the frontier question is settled and the territory ceded to Greece has been handed over to and occupied by her.

I am, &c.,

G. H. HEAP.

No. 716.

Mr. Heap to Mr. Blaine.

[Extract.]

No. 13.] UNITED STATES LEGATION,
Constantinople, May 17, 1881. (Received June 4.)

SIR: The Rev. Mr. Pierce, of Baghchejik, has informed me that some Circassians, suspected of forming part of the band that robbed him on the 30th ultimo, have been arrested and are held in confinement. I had the honor to inform the Department of this robbery on the 5th instant, by my dispatch No. 6, and transmitted at the same time a copy of a correspondence on the subject. I now beg to inclose copies of a communication from the minister for foreign affairs, received on the 15th instant, of a letter from Mr. Pierce, dated the 13th instant, and received yesterday, and of a note to his excellency Assim Pacha, dated yesterday, all relating to this subject.

It may be necessary to send the deputy marshal, accompanied by the dragoman of the consulate-general, to Ismid, to attend the preliminary examination of the the Circassians, and to see that the evidence of Mr. Pierce and his companions is received. The presence of the latter may also be required here as witnesses at the trial.

* * * * * * *

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 13.—Translation.]

Assim Pacha to Mr. Heap.

(Gt. No. 62517, St. No. 6.)

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
May 15, 1881.

MONSIEUR LE CHARGÉ D'AFFAIRES: I have received the note you were pleased to address to me on the 5th of this month, No. 38, relative to an attack on the Rev. Mr. Pierce and three of his employés, by a band of brigands, in the neighborhood of Baghchejik.

I hastened to communicate this note to the ministry of justice and to transmit to the prefecture a categorical order to discover and arrest those guilty of the act.

Accept, etc.

M. ASSIM.

[Inclosure 2 in No. 13.]

Mr. Pierce to Mr. Heap.

BAGHCHEJIK, *May* 13, 1881.

SIR: Your kind favor of May the 10th came to hand last evening. Many thanks for your kindness and trouble.

I went to the governor last Saturday and informed him of the affair; he promised to attend to it. On Tuesday last I was invited to call on the governor. I did so, when he informed me that the robbers had been arrested. They brought in half a dozen Circassians, among whom I recognized one, and was quite confident of two others; so it appears that something is being done. The property does not appear as yet.

I am perfectly sure the government can put a stop to this sort of thing if it wishes.

I presume the Circassians will be at liberty again in ten days, if they are not so already.

If Ali were to be hung here in Ismid, and six or eight Circassians severely punished, it would have a very good effect in this region.

I shall hope to see you in Constantinople in a few days.

With many thanks, &c.,

J. E. PIERCE.

[Inclosure 3 in No. 13.—Translation.]

Mr. Heap to Assim Pacha.

LEGATION OF THE UNITED STATES,
Constantinople, May 16, 1881.

MONSIEUR LE MINISTRE: I have the honor to receive your excellency's communication dated the 15th instant, numbered 62501,6, relative to the act of brigandage, committed near Baghchejik on the 30th ultimo, and I beg to thank your excellency for the instructions you transmitted in consequence.

I hasten to inform your excellency that I have just learned that some Circassians, suspected of being among those who attacked the Rev. Mr. Pierce and his companions, have been arrested, and that Mr. Pierce, who was requested by the mutessarif of Ismid to examine them, has recognized one of his assailants, and thinks he has recognized two others.

I beg your excellency, in consequence, to have instructions given to the mutessarif to proceed to a preliminary examination of the prisoners, without any unnecessary delay, and to have them identified by Mr. Pierce's companions.

I would also request your excellency to have those who are recognized as forming part of the band sent to Constantinople for trial.

In renewing my thanks to your excellency for your energetic orders, whose result has been so prompt, I take this occasion for renewing to your excellency the assurances of my high consideration.

G. H. HEAP.

No. 717.

Mr. Blaine to Mr. Heap.

No. 32.] DEPARTMENT OF STATE,
Washington, May 27, 1881.

SIR: I have received your dispatch No. 4, of the 4th instant, touching the protest of American citizens against the payment of taxes upon their property, in anticipation of a forced loan by the Government of Turkey, and to inform you that, in this matter, you may act in concert with the representatives of the other powers at Constantinople, as proposed in your dispatch.

I am, sir, &c.,

JAMES G. BLAINE.

No. 718.

Mr. Blaine to Mr. Heap.

No. 33.] DEPARTMENT OF STATE,
Washington, May 27, 1881.

SIR: Your dispatch of the 6th instant, No. 7, reporting that the Turkish Government had prohibited the importation of American pork on account of its being infected with trichinæ, has been received.

In reply, I have to inform you that this subject has been carefully and thoroughly investigated by the Department, and a detailed report in regard thereto will be sent to you as soon as published.

I may add, however, that there never was the slightest foundation for the reports sent abroad of the prevalence of that disease in American swine, which, on the contrary, have been found to be singularly free from anything of the kind.

The prohibitory measures adopted by Turkey in this matter are, therefore, unwarranted discriminations against American industry, which that government should hasten to correct.

I am, sir, &c.,

JAMES G. BLAINE.

No. 719.

Mr. Heap to Mr. Blaine.

No. 22.] LEGATION OF THE UNITED STATES;
Constantinople, June 25, 1881. (Received July 16.)

SIR: I am in receipt of two communications from the minister for foreign affairs, dated the 22d and 23d instant, respectively. In the first his excellency informs me that three of the brigands who robbed the Rev. Mr. Pierce and his companions near Baghchejik have been arrested, identified, and will shortly be tried. His excellency adds that he has written to the prefecture of the city requesting that the proceedings in this case be hastened.

In his second note his excellency states that the entire band of brigands who robbed Mr. Montgomery, the United States consular agent at Marach, have been apprehended, and that all the articles stolen from Mr. Montgomery have been recovered and restored to him.

I am, &c.,

G. H. HEAP.

No. 720.

Mr. Blaine to Mr. Wallace.

No. 3.] DEPARTMENT OF STATE,
Washington, June 29, 1881.

SIR: When, after entrance upon the duties of your office, you proceed, in conformity with your general instructions, to make yourself familiar with the business of your legation, as seen in its archives, your attention will doubtless be prominently and painfully drawn to the insecurity of the lives and property of foreign travelers in Turkey, and the failure of the authorities to prevent or repress outrages upon American citizens by way-side robbers and murderers, or even to execute its own laws in the rare instance of the perpetrators of such outrages being brought to justice.

The subject has become one of deep concern to the President. In the light of his constitutional duty towards his fellow-citizens, he cannot, unmoved, see them exposed to pillage and murder without redress, and with no attendant manifestation of any disposition to vindicate the laws of the country thus outraged; and at the present time, when your assumption of the charge of your important mission evidences anew our desire to maintain the most intimate and friendly relations with the Porte, it seems proper to endeavor to have this source of disturbance in those relations removed by an earnest and final appeal to the sentiments of friendship and justice of His Majesty the Sultan and of his advisers.

I cannot take a better text on which to base this instruction than the accompanying copy of a letter addressed to the President by a number of American residents in Turkey. Its statements are known to be entirely within the truth, and can be verified abundantly from the files of

your legation. They show in simple yet forcible language the insecurity of traveling in that country, and the instances, to the number of eight, within the past two years, when American citizens have been robbed and beaten by lawless marauders. On these occasions the lives of the assailed have been at the mercy of the robbers, and in one instance at least the taking of life preceded the robbery. In none of these cases, save one, has there been any energetic and successful effort on the part of the Turkish Government to track and arrest the offenders, notwithstanding the active remonstrances of the legation, and in that one case the result has practically amounted to a failure of justice. I refer, as you will readily perceive, to the case of the Rev. Justin W. Parsons, who was murdered while on a mission of charity within a few hours of his own home.

Upon the apprehension of the assassins the evidence of their guilt was so overwhelming that they fully confessed the murder, thus leaving no reasonable doubt as to the justness of their suffering the severity of the law. They were tried according to the forms of Turkish justice and convicted. Although the barbarity of the murder was evident, and the complicity of all the assassins established, a sentence of imprisonment was decreed against two of them, while one only was condemned to death. And now, after the lapse of months, during which the legation has repeatedly urged the execution of the law, the chief criminal remains unpunished; nor is there any apparent ground for supposing that the sentence of the Turkish court will be carried out by the Turkish Government.

A more striking case, even, of the failure of Ottoman justice is seen in the case of Colonel Kummeran, the military attaché of the Russian legation at Constantinople, who was brutally murdered on the 27th of February, 1880, and whose murderer is still unpunished, and likely to remain so. I cite this case, for the principle of diplomatic right to the protection of the local law made it one in which the interests of all the foreign representatives were common, and the United States legation very properly joined with the others in demanding simple justice.

It is intolerable to the sense of right-doing of foreign nations that such lamentable instances of the miscarriage of justice, amounting to its denial, should occur in the case of their citizens in Turkey. And it cannot be any more tolerable to the government of the Porte to find its administration of the laws constantly open to the serious charge that no Mussulman suffers for any crime, however atrocious, committed against a Christian foreigner.

The continuance of this state of perversion of the sense of right and justice in the administration of the judicial power in Turkey, by practically promising immunity to thieves and murderers for any outrage they may perpetrate upon foreigners, renders the situation of all of these most critical. We have seen that even the ægis of a legation cannot shield its members from murder, nor the sacred duties of international intercourse secure retribution; and it is therefore idle to hope that mere private citizens, dwelling often in the less frequented parts of the empire, may receive better protection, unless the government of the Sultan signally demonstrates its unwavering purpose to vindicate the majesty of its own laws, and do impartial justice alike in the case of the native and the stranger within its gates.

The time has come when in the judgment of the President it is the duty of the Turkish Government to manifest this spirit of impartial justice, in the instance afforded by the dastardly murder of Doctor Parsons.

I have therefore to direct you to demand, in firm but temperate terms, the immediate execution of the sentence pronounced against the murderers of Doctor Parsons; and to let the Turkish Government distinctly comprehend that no evasions or excuses on its part will be regarded in a friendly light, or as warranting further delay of justice.

You will at the same time present the cases of the American citizens lately robbed while traveling in Turkey, and will demand that the most earnest efforts be made to seek out and punish the authors of these outrages—adding that, as simple justice, we expect no less reparation than the tender of a fitting indemnification to those who have thus suffered from the incompetence if not (as is to be feared) the actual collusion of the Turkish authorities.

It may be well for you to let your colleagues of the diplomatic body at Constantinople know that the Government of the United States is disposed to push to immediate determination the question whether American citizens, peaceably and lawfully residing in Turkey, are or are not to expect and receive the protection of the Turkish Government, and, in case of outrage or murder, the vindication of its laws.

I am, &c.,

JAMES G. BLAINE.

No. 721.

Mr. Heap to Mr. Blaine.

No. 34.] UNITED STATES LEGATION,
Constantinople, July 16, 1881. (Received August 6.)

SIR: I had the honor to acknowledge on the 4th instant the receipt of your dispatch, dated the 16th of June last, No. 40, relative to the order prohibiting the importation of American salted pork into Turkey, and of four copies of the report on the subject of diseased pork, printed under the authority of the Department of State.

Having received no complaint from importers of American salted pork since the Turkish Government issued the order prohibiting its importation, I ascertained upon inquiry that since I wrote to the minister for foreign affairs protesting against the measure, the decree was allowed to fall into abeyance, and no further action was taken in the matter.

I was informed furthermore that a large lot of American hams that arrived soon after the date of the decree was, after passing the custom-house inspection and paying the duties, entered for consumption.

It may not be out of place to state here that this government is continually issuing rules, regulations, and decrees, and that although some are energetically observed and enforced for a short period, many seem to pass into oblivion. It would appear that the one concerning the importation of American salted pork was of this number.

Under these circumstances I am of the opinion that as long as this interdiction is virtually a dead letter it is unnecessary to recall their attention to it.

As Mahometans they are personally disinterested in the trichina question, and they perhaps think it is a matter of little moment if infidels become infected by these parasites in consequence of eating unclean meat.

I have, &c.

G. H. HEAP.

No. 722.

Mr. Blaine to Mr. Wallace.

No. 8.] DEPARTMENT OF STATE,
Washington, August 8, 1881.

SIR: Referring to recent instructions touching the subject of brigandage in Turkey, I desire to forward herewith, for your information, a copy of a letter from the secretary of the American Board of Commissioners for Foreign Missions, at Boston, of the 27th ultimo, in relation to the insecurity of life and property of American missionaries in that empire. The murder of Dr. Parsons, mentioned in the inclosed letter, has heretofore been the subject of much correspondence between this Department and the legation at Constantinople, as a reference to the files of the latter will show, and was especially presented in my instruction to you of the 29th of June last, No. 3.

In view of the emphatic and unmistakable character of that instruction, it has not been thought necessary to direct you specially at the present time.

Commending the matter to your earnest consideration, however,
I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 8.]

Mr. Clark to Mr. Blaine.

BOSTON, *July* 27, 1881.

SIR: I beg to call your attention to the long delay in inflicting capital punishment on the murderer of Dr. Parsons, of Nicomedia. Of the three murderers, two were sentenced to imprisonment for life and one to be hung. The sentence was secured only through the interposition of the representative of the United States Government; and further effort on the part of the government is now necessary to secure the condign punishment of the murderer. While this punishment is delayed, the life and property of the American missionaries scattered through the country are in great peril. In fact, since the death of Dr. Parsons they have suffered more than in any five previous years since our missionaries went into that empire. Mr. Montgomery, in Northern Syria, and party were robbed but a few months since. Mr. Perry, in the central part of Asia Minor, was also attacked by a party of robbers and stripped of everything. Dr. Barnum, on his way from Harpoot to Constantinople, was also robbed, but by remarkable address succeeded in persuading his robbers to return to him most of what they had taken. Mr. Pierce, within a few miles, comparatively, of Constantinople, has been attacked by robbers. As there are more than one hundred missionaries of the board scattered through the empire, whose lives and property are thus in constant peril, and all the more that sentence against the murderer of Dr. Parsons was not executed, we beg to call the attention of the State Department and ask that special instructions be given to the representative of our government at Constantinople. I do not know but more will be required than simple representations; a naval demonstration has been necessary on two occasions to secure the execution of murderers of missionaries.

I am also instructed by the prudential committee to call your attention to a flagrant act of injustice just perpetrated by a Turkish judge in Bitlis in Koordistan, in the eastern part of the empire. It appears that Rev. George C. Knapp, on going to Bitlis twenty-two years since, rented a house for a year; but before the year had expired the house was sold at auction by the government. Rather than be turned out of his house, Mr. Knapp overbid others and secured the house. Last winter a judge came from Constantinople, who has just decided that the house was illegally sold, and that Mr. Knapp must give it up to a pretended claimant, and, in addition, pay L. T. 200 for costs. Mr. Knapp has enlarged his house during his occupancy, on several occasions, and the property is much better now than when he first took it. The claimant insists that he will not be content with less than L. T. 1,000, and the attempt is made to wrest this large house, or this sum, from the missionary. It is a pure piece of injustice from first to last, unprecedented almost even in Turkey. Mr. Knapp has appealed

to the American minister at Constantinople. The whole thing is of a piece, however, with the indifference now manifest to the rights of Americans in the empire. I hope it may be sufficient simply to have appealed to the American minister; but the indifference shown to former representations in the various cases above mentioned leads the prudential committe of the American Board to feel that a representation should be made here to the State Department.

Very sincerely, yours,

N. G. CLARK,
Foreign Secretary American Board of Commissioners of Foreign Missions.

No. 723.

Mr. Heap to Mr. Blaine.

No. 41.] UNITED STATES LEGATION,
Constantinople, August 10, 1881. (Received August 29.)

SIR: The minister for foreign affairs sent me a communication on the 8th instant in answer to my letter to him on the 6th of May last, protesting against the decree prohibiting the importation of American salted pork, which the Porte had issued in imitation of a similar measure of the French Government.

The minister for foreign affairs states that in the interest of public health, and following in this respect the example of several other European states, notably that of France, where the measure is still maintained, he regrets that the prohibition against the importation of American salted pork cannot be removed.

Mr. Wallace had a conversation on this subject on the 1st instant with the under secretary of state for foreign affairs, and endeavored to convince him of the groundless nature of the alarm occasioned by the sudden action of the French Government in prohibiting the introduction of these meats into France.

I have, &c., G. H. HEAP.

No. 724.

Mr. Wallace to Mr. Blaine.

No. 9.] LEGATION OF THE UNITED STATES,
Constantinople, September 19, 1881. (Received October 8.)

SIR: Before presenting to the Porte a demand for the execution of Ali, who, it will be remembered, was sentenced by a Turkish court to death for the murder of Rev. Mr. Parsons, it occurred to me as a prudent preliminary to inquire if the authorities had that personage yet in custody. I am sure you will see the unlikelihood of obtaining concession of the demand if the felon were released, and gone to parts unknown; while if he has been released under a formal pardon the unlikelihood would rise into the impossible. Accordingly, the following note was forwarded and delivered to Assim Pacha, minister of foreign affairs, the day before yesterday:

No. 74.] UNITED STATES LEGATION,
Constantinople, September 15, 1881.

EXCELLENCY: I have the honor to inquire if the sentence pronounced upon Ali, the murderer of Rev. Justin W. Parsons, the American missionary, has been carried into

execution. If not, I beg to know whether the convict is now in confinement; and, if so, where.

I avail myself of this occasion to offer to your excellency the assurances of my highest consideration.

LEW. WALLACE.

His Excellency M. ASSIM PACHA,
Minister of Foreign Affairs, Sublime Porte.

If the answer discloses that Ali is still in hand, I shall serve the demand at once; otherwise, the demand for satisfaction must take some other form.

I have, &c.,

LEW. WALLACE.

No. 725.

Mr. Wallace to Mr. Blaine.

No. 22.] LEGATION OF THE UNITED STATES,
Constantinople, October 26, 1881. (Received November 14.)

SIR: Referring to your dispatch No. 3, dated June 29 last, I have the honor to inform you that having, on the 17th instant, in an interview with His Excellency Assim Pacha, minister of foreign affairs, been verbally assured that Ali, the murderer of Rev. Justin W. Parsons, was still in custody, I forwarded to his excellency a communication demanding the execution of the sentence of death pronounced against the said Ali quite twelve months ago. A copy of this communication is inclosed herewith.

In the dispatch No. 3 you were pleased to direct me "at the same time to present the cases of the American citizens lately robbed while traveling in Turkey, and demand that the most earnest efforts be made to seek out and punish the authors of these outrages," &c. I must apologize for not making those cases a part of the demand against Ali, or even presenting them in another paper of the same date. The effect of that course would have been, as I viewed it, to furnish his excellency a plausible excuse for delaying an answer touching the execution of the murderer for an indefinite period to come. Accepting my narration of the several robberies as a ground of proceeding, it seemed probable, if the worthy minister pursued his usual course, that they would be severally put through a series of investigations under reference here and there; and the demand against Ali being in the same communication, he would be able to say, often as I pressed it, that he had as yet no report, &c. For this reason it seemed to me best to let at least a week intervene between the demands.

One of the cases of robbery has meantime been disposed of. I mean that of Rev. Mr. Pierce. Day before yesterday the trial was had, resulting in the acquittal of five of them for failure of identification and the conviction of two of them, followed by sentence of condemnation to five years' imprisonment at hard labor.

I have not seen Mr. Pierce since, but am informed he expresses himself satisfied. An effort will be made to recover the property taken from him; if it is not returned I will have a statement of the effects taken made out, and push for restitution in money to their full value.

The affair of the cavass appears to be perfectly settled.

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 22.]

Mr. Wallace to Assim Pacha.

UNITED STATES LEGATION,
Constantinople, October 22, 1881.

EXCELLENCY: I beg to call your excellency's attention to a matter which, if further neglected, may come to be of the gravest moment, if not so already.

On the 28th day of July, 1880, three Turkish subjects assassinated an American, the Rev. Justin W. Parsons, who was at the time returning from a mission of charity to his home in Baghchejik.

With most commendable energy the authorities discovered, pursued, and captured the felons, and prosecuted them to conviction. On the 8th of October, 1880, the three were sentenced, two of them to imprisonment, the other to death. In all the cases the judgment was based on the admissions of the accused, of whom, as I am informed, those condemned to imprisonment have since died.

The high authorities of my government, and my countrymen both here and in America, were inexpressibly shocked by the atrocity of the murder; and, while pleased with the disposition of the Ottoman officials shown in the pursuit, arrest, trial and sentence of the assassins, they see with astonishment that, though twelve months have elapsed since the sentence of death was pronounced against Ali, the principal in the murder, the judgment remains unexecuted.

Moved at last by the representations and appeals made to him on this subject, the President of the United States, through his honorable Secretary of State, has instructed me to demand the immediate execution of the sentence pronounced against the living murderer, and to give His Majesty's Government to distinctly comprehend that no evasions or excuses on its part will be regarded in a friendly light or as warranting further delay of justice.

That your excellency may the better understand the intensity of the feeling upon this subject, and that no one to whom knowledge of this demand may come shall be free to misconstrue the motives that impel it, I submit an extract from the instruc-struction mentioned.

After referring to the murder of Colonel Kummeran, a military attaché of the Russian embassy at Constantinople, who was brutally murdered on the 27th February, 1880, and whose murderer is still alive, I am told:

"It is intolerable to the sense of right doing of foreign nations that such lamentable instances of the miscarriage of justice, amounting to its denial, should occur in the case of their citizens in Turkey, and it cannot be any more tolerable to the Goverment of the Porte to find its administration of the laws constantly open to the serious charge that no Mussulman suffers for any crime, however atrocious, committed against a Christian foreigner.

"The continuance of this state of perversion of the sense of right and justice in the administration of the judicial power in Turkey, by practically promising immunity to thieves and murderers for any outrage they may perpetrate upon foreigners, renders the situation of all these most critical. We have seen that even the ægis of a legation cannot shield its members from murder, nor the sacred duties of international intercourse secure retribution; and it is therefore idle to hope that mere private citizens, dwelling often in less frequented parts of the empire, may receive better protection, unless the Government of the Sultan signally demonstrates its unwavering purpose to vindicate the majesty of its own laws, and do impartial justice alike in the case of the native and the stranger within its gates.

"The time has come when, in the judgment of the President, it is the duty of the Turkish Goverment to manifest this spirit of impartial justice in the instance afforded by the dastardly murder of Dr. Parsons."

I avail myself, &c.,

LEW. WALLACE.

VENEZUELA.

CORRESPONDENCE RESPECTING THE FOREIGN DEBT OF VENEZUELA.

No. 726.

Mr. Baker to Mr. Evarts.

No. 287.] LEGATION OF THE UNITED STATES,
Caracas, November 3, 1880. (Received November 20.)

SIR: I inclose herewith: 1st. A copy and translation of a note, of date 9th ultimo, and received on the 10th ultimo from the minister *ad interim* of exterior relations, purporting to renew a former proposal of a convention with the United States, by which the latter may receive and distribute the payments made by Venezuela to the creditor governments on account of diplomatic reclamations, "with the understanding that there will be delivered not only the sum of 80,000 bolivars, to which the monthly quotas now amount, or 960,000 bolivars per annum, but up to a maximum of 1,040,000 bolivars annually."

2d. A copy and translation of a note, of date 9th ultimo, and received on the 10th ultimo from the minister *ad interim* of exterior relations, indicating the embarrassment of this government in consequence of the attitude of the French and English Governments, growing out of the action of this government in making the new apportionment which is prescribed by the resolution of the 17th of May last, a copy and translation of which was sent as annex No. 4 to my dispatch No. 237; and soliciting the good offices of the United States in the premises.

3d. A copy of my note to the minister, of date 14th ultimo, requesting "a statement showing for each of the seven fiscal years from 1873 to 1880 the amount of the product of the thirteen per cent. of the forty unities set apart for foreign reclamations, as also the amount of said product distributed, and the amount of said product not distributed, for each of said seven fiscal years."

4th. A copy and translation of a note from the minister, of date 18th ultimo, inclosing a statement bearing date the 19th ultimo, in response to my request. This note and its inclosure were received on the 19th ultimo.

5th. A copy and translation of said statement.

6th. A copy of my note to the minister, of date 21st ultimo, suggesting to the Government of Venezuela the terms of a proposal, to the desirable end of furnishing a basis upon which it might be hoped that the Government of the United States might regard itself as justified in using its good offices in behalf of that Government.

7th. A copy and translation of a note from the minister, of date 24th ultimo, in response to my last mentioned note, and in which the Government of Venezuela does not appropriate my suggestion.

8th. A copy of my note to the minister, of date 1st instant, indicating that I would by the earliest opportunity and in a proper manner bring the subjects of this correspondence to the knowledge and consideration of my government.

On the afternoon of the 9th ultimo, before receiving the first and second of the preceding notes, I had an interview with the President, of

his own seeking, in which two subjects were spoken of—the matter of renewed proposal to the Government of the United States to receive and distribute to the creditor governments the payments made by Venezuela on account of diplomatic reclamations, and the matter of the embarrassment of the Government of Venezuela on account of the attitude of the Governments of France and England.

In regard to the first-named subject, the President expressed or suggested a desire that I would recommend the proposal to the Government of the United States. I referred to our national principle of non-intervention in the affairs of other nations; recurred, in general phrase, to the *tout ensemble* of the matter, and indicated that I thought the Government of the United States would be reluctant, would be indisposed to accept the proposal, and that, thinking so, it would not be right in me to leave any impression that I would recommend it; and that, taking a practical view, and desiring to place matters on a practical basis, I thought the proceeding in that direction would prove to be futile.

The President expressed his approbation of the general principle of the United States not to intervene in the affairs of other nations, but indicated that he thought this proposal did not infringe that principle, I indicating that in view of the *tout ensemble* of the matter I adhered to my opinion; and as to the suggestion which was presented, that more would be paid in the event the United States Government accepted the proposal, I stated that I did not see the reason for this distinction. Whereupon I understood the President to say something about the comparative facility of getting deficits provided for by the Congress if the United States were to receive and distribute the payments.

As affecting the second-named subject, being asked to the effect of whether I had any suggestion of my own to make, I said, in substance, that if Venezuela was embarrassed, and would propose to do what, under her circumstances, the Government of the United States shall regard as fair, I had no doubt that it would be the duty of the Government of the United States to give her its good offices if necessary, and that I believed it would do so, adding that, in due regard to other friendly nations, I thought in such case that it would not be necessary; and saying that what I had said about the duty of the Government of the United States to give its good offices was based on the hypothesis that Venezuela should proffer to do what the Government of the United States should regard as fair, the President indicating that he so understood me.

Having already some unofficial information as to the product of the thirteen per cent. of the forty unities set apart for foreign reclamations, it appeared to me, on receiving the next day the first two of the preceding notes, that they did not present a proper basis for the Government of the United States to proceed upon. Therefore, after due reflection, I addressed to the minister my note of the 14th ultimo, with the view of getting the proper official information upon which to base a judgment in the premises.

It appears from the statement sent me by the minister, with his note of the 18th ultimo, that during the seven and a half fiscal years ending June 30, 1880, 578,208.64 venezolanos of the fund set apart for foreign reclamations has not been applied to its legal object; and it results from that statement that the average annual product of that fund for the seven fiscal years from 1873 to 1880 has been 230,659.23 venezolanos; and, that the average monthly product of the same fund for the same period has been 19,221.60 venezolanos.

Upon the preceding statement, furnished by the government itself, it appeared to me that an equitable view would be that Venezuela should, for the future, pay the entire fund set apart by her own law for foreign reclamations; and if her financial condition allowed, that she should pay, in addition to this and by reasonable installments, the amount (578,208.64 venezolanos) which has been received of this fund but not applied to its legal object. But in view of her financial condition, thinking that this latter requirement might be oppressive, I concluded that the least that could be insisted on, in justice to friendly nations who are complaining, would be the full payment in future of the entire fund set apart for foreign reclamations, especially as I am not advised that this would exceed the reasonable ability of the government; and my note to the minister of the 21st ultimo is in pursuance of this view. I therein suggest monthly payments, on the present provisional basis of distribution, of 95,000 bolivars, equaling 19,000 venezolanos, and which is 221.60 venezolanos less than the average monthly product of the fund for the last seven fiscal years; and suggest semi-annual payments on like basis of distribution of all excess of the fund which may accumulate over and above all the monthly payments of 95,000 bolivars each; and suggest that the suggested proposal be provisional in its character; that it go into effect from and after its acceptance by the governments concerned; and that it be entirely independent of whether the Government of the United States may consent, or may not consent, to receive and distribute the payments, as proposed by the Government of Venezuela.

It will be kept in view that the amount at present being paid is 80,000 bolivars, or 16,000 venezolanos, per month.

I personally took the last-mentioned note to the minister, and, on delivering it, said to him, that I had attentively considered the matter in the light of all its bearings in my reach, and that my opinion was that Venezuela, if in condition to do so, ought, in the future, to pay the entire fund set apart by law for foreign reclamations, and besides to pay by installments the 578,208.64 venezolanos of this fund which had not been applied to its legal object; but, thinking that this last might, in her existing circumstances, be oppressive to Venezuela, I had concluded to suggest the provisional proposal stated in my note, which looked to the full payment in future of the entire fund set apart by law for foreign reclamations; and that this was the most moderate proposal which I could recommend to the acceptance of my government.

I also explained to him, from the basis of the statement he had sent me, the ground of my opinion respecting the amount of the suggested monthly payment; indicated to him that I understood that under the suggestion of my note the said amount of 578,208.64 venezolanos would be left in abeyance; and that I thought that in any proposal to our government to receive and distribute the payments there should be no contingent difference as to the amount proffered to be paid, nor any consideration but that springing from the interchange of friendly feeling on account of the performance of good offices. The minister heard, but made no important statement.

I draw attention to the following part of the minister's note of the 24th ultimo, in reply to the suggestion embodied in my note of the 21st ultimo:

To pay in this respect 95,000 bolivars monthly, instead of the 80,000 which are being paid, would be to exceed the estimate, for which the government is not authorized; and to offer to pay the excess, if there should be such, would be to promise its application to an object distinct from public instruction and improvements (el fomento), to which it is destined.

On the morning of the 25th ultimo I casually met the minister, who stated to me that all the other excesses, as well as that in connection with the fund for foreign reclamations, were applied to public instruction and improvements (el fomento); and I understood him to speak vaguely and uncertainly of some law which gave these excesses that destination, but which he had not yet found. I indicated a wish that he would find and show me the law, and upon subsequently calling on him in relation to the business, I understood him to express himself to the effect that he did not think there was such a law, but that it was a practice of the President to give the excesses in question the destination stated. The estimate budget or appropriation for the fiscal year 1880–'81 includes 1,040,000 bolivars for foreign reclamations, whilst the actual annual sum which is being applied on this account by monthly payments is 960,000 bolivars; and, in reply to a question upon the point, the minister informed me that it is the excess of the fund above the latter, and not above the former, amount which is applied to public instruction and improvements (el fomento).

The formula "thirteen per cent. of the forty unities of the custom-house revenue" means thirteen per cent. of forty per cent. of this revenue, which, in simpler terms, equals five and two-tenths per cent. thereof; and it is the product, distribution, and remainders of this five and two-tenths per cent. which is stated in Annex No. 5 hereto.

Although our government is not complaining of Venezuela in the premises, but is applied to by her for its good offices in regard to the complaints of other friendly nations, it has appeared to me that upright dealing and public justice require that its action should look not alone to Venezuela, but to these other friendly nations as well; and that the exercise of its mediation should be based upon such proffer of action by Venezuela as it may judge to be fair under her circumstances; and you will have seen that I distinctly suggested this idea to the President in the interview with him to which I have alluded.

If our government should take the view that Venezuela ought to pay, in the future, the entire product of "the thirteen per cent., of the forty unities of the custom-house revenue," and that, to this end, monthly and residuary payments ought to be made which look to the application of the whole of this fund to its legally indicated object, I presume that no insuperable difficulty would be found in the matter of exceeding the estimate, or in the matter of the practice of applying the excess of this fund to other objects, inasmuch as the proper readjustments would be in execution of what I understand to be a standing law of the country; and this is the view which I recommend to your acceptance.

If the Governments of France and England, or either of them, should, by possibility, assume the ground that the position of our government in the premises is in any wise weakened by the attitude of the pending questions between it and the Government of Venezuela, growing out of the awards of the mixed commission, it appears to me that the completely sufficient answer would be, that the results of the treaty convention between the United States and Venezuela are absolutely conclusive as to all other nations, however they may be changed or modified *inter partes*.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 287.—Translation.]

Mr. Saavedra to Mr. Baker.

CARACAS, *October* 9, 1880.

In the year 1872 Venezuela proposed, and discussed with the legation of the United States of North America at Caracas, a convention by which they might lend their good offices to Venezuela on account of the pecuniary diplomatic reclamations, receiving from this government, in order to distribute among the creditor governments, the product of the part of the receipts applied annually to the amortization of this debt, by means of bases which had not then arrived at perfection.

The undersigned, minister *ad interim* of exterior relations, executes the order of his government in communicating to the most excellent minister of the United States, with the request that he will deign to notify it to his, that the illustrious American, President of Venezuela, renews the proposal of said convention, with the understanding (en la inteligencia) that there will be delivered not only the sum of 80,000 bolivars, to which the monthly quotas now amount, or 960,000 bolivars per annum, but up to a maximum of 1,040,000 bolivars annually; and that General William A. Pile is authorized to celebrate the convention on the part of the republic *ad referendum*, to which effect he carries circumstantial and precise instructions, and has knowledge of all the details relative to the fiscal state of the republic. The regulation being made in the terms indicated, it may be clothed with the proper formalities.

The President of the republic cherishes the hope that the most excellent Mr. Baker will vouchsafe to favor the idea and recommend it to the Government of Washington, with his merited influence, since its acceptance will tend to avoid European complications in America, as without doubt the great republic desires, and has manifested various times.

The undersigned renews, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 2 in No. 287.—Translation.]

Mr. Saavedra to Mr. Baker.

CARACAS, *October* 9, 1880.

The undersigned, minister *ad interim* of exterior relations of the United States of Venezuela, has received an order from the illustrious American, President of the Republic, to address the most excellent minister resident of the United States of North America, with the object which he proceeds to expound succinctly.

That legation knows that on the 17th of May last a new apportionment was made among the creditor governments of the funds of the thirteen per cent. destined to the payment of the diplomatic reclamations. Till then the distribution accorded on the 29th of July, 1873, had governed, which had a provisional character, whilst the respective credits were definitely liquidated, in order to fix the exact bases of the *pro rata*. The United States and Spain complained against this distribution, founding themselves in that it was not proportional to the amount of the respective credits. To remedy the inequality was the purpose of the determination of the 17th of May. That being communicated to the foreign diplomatic agents, those of France and Great Britain protested against it; and although the groundlessness of that step was demonstrated to them, they have excused themselves from entering into discussion. As disputes exist concerning the payment of interest, which in some cases has never been approved by the Congress, and in others has not even been stipulated, the government believed that if it took the base of the recognized capitals the unobjectionable (intachable) proportion would result. Thus it was done; but such good reasons have not been heeded.

The plenipotentiary of Venezuela at Paris and London has ventilated the matter with the Governments of France and Great Britain. Not only have these not accepted the said resolution, but they have exacted the fulfillment of the primitive conventions; which, if done, would leave the republic incapacitated to satisfy the other diplomatic conventions on credits of the same origin as those of these nations, and even to fulfill the necessities of its existence and improvements.

Finally M. Freycinet, minister of foreign affairs of France, called that of Venezuela to a conference, and in it manifested to him that his government did not mix itself in the interior combinations of this country, but that it could not accept a less quota than that assigned in 1873, and that such resolution was definitive; that if this was not acceded to, it would see itself in the condition (enel caso) to proceed in another manner, since, on the contrary, its position would be unsustainable before the chambers. Its chargé d'affaires has repeated the same words here, and has been made to know that Venezuela maintains the resolution of the 17th of May.

Although the government can hardly imagine that for a question of more or less monthly pecuniary quota the friendly relations of France should be disturbed, particularly when there exists there, and is becoming more and more established, the re-

publican form, preferred in America, it believes it proper to solicit the good offices of the United States to the end of preventing consequences which may present themselves.

The President of the Republic hopes that the President of the United States will vouchsafe to receive this solicitude with the interest which, to him, the fate of the Spanish-American Republics merits, and take a step whose good exit will assure his high influence and the consideration which he so justly enjoys in both worlds.

The undersigned improves the occasion, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 3 in No. 287.]

Mr. Baker to Mr. Saavedra.

LEGATION OF THE UNITED STATES,
Caracas, October 14, 1880.

Mr. MINISTER: Referring to your excellency's two polite notes to myself, both of date of the 9th instant, I have the honor to respectfully request your excellency to furnish me with a statement showing for each of the seven fiscal years from 1873 to 1880 the amount of the product of the 13 per cent. of the forty unities set apart for foreign reclamations, as also the amount of said product distributed, and the amount of said product not distributed, for each of said seven fiscal years.

Desiring this statement for the official information of myself and of my government, I with pleasure renew to your excellency the assurances of my high consideration.

JEHU BAKER.

[Inclosure 4 in No. 287.—Translation.]

Mr. Saavedra to Mr. Baker.

CARACAS, *October* 18, 1880.

Mr. MINISTER: In satisfaction of the official letter of your excellency of the 14th of this month, I have the honor to inclose here a statement which expresses as is desired, and year by year, from 1873 to the 30th of June last, inclusive, the product of the thirteen unities applied to the payment of diplomatic credits, and the sum distributed among them, with an expression of the remainders.

I renew, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 5 in No. 287.—Translation.]

CARACAS, *October* 19, 1880.

Products of the 13 *per cent. for diplomatic conventions, their distribution and remainders, for the economic years from the* 1*st of July to the* 30*th of June, beginning in the second six months of* 1872 *to* 1873, *and extending to the* 30*th of June,* 1880.

From—	Product.	Distribution.	Remainder.
	Venezolanos.	*Venezolanos.*	*Venezolanos.*
1872 to 1873	100, 130. 00	100, 000. 00	130. 00
1873 to 1874	235, 501. 04	151, 644. 00	83, 857. 04
1874 to 1875	208, 739. 65	139, 784. 00	68, 955. 65
1875 to 1876	281, 064. 56	246, 708. 00	34, 356. 56
1876 to 1877	219, 341. 22	182, 400. 00	36, 941. 22
1877 to 1878	273, 977. 38	188, 000. 00	85, 977. 38
1878 to 1879	154, 376. 36	32, 000. 00	122, 376. 36
1879 to 1880	241, 614. 43	96, 000. 00	145, 614. 43
	1, 714, 744. 64	1, 136, 536. 00	578, 208. 64

RÉSUMÉ IN BOLIVARS.

Products	8, 573, 723. 20
Distribution	5, 682, 680. 00
Balance	2, 891, 043. 20

[Inclosure 6 in No. 287.]

Mr. Baker to Mr. Saavedra.

LEGATION OF THE UNITED STATES,
Caracas, October 21, 1880.

Mr. MINISTER: Referring to your excellency's two notes to me, both of date the 9th instant, as also to your excellency's note to me of date the 18th instant, together with its inclosed statement bearing date the 19th inst., I deem it proper to say that, to the desirable end of furnishing a basis upon which it may be hoped that the Government of the United States may regard itself justified in using its good offices in behalf of the Government of Venezuela, I respectfully suggest that the Government of Venezuela propose to pay, on the present provisional basis of distribution, to the several creditor nations, the sum of 95,000 bolivars per month on the diplomatic reclamations, and to pay in addition thereto, semi-annually, and on like basis of distribution, all excess of the entire product of the 13 per cent. of the 40 unities which may accumulate over and above all the monthly payments of 95,000 bolivars each; this proposal to be provisional in its character; to go into effect from and after its acceptance by the governments concerned, and to be entirely independent of whether the Government of the United States may consent or may not consent to receive and distribute the payments as proposed by the Government of Venezuela.

I with pleasure renew, &c.,

JEHU BAKER.

[Inclosure 7 in No. 287.—Translation.]

Mr. Saavedra to Mr. Baker.

CARACAS, *October* 24, 1880.

The undersigned, minister *ad interim* of exterior relations, has the honor to respond to the indication contained in the communication of your excellency of date the 21st instant in the following terms:

The national government has applied the 13 per cent. of the forty unities of the custom-house revenue to the payment of the reclamations called diplomatic, and in making the distribution it has foreseen the case that the said revenue for supervening causes might not come up to the sum estimated. Thus it has reserved monthly a sum (cantidad) which might serve, in necessary case, to equalize the estimates. And this was the base of the first distribution, and also of the last, which the government of the republic cannot less than maintain before the foreign governments.

To pay in this respect 95,000 bolivars monthly, instead of the 80,000 which are being paid, would be to exceed the estimate, for which the government is not authorized; and to offer to pay the excess, if there should be such, would be to promise its application to an object distinct from public instruction and improvements (el fomento) to which it is destined.

This destination given to the overplus revenue is the result of the wisest foresight, since precisely that which guarantees peace in the republic, and with it the fulfillment of the compromises contracted is principally among us the investment of the largest sum possible in public works, which on the other hand contribute much to the augmentation of the revenue.

This is the rule which the government ought to observe; it fulfills it strictly; and acting thus it hopes with reason that, the case arrived, the United States will not deny its good offices.

For the rest, if it has offered to the Government of the United States to pay, through its intermediation, to the creditor governments (pagar por su intermedio á los Gobiernos acreedores), the total product of the 13 per cent. expressed in the estimate (presupuesto), that is to say, the sum of 1,040,000 bolivars instead of 960,000, thus giving away the sum (cantidad) which is now reserved, it has been with the object of facilitating the acceptance, even in exchange for exposing itself to having a deficit in the estimate (presupuesto). This proposition the Government of Venezuela will be prompt to maintain, and it cherishes the hope that the Government of Washington will find it reasonable, so much the more if your excellency deigns to recommend its acceptance, transmitting it with the appreciations which your enlightened judgment (criterio) may suggest.

The undersigned improves this occasion, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 8 in No. 287.]

Mr. Baker to Mr. Saavedra.

LEGATION OF THE UNITED STATES,
Caracas, November 1, 1880.

Mr. MINISTER: Referring to your excellency's two notes to me, both of date the 9th ultimo, to my note to your excellency of date the 14th ultimo, to your excellency's note to me of date the 18th ultimo, together with its inclosure bearing date the 19th ultimo, to my note to your excellency of date the 21st ultimo, and to your excellency's note to me of date the 24th ultimo, I have the honor to assure your excellency that I shall, by the earliest opportunity, and in a proper manner, bring the subjects of this correspondence to the knowledge and consideration of my government.

I avail myself, &c.,

JEHU BAKER.

No. 727.

Señor Camacho to Mr. Evarts.

[Translation.]

NEW YORK, *February* 7, 1881. (Received February 9.)

SIR: Referring to the last interview I had the honor to have with your excellency, I beg to present herewith a project of convention between the United States of America and the United States of Venezuela for the distribution of the monthly payments to be made by the latter into the legation of the first at the city of Caracas.

I hope that it will meet your approval, and beg your excellency to appoint a day, at your earliest convenience, to discuss, and, if possible, conclude the subject.

I take advantage of this opportunity to renew to your excellency the assurance of my highest consideration.

SIMON CAMACHO.

PROJECT OF A TREATY.

[Translation.]

The United States of Venezuela and the United States of America being equally desirous of facilitating the distribution of the monthly payments that the Government of Venezuela is making to its foreign creditors, have agreed to celebrate a convention for such purpose, and, therefore, the Secretary of State of the United States of America and Simon Camacho, chargé d'affaires of the United States of Venezuela, have agreed upon the following articles:

First. The Government of the United States of Venezuela will pay monthly into the legation of the United States of America, at the city of Caracas, a sum equal to the 13 per cent. of the forty units of its customs receipts.

Second. The United States of Venezuela agree to augment the monthly payments, which are now estimated to amount to 960,000 bolivars, to 1,040,000 bolivars per annum, paying the difference between the aforesaid sums on the 31st day of December of each year.

Third. The United States of America, through their legation in Caracas, will receive the monthly payments made by the Government of Venezuela, and the difference referred to in the precedent article, and will distribute them among the foreign creditors of Venezuela, that is to say, Denmark, France, Germany, Great Britain, Holland, Spain, and the United States of America, pro rata, at the present rate of distribution, or such other as may be established.

Fourth. The two contracting parties mutually agree to severally exert their good offices and friendly influence to have this convention accepted and ratified by the aforesaid creditors of Venezuela.

No. 728.

Mr. Evarts to Señor Camacho.

DEPARTMENT OF STATE,
Washington, February 28, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, wherein, referring to our preceding interviews on the subject, you present a project of a conventional agreement between the United States of America and the United States of Venezuela, looking to the distribution, through the agency of the United States, of the monthly payments made by Venezuela upon her foreign diplomatic debt.

In our conferences since then I have given you to understand the appreciative spirit in which this government receives and considers so gratifying a mark of the friendly confidence with which Venezuela looks to the United States in matters which, like this, affect in any wise the relations of the American continent to the powers of the Old World.

The subject had before been brought to my attention, although in a less tangible and advanced form, by the notification made to Mr. Jehu Baker at Caracas by Señor Saavedra, minister of foreign affairs, that the Government of Venezuela proposed the renewal of the negotiations of 1872 to the end of concluding a convention under which the Government of the United States should receive and distribute to the several creditor governments an ascertained monthly sum on account of the foreign debt of Venezuela. The intimation so made by Señor Saavedra bears date October 9, 1880.

It is unnecessary to my present purpose to compare the proposal now submitted with that of 1872, which contemplated the administration of the customs revenues of Venezuela under the direct supervisory control of the United States, and the collection and payment at Caracas, by the United States minister resident there, to the foreign representatives, of a stipulated percentage of those customs revenues.

Looking at the proposition as practically made *de novo* and so regarding it in its general aspect, it would seem to import the fiduciary capacity of the Government or the United States merely with respect to such sums as it would receive from that of Venezuela, without assuming either the obligations of suretyship or guarantee as regards the proposed foreign payments, or any arbitral or mediatorial function as between the foreign creditor governments and Venezuela in event of possible question concerning the merits of the debts or the amount of the payment; that is to say, that the friendly office asked of the Government of the United States would in no wise imply the assumption of the responsibilities of a fidejussor with regard to the foreign diplomatic obligations of Venezuela.

Admitting that, in this aspect of the proposal, the Government of the United States would be disposed to accept and discharge the trust which, in principle, is again proffered by that of Venezuela, there might still remain for discussion the cognate questions of the effectiveness of the proposed arrangement as looking to the eventual payment of principal and interest of the debt, and of the manner in which the United States could fulfill the trust without cost, either to their own creditors or those of other governments on account of the transaction.

It would, however, in the view of this government, be premature to consider the proposed convention without knowing that the projected arrangement would be acceptable to all the creditor governments. It

would, therefore, seem advisable that the Government of Venezuela, if it has not already possessed itself of such knowledge, should learn the disposition of the Governments of Denmark, France, Germany, Great Britain, Holland, and Spain, and acquaint that of the United States therewith, unless, indeed, it be the desire of Venezuela that the Government of the United States should take the initiative in bringing the project to the knowledge of the creditor governments and obtaining their views thereon.

Accept, &c.,

WM. M. EVARTS.

No. 729.

Señor Camacho to Mr. Evarts.

[Translation.]

LEGATION OF VENEZUELA,
Washington, March 1, 1881. (Received March 2.)

MOST EXCELLENT SIR: I yesterday had the honor to receive your excellency's note of yesterday, whereby you were pleased to reply to mine of the 7th of February last, in which it was proposed that your excellency's government should, if it thought proper, distribute through its legation at Caracas the amounts which the Government of the United States of Venezuela pays monthly to its foreign diplomatic creditors, and I cannot avoid beginning this note by expressing to your excellency the very lively satisfaction which it affords me to see the favor with which your government regards the friendly confidence of that of Venezuela in matters touching the continental relations of America with Europe, and by availing myself of this occasion to express my sincere gratitude for your excellency's earnest and consistent endeavor to promote harmony among the republics of the new world. I can assure your excellency that my government is actuated by the same sentiments that you have inspired and maintained during the whole time that you have so worthily presided over the Department which you are about to leave.

I shall transmit the reply with which your excellency has honored me to my government, that it may decide and instruct me on the various points therein referred to, but I can assure your excellency, even now, that the friendly office which I have had the honor to request in behalf of my government of that of the United States in no wise implies the assumption of the responsibilties of a fidejussor with regard to the foreign diplomatic obligations of Venezuela.

I beg your excellency to accept this respectful explanation with the same sincerity with which it is made, it being dictated by the desire to effect an arrangement which is desired by my government, and which would contribute in every way to expedite the payments which it is interested in making punctually, and with all the facilities that would be secured by the proposed arrangement.

Be pleased, &c.

SIMON CAMACHO.

No. 730.

Señor Camacho to Mr. Blaine.

[Extract.—Translation.]

NEW YORK, *March* 22, 1881. (Received March 24.)

SIR: At the last very agreeable interview I had the honor of holding with your excellency, I promised at your suggestion to state in writing substantially what had passed at our previous interview, so that your excellency's government might have data upon which to base your action in the matter.

It affords me pleasure to comply with my promise, stating to your excellency that, as the result of previous interviews had with your worthy predecessor in the Department of State, I submitted to him on the 7th of February a project of convention by which Venezuela would bind herself to deliver to the Government of the United States the monthly instalments destined by her for the payment of her foreign diplomatic creditors, amounting to 13 per cent. of the 40 units of her custom-house revenues.

Venezuela would also engage to increase to 1,040,000 bolivares the sum of 960,000 to which the monthly instalments now amount to yearly.

The United States, through their legation at Caracas, would receive and distribute said sum according to the present *pro rata*, or such other proportion as might be agreed upon by the foreign diplomatic creditors, after the approval of the before-mentioned project.

His excellency Mr. Evarts was pleased to answer me on the 28th February last, manifesting the appreciative spirit in which the Government of the United States received and considered so gratifying a mark of the friendly confidence shown to the United States in matters which affect the relations of the American continent to the powers of the Old World. And I can assure your excellency that Mr. Evarts just hit the point of the difficulty by taking my respectful proposition into consideration in that light.

It needs not I should remind your excellency that he found no other obstacles than the expenses of the distribution and the obtaining the consent of the other creditors, and that the first can in no way prove an obstacle; and as to the second, Mr. Evarts himself opened the door when he suggested that the United States might take the initiative in communicating the proposed convention to the creditors' governments.

In this condition of things, the press of New York published a cable announcing that "France had resolved to withdraw her representative in Venezuela, in consequence of the twenty years' bad faith observed by that government towards its creditors."

It were idle for me to discuss the "twenty years' bad faith" of which the telegram speaks, whilst your excellency has at hand the communications of Mr. Baker, the representative of the United States at Caracas, who doubtless has explained the situation. For my part, I deem it sufficient to assure your excellency that the Government of Venezuela pays France her monthly quota with the same punctuality that she does to the United States and other foreign diplomatic creditors; that in the punctuality of said payments President Guzman Blanco is especially interested, and should the convention, which I had the honor of proposing to your government, be concluded, that punctuality will in all future times, and under any circumstances, be one of the advantages resulting from the convention.

But if the reason given by the press is not worthy of credit, it is worth while noting the probable truth of the remarks accompanying the telegram in one of the New York papers, that many wars between great powers and weak nations have commenced by similar formality—the withdrawal of a diplomatic agent.

Assuredly the question cannot be regarded with indifference, since the French Government has declared it cannot accept the present *pro rata* of the monthly payments, and that if Venezuela does not accede to her demand that it be increased, the French Government will be forced *to proceed in some* other way.

Venezuela answered, on the 26th of August last, that she could only apply to the payment of foreign claims the 13 per cent. fixed by law ever since 1872, nor make any change in the proportion last established, because that is the only one which, considering alike the rights of all creditors, divides between them the proceeds of that fund without preferences of any kind, and that it was not believed that such a course could authorize the employment of force, nor the threat used by way of argument.

In the list of Venezuela's diplomatic creditors, France appears with the sum of 3,455,155.60 bolivares, or say $691,031.12 as capital, and a monthly quota of 11,637.55 bolivares. Of these sums the last is paid punctually, as are all others of the kind; and as to the first, it needs not the intelligence and sagacious penetration of your excellency to discover at a simple glance, that the amount does not warrant a threat of force if we are to consider, as we should, the withdrawal of the legation of a great power as the beginning of a war against a weaker nation.

Venezuela, in proposing through my agency the convention with your excellency's government for the distribution of the payments, had in mind that in this way would be avoided all difficulties between her government and those of her creditors, as also all occasion for those threats with which European nations are so prodigal (it is sad to say) when treating with Spanish American republics.

* * * * * * *

I take the liberty of renewing my requests that so soon as the overwhelming occupations of your excellency in the domestic affairs of your country permits, the convention which I had the honor of proposing to your excellency may be concluded, which convention—do not doubt it, your excellency—will be an efficient means of preventing the repetition of emergencies such as those which form the subject-matter of this communication which I confide to your excellency.

I avail, &c.,

SIMON CAMACHO.

No. 731.

Mr. Baker to Mr. Blaine.

No. 361.] LEGATION OF THE UNITED STATES,
Caracas, March 23, 1881. (Received April 11.)

SIR: Referring to my No. 287, of date November 3, 1880, I inclose herewith—

1. A copy and translation of a note, of date 20th instant, from Mr. Saavedra, respecting the present embarrassed relations of this government with that of France, and indicating the desire of this government for the good offices of the Government of the United States.

2. A copy of my note of this date to Mr. Saavedra, acknowledging the receipt of his, and indicating that I would, by the earliest opportunity, and in a friendly manner, bring his note to the attention of my government.

I have received this afternoon (too late to copy and translate for the mail which carries this) an additional note from Mr. Saavedra, indicating that this government has made a new proposition to the French Government, and to that of England withal. *I understand from this last note that this new proposition is, in the opinion of this government, of a character to prevent an immediate rupture with the French Government.*

I bespeak for the accompanying copy of note from Mr. Saavedra an attentive examination; and if, in the light of the intelligence the Department may have at and after the time of receiving this dispatch, there should be any danger of a rupture between the Governments of France and Venezuela, I respectfully recommend that the Government of the United States at once, and energetically, exercise its good offices, to the end of preserving good relations between these two governments, which on all accounts is much to be desired.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 361.]

Mr. Saavedra to Mr. Baker.

[Translation.]

Referring to his note No 779, of the 9th of October last, to the most excellent minister resident of the United States of America, the undersigned, minister of exterior relations, has the honor of communicating to him that, by information recently arrived from the legations of the Republic at Paris, the government has learned that the Cabinet of the French Republic insists on its demand that the quota of 1873 be re-established, with the pressure (apremio) of withdrawing its *chargé d'affaires* from Caracas, and suppressing the legation, if that is not acceded to. And already the government has good reasons (fundados motivos) to believe that the resolution has been taken which was spoken of to the minister of this republic in France.

The undersigned has no need to repeat the exposition of the case which was made on that occasion; but it appears to him necessary to add some words concerning the debt which is treated of.

There was agreed to here on the 6th of February, 1864, in anticipated and provisional recognition, the sum of two million dollars (pesos) in favor of French subjects for damages and injuries proceeding from the five years war of the Federation, as a means of calming the stringent (tirante) attitude with which the *chargé d'affaires* of France demanded that measure, and with the rational expectation of diminishing the burden to where it should be just, when the documents (expedientes) should be examined in Paris.

But such expectation remained frustrated. The Venezuelan plenipotentiary charged with the study of the matters in Paris was put in the alternative of charging the treasury with the two millions, or of signing definitively a convention in which the debt is reduced to a million and a half dollars (pesos), but in the conception that it should be paid in the term of five years, delivering immediately three hundred thousand dollars (pesos).

Other three hundred thousand pesos were paid afterwards here in two parts. But it could not be done.

Then the executive agreed for itself alone, without the intervention of Congress, to deliver weekly to the legation the product of the 17 per cent. of the custom-house duties of La Guayra and Puerto Cabello, with interest of 5 per cent. for the delay, and the assignation of three hundred dollars (pesos) monthly for expenses of collection. The legislature has never approved this new regulation posteriorly, and by force of the necessity of attending to the claims of Spain, Great Britain, the United States, Holland, and Germany, a monthly quota was assigned, which all the creditors agreed to receive (se prestaron á recibir).

On the 17th of May, 1880, the *pro rata* was changed, solely to adjust it to equality between the parties interested, and to quiet the complaints of those who saw themselves disfavored by the provisional distribution of 1873.

It is proper to recall that the plenipotentiary of Venezuela at Paris, in acceding to the exigency of the minister, M. Drouyn de Lhuys, protested against the moral coercion which was exercised, and bore in mind that, on account of the rebellion of the pretended confederates of the South Europe above all France, believed the occasion proper to influence the destiny of America, as it did by favoring the establishment of the empire in Mexico, whereunto, precisely in those circumstances, it dispatched the armed expedition which attained that object.

Compound interest, and the said three hundred dollars (pesos) monthly figuring in the account of France, the debt is almost in nothing amortized, and will continue a perpetual burden for Venezuela, supposing that things continue thus.

And it is to be considered that yet, to-day, it is not known who have claimed, nor the justice with which their demands may have been acceded to, nor the foundations of them. Although a convention was celebrated which constitutes for France the title of her credit, and by which same she should deliver the documents, bills, and public debt, shares of the bank of Venezuela, and other values, for whose extinction that international obligation was contracted, and which belong to the treasury of Venezuela to redeem (?) (inutilizar) and preserve as proofs of the respective expenditures, unheard of as it appears, it is certain that the strenuous (encarecidos) and constant efforts of the executive to obtain from the French Government all those papers, have been till now completely useless.

There is no exaggeration in affirming that the major part of such claims are illegitimate, of the nature of that of Jecker and others of those which served as pretexts for said intervention in Mexico, and which now have been discarded as a step previous to the re-establishment of friendship with France, which was effected at the end of 1880.

The Government of Venezuela, with the object of preventing difficulties, addressed to that of the United States, in October of last year, the proposition that it lend itself to receive and deliver to the diplomatic creditors of this country the sums of money which the treasury delivers monthly to the legations.

Now, in view of the actual situation, it abounds in confidence that the Cabinet of Washington, natural ally of the other republics of America, and which has done so much for them from the epoch of the Spanish-American war of independence, will, on this occasion, exercise its good offices in favor of Venezuela, impeding the misunderstanding from taking greater proportions.

To this intent instructions are given to the chargé d'affaires, Señor Camacho, and it is hoped that Mr. Baker will communicate the contents of this note, with his favorable personal appreciations, to the most excellent Secretary of State of the United States.

The undersigned remains, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 2 in No. 361.]

Mr. Baker to Mr. Saavedra.

LEGATION OF THE UNITED STATES,
Caracas, March 23, 1881.

The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of the note of his excellency the minister of exterior relations, of date 20th instant, respecting the existing relation between the Government of Venezuela and that of France, and to assure his excellency that he will, by the earliest opportunity, and in a friendly manner, bring said note to the attention of his government.

The undersigned renews, &c.,

JEHU BAKER.

No. 732.

Mr. Baker to Mr. Blaine.

No. 363.] LEGATION OF THE UNITED STATES,
Caracas, March 30, 1881. (Received April 23.)

SIR: Referring to my dispatch No. 361, of date 23d instant, I inclose herewith a copy and translation of the additional note from Mr. Saave-

dra, therein referred to, and which was received too late to copy and translate for the mail which carried that dispatch. I also inclose a copy of my note in response to this last note of Mr. Saavedra.

At the time of writing my dispatch No. 361 I was uncertain whether or not Mr. Saavedra proposed sending me a further note stating with more definiteness and detail the proposition made to France and England, and intended, as you will see by his note, for the United States also, but, upon subsequently meeting him, he indicated that no further note on the point was intended. As being germane to the subject, I draw your attention to the Department's No. 48 to me.

For the rest, in view of the poor and weak condition of this country, and of the ill effects which a rupture with France might have upon American and other interests here, I earnestly recommend that our government do what it properly may to relieve it from its present embarrassments with France, if at the time of receiving this dispatch need therefor should be apparent.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 363.—Translation.]

Mr. Saavedra to Mr. Baker.

CARACAS, *March* 23, 1881.

The undersigned, minister *ad interim* of exterior relations, referring to his note of the 20th to the most excellent minister resident of the United States of North America, must now add something more to its contents, with the request that he will bring it also to the notice of his government.

Heretofore there has been presented to it a proposition respecting the receipt and distribution of the product of the 13 per cent. fixed in the estimate among the creditor governments of Venezuela on account of the diplomatic debt.

The government has not yet received the acceptance of this proposition, although it expects it (la espera) with anxiety, and having, as it now has, good reasons to believe that from one moment to another the order will come to the chargé d'affaires of France to break relations with Venezuela and withdraw himself, which would embarrass the arrangement, it has seen itself in the condition to make him a new proposition capable of regulating his withdrawal and rupture, thus giving time to receive from the United States the acceptance of the arrangement proposed to them.

In view of this the Government of Venezuela hopes that that of the United States will not wonder at this step (no extrañasá este paso) taken by force of circumstances; and in communicating it to your excellency it is with the view of giving you the corresponding explanation of the occurrence.

Besides, as it concerns the national executive to separate the British Government from the French in this matter, it has made to the legation of England the same new proposition, which it submits immediately to the consideration of the government of your excellency, to the end that it may choose between it and the first that which may appear most convenient to it, with the understanding that to Venezuela the one and the other are equal, always supposing that the government of your excellency intervenes in the matter, which without doubt will secure the good end which is aspired to.

The new proposition consists in offering payment in the five per cent. consolidated debt, admitted already by the Italian Government for claims of the same class as the French. The acceptance of this debt, which has a high value in the market, with the probability of augmentation, would produce the advantage of putting at once in the hands of the interested the whole of their credits, in a paper which, for the security with which the interest will be paid monthly and the capital be amortized by auctions (por remates) could enter advantageously into every sort of negotiation. Besides, in prevision of whatever contingency, it will be stipulated that, in case of there being any alteration in the actual law of public credit, things will be re-established in their actual state.

The undersigned renews, &c.,

PEDRO I. SAAVEDRA.

[Inclosure 2 in No. 263.]

Mr. Baker to Mr. Saavedra.

LEGATION OF THE UNITED STATES,
Caracas, March 23, 1881.

The undersigned, minister resident of the United States, has just received the note of his excellency the minister of exterior relations *ad interim* of this date, and in further notice of the existing relations between the Government of Venezuela and that of France; and the undersigned assures his excellency that he will as soon as practicable, and in a friendly manner, bring this note to the knowledge of his government.

The undersigned renews, &c.

JEHU BAKER.

No. 733.

Mr. Baker to Mr. Blaine.

[Extract.]

No. 370.] LEGATION OF THE UNITED STATES,
Caracas, April 6, 1881. (Received April 23.)

SIR: Referring to my Nos. 237, 287, 361, and 363, I have to say that I have, late this evening (between 5 and 6 p. m.), received a mass of matter from the minister of exterior relations bearing upon the difficulty with France, which it is in every sense impossible to send textually by the next mail, which leaves to-morrow morning.

The French chargé has asked and got his passport, upon the denial of this government of his ultimatum, the resumption of the quota of 1873, &c., which he had demanded.

During the last few days I have indicated to this government, through official and semi-official conversations, the adherence to my already formed opinion that it ought to pay the full amount of the 13 per cent. of the 40 unities of its custom-house revenue, as a provisional measure; that under the existing condition of the country this is all that ought to be required by the creditor governments, and that the money thus paid should be divided *pro rata* among the creditor governments. The last note I received this evening proposes (conditionally, as I understand it) to pay the full amount of the 13 per cent. of the 40 unities. I hastily translate from this note:

In effect, the government proposes to the creditor governments, in place of the 80,000 bolivars which is now expended in the payment of the monthly quotas, the entire product, whatever it may be, of the thirteen per cent. of the forty unities of the rent, applied by the law of the 30th of November 1872, to foreign claims previously recognized. But, as the excess which may be each year above the probable estimate of the fund cannot be known but at the end of the year, it will be then when it may be paid. It is all the time understood that the Cabinet of Washington will, on the occasion, lend its good offices to Venezuela, and that it may be it solely which intervenes in the reception of the fund.

Thus it will be seen that this new proposition, which I think should be unconditioned, appears to be submitted subject to the understanding that the money shall be received and distributed by the Government of the United States. In conversation with Mr. Seijas, previous to the reception of the note from which I have translated, I informed him quite clearly and positively of my objection to this condition, and indicated to him that it might defeat the proposal. In the form in which it is presented I positively decline to recommend it, thinking, as I do, that the proposition should be presented in an unconditional form, with

no regard whatever to whether the Government of the United States may agree or not agree to receive and distribute the money among the creditor governments.

The substance of my opinion is—

1. That Venezuela ought to pay (without the annexed condition that the Government of the United States receive and distribute it) *the full* product of the fund set apart by her own law for the foreign claims, to which this fund is dedicated; that is, the entire amount of 13 per cent. of forty unities of her custom-house revenue, and *that in her existing condition* neither all nor any of the creditor governments ought to exact more for this purpose.

2. That the money thus paid should be distributed *pro rata* among the creditor governments.

3. That with regard to the present attitude and demands of the French Government, the Government of the United States should promptly and firmly exert its influence to harmonize Venezuela and France on the basis of the two preceding views, which, I think, will not be found seriously objected to by any other of the creditor nations aside from France, and these, besides the United States, are England, Denmark, Holland, Spain, and Germany.

The position of our country as head and natural friend of the American republics makes it proper for it to speak on the present occasion; and its interest in the subject-matter of dispute supplies it with a solid practical warrant for so doing.

* * * * * * *

I am, &c.,

JEHU BAKER.

No. 734.

Señor Camacho to Mr. Blaine.

[Translation.]

NEW YORK, *April* 18, 1881. (Received April 21.)

SIR: Referring to the last interview with which your excellency honored me, I hastened on Saturday, the 16th instant, to make known to my government, both by telegraph and the mail steamer that sailed on that day for La Guayra, the very satisfactory result of said interview, viz, that your excellency would give the necessary instructions to the minister of the United States in Paris to offer their good offices in the question with France, that your excellency would notify this to the United States minister at Caracas, and that your excellency would receive me this week to try to conclude the convention for the monthly payments to the diplomatic creditors in Caracas.

I had the honor to say to your excellency, and avail myself of the opportunity to repeat it in writing, that my government will highly appreciate the interest manifested by that of your excellency in favor of a just cause, and in proof that it is not idle theory the doctrine of republican confraternity in both Americas, which since President Monroe has been proclaimed and sustained, and undoubtedly will be sustained, by all the great statesmen of this country. Nevertheless, to reaffirm on these grounds the ideas and to give greater force to my request, I take the liberty of presenting certain data, which I flatter myself will serve to illustrate the matter.

As I had the honor of saying to your excellency in my note of 22d March last, the French Government has declared it will not accept the present pro rata in the monthly payments made to them by Venezuela, and if the latter does not yield to their demand that it be increased, the French Government will be compelled to act in some other way. In fact, the advices received here in New York were that France would withdraw her legation from Caracas, and on the 24th February last, Mr. Saint Hilaire, minister of foreign relations of France, signified to Señor Rojas, the plenipotentiary of Venezuela in Paris, that the French Government would proceed to adopt other measures after removing the question from the diplomatic ground, and that upon him would fall the responsibility of the consequences.

Mr. de Talleney, diplomatic representative of France in Caracas, has withdrawn, as I have been informed officially by the telegraph, and as a natural sequence the Government of France will now proceed to adopt the measures threatened by her, and of which I had the honor to make known your excellency receiving the promise to which I have before referred, and on which my government confides in order to come to an understanding with France in relation to a matter, the amount of which is sufficient to forbid all idea of use of force by any nation, but above all by France, who, no later than yesterday, has agreed with Mexico to re-establish friendly relations, forgetting all the past, that is to say, the Jecker and all other claims which served as a pretext for the intervention in that republic. This act towards which I take the liberty of calling very respectfully but very earnestly your excellency's attention, is all the more worthy of notice, because the invasion of the Empire in Mexico, under the protection of French bayonets, when the great Republic of the United States had all her forces engaged in a struggle sad to the memory, was of the same date as the settlements imposed upon Venezuela, and which have occasioned the debt, the value of which submitted to any fair judgment would never amount to the present sum, and for the payment of which, excessive and abounding in injustice to the rest of the creditors, violence is appealed to, although violence was never the argument of him having justice on his side, and much less when there is superiority of strength generally inclined to abuse.

I have spoken to your excellency of the amount of the claim. France formerly received 28,275 Bolivars, and now receives per month 11,637.55; the difference, 16,637.45 Bolivars, does not seem to be grounds for a war, when it is based upon reasons affecting other creditors who have as much right to be paid as France, it is insignificant if it be taken as a pretext for hostile demonstrations, and necessarily compels one to think that it is not the sole nor principal cause for the course of the French cabinet.

Your excellency has had the goodness to inform me that Mr. Baker has written to you about this matter, and surely to no better authority could I appeal in a question where Venezuela cannot understand how France, having so many commercial interests in Venezuela, prefers to them an unjust reclamation.

Fully persuaded that the friendly mediation offered by your excellency will produce very transcendental benefits for all, and will be another motive for harmony, friendship, and affection between our two countries; and confident, morever, that the convention that I have had the honor of proposing to your excellency, and which from the beginning was kindly accepted as a whole by your excellency's predecessor, will be fruitful, I shall be punctual at the appointment with which your

excellency has favored me, to try to establish the bases of that instrument of international peace in which the Government of the United States will have so important a part.

I avail, &c.

SIMON CAMACHO.

No. 735.

Mr. Baker to Mr. Blaine.

[Extract.]

No. 378.] LEGATION OF THE UNITED STATES,
Caracas, April 20, 1881. (Received May 9.)

SIR: Referring to my No. 370 and 371, respecting the embarrassed relations of Venezuela with France, I inclose herewith:

1. A copy and translation of a note from Mr. Seijas, of date 6th instant. This note was accompanied by a copy of the ultimatum presented by the chargé d'affaires of the French Republic to this government, as also by a copy of the answer thereto, and by a copy of a memorandum annexed to the same.

These last two documents are so voluminous that I have so far found it quite impracticable to transmit copies and translations of them. This, however, can work no practical inconvenience, since Mr. Seijas informs me that he has sent copies of these documents to Mr. Camacho, who will, I presume, bring their contents to the knowledge of the Department; and besides it is sufficient for practical purposes to know that the result of these documents is a refusal to acceed to the French ultimatum.

2. A copy and translation of the copy of the French ultimatum of date 30th ultimo, sent me by Mr. Seijas.

3. A copy and translation of a note from Mr. Seijas, of date 6th instant, indicating, among other things, the proposal of this government to deliver to the creditor governments in a certain manner, and on a certain condition, "the entire product, whatever it may be, of the thirteen per cent. of the forty unities of the rent, applied by the law of the 30th of November, 1872, to the foreign claims previously recognized."

4. A copy of the note, which I have to day sent to Mr. Seijas in response to his two preceding notes.

My view of the matter in hand is, in substance:

First. This country, as a country, is poor, suffering as it is not only from the entailed consequences of past revolutions and disorders, but now still suffering in addition, as I understand the situation, that condition of things which we express by the significant phrase, "hard times," largely dependent upon the depressed prices of its principal staple, coffee.

Second. In the existing condition of this country, the creditor governments ought not to exact more on account of the claims to which 13 per cent. of 40 unities of its custom-house revenue is dedicated than the full product of this fund; and I think this should be paid irrespective of whether our government consents or does not consent to receive and distribute the payments; and the money thus paid by the Venezuelan Government should, as a matter of course, be divided pro-rata among the creditor governments.

Third. It appears to me that the French ultimatum is not wholly admissible. * * *

Fourth. My opinion is that justice and principle, our actual interest in the matter, and legitimate and sensible policy, all plainly unite in prompting our government to immediately act the part of a good, honest friend to Venezuela in her present trouble.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 378.—Translation.]

Mr. Seijas to Mr. Baker.

CARACAS, *April* 6, 1881.

As the United States of North America are creditors of Venezuela for claims admitted in diplomatic convention, the president of the republic has esteemed it proper that the most excellent minister resident of the United States of North America should receive knowledge, for the uses which he may believe adequate to American interests, of the ultimatum which the chargé d'affaires of the French Republic, a creditor also in equal respect, has presented to the government, and of the answer which this ministry has given him (as also of the memorandum annexed to the same) in the matter of the monthly quota of the 13 per cent. applied to the diplomatic debt.

In consequence of the refusal of the government, Mr. de Tallenay has requested and received to-day his passport, confiding the officious protection of the interests of the French colony to the chargé d'affairs of Italy.

In communicating this to the most excellent Mr. Baker, the undersigned renews to him, &c.

RAFAEL SEIJAS.

[Inclosure 2 in No. 378.—Translation.]

Mr. Tallenay to Mr. Seijas.

LEGATION OF FRANCE IN VENEZUELA,
Caracas, March 30, 1881.

The chargé d'affaires of the French Republic has the honor of bringing to the knowledge of his excellency the minister of exterior relations *ad interim*, that he is charged with declaring that the Government of the French Republic finds itself with regret, for the motives anteriorly exposed, in the impossibility of accepting the combinations proposed by the Venezuelan Government for the payment of the recognized French credits in negotiable bonds (titres).

Wholly reserving in an express manner the rights resulting from the convention of 1864 and from the arrangements of 1867-'68, the Government of the French Republic insists on obtaining:

1. The resumption, until the extinction of the credits recognized in 1864, 1867, and 1868, of the monthly payment of 1873, of which the sum amounts to 5,655 dollars (piastres).

2. The continuation of the labors of the commission instituted in 1879 for the regulation of the pending claims.

It offers, besides, as proof of its desires of conciliation, to apply to the acquitment of these last the bonds (titres) proposed by the Venezuelan administration, under the condition that the payment (service) of them would be guaranteed by a corresponding quota of the product of the custom-houses, of which the figure would be ulteriorly determined by common accord.

The chargé d'affaires of the French Republic conforms himself, moreover, to instructions of his government in praying the Venezuelan Government to be pleased to let him know its definitive intentions before the 6th of April next, and he profits of this occasion to renew to his excellency Mr. R. Seijas the assurances of his distinguished consideration.

TALLENAY.

[Inclosure 3 in No. 378.—Translation.]

Mr. Seijas to Mr. Baker.

CARACAS, *April* 6, 1881.

The undersigned, minister of exterior relations *ad interim*, has the honor of addressing himself to the most excellent minister resident, informing him that the announce-

ments made to the government by its legation at Paris have been fulfilled respecting the purposes of the French to peremptorily exact of Venezuela the continuation of the quota assigned to her diplomatic credits in 1873.

A copy of the ultimatum and of the response which the government has given it accompanies, manifesting the impossibility of acceding to the two points which it embraces.

In consequence of the denial, Señor de Tallenay retires, embarking on board of the steamer of the French marine which is at La Guayra, and it is possible the matter may be placed in the hands of the commanders of some vessels of war.

It is urgent in itself that the Government of the United States interpose immediately its good offices with the Government of the French Republic to the end of conducting the matter to an amicable arrangement.

To this purpose the government proposes to deliver to the creditor governments, in place of the 80,000 bolivars which are now expended in the payment of the monthly quotas, the entire product, whatever it may be, of the 13 per cent. of the forty unities of the rent, applied by the law of the 30th of November, 1872, to the foreign claims previously recognized. But as the excess which may be each year above the probable estimate of the fund cannot be known but at the end of that period, it will be then when it will be paid. All this is always understood, that the Cabinet of Washington will lend on the occasion its good offices to Venezuela, and that it may be it solely which intervenes in the reception of the fund.

As Mr. Baker has examined and knows the situation of the republic, he will have convinced himself that it is not possible for it, without prejudice to its other important obligations, to destine a greater sum to the object; and that, doing what it does, it gives proofs of refined good faith and high honesty.

The government hopes, then, that Mr. Baker will earnestly favor the solicitude for the good offices of the Cabinet of Washington, which it has already presented through the legation of this country, and to which the most excellent Secretary of State of the new administration shows himself favorable, according to what was said to Señor Camacho in two conferences they had had before the 18th of March, and of which he has given an account by the last steamer, Augustus.

The undersigned renews, &c.,

RAFAEL SEIJAS.

The aforesaid is understood without prejudice of the propositions which the government has made for the payment in bonds (titulos) of the 3 per cent., or in debt consolidated of the 5 per cent., which is that which suits Venezuela and supposing they may not be accepted.

SEIJAS.

[Inclosure 4 in No. 378.]

Mr. Baker to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, April 20, 1881.

Mr. MINISTER: I received late in the evening of the 6th instant your excellency's two notes of that date (and accompanying inclosures of one of them), in further notice of the existing relations between the Government of Venezuela and that of France. I at once proceeded, in a proper and friendly manner, to communicate to my government respecting the matter, by the mail which left Caracas on the morning of the 7th instant; and I shall, by the next going mail, and in like manner, communicate further to my government in the same premises.

I avail myself, &c.,

JEHU BAKER.

No. 736.

Mr. Blaine to Mr. Noyes.

[Telegram.]

WASHINGTON, *May* 5, 1881.

NOYES, *Minister, Paris:*

[Inform minister of foreign affairs that Venezuela wants the United States to receive and disburse, as trustee, the increased monthly payments of the diplomatic debt, in a ratio to be adjusted.

While the United States may consent to receive and pay the monthly payments for herself and other nations, it would not consent to guarantee any of the debt of Venezuela.

The United States requests France to delay action respecting her debt while the former has this proposition under consideration.

State that the United States offers its kind offices for adjustment of any disagreement between Venezuela and France.

Prompt action in this behalf requested.]

BLAINE.

No. 737.

Mr. Noyes to Mr. Blaine.

[Extract.]

No. 467.] LEGATION OF THE UNITED STATES,
Paris, May 16, 1881. (Received May 31.)

SIR: As I had the honor of informing you by my cipher dispatch of the 6th instant, immediately after receiving your telegram of the same day in relation to the Venezuelan matter, I repaired to the foreign office, and explained your desire to M. Barthelemy St. Hilaire.

He said he was grateful to you for the kind intervention, and that he would take it into consideration with every disposition to accept your proposition, but that the circumstances of the case were such that some deliberation was necessary. He then stated, with all due caution of language, that the Venezuelan Government had not acted fairly with France; that after agreeing to certain payments, it had, under different pretexts, abstained from keeping its engagements, and that now, contrary to a plain understanding and a written pledge, it wanted to give preference over the claims of France, or to place on the same footing, other claims which were not entitled to such treatment.

* * * * * * *

He promised, however, that he would act promptly, and in order to facilitate his answer I left with him a note embodying the substance of your dispatch. My telegram of the 14th instant gave you a *resumé* of this answer, which I now send in full with a translation. Mr. de Rojas, the minister of Venezuela here, whose official relations with the French Government are now suspended, has called on me to-day and has expressed the hope that the Government of the United States will continue to intervene, in order in some equitable manner to settle the pending difficulty, and that as prompt action as is convenient will be had.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 467.—Translation.]

Note from the Ministry of Foreign Affairs to the United States Minister at Paris.

By a verbal note of the 6th instant General Noyes made known that, upon application of the cabinet of Caracas, the United States might consent, without guaranteeing any portion of the Venezuelan debt, to take charge of receiving and distributing the increased monthly installments designed by that state for the payment of the foreign claims diplomatically admitted.

The American Government asks, that while this proposition is under consideration,

France will suspend its action on account of her debt, and it tenders its best offices to adjust the difference existing between her and Venezuela.

The Government of the French Republic is assuredly appreciative of this mark of good will, and it cannot but acquiesce in the desire expressed to it that all action on its part be temporarily suspended.

As to the combination submitted by Venezuela to the Government of the United States for the receiving and distribution of dividends, the French Government would have no objection if all the debts, diplomatically admitted, were placed on the same equal footing. But it must remark that the treaties of 1864 have created to the advantage of a certain class of French creditors a privileged situation, which it cannot at this time renounce.

On the other hand the Venezuelan Government has openly expressed the intention of no more acknowledging the convention in force, of discontinuing the liquidation of the French pending claims, and even of not increasing the monthly installments appropriated to the redeeming of its diplomatie debt. It seems therefore difficult for the good offices of the Washington cabinet to be made useful, unless the Venezuelan Government be brought back to a just appreciation of its treaty obligations, to be made the point of departure for acceptable propositions.

PARIS, *May* 13, 1881.

No. 738.

Mr. Blaine to Mr. Baker.

No. 129.] DEPARTMENT OF STATE,
Washington, June 13, 1881.

SIR: Acknowledging the receipt of your No. 378, of the 20th of April last, on the subject of the embarrassed relations of Venezuela with France, I have the pleasure to inform you that negotiations have been for some time in progress between this government and that of France, with hopeful prospect of reaching an understanding alike satisfactory and honorable to both parties.

It has not seemed necessary to instruct you as to the communication of the steps taken to the Venezuelan Government, inasmuch as the convenient management of the negotiation seems to center here, and the ample powers and instructions given to the Venezuelan chargé d'affaires in this capital make any special conference with his government through other channels less expeditious and certain.

You will, however, continue to keep me informed of all that may transpire within your knowledge in relation to this delicate matter, losing no opportunity to express the keen interest this government feels in bringing about an amicable solution of the difficulties connected with Venezuela's foreign debt.

I am, &c., JAMES G. BLAINE.

No. 739.

Señor Seijas to Señor Camacho.

(Presented by Señor Camacho July 14.)

[Translation.]

CARACAS, *June* 27, 1881.

SIR: In addition to my communication of 14th of this month I have to say: Advices just received from Paris to the 20th of May last, as also from London, from our legation as well as from various persons worthy of all confidence, and of high political position, agree in expressing the belief that by September or October next the French Govern-

ment will realize its intentions in the question it has raised with Venezuela—*blockading by surprise our ports and taking possession of our custom-houses.*

This proves that, taking into consideration the distances and delays in communication with Europe, as well as North America, there is no time to lose to save this country and all nations with whom we have mercantile relations from the immense damages, truly irreparable, that would be unavoidably occasioned by that blockade and occupation of our custom-houses should they be accomplished.

The government of this republic will not consent for any reason whatever, now or hereafter, to assume obligations that could not be fulfilled, nor to take any step that would in any manner offend the decorum or dignity of the republic.

In consequence of the information now communicated to you, notwithstanding it is to be presumed the government at Washington, which is so far-reaching, and has such efficient means of information, will already know when you receive this note, all that is to be known as to the disposition and designs of the French Government, I am directed by the illustrious American, President of the republic, to instruct you to make known without delay to the minister of foreign affairs what I now communicate to you, and to endeavor to secure, through the friendly disposition of that government, that such instructions be sent to their legation in Paris as will cause due weight to be given, in the counsels of the French cabinet, to the influence and legitimate moral authority which that powerful republic with so much reason may and should exert in behalf of the natural and precautionary protection of the independence as well as the peace and progress of the other American states.

The design of the French cabinet now revealed, once executed, would really be naught else but an *occupation of American territory* by an European state. * * *

I am, &c., RAFAEL SEIJAS.

No. 740.

Señor Camacho to Mr. Blaine.

[Translation.]

WASHINGTON, *June* 30, 1881. (Received July 1.)

SIR: I last had the honor of a personal interview with your excellency when you kindly communicated to me the reply which the minister of the United States at Paris transmitted by cable to your instructions in regard to tendering the French Government the good offices of your government in the existing differences relative to the Venezuelan diplomatic debt, and I have not been favored with further information on the subject.

Your excellency has said also to me that in the absence of the reply of the French Government it would be inexpedient to press the matter of the convention for monthly payments. As these questions are of the most vital importance to my government, I hope that you will pardon me for addressing myself again to your excellency to request if you have had any information in relation to this matter that I may forward the same to my government.

I avail, &c. SIMON CAMACHO.

No. 741.

Mr. Baker to Mr. Blaine.

No. 431.] LEGATION OF THE UNITED STATES,
Caracas, July 13, 1881. (Received July 29.)

SIR: Referring to your dispatch numbered 129, of date 13th ultimo, I inclose herewith a copy and translation of a note from Mr. Seijas, of this date, relative to the difficulties between this government and that of France, and draw your attention to the same. I also inclose a copy of my note of this date in response to that of Mr. Seijas.

I am much pleased with your statement in your said dispatch in reference to the subject in hand, "that negotiations have been for some time in progress between this government and that of France, with hopeful prospect of reaching an understanding alike satisfactory and honorable to both parties"; and I sincerely hope that no very serious difficulty may be found in reaching such an understanding. But, taking all possible views into account, should it turn out that the French Government shall indicate the purpose of proceeding independently, and of employing force towards Venezuela under the existing circumstances, my judgment is that our government should, in that case, take a timely occasion to cause the French Government to understand that such a course under such circumstances would be reviewed with grave concern.

* * * * * * *

I will add, as matter of information, that I have learned from Colonel Mansfield, the English chargé d'affaires at this capital, that on May 10 the English Government, through Lord Lyons, proposed to the French Government "a conference of delegates from Venezuela, France, and Great Britain to arrive at an equitable settlement of the claims of the last two governments upon that of Venezuela; and that on May 14 this was refused by the French Government.

The words quoted are from a memorandum furnished me to-day by Colonel Mansfield himself, with knowledge that I purposed communicating the intelligence to my government.

I am, &c.,

JEHU BAKER.

[Enclosure 1, in No. 431.—Transation.]

Señor Seijas to Mr. Baker.

CARACAS, *July* 13, 1881.

MR. MINISTER: I have the honor of addressing your excellency with the request that, continuing your good offices in favor of this Republic in its question with France, you will manifest to the Government of Washington that, as it is indispensable to define our situation, the president would desire to obtain from the United States the conclusive assurance that they will impede all coercive action of France, whether it consists in the blockade of the ports or other thing.

The executive knows the interest with which the most excellent Mr. Blaine solicited, by means of a cablegram, that the Government of France would detain its action against Venezuela, and interposed, besides, his mediation for the adjustment of the difficulties. For itself, Venezuela has the greatest confidence in the result of those steps, not being able to believe that the interposition of so respectable a power as the United States may be disregarded; but the uneasiness of this government is natural, which fears to see the edifice of the peace and progress of the nation menaced, raised up at so much cost, and the hope of the future destroyed on account of the questions whose bottom I have given your excellency to know from their origin.

I renew, &c.,

RAFAEL SEIJAS.

[Inclosure 2 in No. 431.]

Mr. Baker. to Señor Seijas.

LEGATION OF THE UNITED STATES,
Caracas, July 13, 1881.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of this date, relative to the difficulties between your excellency's government and that of France, and to assure your excellency that I shall, by the earliest opportunity, bring your excellency's said note to the knowledge of my government.

I avail myself, &c.,

JEHU BAKER.

No. 742.

Mr. Blaine to Mr. Noyes.

No. 402.] DEPARTMENT OF STATE,
Washington, D. C., July 23, 1881.

SIR: The response made by M. St. Hilaire to the request of this government for delaying any movement on the part of France against Venezuela was prompt, friendly, and reassuring. Disquieting rumors, however, are circulated afresh to the effect that the French Government designs taking forcible possession of some of the harbors and a portion of the territory of Venezuela in compensation for debts due to citizens of the French Republic.

In the absence of direct proof of this design, the Government of the United States is unwilling to believe that it is entertained by France, and I would not call the subject to your attention except for the fact that our Venezuelan advices indicate the fear of such an impending calamity as quite general among the people of that helpless country, and as being shared by those who are entrusted with its administration. The alleged ground for this expected hostile demonstration on the part of France, is the failure of the Venezuelan Government to pay, with fidelity and promptness, the sum stipulated to be paid annually to the French creditors by the settlement of 1864.

To understand the question clearly it may be necessary to recite the essential facts and conditions of the debt now owed by Venezuela to citizens of the different countries named below.

The facts embraced in this tabular statement have been thoroughly investigated by the American minister at Caracas, who vouches for its substantial, if not literal, correctness:

Recognized foreign debt of Venezuela.

Country.	Total debt.	Monthly payment July 20, 1873, to May 1, 1880.	Monthly payment since May 1, 1880.	Debt adjusted.
	Francs.	*Francs.*	*Francs.*	
Spain	7,704,457.64	13,980	25,949.94	May 10, 1874.
United States of America	5,847,163.32	13,980	19,694.25	Convention, 1866.
Holland	4,190,906.56	7,220	14,115.70	do. 1866.
France	3,455,155.60	28,275	11,637.55	See report.
England	2,192,835.24	10,020	7,385.84	June 14, 1878.
Germany	200,000.00	4,000	673.63	May 24, 1877.
Denmark	161,241.16	88,125	543.09	March 17, 1866.

It will be observed that prior to May, 1880, the monthly payment to France for a series of years was 28,275 francs, and since that date it has been reduced to 11,637 francs. The payment to France prior to May, 1880, was much larger in proportion to her debt than to any of the other creditor nations, and Venezuela alleges that she was unable to continue the payment at that rate without doing manifest injustice to other nations, whose claims are as sacred as those of France. In conversations with the French minister here, I have received the intimation that France regards her claim as in some sense superior to those of the other countries, because first acknowledged and liquidated. It is the judgment of the President that no absolute superiority can be claimed on that ground. A national debt rests for its security upon national honor, and is valuable to the creditor by reason of that foundation. A question of national honor is not to be determined by the time at which the promise was given, nor is the duty to fulfill it dependent on the date of record. If Venezuela is unable to discharge all her obligations, the President is unwilling to admit that mere priority of date can determine in favor of one to the exclusion of others. If the United States had been unable to discharge her great national war debt, according to its letter, no prior claim would have been acknowledged as attaching to the bonds of 1861 over those of 1865, no matter in whose hands they might have been held. So likewise in France. No contingency could possibly arise in the administration of the finances of that great country in which a distinction would be drawn between the relative obligations to pay the rentes of the ancient monarchy, of either of the empires, of the revolutionary tribunal of Robespierre, or of the great republic which now embodies the will and the power of the French people.

The President, therefore, rejects altogether the claim of superiority for the French debt, based on priority of the date of settlement. He rejects it if Venezuela is to be treated as an independent government with national sovereignty, as inconsistent with and derogatory to that sovereignty. He rejects it with equal decision if she is to be treated as a bankrupt, her property seized, and her independence destroyed; for, in that event, should it be permitted to happen, the plainest of justice requires that an equitable partition should be made of the assets among all the proved creditors.

The Government of the United States is anxious only that justice may be done to all parties, and that Venezuela may be so sustained that in good time she will be able to acquit herself honorably of all her obligations. Disclaiming any intention or desire to interpose our own judgment as a rule for the conduct of other powers, it is the conviction of the President that a general accord should be reached among the creditor nations, and that a convention should be established which would be mutually and generally satisfactory. Without attempting to prescribe or dictate, the President suggests that the United States will place an agent in Caracas authorized to receive such amount each month from the Venezuelan Government as may be agreed to be paid—not less than the aggregate now paid—and to distribute said amount *pro rata* to the several creditor nations. Should the Venezuelan Government default for more than three months in the regular installments, then the agent placed there by the United States and acting as trustee for the creditor nations shall be authorized to take charge of the custom-houses at Laguayra and Puerto Cabello, and reserve from the monthly receipts a sufficient sum to pay the stipulated amounts, with 10 per cent. additional, handing over to the authorized agent of the Venezuelan Government all the remainder collected. It is the judgment of the Presi-

dent that an arrangement of this kind would give all reasonable security to each of the creditor nations, and would be an effectual bar against any one obtaining an inequitable advantage over the others.

Believing that France only desires justice in the premises, and that, in common with the United States, her government abhors war and will never use force needlessly, the President confidently believes that a peaceful and honorable adjustment will be accepted by all the nations interested. The offer of the United States to intervene was made solely in the interests of peace and justice, and the President will sincerely regret if anything said or intimated herein shall be accepted by France in any other spirit than that of friendly co-operation.

You will at the earliest opportunity communicate to M. St. Hilaire the substance of this note, and if, in your judgment, it shall seem desirable, you may leave with him a copy.

I am, sir, &c.,

JAMES G. BLAINE.

No. 743.

Señor Camacho to Mr. Blaine.

[Translation.]

NEW YORK, *August* 1, 1881. (Received August 2.)

SIR: By the steamer that arrived last Friday from La Guayra I received positive orders from my government to beg from that of your excellency an explicit promise to prevent a blockade or any other violent action on the part of France against Venezuela, for inasmuch as France had closed her relations and withdrawn her minister from Caracas, she might proceed further in her aggressive course without notifying any one.

I understand the same petition has been communicated to Mr. Baker, in order that he may lay it before your government.

The Government of Venezuela is justly alarmed by advices received from France that a blockade is threatened, as also that the proposal of a friendly intervention on the part of the United States has been rejected.

Moreover, my government knows that the insinuations of Great Britain for an equitable adjustment of *their* claims with those of France against Venezuela, by means of a conference, were also disregarded, and the question is deemed all the more serious since France seems disposed to proceed *á parti pris*.

After the generous offers, with so much good will, made to me by your excellency, it is painful to me to be compelled to communicate what I have written, and herein alone must be sought an explanation of the orders that I have received.

I have paused a moment before obeying them, in view of the alarming condition of the President, but as now it seems that the Almighty responds to the prayers of the many millions of voices that are supplicating for his life, in the dire extreme presented by my government I submit to your excellency the petition with which this letter opens.

As it is your excellency who receives this, it were idle to urge or offer any pleadings to make you comprehend that dire extreme, for you know it too well, and I therefore content myself by begging for a reply,

which, oh, that I might send it by telegraph, or at latest by the steamer whose mail bags will close at this post-office on Friday night, the 5th instant.

I avail, &c.

SIMON CAMACHO.

No. 744.

Mr. Blaine to Señor Camacho.

DEPARTMENT OF STATE,
Washington, August 3, 1881.

SEÑOR: I have the honor to acknowledge the receipt of your letter of the 1st instant, in regard to the pending complications between Venezuela and France, growing out of the non-payment of the French claims, and to the apprehensions felt by Venezuelans of an armed demonstration within a short time by France, and the forcible occupation of some of the harbors of Venezuela in compensatiou for debts due French citizens.

I am unwilling to believe that such a design is entertained by the French Government, or that there is just ground for the apprehensions referred to; but the friendly interest with which this government regards the sister and American Republic of Venezuela has induced me, after hearing the representations made by you in recent conversations, to instruct our minister at Paris to say to Mr. Barthelemy St. Hilaire that the President is of opinion that a general accord should be reached among the creditor nations and a convention agreed upon, and suggests that the United States place an agent at Caracas, authorized to receive monthly from the Venezuelan Government the amount agreed upon, to be distributed *pro rata*, and, in case of default, to take charge of the custom-houses at La Guayra and Puerto Cabello, and reserve from the receipts the amount necessary for the above purpose, and 10 per cent additional.

I trust that this suggestion will be so received by the French Government as to dispel the apprehension of an armed occupation of any of the ports or territory of Venezuela, and will lead to a satisfactory adjustment and ultimate payment of all the foreign claims of Venezuela.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 745.

Señor Camacho to Mr. Blaine.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
New York, August 13, 1881. (Received August 15.)

EXCELLENCY: I had the honor, in due time, to receive your excellency's polite note, dated the 3d instant, wherein, referring to the fears entertained by certain Venezuelans of an armed demonstration shortly to be made by France and the forcible occupation of some of their ports in compensation for what Venezuela owes to French citizens, your ex-

cellency is pleased to say to me that you are not disposed to believe in such an intention on the part of the French Government, or that there is just foundation for the fears in question. Your excellency, nevertheless, by reason of the interest which this government feels toward a sister republic, in view of what I have set forth, has directed that Mr. Barthelemy St. Hilaire be informed that the President is in favor of a general accord between the creditor nations and the conclusion of a convention, whereby the United States shall place an agent at Caracas to receive the monthly payments, to distribute the same *pro rata*, and, in case of default in payment, to take from the custom-houses of La Guayra and Puerto Cabello the sum necessary for the payment, plus 10 per cent.

In view of the reference you are pleased to make to me, I take the liberty of explaining that in the conferences which I have had the honor to hold with your excellency, it was always said that the default of payment should be for three months, in order to authorize the agent of the United States to receive payment directly from the custom-houses; and, if my memory does not deceive me, in the interview so important for me, of the 22d of July last, wherein your excellency vouchsafed to read to me the draft of the instruction to your minister at Paris, it seems to me that I heard that condition in the terms I have explained, and, consequently, I infer that it may not have been deemed necessary in the summary of that instruction with which you have honored me in the note to which I now reply.

I sent your note to Caracas on the 6th instant, and it is therefore still on the way thither, while I received by the steamer, which arrived on the 10th, a dispatch from my government wherein, as I trust, your excellency will recognize the good will with which it is disposed to give absolute assurance of the strict punctuality of the payments, being, however, careful that nothing therein shall tend in any way to wound the dignity of the government or of the republic. And such assurance is conceived by it to be given by the pledge that the consuls of the United States of America shall be authorized by the convention between the two governments to receive, directly and without any intermediation, from the custom-house at their place of residence in our ports open to commerce, the "13 per cent. of the forty unities" not applied to the public service, to the end of holding it subject to the order of the minister of the Government of Washington at Caracas, or to be disposed of in such manner as that government* may see fit to order. The custom-houses of Venezuela will receive orders to strictly accomplish the liquidation, and to deliver the 13 per cent. to the consul of the United States at the moment of its collection from the importer.

The citizen president deems that in this manner will be assured, as far as is desirable, the punctual fulfillment of the compact, leaving to the conference of the diplomatic representatives the ascertainment of the amounts due and the distribution of the funds.

It seems to me, Mr. Secretary, that the Government of Venezuela, directly treating with your excellency's government and highly appreciating the friendly offer of its best offices to curb the violent action of France, has, in formulating the assurance which your excellency would require, gone in a direction more comprehensive and effective than that which you were so good as to explain to me verbally on the 22d of July, and which you confirmed to me in writing (with the slight alteration

*Spanish text reads *este gobierno*, literally *this* government; but the sense seems to be "this *last-mentioned* government." The phrase seems to me a little ambiguous. "This government where I now am" is another sense.—TRANSLATOR.

which I have noted) in your esteemed note of the 3d instant. The President of Venezuela does not wish to leave to future contingencies (especially as in his time it can never occur), the lapse of three months without payment, but he desires and promises that at the time of each liquidation there shall be paid to the consul at each of the custom-house ports the 13 per cent. for the payment of the diplomatic claims.

I venture to hope that your excellency will give to this manifestation of good faith and of resolution to render it effective all the force which I attach to it. It is still practicable to replace the arrangement offered to France by the more effective one suggested by my government.

I am highly satisfied that your excellency does not believe that the French Government entertains designs of force against Venezuela. Your excellency has the means of knowing this, and although I am not textually acquainted with the response of Mr. Barthelemy St. Hilaire to the plenipotentiary of the United States at Paris, through other channels I have been informed that the French minister was thankful for, but did not accept, the friendly interposition of your excellency, besides which I have never hesitated to assert to your excellency that the present course of the French cabinet is inspired by far more transcendental designs than that of a difference in the *quantum* of a monthly *pro rata*. It is to me incredible, and I think it must be so to your excellency likewise, that a difference of francs merely, the insignificant sum of three thousand and odd dollars, should precipitate France into hostilities here in America, when every hostile act must cost her much more than the monthly quota in dispute. It is incredible to me that there should be in this century a nation ready to wage war for questions of money, and this unsustainable idea is still further removed from my thoughts when I view the recent policy which seems to inspire the French Government to demonstrations of its power in Terranova (Newfoundland?), in New Caledonia Tahiti, in Tunis and in Madagascar, with a resoluteness of movement which assumes a truly novel character.

The belief which your excellency is pleased to communicate to me is certainly reassuring; but your excellency will permit me to say that the situation cannot be entirely satisfactory to all parties so long as the French Cabinet gives no proofs of justly conforming to a convention guarded by all the usual formulas.

I have, &c.

SIMON CAMACHO.

No. 746.

Señor Camacho to Mr. Blaine.

[Translation.]

LEGATION OF VENEZUELA,
New York, August 23, 1881. (Received August 25.)

EXCELLENCY: The steamer Caracas, which arrived yesterday afternoon from Laguayra, has brought advices from my government which I hasten to bring to your excellency's knowledge.

Referring to the gratifying interview which I had the honor to hold with your excellency in the presence of the honorable Assistant Secretary Hitt, on the 22d of July last, and in which your excellency was so kindly pleased to read to me your reply to Mr. St. Hilaire touching the

matters between France and Venezuela, the minister of foreign relations says that, having given an account thereof to the President, his excellency finds that in point of fact the reply, an extract whereof I communicated to the ministry, and which your excellency was pleased to confirm in your note of the 3d instant, shows a cordial disposition on the part of the Government of the Great Republic towards Venezuela.

Carefully considered, not only does it improve the course of the negotiation, but to a certain extent it marks a progressive change which promises to be transcendental.

The offer is not now of great importance, but it is still an offer of good offices for which the French ministry confines itself to giving thanks.

It is in fact the association of the Government of Washington with the question in person, and as though making it its own.

It (the Government of Washington) assumes its true character of a creditor government, it asserts the equality of its debt with that of France, denying to the latter any special privilege, and on the footing of an interested party it reasons with justice against coercive designs, and proceeds to propose as a party to the question conciliatory measures, the success of which is in the highst degree of interest to Venezuela.

The negotiations being established on this basis, the Government of Washington not only appears as a mediator, but as a party in interest in that negotiation, and knowing the dignity of this government and of this great people, and their high standing in all matters of international relations, it can scarcely be conceived that by reason of tenacious and capricious insistance of the French ministry the Government of Washington would return to an attitude of assenting silence in forgetfulness of the principles and rights which it has already enunciated, and, perhaps, say so, abandoning those principles and rights to the mercy of a contentious party.

In view of these considerations, the illustrious American President deems that a great step forward has been taken in the negotiation to the extent of permitting the attitude of this enlightened government to be regarded as almost decisive, especially as much may be expected from the time which elapses between these declarations and the inauguration of any aggressive action which France may propose, and which the Government of Venezuela has serious cause to anticipate, as well as the immortal land of Washington.

The minister of foreign relations of Venezuela, considering thereupon the conditions proposed in case of a failure of payment, which failure will assuredly not be incurred by the present administration, although for the future he does not consider it as impossible, as in the case of succeeding administrations, says to me that the negotiations being opened, and having unlimited confidence with regard to the wisdom and high influence and the genuine good friendship of the government of your excellency, the latter (government) is tacitly authorized to choose terms for the settlement, consulting its rights, its friendly sentiments, and, naturally, the rights and the ability of Venezuela, as well as its dignity, inasmuch as all this has been confided to it; and, assuming that the government of your excellency, in its foresight and wisdom, has deemed it indispensable to add this guarantee, our government considers that any opposition on its part would not only be a dangerous disturbance, but to a certain extent would be in contradiction of the confidence already reposed, and with the powers which, by universal usage, are considered appropriate and legitimate to a government acting as mediator.

Upon many occasions, Mr. Secretary, I have said to your excellency, with frankness, that all my diplomacy was confined to stating the facts as they are, in order to insure that Venezuela and the United States should grow more and more friendly. I now take the liberty of repeating to your excellency all that I have heretofore said on my own behalf, since I am convinced that the foregoing sincere expressions of the President of Venezuela, who so warmly esteems the government of your excellency, not only confirms what I have said to your excellency so many times, but that it moreover makes manifest the blind confidence he feels by reason of the honor and good-will which have been shown towards him by your excellency's government. To say so plainly to your excellency is my best policy.

A few days ago I had the honor to bring to your excellency's knowledge the proposition concerning the guarantee of security offered by the Government of Venezuela, which crossed in the journey from Caracas the proposition which your excellency sent to the French Government. I have already observed to your excellency that the proposition in question is much more exacting than that submitted through the medium of the United States legation to Mr. St. Hilaire. I have now the good fortune to be able to reveal to your excellency the inward purpose of my government, since, although the latter has not directed me to do so, it has not forbidden such a course, and it appears to me the best mode of proceeding in negotiating with men and with a government like those which it has been my good fortune to encounter in this business.

I beg, &c.

SIMON CAMACHO.

No. 747.

Mr. Morton to Mr. Blaine.

No. 15.] LEGATION OF THE UNITED STATES,
Paris, August 23, 1881. (Received September 8.)

SIR: In compliance with instructions of your dispatch No. 402, of date July 23, 1881, in relation to the Venezuelan debts, I sought the proper opportunity for a conference with Mr. B. St. Hilaire, and explained fully to him the views of the President and of yourself with reference to a settlement of these debts. He listened to me with much attention, and apparently with interest, and inquired if the Venezuelan Government would assent to such a mode of settlement.

I replied that, though the dispatch conveying to me your instructions made no mention of this point, the correspondence on the subject did not convey the idea that any difficulty with the Venezuelan Government was anticipated. I added that in order that he might better understand the intention of my government and the position it had taken, I would leave him, if he so desired, a copy of the instructions upon which I was acting. He said he would be glad to have it, and after due consideration of its contents he would make known his views. I accordingly sent him a copy on the same day.

In the course of this conversation Mr. B. St. Hilaire did not express himself either for or against the proposed scheme of settlement. His inquiry as to the consent of the Venezuelan Government, and a discreet intimation that the seizure of the custom-houses at Laguayra and Puerto Cabello would have to be resorted to, would seem to indicate

that he is not at present opposed to the plan. I fear, however, that he may be unwilling to place the French claim upon the same footing as the others.

I have, &c.,

L. P. MORTON.

No. 748.

Mr. Blaine to Señor Camacho.

DEPARTMENT OF STATE,
Washington, August 25, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in relation further to the apprehended difficulty between the Government of Venezuela and that of France, arising from the non-payment of the French claims.

I desire to confirm your recollection that in my instruction to the late United States minister to Paris, upon the subject to which you refer, the condition of time of default, "three months," was stipulated therein, although it appears to have not been mentioned in the brief reference to the terms of that instruction which was made in my note to you of the 3d instant.

The methods of payment and adjustment proposed in your note are a new proof of the sincere intention of the Government of Venezuela to meet its obligations, but until an answer is received from France touching the subject, as explained in my recent instruction to Mr. Noyes, it would seem premature to proceed to their discussion.

Accept sir, &c.,

JAMES G. BLAINE.

No. 749.

Mr. Blaine to Señor Camacho.

DEPARTMENT OF STATE,
Washington, August 26, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, communicating the views expressed to you in recent advices from his excellency the minister of foreign affairs of Venezuela, in regard to the questions pending between that republic and the Government of France, and the method of adjustment suggested by the United States to France.

I observe with satisfaction that his excellency appreciates justly the cordial disposition and friendly interest of the United States, and I earnestly hope that the suggestion made by this government may speedily result in a final and satisfactory solution of the long-standing difficulties which have surrounded the payment of the obligations of the Republic of Venezuela.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 750.

Mr. Morton to Mr. Blaine.

No. 37.] LEGATION OF THE UNITED STATES,
Paris, September 17, 1881. (Received October 6.)

SIR: With reference to your dispatch No. 402, of date July 23, relative to the claims of the French Government against Venezuela, and to my dispatch No. 15, of date August 23, by which I informed the Department that in accordance with your instruction I had left a copy of your communication with Mr. B. Saint Hilaire, I have now the honor to send herewith a copy of the reply of the French minister to this communication, together with a translation of the same.

I have, &c.,

L. P. MORTON.

[Inclosure in No. 37.—Translation.]

Mr. Saint Hilaire to Mr. Morton.

PARIS, *September* 15, 1881.

SIR: You are kind enough to leave with me a copy of the dispatch addressed to your legation on the 23d of July last, by the Secretary of State at Washington, in relation to the difference which has arisen between France and Venezuela. The point is therein insisted upon that the misunderstanding arises from the neglect of the Government of Venezuela to pay promptly and in good faith, the amount which it should have paid annually according to the convention of 1864, to its French creditors. Mr. Blaine, moreover, endeavors to show that the French Government has no reason to consider the debt due to it as entitled to preference over that which is due to other countries, the mere priority of a claim not being sufficient to secure decision in favor of one creditor to the exclusion of the others.

In regard to this latter point, it seems not to be out of place to lay before the United States Government the text of the treaty stipulation which places Venezuela under obligations to France. Article IV of the treaty of July 29, 1864, is as follows:

"The Government of the United States of Venezuela *specially hypothecates*, as a guaranty of the execution of the present treaty, 10 per cent. of the total amount of the annual customs duties, both ordinary and extraordinary, that shall be collected at La Guayra, Porto Cabello, Maracaibo, and Ciudad Bolivar."

We do not, therefore, base our claim upon priority, but upon the precise text of a convention regularly and publicly concluded between the two countries. From this evidently results the right of preference for the French claims, for which provision was made in 1864, a kind of privilege which we cannot now renounce.

The delays which have taken place, moreover, in the payment of our debt of 1864, do not constitute, as is apparently thought, the only or the essential cause of the pending difficulties. The case arising, it might perhaps not be impossible, either by adding to the principal still due on this ground a sum designed to represent the whole or a portion of the interest stipulated by another treaty concluded in 1867, or by some similar arrangement to be devised hereafter, it might not be impossible, I say, to conclude an arrangement that would permit the Government of the French Republic to renounce its privilege without prejudice to its citizens, who would then be placed in the same category with the other creditors. However, as we remarked in our note of the 13th of May last, the Venezuelan Government has openly declared its intention to pay no more heed to the treaties concluded between the two countries. It has refused, in total disregard of its solemn engagements, to liquidate the claims not comprised in the arrangements of 1864, 1867, and 1868; and lastly, it has appeared determined not to increase the sum finally appropriated to the payment of its diplomatic debt, the amount of which is increasing by reason of the new debts already recognized or hereafter to be recognized.

The purpose which has been shown by the Venezuelan Government to disregard, henceforth, its treaty obligations, is the true cause of the attitude which we have reluctantly assumed, and so long as this purpose shall be manifested we cannot advantageously examine any proposals implying a resumption of the relations between the two countries. We are, however, none the less sensible to the evidences of good will

shown to us by the Government of the United States, in endeavoring to devise the bases of an acceptable arrangement, and we have never had an idea of forestalling the effect of its good offices by any premature action.

Accept, &c.

B. ST. HILAIRE.

No. 751.

Mr. Blaine to Mr. Morton.

No. 74.] DEPARTMENT OF STATE,
Washington, December 16, 1881.

SIR: I have deferred a reply to the note addressed to you by M. Barthélemy St. Hilaire on the 15th of September last, concerning the debt of Venezuela to France, until the extreme pressure of public affairs attending the death of the late President and the inauguration of his constitutional successor should cease. I now proceed to answer the note of the French minister, as transmitted in your No. 37, of the 17th of September last.

As I understand M. Barthélemy St. Hilaire's response to my representations of the 23d of July, he does not meet the equities of the question, or the practical solutions proposed. He seems to limit his consideration of the matter to the literal terms of the conventional agreement of 1864 between France and Venezuela, on which he rests, as constituting more than a mere priority of indebtedness in point of time, because involving a specific security for the payment thereof, namely, a hypothecation of ten per cent. of the gross revenues of the custom-houses of Laguayra, Puerto Cabello, Maracaibo, and Ciudad Bolivar. As those revenues constitute the only practicable guarantee on which the debt of Venezuela to all the creditor nations rests, I infer that the contention of the French Government is that France claims, in effect, to hold a first mortgage, to which all other foreign claims must yield preference, even to the extent of permitting the engrafting on the original debt of the later stipulations of 1867 and 1868, in favor of France in the matter of interest. The indisposition of the Venezuelan Government to accede to this view in prejudice of the rights of its other foreign creditors is, as it appears from the declaration of M. Barthélemy St. Hilaire,

> The true cause of the attitude which we [France] have been obliged to assume reluctantly, and which does not permit us, so long as it shall be maintained, to practically consider propositions which involve the renewal of relations between the two countries.

I should be unwilling to regard this declaration as a bar to any settlement of the dispute save at the expense of the other creditor nations, whose joint claim far outbalances that of France, but it is difficult to interpret it otherwise than as a refusal to enter into any negotiations with Venezuela looking to a modification of the attitude of France, so long as Venezuela shall ask a modification of that attitude, or, in effect, a refusal to negotiate at all. I am, however, happy to perceive that the alternative of force is not presented by M. Barthélemy St. Hilaire, who says, in reference to the good interposition of the Government of the United States, that "it has never entered into our [the French] mind to wish to forestall the effect of its kind services by a premature action." This last declaration is received by this government with profound satisfaction, as indicating only a pacific policy on the part of

France. And this, indeed, was to have been expected from her intimate friendship with the United States and the mutual interest of both countries in the general question of Venezuela's foreign indebtedness.

After the careful examination, which was due to M. Barthélemy St. Hilaire's statements, I am constrained to express the conviction that the United States, in common with all the other governments, creditors of Venezuela, is no more called upon, in law or equity, to recognize the supremacy of the guarantees of the Franco-Venezuelan convention of 1864 than it is required to defer to mere priority in point of date of recognition of the debt.

The indebtedness of Venezuela to France, like that of Venezuela toward other foreign governments, including the United States, ante-dated the conventional recognition thereof.

Pending the adjustment of the respective claims all stood alike on an equal plane of right as against Venezuela. Properly regarding its foreign debt as an aggregate obligation of honor on its part, that republic was not in a position to discriminate in favor of any one among many creditors. Neither was any one of the creditor nations in a position of right or equity to assert preference for its claims against the common interests of the other creditor governments. The mere circumstance that France, while other nations were likewise negotiating, was successful in securing an earlier settlement of her claim, and also a material guarantee for its payment, does not, in the opinion of this government, interpose a rightful bar to the equality of the claims of other creditor nations.

In private affairs the adjustment of one debt among many, *pendente lite*, to the detriment of the rights of the others, is void; and in international jurisprudence no less just rule of procedure can be admitted. So far as the share of the United States in the mass of the Venezuelan debt is concerned, this government must frankly declare that it would regard any persistent reliance upon the Franco-Venezuelan convention of 1864 in bar of the equal claims of the United States against Venezuela as retroacting in such a degree as to make the very conclusion of that convention an act in derogation of the rights which the United States then possessed in common with France.

I have been thus explicit in presenting the true merits of the question because I observe that M. Barthélemy St. Hilaire has, naturally perhaps, fallen into a misconception of the scope of my note of July 23, and has regarded it as controverting the French claim of priority of date rather than that of alleged superiority of right. The declarations of that note, however, extend to the very essence of the conventional transactions between France and Venezuela. You will accordingly so bring them to the attention of M. Gambetta. Pending his consideration thereof, I am unable to regard the note of Mr. Barthélemy St. Hilaire as meeting the position which the United States is constrained in common justice to assume, or as conveying more than a very gratifying assurance of the good will which the French Republic bears toward the United States, and of its resolve to take no premature step which might forestall the effect of the kind services of this government. I need hardly assure the French Government of the heartiness with which this sentiment of good will is here reciprocated.

Beyond and above the pecuniary interest involved, either for France or the United States in the matter of the Venezuela claims, there lies a consideration which appeals with equal force to the two leading republics—France and the United States. That consideration is, the fraternity of feeling and the harmony of relations which should be maintained between all the republics of the world. It would, in the opinion

of this government, be a deplorable spectacle to see hostilities against Venezuela initiated by the great European republic, and it would be an evil to France, for which her share in the Venezuelan debt would afford no compensation whatever. You will remind M. Gambetta that the question at issue is not whether France shall surrender the amount owed her by Venezuela, but whether she will have it paid in installments at the same ratio of the other creditor nations, or in a larger ratio not acknowledged by the United States to be equitable.

This government is convinced that, speaking as its representative, you can readily persuade M. Gambetta that the position of the United States in the controversy is one founded on the principles of justice, and you should further pursuade him that the solicitude of this government has not been so much for the protection of its pecuniary interests as for the higher object of averting hostilities between two republics, for each of which it feels the most sincere and enduring friendship.

You will take an early occasion to bring the whole matter, in connected shape, to the attention of M. Gambetta, adverting especially to the condition of the question at the time when the previous representations of this government were made. In doing so you will read this dispatch to M. Gambetta, at the same time leaving with him a copy.

I am, &c.,

JAMES G. BLAINE.

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