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United States Department of State

Washington, D.C.: U.S. Government Printing Office, 1916

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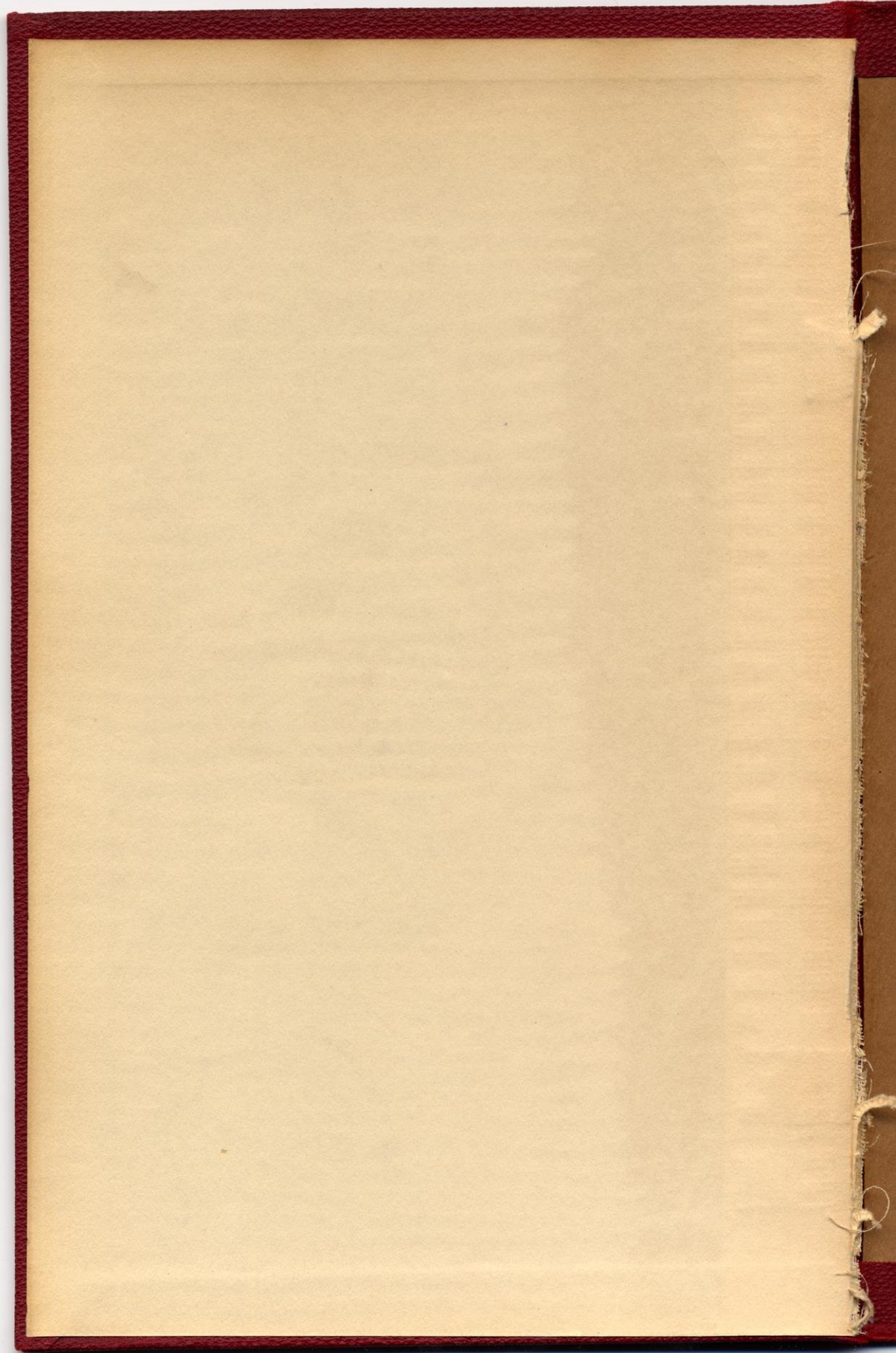
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PAPERS RELATING TO THE  
FOREIGN RELATIONS  
OF THE UNITED STATES

1916  
SUPPLEMENT  
THE WORLD WAR



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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## OFFICIAL POSITIONS OF PRINCIPAL PERSONS MENTIONED IN THE CORRESPONDENCE

Adee, Alvey A.-----	Second Assistant Secretary of State of the United States.
Albert.-----	King of the Belgians.
Alfonso XIII.-----	King of Spain.
Ali Kuli Khan, Nabil-ed-Dovleh.-----	Persian Chargé d'Affaires at Washington.
Anderson, George E.-----	U. S. Consul General at Hongkong.
Andrews, William Whiting.-----	U. S. Secretary of Legation at Bucharest.
Asquith, Herbert Henry.-----	Prime Minister of Great Britain.
Bailey, James G.-----	U. S. Secretary of Legation at Lisbon.
Baker, E. Carleton.-----	U. S. Consul at Nagasaki.
Baker, Newton D.-----	Secretary of War of the United States.
Bakhméteff, George.-----	Russian Ambassador at Washington.
Balfour, Arthur J.-----	First Lord of the British Admiralty prior to Dec. 11, 1916; Secretary of State for Foreign Affairs after Dec. 11.
Barclay, Colville A. de R.-----	Counselor of the British Embassy at Washington.
Barton, Rev. James L.-----	Secretary of the American Board of Commissioners for Foreign Missions and Chairman of the Board of Near East Relief.
Bassermann, Ernst.-----	Member of the Reichstag; leader of the National Liberals.
Benedict XV.-----	The Pope.
Benson, William S.-----	Admiral, U. S. Navy.
Bergholz, Leo Allen.-----	U. S. Consul General at Dresden.
Bernstorff, Johann Heinrich A., Count von.-----	German Ambassador at Washington.
Bethmann-Hollweg, Theobald Theodore Friedrich Alfred von.-----	German Imperial Chancellor and Prussian Minister President.
Beyens, Baron E.-----	Belgian Minister of Foreign Affairs.
Bicknell, Ernest P.-----	National Director, and Director General of Civilian Relief, of the American Red Cross.
Birch, Thomas Howard.-----	U. S. Minister in Portugal.
Bissing, Moritz Ferdinand, Baron von.-----	German Governor General in Belgium.
Bliss, Robert Woods.-----	U. S. Counselor of Embassy at Paris.
Boardman, Mabel Thorp.-----	Member of the Executive Committee of the American Red Cross.
Brewster, William M.-----	U. S. Consular Agent at Alexandretta, Turkey.
Briand, Aristide.-----	President of the Council of Ministers and Minister of Foreign Affairs of France.
Brittain, Joseph I.-----	U. S. Consul General at Sydney, Australia.
Bryce, James, Viscount.-----	Member of the British House of Lords; former Ambassador to the United States.
Bryn, Helmer Halvorsen.-----	Norwegian Minister at Washington.
Burian von Rajecz, Stephan, Baron.-----	Austro-Hungarian Minister of Foreign Affairs and President of the Council of Ministers.
Burleson, Albert Sidney.-----	U. S. Postmaster General.
Capelle, Eduard von.-----	German Admiral and Secretary of State for the Navy.
Cave, Sir George.-----	Solicitor General of Great Britain.
Cecil, Edgar Algernon Robert, Viscount.-----	Minister of Blockade and Under Secretary of State for Foreign Affairs of Great Britain.
Charles I (IV).-----	Emperor of Austria and King of Hungary (Nov. 21 and Dec. 30, 1916, respectively).
Chinda, Sutemi, Viscount.-----	Japanese Ambassador at Washington.
Churchill, Winston Spencer.-----	Member of the British Parliament.
Clemenceau, Georges Eugène Benjamin.-----	Former President of the French Council of Ministers and Minister of Foreign Affairs.

Clémentel, Étienne.....	French Minister of Commerce.
Coffin, William.....	U. S. Consul General at Budapest.
Constantine.....	King of the Hellenes.
Crawford, Sir Richard F.....	Commercial Adviser of the British Embassy at Washington.
Crowe, Sir Eyre.....	British Assistant Under Secretary of State for Foreign Affairs.
Czernin, Count Ottokar.....	Austro-Hungarian Minister in Roumania.
Daniels, Josephus.....	Secretary of the U. S. Navy.
Dearing, Fred Morris.....	U. S. Chargé d'Affaires in Russia.
Densmore, John B.....	Solicitor for the Department of Labor.
Diederich, Henry W.....	U. S. Consul General at Antwerp.
Djemal Pasha.....	Turkish Minister of Marine; Commander of the Fourth Army in Syria.
Dominici, Don Santos A.....	Venezuelan Minister at Washington.
Doumergue, Gaston.....	French Minister of Colonies.
Droppers, Garrett.....	U. S. Minister in Greece.
Dunlap, Maurice P.....	U. S. Consul at Stavanger.
Ebert, Friedrich.....	German Socialist member of the Reichstag.
Egan, Maurice Francis.....	U. S. Minister in Denmark.
Einstein, Lewis.....	U. S. Special Agent at Sofia with rank of Chargé d'Affaires.
Ekengren, W. A. F.....	Swedish Minister at Washington.
Elkus, Abram I.....	U. S. Ambassador in Turkey after July 1916.
Elston, John A.....	Member of the U. S. House of Representatives.
Falkenhayn, Erich G. A. S. von.....	Chief of the General Staff of the German Army prior to Aug. 1916.
Ferdinand I.....	King of Roumania.
Fitzgerald, John J.....	Member of the U. S. House of Representatives.
FitzRoy, Sir Almeric William.....	Clerk of the British Privy Council.
Flett, James.....	U. S. Consular Agent at Kirkwall.
Francis, David R.....	U. S. Ambassador in Russia.
Francis Joseph I.....	Emperor of Austria and King of Hungary (died November 21, 1916).
Garrels, Arthur.....	U. S. Consul at Alexandria.
George V.....	King of the United Kingdom of Great Britain and Ireland, etc., Emperor of India.
Gerard, James Watson.....	U. S. Ambassador in Germany.
Gibson, Hugh S.....	U. S. Secretary of Embassy at London.
Glazebrook, Otis A.....	U. S. Consul at Jerusalem.
Goding, Frederick W.....	U. S. Consul General at Guayaquil.
Greene, Warwick.....	Director of the War Relief Commission at Stockholm.
Gregory, Thomas Watt.....	Attorney General of the United States.
Grew, Joseph Clark.....	U. S. Counselor of Embassy at Berlin.
Grey, Sir Edward.....	British Secretary of State for Foreign Affairs prior to Dec. 11, 1916.
Guthrie, George W.....	U. S. Ambassador in Japan.
Haig, Sir Douglas.....	Field Marshal and Commander in Chief of the British Expeditionary Forces in France.
Hale, Edward J.....	U. S. Minister in Costa Rica.
Hale, William Bayard.....	American editor and newspaper correspondent.
Halil Bey.....	Turkish Minister for Foreign Affairs.
Hamilton, Norman R.....	U. S. Collector of Customs in Norfolk.
Heizer, Oscar Stuart.....	U. S. Consul at Trebizond, Turkey.
Helfferich, Karl.....	German Secretary of State for the Interior.
Hindenburg, Paul von B.....	Chief of the General Staff of the German Army after August 29, 1916.
Hoffmann, A.....	Swiss Minister for Foreign Affairs.
Holder, Charles A.....	U. S. Foreign Trade Adviser.
Hollis, William Stanley.....	U. S. Consul General at Beirut.
Hoover, Herbert Clark.....	Chairman of the Commission for Relief in Belgium.
Horton, George.....	U. S. Consul General at Smyrna.
House, Edward Mandell.....	Personal representative of President Wilson to the European Governments.

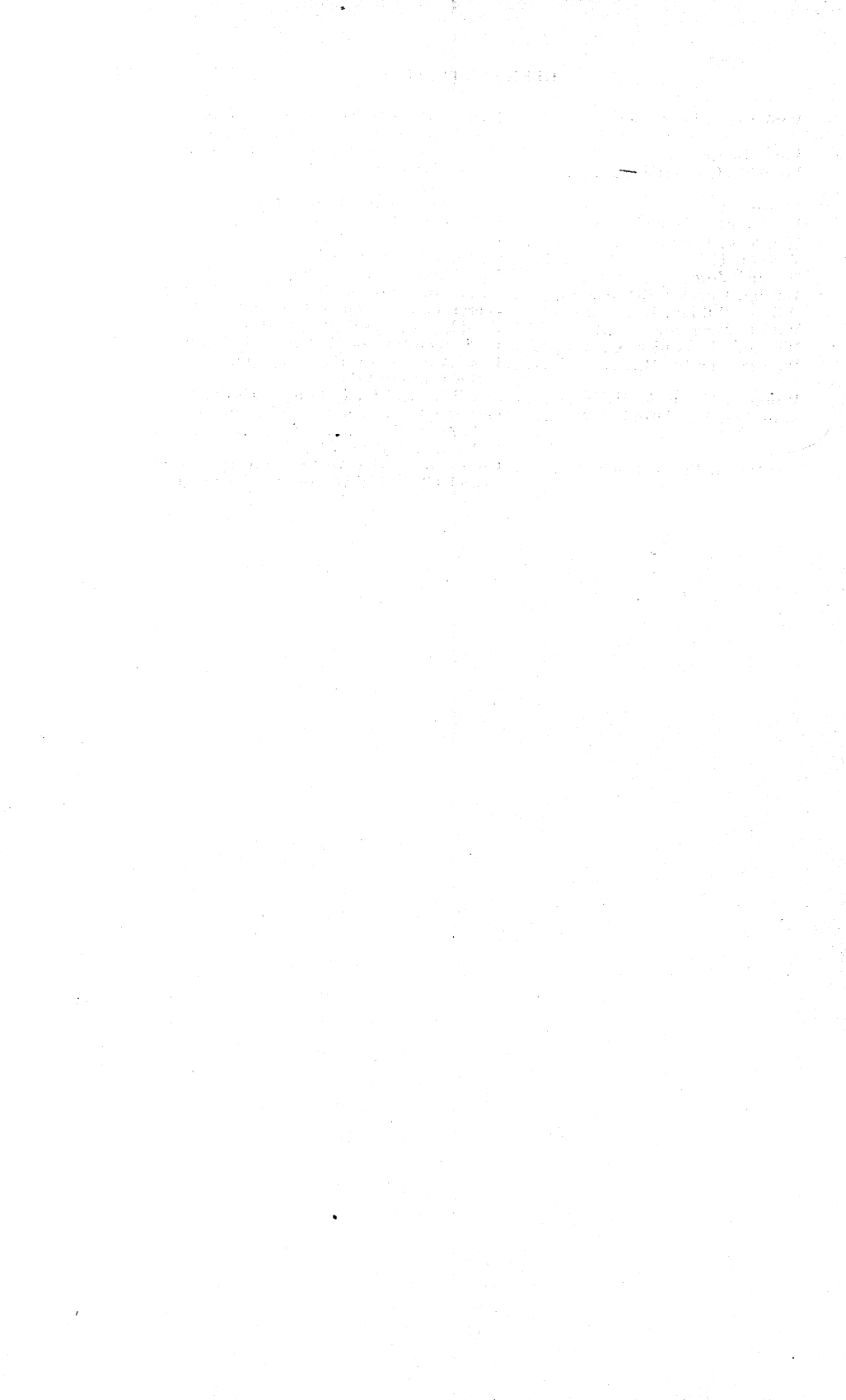
Howard, Sir Esme William.....	British Minister in Sweden.
Hussein, Abdul Hak.....	Turkish Secretary of Embassy and Chargé d'Affaires at Washington.
Ishii, Baron Kikujiro.....	Japanese Minister of Foreign Affairs.
Jackson, Jesse B.....	U. S. Consul at Aleppo.
Jagow, Gottlieb E. G. von.....	German Secretary of State for Foreign Affairs prior to Nov. 23, 1916.
Jay, Peter Augustus.....	U. S. Counselor of Embassy at Rome.
Jellicoe, Sir John Rushworth.....	British Admiral in command of the Grand Fleet.
Joffre, Joseph Jacques Césaire.....	Commander in Chief of the French Armies.
Jusserand, Jean Adrien Antoine Jules.....	French Ambassador at Washington.
Kehl, John E.....	U. S. Consul at Saloniki.
Kitchin, Claude.....	Member of the U. S. House of Representa- tives.
Klobukowski, A. W.....	French Minister in Belgium.
Lacaze, G. C.....	French Vice Admiral and Minister of Marine.
Langcken, Baron von der.....	Chief of the Political Department of the Government General in Belgium.
Langhorne, Marshall.....	U. S. Secretary of Legation at The Hague.
Lansing, Robert.....	Secretary of State of the United States.
Latham, Charles L.....	U. S. Consul at Dundee.
Laughlin, Irwin B.....	U. S. Counselor of Embassy at London.
Law, Andrew Bonar.....	British Secretary of State for the Colonies prior to Dec. 11, 1916; Chancellor of the Exchequer after Dec. 11.
Lay, Julius G.....	U. S. Consul General at Berlin.
Letcher, Marion.....	Acting Foreign Trade Adviser of the United States.
Listoe, Soren.....	U. S. Consul General at Rotterdam.
Lloyd George, David.....	Minister of Munitions prior to July 5, 1916; British Secretary of State for War, July 5- Dec. 11; Prime Minister after Dec. 11.
Loudon, Jonkheer J.....	Netherland Minister of Foreign Affairs.
Ludendorff, Erich F. W.....	First Quartermaster General of the German Army after Aug. 30, 1916.
Macchi di Cellere, Vincenzo, Count Macchio, Baron von.....	Italian Ambassador at Washington. Austro-Hungarian Undersecretary of State for Foreign Affairs.
Magruder, Alexander Richardson.....	U. S. Secretary of Legation at Stockholm.
Malburn, William P.....	Assistant Secretary of the U. S. Treasury.
McAdoo, William Gibbs.....	Secretary of the U. S. Treasury.
McClure, S. S.....	Editor of the New York <i>Evening Mail</i> .
McNeely, Robert N.....	U. S. Consul at Aden.
Mohammed V.....	Sultan of Turkey.
Moore, Hayden L.....	U. S. Collector of Customs at San Juan.
Morgan, Edwin V.....	U. S. Ambassador in Brazil.
Morgan, Henry H.....	U. S. Consul General at Hamburg.
Morgenthau, Henry.....	U. S. Ambassador in Turkey prior to July 1916.
Morris, Ira Nelson.....	U. S. Minister in Sweden.
Morris, Leland Burnette.....	U. S. Vice Consul at Smyrna.
Müller, Lauro Severiano.....	Brazilian Minister for Foreign Affairs.
Murphy, Dominic I.....	U. S. Consul General at Sofia.
Murray, Arthur.....	Maj. Gen. U. S. Army (retired); Acting Chairman of the Central Committee of the American Red Cross.
Newton, Byron R.....	Assistant Secretary of the U. S. Treasury.
Nicholas II.....	Emperor of Russia.
Northcliffe, Alfred Charles Wil- liam Harmsworth, Viscount.....	British newspaper publisher.
Osborne, John Ball.....	U. S. Consul at Havre.
Osborne, John E.....	Assistant Secretary of State of the United States.
O'Shaunessy, George F.....	Member of the U. S. House of Representatives.

Page, Thomas Nelson.....	U. S. Ambassador in Italy.
Page, Walter Hines.....	U. S. Ambassador in Great Britain.
Peet, William Wheelock.....	Treasurer of the American Board of Foreign Missions; trustee of the American College for Girls at Constantinople; chairman of the Administrative Committee on Near East Relief.
Penfield, Frederic Courtland.....	U. S. Ambassador in Austria-Hungary.
Peters, Andrew J.....	Assistant Secretary of the U. S. Treasury.
Philip, Hoffman.....	U. S. Counselor of Embassy at Constantinople.
Phillips, William.....	Third Assistant Secretary of State of the United States.
Pohl, Hugo von.....	Admiral in command of the German battle fleet.
Poincaré, Raymond.....	President of France.
Polk, Frank Lyon.....	Counselor for the Department of State of the United States.
Praeger, Otto.....	Second Assistant Postmaster General of the United States.
Putney, Albert H.....	Chief of the Division of Near Eastern Affairs of the Department of State of the United States.
Radoslavoff, Vassil.....	Bulgarian Premier, Minister for Foreign Affairs and of the Interior.
Rappard, Chevalier W. L. F. C. van.....	Netherland Minister at Washington.
Redfield, William C.....	Secretary of Commerce of the United States.
Reed, Leslie E.....	U. S. Vice Consul at London.
Reinsch, Paul Samuel.....	U. S. Minister in China.
Reventlow, Ernst, Count zu.....	German journalist.
Riaño y Gayangos, Don Juan.....	Spanish Ambassador at Washington.
Roques, Pierre Auguste.....	French General and Minister of War.
Sakatani, Baron Yoshiro.....	Japanese Envoy to the Entente Economic Conference.
Sammons, Thomas.....	U. S. Consul General at Shanghai.
Sarrail, Maurice Paul Emmanuel.....	French General and Commander in Chief of the Entente forces in Greece.
Sazonov, Sergei Dmitrievich.....	Russian Minister of Foreign Affairs.
Scheer, Reinhard.....	German Admiral and Commander of the High Sea Fleet.
Schmedeman, Albert George.....	U. S. Minister in Norway.
Sharp, William Graves.....	U. S. Ambassador in France.
Shea, Joseph H.....	U. S. Ambassador in Chile.
Skinner, Robert P.....	U. S. Consul General at London.
Skouloudis, Stephanos.....	Greek Premier and Minister of Foreign Affairs.
Smith, Sir Frederick Edwin.....	Attorney General of Great Britain.
Spring Rice, Sir Cecil Arthur.....	British Ambassador at Washington.
Stabler, Jordan H.....	U. S. Secretary of Embassy at London prior to July 19, 1916.
Stovall, Pleasant Alexander.....	U. S. Minister in Switzerland.
Stresemann, Gustav.....	Liberal Member of the German Reichstag.
Stuart, Edward.....	Director of Relief Work of the American Red Cross in the Balkans.
Sweet, Edwin F.....	Assistant Secretary of Commerce of the United States.
Taft, William Howard.....	Ex-President of the United States; chairman of the Central Committee of the American Red Cross.
Talaat Bey.....	Turkish Minister of the Interior.
Taylor, Dr. Alonzo Englebert.....	Special Assistant attached to the U. S. Embassy in Germany.
Thompson, Erwin W.....	U. S. Commercial Attaché in the Netherlands and Germany.
Tirpitz, Alfred P. Friedrich von.....	German Admiral, and Secretary of State for the Navy prior to Mar. 15, 1916.
Van Dyke, Henry.....	U. S. Minister in the Netherlands and Luxemburg.

## OFFICIAL POSITIONS

XI

Venizelos, Eleutherios K.....	Former President of the Council of Ministers and Minister of Foreign Affairs of Greece.
Vogt, Benjamin.....	Norwegian Minister in Great Britain.
Vopicka, Charles J.....	U. S. Minister in Roumania, Serbia, and Bulgaria.
Vouros, A.....	Greek Chargé d'Affaires at Washington.
Westacott, Richard.....	U. S. Vice Consul at London.
Whitlock, Brand.....	U. S. Minister in Belgium.
William II.....	German Emperor, King of Prussia.
Willard, Joseph Edward.....	U. S. Ambassador in Spain.
Wilson, Charles Stetson.....	U. S. Counselor of Embassy at Madrid.
Wilson, William B.....	Secretary of Labor of the United States.
Wilson, Woodrow.....	President of the United States.
Winslow, L. Lanier.....	U. S. Secretary of Embassy at Berlin.
Woolsey, Lester H.....	Law Adviser to the Secretary of State of the United States.
Wrangel, Count A. M. H.....	Swedish Minister in Great Britain.
Zimmermann, Alfred F. M.....	German Undersecretary of State for Foreign Affairs; Secretary of State for Foreign Affairs after Nov. 23, 1916.
Zwiedinek, Baron Erich.....	Counselor of the Austro-Hungarian Embassy and Chargé d'Affaires at Washington.





# LIST OF PAPERS BY TOPICS, INCOMING PAPERS CHRONOLOGICALLY UNDER DATE OF RECEIPT

## PRELIMINARY DOCUMENT: ACTION OF THE UNITED STATES WITH REGARD TO VIOLATIONS OF THE PRINCIPLES OF INTER- NATIONAL LAW BY BELLIGERENTS

### PRELIMINARY DOCUMENT

No.	Date	From and to whom	Subject	Page
	Aug. 18, 1916	The Counselor for the De- partment of State to Representa- tive John J. Fitzgerald.	Memorandum regarding U. S. ac- tion in protest against certain acts of belligerents in violation of the principles of international law.	3

## PART I: THE CONTINUATION AND FURTHER SPREAD OF THE WAR—EFFORTS TOWARD PEACE

### DEVELOPMENTS IN THE BALKAN COUNTRIES—PORTUGAL'S ENTRANCE INTO THE WAR, MARCH 9, 1916—STATEMENTS MADE IN BELLIGERENT COUNTRIES REGARDING THE PROSPECTS AND TERMS OF PEACE

521	Jan. 1, 1916	The Ambassador in Italy to the Secretary of State (tele- gram).	Press reports declaration of war against Austria and Bulgaria by Albanian <i>de facto</i> government.	13
3311	Jan. 5 [Rec'd Jan. 6]	The Ambassador in Germany to the Secre- tary of State (telegram).	Thinks arrangement has been made by which Greece will per- mit Central powers to attack Allies in Saloniki.	13
210	Jan. 6 [Rec'd Jan. 7]	The Minister in Roumania to the Secretary of State (tele- gram).	Has been informed that Roumania has received a loan from the Allies.	13
212	Jan. 13 [Rec'd Jan. 18]	The Minister in Roumania to the Secretary of State (tele- gram).	England and France have bought large quantities of grain from Roumania.	14
220	Feb. 2 [Rec'd Feb. 3]	The Minister in Roumania to the Secretary of State (tele- gram).	To avert danger of change of min- istry, Roumania has sold grain to Central powers also.	14

## PART I

## DEVELOPMENTS IN THE BALKAN COUNTRIES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1912	Jan. 21 [Rec'd Feb. 7]	The Ambassador in France to the Secretary of State.	Transmits message of President Poincaré to the French Army, urging them to heroic and patriotic endeavor. Considers it typical of his convictions.	14
564	Feb. 14	The Ambassador in Italy to the Secretary of State (telegram).	Briand's visit in Italy successful; Allies will hereafter act unitedly.	16
54	Jan. 19 [Rec'd Feb.16]	The Chargé in Bulgaria to the Secretary of State.	Reports on German and Bulgarian civil administration of Serbian territory.	16
33	Feb. 24 [Rec'd Feb. 25]	The Chargé in Portugal to the Secretary of State (telegram).	Portuguese Government has taken possession of German merchant vessels interned at Lisbon.	17
314	Feb. 17 [Rec'd Mar. 1]	The Consul at Havre to the Secretary of State.	Belgian Ministry has communicated to the press Allied declaration regarding Belgian independence, reestablishment and indemnity, and Belgian reply thereto. Transmits press texts.	17
34	Mar. 9 [Rec'd Mar.10]	The Minister in Portugal to the Secretary of State (telegram).	Germany considers herself at war with Portugal.	18
36	Mar. 16	The Minister in Portugal to the Secretary of State (telegram).	Diplomatic relations between Portugal and Austria-Hungary broken off.	19
604	Mar. 20	The Ambassador in Italy to the Secretary of State (telegram).	War substantially exists between Italy and Germany.	19
63	Mar. 18 [Rec'd Mar.24]	The Chargé in Bulgaria to the Secretary of State (telegram).	Troops are concentrating on Roumanian frontier.	19
340	Mar. 25 [Rec'd Mar.26]	The Minister in Switzerland to the Secretary of State (telegram).	Turkey is thought to be desirous of making separate peace with the Allies.	20
3664	Mar. 25 [Rec'd Mar.26]	The Ambassador in Germany to the Secretary of State (telegram).	Founding of Socialist Labor Party, opposed to continuing the war.	20
3666	Mar. 26 [Rec'd Mar.27]	The Ambassador in Germany to the Secretary of State (telegram).	Protests against the publication of his confidential correspondence and requests public denial that peace proposals have come from the Chancellor.	20

## PART I

## DEVELOPMENTS IN THE BALKAN COUNTRIES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2858	Mar. 28	The Secretary of State to the Ambassador in Germany (telegram).	Statements have been issued denying that peace suggestions have come from German Government through the American Ambassador.	21
141	Feb. 24 [Rec'd Mar. 28]	The Chargé in Portugal to the Secretary of State.	Gives details of seizure of German merchant vessels interned at Lisbon; encloses decree.	21
74	Apr. 1 [Rec'd Apr. 4]	The Chargé in Bulgaria to the Secretary of State (telegram).	Report on Bulgarian conditions. Situation respecting Roumania has eased.	23
3712	Apr. 5 [Rec'd Apr. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Debate in the Reichstag on peace terms, the future of Belgium, and relentless submarine warfare.	23
3747	Apr. 14 [Rec'd Apr. 15]	The Ambassador in Germany to the Secretary of State (telegram).	Trade agreement between Roumania and Germany was signed on April 7.	24
250	Apr. 14 [Rec'd Apr. 16]	The Minister in Roumania to the Secretary of State (telegram).	Foreigners not having passports are conscripted for Roumanian Army. The country is ready for war.	25
573	Mar. 25 [Rec'd Apr. 18]	The Consul General at Budapest to the Secretary of State.	Details of a rumored agreement of Great Britain, France, and Germany in June 1914; plan ruined by Russian intrigues in the Balkans.	25
3834	May 2 [Rec'd May 3]	The Ambassador in Germany to the Secretary of State (telegram).	Believes that Germany will welcome mediation by the President.	27
105	Apr. 8 [Rec'd May 8]	The Chargé in Bulgaria to the Secretary of State.	Danger of a rupture between Bulgaria and Roumania seems to have disappeared.	27

SPANISH PROPOSAL FOR JOINT GOOD OFFICES, MAY 11, 1916—EFFORTS IN BEHALF OF PEACE IN EUROPEAN NEUTRAL COUNTRIES—ATTITUDE OF THE BELLIGERENT COUNTRIES TOWARD POSSIBLE AMERICAN MEDIATION—FURTHER DEVELOPMENTS IN THE BALKAN COUNTRIES

240	May 11	The Ambassador in Spain to the Secretary of State (telegram).	Circumstances now being favorable, the King is ready to cooperate with the President toward securing an arbitration protocol.	28
1398	May 16	The Ambassador in France to the Secretary of State (telegram).	Quotes speech of May 14 by President of France: Allies desire to make a peace that will guarantee stability and not leave Germany in a position to recommence the war.	29

## PART I

SPANISH PROPOSAL FOR JOINT GOOD OFFICES, MAY 11, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
609	Mar. 30 [Rec'd May 17]	The Minister in Sweden to the Secretary of State.	A bill introduced in Parliament proposes that the King consider the calling of a peace conference of neutral countries.	29
358	May 4 [Rec'd May 23]	The Consul at Havre to the Secretary of State.	The Allies pledge aid in maintaining the <i>status quo</i> of Belgian Congo.	29
203	May 4 [Rec. May 25]	The Minister in Norway to the Secretary of State.	The Storthing has voted that petition of the Ford Peace Conference be laid on the table.	30
1279	May 26 [Rec'd May 28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Press comments on the President's change of policy in regard to mediation.	30
483	May 2 [Rec'd May 29]	The Minister in Roumania to the Secretary of State.	Commercial treaty between Roumania and Germany not obligatory on either side. Entente powers are making successful efforts to prevent Turkey from obtaining cereals from Roumania.	31
3939	May 30 [Rec'd May 31]	The Ambassador in Germany to the Secretary of State (telegram).	German press considers the President's peace proposals as being favorable to Great Britain.	32
1421	May 31	The Counselor of Embassy in France to the Secretary of State (telegram).	Paris press comments unfavorably on President Wilson's speeches.	33
3941	May 31 [Rec'd June 1]	The Ambassador in Germany to the Secretary of State (telegram).	National Liberal Party advocates relentless submarine warfare; all parties except Socialists prefer mediation to come from Switzerland.	33
	June 3	The Consul at Saloniki to the Secretary of State (telegram).	French military authorities declare martial law; no resistance.	33
3062	June 6	The Secretary of State to the Ambassador in Germany (telegram).	Requests explanation of statement on favorable prospects of peace.	34
369	June 7 [Rec'd June 8]	The Minister in Switzerland to the Secretary of State (telegram).	Swiss Government considers pressure in favor of peace premature; inadvisable for Switzerland to act now.	34
124	June 8 [Rec'd June 9]	The Minister in Greece to the Secretary of State (telegram).	General blockade of Greek ports has been commenced without notice by the French, uncertainty prevails as to its purpose and scope.	34

## PART I

## SPANISH PROPOSAL FOR JOINT GOOD OFFICES, MAY 11, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3972	June 8 [Rec'd June 9]	The Ambassador in Germany to the Secretary of State (telegram).	Statement to press concerning peace mere generalities; made good impression. Requests authority to deny that the Department has issued statement that Germany will demand peace if harvest is unfavorable.	34
3085	June 13	The Secretary of State to the Ambassador in Germany (telegram).	Authorization to state that the Department has given no statement in regard to the internal economic conditions of Germany.	35
41	Apr. 29 [Rec'd June 16]	The Consul at Trebizond to the Secretary of State.	Russian forces, unopposed by the Turks, have occupied the city.	35
	June 15 [Rec'd June 19]	The Greek Minister of Foreign Affairs to Greek Diplomatic Officers in Neutral Countries.	The Greek Government denounces the treatment to which her maritime commerce is subjected by the Entente powers.	36
133	June 22	The Minister in Greece to the Secretary of State (telegram).	Greek Government accepts demands of Entente powers for complete demobilization, dissolution of Chamber of Deputies, new elections and reforms. Blockade not yet raised.	37
4071	June 29 [Rec'd June 30]	The Ambassador in Germany to the Secretary of State (telegram).	Strikes and disturbances in Berlin.	37
	July 13	The Acting Secretary of State to the Greek Chargé.	Acknowledges receipt of communication protesting against treatment to which maritime commerce of Greece is subjected by the Entente.	38
270	June 5 [Rec'd July 14]	The Consul at Saloniki to the Secretary of State.	Greek fortification in the north occupied by Germans and Bulgarians. The Allies declare all Macedonia in state of siege; Saloniki occupied without resistance.	38
275	July 18 [Rec'd July 21]	The Minister in Roumania to the Secretary of State (telegram).	Believes that Roumania will enter the war on the side of the Quadruple Entente if Russia has immediate success.	39
279	July 22 [Rec'd July 24]	The Minister in Roumania to the Secretary of State (telegram).	Roumania is receiving war supplies from Russia; indicates an agreement between them.	40
4214	Aug. 10 [Rec'd Aug. 11]	The Ambassador in Germany to the Secretary of State (telegram).	New agreement concluded between Roumania and Central powers for sale of foodstuffs.	40

## PART I

## SPANISH PROPOSAL FOR JOINT GOOD OFFICES, MAY 11, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
688	Aug. 14 [Rec'd Aug. 15]	The Ambassador in Italy to the Secretary of State (telegram).	Italy may feel compelled to take the initiative in declaring war on Germany.	40

## MEMORANDA OF THE AMBASSADOR IN GREAT BRITAIN OF CONVERSATIONS WITH BRITISH STATESMEN, JULY 27—AUGUST 1, 1916

	July 27 [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain of a conversation with the British Secretary of State for Foreign Affairs.	British attitude toward America, President Wilson's speech, and a league to enforce peace.	40
	Undated [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain.	Conversation with Lord Bryce, July 31, regarding the President's speech, interference with mail, blockade, league to enforce peace, etc.	43
	Aug. 1 [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain of a conversation with the British Prime Minister.	Justification of Casement execution; anti-American feeling in Great Britain; Mexican situation.	45

## REJECTION OF THE SPANISH PROPOSAL FOR JOINT GOOD OFFICES, AUGUST 23, 1916—ROUMANIA'S ENTRANCE INTO THE WAR, AUGUST 27, 1916—ITALY'S DECLARATION OF WAR AGAINST GERMANY, AUGUST 28, 1916

293	Aug. 18 [Rec'd Aug. 19]	The Minister in Roumania to the Secretary of State (telegram).	Reliably informed that Roumania will enter the war, joining the Entente powers.	46
172	Aug. 23	The Secretary of State to the Ambassador in Spain (telegram).	The President prevented by Allies' attitude from either accepting or rejecting the King's peace suggestion.	46
695	Aug. 27 [Rec'd Aug. 28]	The Ambassador in Italy to the Secretary of State (telegram).	Italy has declared war against Germany.	47
297	Aug. 27 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	Have been asked to take charge of German interests in Roumania as war is expected between the two countries.	47

## PART I

## REJECTION OF THE SPANISH PROPOSAL FOR JOINT GOOD OFFICES, ETC.—CON.

No.	Date	From and to whom	Subject	Page
274 [298]	Aug. 27 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	The Department is asked to take charge of Roumanian interests in Austria and in Germany, in case of war.	48
299	Aug. 28 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	Roumania declares war against Austria-Hungary. Allies of latter consider this a declaration of war against them.	48
	Aug. 28 [Rec'd Aug. 29]	The Italian Ambassador to the Secretary of State.	Notification of Italy's declaration of war upon Germany.	48
	Aug. 31 [Rec'd Sept. 1]	The Consul at Saloniki to the Secretary of State (telegram).	Greek revolutionists and soldiers have joined French Army.	49
2053	Aug. 30 [Rec'd Sept. 2]	The Chargé in Turkey to the Secretary of State (telegram).	Turkey joins Germany and Bulgaria in war against Roumania.	49
304	Sept. 6	The Secretary of State to the Minister in Roumania (telegram).	Has war against Roumania been declared by Germany and Bulgaria, or <i>vice versa</i> ?	50
310[?]	Sept. 5 [Rec'd Sept.15]	The Minister in Roumania to the Secretary of State (telegram).	Germany, as ally of Austria-Hungary, considers herself at war with Roumania. Bulgaria opened hostilities on Roumania without declaration of war.	50
158	Sept. 24 [Rec'd Sept.25]	The Minister in Greece to the Secretary of State (telegram).	Venizelos begins movement to have Greece join the Allies, undoubtedly the beginning of revolution.	50
541	Sept. 8 [Rec'd Oct. 11]	The Minister in Roumania to the Secretary of State.	German and Austrian Ministers request the United States to represent their interests; Bucharest subjected to air raids; enemy subjects of military age interned. Encloses Roumania's declaration of war against Austria-Hungary.	50

## GERMANY'S REQUEST OF SEPTEMBER 25, 1916, FOR THE GOOD OFFICES OF THE UNITED STATES—THE OCTOBER REVOLUTION IN GREECE

4375	Sept. 25 [Rec'd Sept.26]	The Ambassador in Germany to the Secretary of State (telegram).	If the President will make offer of good offices in general terms, Germany will accept and be ready to send delegates to proposed peace conference.	55
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## PART I

## GERMANY'S REQUEST OF SEPTEMBER 25, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
418	Sept. 28 [Rec'd Sept.29]	The Minister in Switzerland to the Secretary of State (telegram).	Any attempt at mediation before public opinion in belligerent countries has paved the way for a peace conference, will do more harm than good.	55
4401	Sept. 28 [Rec'd Sept.29]	The Chargé in Germany to the Secretary of State (telegram).	Substance of the Chancellor's speech before the Reichstag.	56
5001	Oct. 11 [Rec'd Oct. 12]	The Ambassador in Great Britain to the Secretary of State (telegram).	The British regard German peace moves as insincere, and as German propaganda to throw onus of continuing the war on the Allies.	57
4458	Oct. 11 [Rec'd Oct. 12]	The Chargé in Germany to the Secretary of State (telegram).	Forwards confidential message for Gerard from Bayard Hale stating his belief that the peace movement will be favorably entertained in Russia.	58
4471	Oct. 12 [Rec'd Oct. 14]	The Chargé in Germany to the Secretary of State (telegram).	Topics discussed in the Reichstag include Roumania, Greece, Great Britain, the submarine, new political bearings, etc.	58
	Oct. 13 [Rec'd Oct. 14]	The Consul at Saloniki to the Secretary of State (telegram).	Revolutionists in control of the city. The consulate will deal with Provisional authorities unofficially, pending instructions.	60
	Oct. 21	The Acting Secretary of State to the consul at Saloniki (telegram).	Instructions to deal informally and unofficially with the Provisional authorities.	60
	Oct. 24 [Rec'd Oct. 25]	The Consul at Saloniki to the Secretary of State (telegram).	Provisional authorities consider Consulate's relations informal and unofficial.	60
4349	Oct. 17 [Rec'd Nov. 6]	The Chargé in Germany to the Secretary of State.	Progress in Germany of a new movement tending toward greater liberalism in internal affairs and Government, favored by all parties except Conservatives.	61
4889	Nov. 10 [Rec'd Nov.12]	The Chargé in Germany to the Secretary of State (telegram).	The Chancellor claims that Germany is fighting a defensive war, that England is partly to blame for hostilities, that Germany is prepared to join a union for peace and that annexations after the war are incompatible therewith.	64
4614	Nov. 17 [Rec'd Nov.18]	The Chargé in Germany to the Secretary of State (telegram).	The Chancellor's peace interview with Hale is an informal suggestion to the President; Austria's wish to avoid peace suggestions until Roumania is defeated, does not accord with German plan.	64



## PART I

## GERMANY'S REQUEST OF SEPTEMBER 25, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Nov. 19	Memorandum dictated by the Counselor of the British Embassy in the office of the Assistant Secretary of State.	British reply to Austro-Hungarian feelers regarding peace terms has been given out unofficially at The Hague.	65
435	Nov. 20	The Minister in Switzerland to the Secretary of State (telegram).	Press article states that United States is ready to take steps toward peace; undoubtedly German propaganda.	65
1539	Nov. 20 [Rec'd Nov. 21]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Press comments on reports that the President contemplates inviting the belligerent powers to a preliminary peace conference where all parties shall present minimum demands.	66
4626	Nov. 20 [Rec'd Nov. 21]	The Chargé in Germany to the Secretary of State (telegram).	Hale's cablegram (to the New York American) is delayed.	67
3606	Nov. 22	The Secretary of State to the Chargé in Germany (telegram).	Instruction to make effort to secure Chancellor's statement to Hale. German Embassy is trying to prevent its publication.	67
186	Nov. 23	The Minister in Greece to the Secretary of State (telegram).	Have assumed charge of interests of Austria-Hungary, Bulgaria, and Turkey.	67
4639	Nov. 23 [Rec'd Nov. 24]	The Chargé in Germany to the Secretary of State (telegram).	Retirement of Von Jagow has evoked criticism of his activities. Promotion of Zimmermann is welcomed.	67
4636	Nov. 22 [Rec'd Nov. 24]	The Chargé in Germany to the Secretary of State (telegram).	Interview with the Chancellor on Belgian enforced labor, failure of Germany's peace suggestions, and submarine warfare.	68
4652	Nov. 25 [Rec'd Nov. 27]	The Chargé in Germany to the Secretary of State (telegram).	Chancellor has recalled original interview with Hale. The new draft directly avoids the subject of peace. Quotes from the original interview.	69
	Nov. 24 [Rec'd Nov. 29]	The Consul at Saloniki to the Secretary of State (telegram).	Greek Provisional Government declares war on Bulgaria and Germany.	70

## PART I

INTIMATION TO GERMANY, NOVEMBER 29, 1916, OF THE PRESIDENT'S WILLINGNESS TO EXTEND GOOD OFFICES IF SUBMARINE SINKINGS AND BELGIAN DEPORTATIONS CEASE—THE CONTEST IN GREECE

No.	Date	From and to whom	Subject	Page
3621	Nov. 29	The Secretary of State to the Chargé in Germany (telegram).	Message to German Chancellor deploring and protesting the deportation of Belgians for enforced labor in Germany. This will frustrate Belgian relief work and the peace plans.	70
4662	Nov. 28 [Rec'd Nov.30]	The Chargé in Germany to the Secretary of State (telegram).	Forwards paraphrase of revised text of Hale's interview with the Chancellor concerning peace.	71
384	Nov. 25 [Rec'd Nov.30]	The Minister in Roumania to the Secretary of State (telegram).	Bulgarian and German armies have crossed the Danube. Bucharest in panic and Government removed to Jassy. Has been requested to take charge of British, Russian, Italian, and Serbian interests.	74
2288	Nov. 28 [Rec'd Dec. 1]	The Ambassador in Turkey to the Secretary of State (telegram).	Presented new military attaché to the Sultan. Requested permission for Americans to aid war sufferers in Turkey.	75
4670	Nov. 30 [Rec'd Dec. 1]	The Chargé in Germany to the Secretary of State (telegram).	Chancellor has urged acceptance of the auxiliary service measure, adding that Germany is the first and only country ready to end the war.	75
	Nov. 30 [Rec'd Dec. 2]	The Greek Minister of Foreign Affairs to the American Minister in Greece.	Greek protest against treatment by the Allied forces.	75
4671	Dec. 1 [Rec'd Dec. 2]	The Chargé in Germany to the Secretary of State (telegram).	Believes that Germany as a whole would welcome peace; nevertheless she is marshaling her resources for a spring offensive against Russia.	77
189	Dec. 2 [Rec'd Dec. 3]	The Minister in Greece to the Secretary of State (telegram).	Desultory fighting in Athens; British and French losses numerous; Entente control slight. Suggests presence of the <i>Des Moines</i> .	78
154	Dec. 4	The Secretary of State to the Minister in Greece (telegram).	Inadvisable to send the <i>Des Moines</i> to Athens.	78
190	Dec. 4 [Rec'd Dec. 5]	The Minister in Greece to the Secretary of State (telegram).	Athens quiet but Piraeus in danger. British and French subjects leaving. Repeats request for cruiser.	79
191	Dec. 4 [Rec'd Dec. 5]	The Minister in Greece to the Secretary of State (telegram).	Spanish and Netherland Ministers have joined him in protesting the lawless methods of the Greek Government in suppressing Venizelists.	79

## PART I

## INTIMATION TO GERMANY, NOVEMBER 29, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3644	Dec. 5	The Secretary of State to the Chargé in Germany (telegram).	Instructions to report whether note for Chancellor regarding Belgian deportations has been received and what action has been taken.	79
192	Dec. 5 [Rec'd Dec. 6]	The Minister in Greece to the Secretary of State (telegram).	Relations between Greece and the Entente very uncertain.	79
194	Dec. 6 [Rec'd Dec. 7]	The Minister in Greece to the Secretary of State (telegram).	Legation staff safe. Persecution of Venizelists continues.	80
194 [195?]	Dec. 7 [Rec'd Dec. 8]	The Minister in Greece to the Secretary of State (telegram).	Entente blockade of Greece declared. Divergence in views amongst Allies as to the treatment to be accorded Greece. Has been asked to take charge of French interests.	80
	Dec. 7 [Rec'd Dec. 8]	The French Ambassador to the Secretary of State.	Details of Allied blockade of Greece.	80
160	Dec. 8	The Secretary of State to the Minister in Greece (telegram).	Instructions to cable reason for protests to Greek Government and the character of methods used by them in suppressing the Venizelists.	81
4700	Dec. 7 [Rec'd Dec. 8]	The Chargé in Germany to the Secretary of State (telegram).	Chancellor leaving for General Headquarters. Transmits his confidential oral communication regarding the President's attitude on the question of a peace move.	81
196	Dec. 8 [Rec'd Dec. 9]	The Minister in Greece to the Secretary of State (telegram).	Extent of blockade of the Greek coasts.	82
4707	Dec. 8 [Rec'd Dec. 10]	The Chargé in Germany to the Secretary of State (telegram).	Confidential interview with the Chancellor, regarding the President's attitude toward peace move, is given out by German Foreign Office but suppressed upon protest.	82
198	Dec. 9 [Rec'd Dec. 10]	The Minister in Greece to the Secretary of State (telegram).	The King is desirous of peace. Entente have blockaded ports without explanation; have also demanded complete demobilization and reparation.	83
4712	Dec. 10 [Rec'd Dec. 11]	The Chargé in Germany to the Secretary of State (telegram).	Informed that the Chancellor will announce to the Reichstag that Germany has demonstrated her ability to win the war; that he will outline acceptable terms of peace, which will strengthen the peace parties in Russia, England, and France.	83

## PART I

## INTIMATION TO GERMANY, NOVEMBER 29, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
199	Dec. 11 [Rec'd Dec. 12]	The Minister in Greece to the Secretary of State (telegram).	Minister for Foreign Affairs, in protest against blockade, draws attention to peaceful relations with Allies and their failure to allege a motive for their act.	83
200	Dec. 11 [Rec'd Dec. 12]	The Minister in Greece to the Secretary of State (telegram).	Neutral Ministers in protest to Greece have insisted upon restoration of order; gives specific cases of disorder and persecution.	83
	Undated [Rec'd Dec. 12]	The Greek Ministry of Foreign Affairs to the Greek Chargé in the United States (telegram).	Gives account of the Venizelist insurrection in Athens and states that order has now been re-established.	84

## THE CENTRAL POWERS' INVITATION OF DECEMBER 12, 1916, TO THE ALLIED POWERS TO DISCUSS PEACE

1572	Dec. 11 [Rec'd Dec. 13]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	The Central powers will issue an identic appeal to the Entente powers to arrange a peace conference.	85
4722	Dec. 12 [Rec'd Dec. 13]	The Chargé in Germany to the Secretary of State (telegram).	The Chancellor has delivered, for transmission to the Entente powers, a communication offering to enter into peace negotiations.	85
4724	Dec. 12 [Rec'd Dec. 13]	The Chargé in Germany to the Secretary of State (telegram).	The Spanish Ambassador thinks it improbable that the Allies will accept the peace offer and that Germany will retaliate by resuming ruthless submarine activity.	86
111	Dec. 12 [Rec'd Dec. 13]	The Chargé in Bulgaria to the Secretary of State (telegram).	The Prime Minister points out the strong position of the Central powers and proposes to enter into peace negotiations with Great Britain.	86
4725	Dec. 12 [Rec'd Dec. 13]	The Chargé in Germany to the Secretary of State (telegram).	Confidential remarks of the Chancellor upon presenting the German peace note.	87
4723	Dec. 12 [Rec'd Dec. 14]	The Chargé in Germany to the Secretary of State (telegram).	Transmits the Chancellor's address to the Reichstag reviewing the military situation, extolling Germany, and maintaining her readiness for peace.	87

## PART I

## THE CENTRAL POWERS' INVITATION OF DECEMBER 12, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1573	Dec. 12 [Rec'd Dec. 14]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Announces receipt of note of Austro-Hungarian Ministry of Foreign Affairs regarding peace negotiations.	89
4733	Dec. 13 [Rec'd Dec. 14]	The Chargé in Germany to the Secretary of State (telegram).	Danish Minister thinks that if the Allies reject the peace offer, Germany will reopen a ruthless submarine campaign. This opinion prevails generally.	89
4726	Dec. 12 [Rec'd Dec. 14]	The Chargé in Germany to the Secretary of State (telegram).	Transmits text of German note to Allied Governments offering to enter into peace negotiations.	89
4728	Dec. 13 [Rec'd Dec. 14]	The Chargé in Germany to the Secretary of State (telegram).	Press summary of the reception of Germany's peace offer and comments on the deportation of Belgians.	91
2327	Dec. 12 [Rec'd Dec. 15]	The Ambassador in Turkey to the Secretary of State (telegram).	Transmits text of the Turkish offer to enter peace negotiations with the Allies. Conditions of peace not stated.	91
203	Dec. 14 [Rec'd Dec. 15]	The Minister in Greece to the Secretary of State (telegram).	The British Minister has presented Greece with the ultimatum of the Allied powers, demanding the removal of the Greek Army to Peloponnesus.	92
4735	Dec. 14 [Rec'd Dec. 15]	The Chargé in Germany to the Secretary of State (telegram).	Press summary: Conservative and National Liberal Parties disapprove the Government's failure to consult the Reichstag or make known its concrete peace terms.	92
5320	Dec. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	Improbability of British acceptance of Germany's proposal to hold a peace conference, and the reasons therefor.	92
	Dec. 16	The Secretary of State to Diplomatic Representatives in Great Britain, France, Russia, Italy, Japan, Roumania and Serbia, and to the Consul at Havre for transmission to the Belgian Government (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94

## PART I

## THE CENTRAL POWERS' INVITATION OF DECEMBER 12, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1745	Dec. 16	The Ambassador in France to the Secretary of State (telegram).	Transmits a portion of Briand's speech, made before the Chamber of Deputies, commenting on the peace proposals and warning against demoralization.	95
449	Dec. 16 [Rec'd Dec. 17]	The Minister in Switzerland to the Secretary of State (telegram).	Swiss opinion: Chances of peace remote, as specific intention of Germany is not known; Japan not desirous of making a separate peace.	96
5335	Dec. 18	The Ambassador in Great Britain to the Secretary of State (telegram).	The German note delivered to the Foreign Office; the reply will be a single answer signed by all the Allied Governments; intimation of its character promised.	96
	Undated [Rec'd Dec. 18]	Note of the Greek Government in reply to the ultimatum of the Entente powers.	The Royal Government accedes to their demands.	97

## THE PRESIDENT'S SUGGESTION OF DECEMBER 18, 1916, THAT THE BELLIGERENT GOVERNMENTS COMMUNICATE THEIR TERMS OF PEACE—LLOYD GEORGE'S SPEECH OF DECEMBER 19, 1916

	Dec. 18	The Secretary of State to the Ambassadors and Ministers in Belligerent Countries (telegram).	Transmits the suggestion of the President that all belligerents state their views as to the terms upon which the war may be ended.	97
	Dec. 20	The Secretary of State to Diplomatic Officers in Neutral Countries (telegram).	Transmits the suggestion of the President that all belligerents state their views as to the terms upon which the war may be ended.	97n
1750	Dec. 18 [Rec'd Dec. 19]	The Counselor of the Embassy in France to the Secretary of State (telegram).	The German proposals have been presented to the Foreign Office. Intimation as to the reply will be made as soon as possible.	99
756	Dec. 19	The Ambassador in Italy to the Secretary of State (telegram).	Minister for Foreign Affairs, in speech to Chamber, declared it inopportune to discuss enemy notes.	100
5343	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Great Britain to the Secretary of State (telegram).	Great Britain will decline the German peace proposal because it contains no concrete terms. France has been requested to draw up the reply of the Allies.	100

## PART I

## THE PRESIDENT'S SUGGESTION OF DECEMBER 18, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
757	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Italy to the Secretary of State (telegram).	German peace proposal was presented to the Minister of Foreign Affairs. Reply of Allies not yet agreed upon.	101
5344	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Great Britain to the Secretary of State (telegram).	The Prime Minister has stated in the House of Commons that the Allies' terms of peace are complete restitution, full reparation, and effectual guarantees for the future.	101
1752	Dec. 19 [Rec'd Dec. 20]	The Ambassador in France to the Secretary of State (telegram).	The President of the Council stated before the Senate that the German peace proposal was a war ruse which had not deceived neutral governments and that a concerted answer would be made.	102
197	Dec. 20	The Secretary of State to the Chargé in Spain (telegram).	Forwards message from Ambassador Willard stating that the President authorizes him to say to the Spanish Government that the time is opportune for that country to act in support of the position taken by the United States.	102
5352	Dec. 20	The Ambassador in Great Britain to the Secretary of State (telegram).	The President's note urging that all belligerents set forth their peace terms, was presented to the Foreign Secretary.	103
4749	Dec. 19 [Rec'd Dec. 20]	The Chargé in Germany to the Secretary of State (telegram).	Press summary indicating that Germany expects the Allies to reject the peace proposals and is preparing for a merciless warfare.	103
939	Dec. 20 [Rec'd Dec. 21]	The Ambassador in Russia to the Secretary of State (telegram).	German peace note was delivered to the Minister of Foreign Affairs. Could get no intimation concerning reply.	104
1754	Dec. 21	The Ambassador in France to the Secretary of State (telegram).	Has presented the President's note regarding peace terms to the Premier, who expressed regret that it should have come simultaneously with the German peace proposals.	104
1796	Dec. 21	The Secretary of State to the French Ambassador.	This Government does not concede the right of the Allies to blockade the Greek coast in the absence of a state of war.	105
	Dec. 21	The Guatemalan Minister to the Secretary of State.	Acknowledges receipt of the President's message to belligerents calling for an expression of terms on which war can be brought to a close. His Government will cooperate in every possible way.	106

## PART I

## THE PRESIDENT'S SUGGESTION OF DECEMBER 18, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Dec. 21	The Secretary of State to the Ambassadors and Ministers in Belligerent Countries (telegram).	Denies that his Government is considering any change of its policy of neutrality.	106
759	Dec. 21	The Ambassador in Italy to the Secretary of State (telegram).	Presents the President's note concerning peace terms to the Minister for Foreign Affairs; his comment.	107
4753	Dec. 19 [Rec'd Dec. 22]	The Chargé in Germany to the Secretary of State (telegram).	Zimmermann desires to remove causes of friction with the United States and gives reasons for not stating concrete peace terms in proposal to Allies.	108
5363	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	Dominant tone in comment on the President's peace note one of surprise and consternation; note considered ill-timed and shows an evidence of misunderstanding of the aims of the Allies.	108
1593	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	The President's peace note presented to the Foreign Office. Burian succeeded by Czernin as Minister for Foreign Affairs.	109
302	Dec. 22 [Rec'd Dec. 23]	The Chargé in Spain to the Secretary of State (telegram).	Spain hopes to play an equal rôle with the United States in urging peace; inquires if the President's message requesting support was sent to all neutrals.	110
4764	Dec. 21 [Rec'd Dec. 23]	The Chargé in Germany to the Secretary of State (telegram).	The President's note regarding peace terms presented to Zimmermann, who expressed great satisfaction. He stated that a reply can not be given until the Entente powers have answered the German peace proposals.	110
4768	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment on Lloyd George's speech regarding German peace proposal: Germany expects rejection; Allies will be responsible for continuance of the war.	111
	Dec. 24	The Secretary of State to the Ambassadors and Ministers in Belligerent Countries (telegram).	The President's peace note means nothing but what it plainly expresses; replies will be conveyed in strict confidence to other group of belligerents in hope of finding common grounds for negotiations.	112
109	Dec. 23 [Rec'd Dec. 24]	The Minister in Norway to the Secretary of State (telegram).	The Norwegian Government extends congratulations to the President on his note to the belligerents and stands ready to cooperate in any action he may take.	112



## PART I

## THE PRESIDENT'S SUGGESTION OF DECEMBER 18, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
455	Dec. 23 [Rec'd Dec. 25]	The Minister in Switzerland to the Secretary of State (telegram).	The Swiss Federal Council has presented to each of the belligerent powers a note endorsing President Wilson's peace suggestions; promises enthusiastic support.	112
4776	Dec. 23 [Rec'd Dec. 25]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment on the President's peace note.	113
	Dec. 25 [Rec'd Dec. 26]	The Ambassador in Italy to the Secretary of State (telegram).	Press strongly hostile to the President's peace suggestion. The Pope considered the true intermediary.	114
2213	Nov. 21 [Rec'd Dec. 26]	The Ambassador in Austria-Hungary to the Secretary of State.	A <i>résumé</i> of the European situation as affecting Austria-Hungary and press comments on the effect of the President's peace note.	114
5374	Dec. 26 [Rec'd Dec. 27]	The Ambassador in Great Britain to the Secretary of State (telegram).	Cecil expresses British disappointment in the President's note; public opinion will not permit secret reply; gives assurance that no neutral can bring the war to a close until the Allies have spent their utmost force to secure freedom from organized tyranny.	115
200	Dec. 27	The Secretary of State to the Chargé in Spain (telegram).	U. S. note requesting cooperation in peace efforts was sent to the Spanish Government alone and was not repeated to other governments.	116
	Dec. 23 [Rec'd Dec. 27]	Note of the Swiss Federal Council addressed to all belligerent governments.	Supports President Wilson in his efforts to bring about peace.	117

## REPLIES OF THE CENTRAL POWERS OF DECEMBER 26, 1916, TO THE PRESIDENT'S SUGGESTION

4782	Dec. 26 [Rec'd Dec. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Germany's reply to the President's peace note, proposing a speedy assembly, on neutral ground, of delegates of warring states to discuss peace terms.	117
	Dec. 27 [Rec'd Dec. 28]	The Spanish Ambassador to the Secretary of State.	Presents the felicitations of the Pope to the President on his peace note.	118
1599	Dec. 26 [Rec'd Dec. 28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits the reply to the President's peace proposal: Suggestion for a convention of belligerents.	118

## PART I

## REPLIES OF THE CENTRAL POWERS OF DECEMBER 26, 1916, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2360	Dec. 24 [Rec'd Dec. 28]	The Ambassador in Turkey to the Secretary of State (telegram).	Interview with the Turkish Minister for Foreign Affairs in which the President's peace note was presented. Asks permission to give full text of communication to the press.	119
2366	Dec. 26 [Rec'd Dec. 28]	The Ambassador in Turkey to the Secretary of State (telegram).	Transmits reply of the Sublime Porte to the President's peace note, in terms similar to those of Germany and Austria-Hungary.	120
	Dec. 28	The Ambassador in Japan to the Secretary of State (telegram).	Reports interview with the Minister for Foreign Affairs in which he discusses the joint reply of the Allies to the German peace proposals.	120
763	Dec. 27 [Rec'd Dec. 28]	The Ambassador in Italy to the Secretary of State (telegram).	Minister for Foreign Affairs suggests that should the President make another peace move, he do so without conferring with other powers. Germany may have learned of discussion with Switzerland and forestalled the President's step.	121
	Dec. 29	The Norwegian Minister to the Secretary of State. The same from the Danish and Swedish Ministers.	Transmits copy of a note from the Norwegian Government to the governments of belligerent nations expressing the hope that the initiative of President Wilson will bring peace.	121
3225	Dec. 29	The Secretary of State to the Ambassador in Turkey (telegram).	The President's peace note may be made public.	122
690	Dec. 29	The Secretary of State to the Ambassador in Italy (telegram).	The President did not consult Switzerland or any other power before sending the peace note.	122
308	Dec. 28 [Rec'd Dec. 30]	The Chargé in Spain to the Secretary of State (telegram).	Forwards Spain's reply to the President's peace proposals and request for cooperation. Has been informed that Norway, Denmark, and Argentina will make similar reply.	122

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## REPLY OF THE ALLIED POWERS OF DECEMBER 30, 1916, TO THE INVITATION OF THE CENTRAL POWERS TO DISCUSS PEACE

No.	Date	From and to whom	Subject	Page
1770	Dec. 29 [Rec'd Dec. 30]	The Ambassador in France to the Secretary of State (telegram).	Transmits advance copy of the reply of the Allied Governments to the proposal of the Central powers to enter into peace negotiations, which is to be delivered officially on Dec. 31.	123
4796	Dec. 28 [Rec'd Dec. 30]	The Ambassador in Germany to the Secretary of State (telegram).	Press comments on Germany's reply to the President's peace note.	125
1769	Dec. 29 [Rec'd Dec. 30]	The Ambassador in France to the Secretary of State (telegram).	Interview with Cambon regarding the French outlook as to the continuation of hostilities.	126
1774	Dec. 30 [Rec'd Dec. 31]	The Ambassador in France to the Secretary of State (telegram).	Reply to the President's peace note will be given soon, after due consideration.	127
211	Dec. 30 [Rec'd Dec. 31]	The Minister in Greece to the Secretary of State (telegram).	Entente demands; blockade to continue until conditions are fulfilled. This means acceptance or war.	127
4805	Dec. 30 [Rec'd Dec. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Press summary of situation in Europe from German viewpoint and speculation as to America's entering the war.	128
4916	Dec. 21	The Chargé in Germany to the Secretary of State.	Detailed report on peace propaganda in Germany since Oct. 7. Conclusion reached that it is the direct outcome of food situation.	129
	Dec. 30 [Rec'd Jan. 2, 1917]	The Consul General at Sofia to the Secretary of State (telegram).	Transmits Bulgarian reply to the President's peace note, similar in terms to those of the other Central powers.	138
	Jan. 2, 1917	The Secretary of State to the Ambassadors in Germany, Austria-Hungary, and Turkey, and the Consul General at Sofia (telegram).	Transmits reply of the Entente to the overtures of the Central powers, with instructions regarding its delivery.	139

## PART II: NEUTRAL RIGHTS

NEUTRAL RIGHTS AS AFFECTED BY THE SUBMARINE OPERATIONS OF GERMANY AND HER ALLIES—THE QUESTION OF ARMED MERCHANT VESSELS—THE IMPERILING AND DESTRUCTION OF AMERICAN LIVES AND PROPERTY—AMERICAN DEMANDS AND GERMAN PLEDGES—RELATIONS OF THE UNITED STATES WITH GERMANY AND HER ALLIES

THE CONTINUANCE OF NEGOTIATIONS CONCERNING THE "LUSITANIA" AND THE "ANCONA"—THE SINKING OF THE "PERSIA"

No.	Date	From and to whom	Subject	Page
	Jan. 1	The Consul General at London to the Secretary of State (telegram).	The <i>Persia</i> reported sunk by submarine. American Consul at Aden was passenger. Nearly all on board perished.	143
1066	Jan. 3	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Inquires concerning the destruction of the <i>Persia</i> and asks assurances of early action by the Government.	143
A 27/16	Jan. 3	The German Ambassador to the Secretary of State.	Discussion of <i>Lusitania</i> case delayed by failure to receive telegram from Germany. Requests that enclosed message be forwarded to Germany.	144
	Jan. 3	The Secretary of State to the German Ambassador.	Message to the German Foreign Office has been forwarded.	144
	Undated [Rec'd Jan. 7]	The German Ambassador to the Secretary of State.	Explanation of German policy of submarine warfare in the Mediterranean.	144
	Jan. 12	The Austro-Hungarian Minister of Foreign Affairs to the Austro-Hungarian Chargé at Washington (telegram).	No information has been received in regard to the sinking of the <i>Persia</i> ; responsibility therefore cannot be assumed.	145
3361	Jan. 17 [Rec'd Jan. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Germany unwilling to admit obligation to pay indemnity even though possibly willing to pay in the <i>Lusitania</i> case.	145
3360	Jan. 17 [Rec'd Jan. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann states that the sinking of the <i>Persia</i> was not caused by a German submarine.	145



## PART II

## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

THE AMERICAN PROPOSAL OF JANUARY 18, 1916, OF A MODUS VIVENDI FOR THE OBSERVANCE OF RULES OF INTERNATIONAL LAW AND PRINCIPLES OF HUMANITY BY SUBMARINES AND THE DISCONTINUANCE OF ARMAMENT OF MERCHANT SHIPS—FURTHER NEGOTIATIONS CONCERNING THE "LUSITANIA"—THE CASE OF THE "PETROLITE"—REPORTS OF OFFENSIVE OPERATIONS BY ARMED MERCHANT SHIPS

No.	Date	From and to whom	Subject	Page
	Jan. 18	The Secretary of State to the British Ambassador. The same, <i>mutatis mutandis</i> , to the French, Russian, Italian, and Japanese Ambassadors and to the Belgian Minister.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146
3375	Jan. 21 [Rec'd Jan. 22]	The Ambassador in Germany to the Secretary of State (telegram).	Asks to be informed as to negotiations on the <i>Lusitania</i> case.	148
1103	Jan. 22 [Rec'd Jan. 23]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Minister for Foreign Affairs states that no Austro-Hungarian submarine was concerned in the sinking of the <i>Persia</i> .	148
	Jan. 22 [Rec'd Jan. 24]	The French Ambassador to the Secretary of State.	Relates the frightfulness of German submarine warfare and defends the arming of merchantmen.	149
2634	Jan. 24	The Secretary of State to the Ambassador in Germany (telegram).	Holding confidential negotiations with Bernstorff on <i>Lusitania</i> case.	150
2645	Jan. 26	The Secretary of State to the Ambassador in Germany (telegram).	Negotiations with Bernstorff regarding the <i>Lusitania</i> .	150
3648	Jan. 25 [Rec'd Jan. 26]	The Ambassador in Great Britain to the Secretary of State (telegram).	U. S. <i>modus vivendi</i> proposals considered a victory for Germany. Great Britain preparing to construct munition plants at home and in Canada.	151
2786	Jan. 26	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to report on the sinking of submarines by the <i>Kashgar</i> and the <i>City of Marseilles</i> .	152

## PART II

## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3365	Jan. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	U. S. <i>modus vivendi</i> proposal will antagonize the Allies. Advises that it be withdrawn.	152
3406	Jan. 29 [Rec'd Jan. 30]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann favors rejection of the <i>Lusitania</i> proposal, adding that Germany has plenty of submarines and that war with America would remove restrictions on submarine warfare.	153
3408	Jan. 29 [Rec'd Jan. 30]	The Ambassador in Germany to the Secretary of State (telegram).	Draft of a note which he understands the German Government is willing to send in settlement of the submarine incidents.	153
4007	Jan. 29 [Rec'd Jan. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits copy of letter from Zimmermann to Colonel House pointing out objectionable features in the <i>Lusitania</i> terms of settlement proposed by the Department; also Colonel House's suggestion for no action.	154
3409	Jan. 30 [Rec'd Jan. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann's statement that there is no longer any international law and his own denial of Germany's power to change its rules to suit her convenience.	155
1107	Jan. 31	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to inform the Department if prize court proceedings are instituted in relation to the <i>Ancona</i> , <i>Lasakumi Maru</i> , and <i>Persia</i> .	155
3413	Jan. 31 [Rec'd Feb. 1]	The Ambassador in Germany to the Secretary of State (telegram).	Thinks that Germany is not desirous of break in relations with the United States and will try to embroil us with Japan.	155
3419	Feb. 1 [Rec'd Feb. 2]	The Ambassador in Germany to the Secretary of State (telegram).	Germany will admit liability in <i>Lusitania</i> case but will deny illegality of her act.	156
1786	Feb. 2	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to inquire of Turkey whether the <i>Persia</i> was sunk by her submarine.	156
3703	Feb. 3	The Ambassador in Great Britain to the Secretary of State (telegram).	Passengers and crew of the <i>Kashgar</i> dispersed. Nothing known concerning her or the <i>City of Marseilles</i> .	157
	Undated [Rec'd Feb. 4]	The German Ambassador to the Secretary of State.	Germany's submarine warfare an act of retaliation. Regrets are expressed and reparation offered for loss of American lives on the <i>Lusitania</i> .	157

## PART II

## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Feb. 3 [Rec'd Feb. 5]	The British Secretary of State for Foreign Affairs to the British Ambassador at Washington (telegram).	U. S. proposal to deprive merchant vessels of defensive armament would insure the effectiveness of submarine warfare.	158
3437	Feb. 4 [Rec'd Feb. 5]	The Ambassador in Germany to the Secretary of State (telegram).	Reported that enemy merchant vessels will be sunk by Germany without notice in retaliation for British orders to fire on submarines at sight.	159
3445	Feb. 5 [Rec'd Feb. 6]	The Ambassador in Germany to the Secretary of State (telegram).	Reports substance of conversation of Morgenthau with Zimmermann and with Von Jagow on war issues.	151
48	Feb. 7	The Secretary of State to the Minister in Sweden (telegram).	Instructions to report in detail as to operations of British submarines in the Baltic.	159
2830	Feb. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to investigate and report cases of <i>Kashgar</i> and <i>City of Marseilles</i> .	160
3458	Feb. 7 [Rec'd Feb. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Zimmermann's interview with the press regarding the submarine controversy.	160
1116	Feb. 9	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to present to Foreign Office report of attack on the <i>Petrolite</i> , and if facts are as reported, to demand apology, punishment of captain, and compensation.	160
	Feb. 8	Extracts from an interview with the German Chancellor by Karl H. von Wiegand, published in the <i>New York World</i> , Feb. 9, 1916.	Germany desires to maintain friendly relations with the United States, but not at the price of national humiliation: refuses to give up submarine weapon.	161
	Feb. 10	Statement given to the press by the Secretary of State.	Germany has been asked to do nothing that is not reasonable and fair.	162

## PART II

NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued  
 GERMAN MEMORANDUM OF FEBRUARY 10, 1916, ANNOUNCING THAT ARMED  
 MERCHANT SHIPS ARE TO BE TREATED AS BELLIGERENTS

No.	Date	From and to whom	Subject	Page
3473	Feb. 10	The Ambassador in Germany to the Secretary of State (telegram).	German memorandum on the treatment of armed merchantmen has been received and will be forwarded as soon as it is translated.	163
90	Feb. 10 [Rec'd Feb. 11]	The Minister in Sweden to the Secretary of State (telegram).	Reports on British submarine warfare in the Baltic.	163
3474	Feb. 10 [Rec'd Feb. 11]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits German memorandum of Feb. 8 on the treatment of armed merchantmen.	163
1144	Feb. 10 [Rec'd Feb. 12]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Foreign Office note announcing that armed merchant vessels will be treated as belligerent.	166
3479	Feb. 11 [Rec'd Feb. 12]	The Ambassador in Germany to the Secretary of State (telegram).	Has learned indirectly from Foreign Office that, if necessary, Germany will make alliance with Russia and Japan against America.	167
3482	Feb. 12 [Rec'd Feb. 13]	The Ambassador in Germany to the Secretary of State (telegram).	German Government and press favor unrestricted submarine warfare if the U. S. <i>modus vivendi</i> proposal fails.	167
2882	Feb. 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Gives status of relations with Germany on subject of submarine warfare.	168
563	Feb. 14	The Ambassador in Italy to the Secretary of State (telegram).	Italy considers American note recommending disarmament of merchantmen as favorable to Germany; Allied acceptance improbable.	169
3785	Feb. 15 [Rec'd Feb. 16]	The Ambassador in Great Britain to the Secretary of State (telegram).	U. S. open telegrams communicated to government officials. Sources of information concerning the <i>Kashgar</i> and <i>City of Marseilles</i> closed. Suggests that future telegrams be sent in cipher.	169
	Feb. 16	The Secretary of State to Diplomatic Officers in European countries (telegram).	This Government will rely upon the established rules of international law if the <i>modus vivendi</i> proposals are rejected by the Entente powers.	170

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## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

THE GERMAN AMBASSADOR'S NOTE OF FEBRUARY 16, 1916, ON THE "LUSITANIA" AND "ARABIC" CASES; HIS COMMUNICATION OF INSTRUCTIONS FOUND ON THE BRITISH ARMED MERCHANT SHIP "APPAM"—AUSTRIAN NOTE OF FEBRUARY 22, 1916, ON THE "PETROLITE" INCIDENT—ITALIAN NOTE OF FEBRUARY 19, 1916, ON THE MODUS VIVENDI PROPOSAL

No.	Date	From and to whom	Subject	Page
A 1138	Feb. 16	The German Ambassador to the Secretary of State.	Transmits reply to U. S. note of July 21, 1915, on the <i>Lusitania</i> case: expresses regret; recognizes liability; and offers indemnity.	171
	Feb. 17	Memorandum of the Secretary of State of a conversation with the German Ambassador.	Regarding Germany's new submarine policy and its effect upon the settlement of the <i>Lusitania</i> case.	172
2716	Feb. 17	The Secretary of State to the Ambassador in Germany (telegram).	Germany's recent proclamation regarding enemy merchantmen has stopped negotiations and left the <i>Lusitania</i> case unsettled.	173
A1082	Feb. 19	The German Ambassador to the Secretary of State.	Transmits British confidential instructions found on the <i>Appam</i> : Any submarine to be treated as hostile.	173
573	Feb. 24 [Rec'd Feb. 25]	The Ambassador in Italy to the Secretary of State (telegram).	Transmits reply of Italian Government to the U. S. <i>modus vivendi</i> proposal.	174
1164	Feb. 23 [Rec'd Feb. 25]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits official note explaining the attack on the <i>Petrolite</i> .	175

THE PRESIDENT'S LETTER OF FEBRUARY 24, 1916, ASSERTING THE RIGHT OF AMERICAN CITIZENS TO TRAVEL ON ARMED MERCHANT SHIPS—GERMAN MEMORANDUM OF FEBRUARY 28, 1916, ASSERTING THAT THE PLEDGES OF SEPTEMBER 1 AND OCTOBER 5, 1915, DO NOT APPLY TO ARMED SHIPS

2740	Feb. 25	The Secretary of State to the Ambassador in Germany (telegram).	Transmits the President's letter to Senator Stone regarding abridgment of the rights of American citizens.	177
3528	Feb. 25 [Rec'd Feb. 26]	The Ambassador in Germany to the Secretary of State (telegram).	Baron Zwiedinek informed his Government that the United States would welcome a German declaration such as the memorandum on armed merchant vessels.	178
3530	Feb. 25 [Rec'd Feb. 26]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment regarding rights of Americans to travel on armed liners and views of German officials as to advantages of war with America.	178

## PART II

## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3531	Feb. 26 [Rec'd Feb. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Press comments on American conflict of opinion regarding armament of merchantmen.	179
3535	Feb. 27 [Rec'd Feb. 28]	The Ambassador in Germany to the Secretary of State (telegram).	Germany is discussing advisability of abandoning the practice of sinking ships without notice if England disarms merchant vessels.	180
	Feb. 28	The German Ambassador to the Secretary State.	Reiteration of stand taken by Germany against armed merchantmen; explanation of pledges made to America.	181
	Feb. 28	The Austro-Hungarian Chargé to the Secretary of State.	Austria-Hungary takes the same position as Germany on treatment of armed enemy merchantmen.	182
1168	Feb. 28 [Rec'd Feb. 29]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Vienna press is warned by Ministry of Foreign Affairs that relations between the United States and Germany have reached a critical stage.	182
A 1427	Feb. 29	The German Ambassador to the Secretary of State.	Quotes British press to prove that armament of British merchantmen is for offense and <i>North German Gazette</i> to show that Germany is within her right in attacking these armed vessels.	182
2756	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram). Repeated to Vienna.	Explanation of misquoted statement in message of Austro-Hungarian Chargé to his Government.	183
2757	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram).	German memorandum on submarine policy and armed merchantmen not yet received.	185

DEFEAT IN CONGRESS OF THE RESOLUTION TO PREVENT AMERICANS FROM TRAVELING ON ARMED MERCHANT SHIPS—THE DECISION OF THE GERMAN GOVERNMENT AGAINST UNLIMITED SUBMARINE WARFARE—RESOLUTIONS IN THE REICHSTAG AGAINST RESTRICTIONS

2760	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram).	Quotes the President's letter to Congressman Pou urging vote upon resolutions regarding travel on armed merchantmen; statement regarding the situation.	185
3561	Mar. 2 [Rec'd Mar. 3]	The Ambassador in Germany to the Secretary of State (telegram).	Von Tirpitz is urging that every vessel approaching England be torpedoed at sight.	186

## PART II

## NEUTRAL RIGHTS AS AFFECTED BY SUBMARINE OPERATIONS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3565	Mar. 3 [Rec'd Mar. 4]	The Ambassador in Germany to the Secretary of State (telegram).	Unlimited submarine blockade of English waters discussed in council. Decision lies with the Emperor.	186
	Mar. 4	The Secretary of State to the Ambassadors in European Belligerent Countries.	Gore resolution forbidding Americans to travel on armed merchantmen tabled in the Senate. Action favorable to administration's position.	186
2451	Feb. 14 [Rec'd Mar. 6]	The Ambassador in Germany to the Secretary of State.	Forwards <i>note verbale</i> transmitting memorandum from the German Foreign Office on the treatment of armed merchantmen, and exhibits.	187
3579	Mar. 6 [Rec'd Mar. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Von Tirpitz's proposal for unlimited submarine blockade of England is rejected in war council.	198
A 1601	Undated [Rec'd Mar. 8]	The German Ambassador to the Secretary of State.	Explains how Great Britain's disregard for established rules of international law is responsible for Germany's submarine policy.	198
3592	Mar. 7 [Rec'd Mar. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Forwards text of semiofficial reply to British Admiralty's publication of instructions of Oct. 20, 1915, to armed merchantmen.	201
	Mar. 8	The Secretary of State to the Ambassadors in European Belligerent Countries (telegram).	The House of Representatives tabled the resolution warning Americans against traveling upon armed merchantmen—a vote of confidence in the President's conduct of foreign affairs.	202
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3715	Apr. 6 [Rec'd Apr. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Deliberations of different factions in the Reichstag. The Budget Committee has submitted a report on submarine resolution.	224
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1360	Apr. 13 [Rec'd Apr. 14]	The Ambassador in France to the Secretary of State (telegram).	Presents proof that no imposition was practiced in the evidence found on the <i>Sussex</i> .	229
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1194	Apr. 17	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Prompt report requested on the <i>Imperator</i> said to have been destroyed by Austrian submarine.	231
3754	Apr. 16 [Rec'd Apr. 17]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits statement purporting to represent position of Chancellor, Foreign Office, and Marine Department regarding their submarine policy.	231

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2913	Apr. 18	The Secretary of State to the Ambassador in Germany (telegram).	Statement of facts in the <i>Sussex</i> case and warning that if present methods of submarine warfare are not abandoned this Government will sever diplomatic relations.	232
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2927	Apr. 22	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to cable exact words of Von Jagow in stating that Germany would not give up sinking merchant ships without notice.	239
	Apr. 22	The Secretary of State to the British Ambassador.	Requests specific information regarding instructions issued for guidance of British sea captains.	239
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3793	Apr. 23 [Rec'd Apr. 24]	The Ambassador in Germany to the Secretary of State (telegram).	Representatives of socialists and workmen's unions will tell Chancellor that Germans do not want war with America.	240
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	Mar. 25 [Pub. on Apr. 27]	Memorandum of the Department of State.	Status of an armed merchant vessel of a belligerent from the viewpoint of a neutral when that vessel enters its port, and from that of an enemy when on the high seas. Rights and duties of neutrals and belligerents.	244
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3253	Apr. 28	The Secretary of State to the Ambassador in Great Britain (telegram).	Asks for copies of instructions of Oct. 20, 1915, to British armed merchantmen.	251
2951	Apr. 28	The Secretary of State to the Ambassador in Germany (telegram).	The United States expects a prompt declaration of abandonment of illegal submarine warfare. Encloses memorandum concerning legal conduct of naval vessels.	252
1918	May 4	The Secretary of State to the German Ambassador.	Department has not felt warranted in taking up the <i>Baralong</i> case with the British because of the contradictory evidence in the case.	253
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4412	Oct. 1 [Rec'd Oct. 2]	The Chargé in Germany to the Secretary of State (telegram).	Early resumption of indiscriminate submarine warfare not unlikely.	291
4417	Oct. 2 [Rec'd Oct. 3]	The Chargé in Germany to the Secretary of State (telegram).	Chancellor's stand against indiscriminate submarine war strengthened; crisis passed for the present.	292
3448	Oct. 4	The Acting Secretary of State to the Chargé in Germany (telegram).	Instructions to investigate report that German Admiralty is preparing for early resumption of submarine warfare in violation of neutral rights.	292
4433	Oct. 5 [Rec'd Oct. 6]	The Chargé in Germany to the Secretary of State (telegram).	The Chancellor is thought to be holding his own against attacks on his submarine policy; no feeling of permanent security.	292
4436	Oct. 6 [Rec'd Oct. 7]	The Chargé in Germany to the Secretary of State (telegram).	Admiralty preparing for possible resumption of indiscriminate submarine war. It is reported that submarine issue is to be dropped for the present.	293
4439	Oct. 7 [Rec'd Oct. 8]	The Chargé in Germany to the Secretary of State (telegram).	Agreement to drop submarine issue may be based on desire of German Government to have the President act on its secret suggestion for peace.	293
4443	Oct. 7 [Rec'd Oct. 9]	The Chargé in Germany to the Secretary of State (telegram).	Press summary on party policies regarding submarine war.	294
4442	Oct. 7 [Rec'd Oct. 9]	The Chargé in Germany to the Secretary of State (telegram).	Is assured that Chancellor has situation in hand but that submarine question as a political issue will never be settled until England abandons blockade.	294
4450	Oct. 9 [Rec'd Oct. 10]	The Chargé in Germany to the Secretary of State (telegram).	Helferich, in Reichstag, gives forcible arguments against resumption of reckless warfare.	295

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1478	Oct. 12 [Rec'd Oct. 13]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Adjustment through diplomatic negotiations in the <i>Ancona</i> case extends only to personal damage; losses on goods must be decided by prize court.	295
4467	Oct. 12 [Rec'd Oct. 13]	The Chargé in Germany to the Secretary of State (telegram).	Naval officers have petitioned the Emperor for immediate resumption of indiscriminate submarine warfare. Encloses a <i>résumé</i> of Admiral Scheer's letter.	296
4478	Oct. 14 [Rec'd Oct. 15]	The Chargé in Germany to the Secretary of State (telegram).	Arrangements are said to have been made to double the output of ammunition. Present political outlook is reassuring though insecure.	296
4503	Oct. 20 [Rec'd Oct. 21]	The Chargé in Germany to the Secretary of State (telegram).	No developments in political situation because of Hindenburg's request that agitation of submarine question be dropped.	297
4502	Oct. 20 [Rec'd Oct. 21]	The Chargé in Germany to the Secretary of State (telegram).	Press summary of the political aspect.	297

REPRESENTATIONS TO GERMANY (OCTOBER 30—NOVEMBER 18, 1916) CONCERNING THE SINKING OF THE "ROWANMORE", "MARINA", "ARABIA", "SEBEK", "DELTO", "LANAO", "COLUMBIAN", AND "CHEMUNG" (DECEMBER 2, 1916)—REPLIES AND CORRESPONDENCE ON THESE CASES—REPORTS ON POLITICAL CONDITIONS IN GERMANY WITH REFERENCE TO SUBMARINE POLICY—COMMUNICATIONS OF INSTRUCTIONS FOUND ON A FRENCH ARMED MERCHANT SHIP

3530	Oct. 30	The Secretary of State to the Chargé in Germany (telegram).	Transmits report of U. S. Consul at Queenstown on sinking of the <i>Rowanmore</i> for the attention of the German Government.	298
3532	Oct. 31	The Secretary of State to the Chargé in Germany (telegram).	Instructions to request investigation of torpedoing of the <i>Marina</i> .	299
3538	Nov. 2	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to request report on sinking of the <i>Rievaulx Abbey</i> , <i>Strathtay</i> , and <i>Antwerpen</i> .	299
4555	Nov. 3 [Rec'd Nov. 4]	The Chargé in Germany to the Secretary of State (telegram).	Transmits German note promising investigation of the <i>Rowanmore</i> and <i>Marina</i> cases as soon as the commanders return from sea.	299
4322	Oct. 16 [Rec'd Nov. 6]	The Chargé in Germany to the Secretary of State.	<i>Résumé</i> of political developments, with particular reference to possible resumption of indiscriminate submarine warfare.	300

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275	Oct. 16 [Rec'd Nov. 7]	The Consul General at Dresden to the Secretary of State.	Informed by a German army officer that Germany contemplates unrestricted use of submarines early in 1917 and simultaneous nightly air raids on England.	308
5129	Nov. 7	The Ambassador in Great Britain to the Secretary of State (telegram).	Reports torpedoing of the <i>Arabia</i> .	308
	Nov. 14	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits report of Consul at Malta on torpedoing of the <i>Arabia</i> .	309
3586	Nov. 18	The Secretary of State to the Chargé in Germany (telegram).	Instructions to request investigation of attacks on the <i>Sebak</i> and the <i>Delto</i> .	309
3587	Nov. 18	The Secretary of State to the Chargé in Germany (telegram).	Instructions to request investigation of sinking of the <i>Lanao</i> .	310
3588	Nov. 18	The Secretary of State to the Chargé in Germany (telegram).	Instructions to request investigation of sinking of the <i>Columbian</i> .	310
3589	Nov. 18	The Secretary of State to the Chargé in Germany (telegram).	Instructions to request investigation of torpedoing of the <i>Arabia</i> .	310
4619	Nov. 20 [Rec'd Nov. 21]	The Chargé in Germany to the Secretary of State (telegram).	Transmits German note regarding the sinking of the <i>Rievaulx Abbey</i> , the <i>Strathlay</i> , and the <i>Antwerpen</i> .	311
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4654	Nov. 27 [Rec'd Nov. 28]	The Chargé in Germany to the Secretary of State (telegram).	Transmits German note relative to the sinking of the <i>Marina</i> .	312
4655	Nov. 27 [Rec'd Nov. 28]	The Chargé in Germany to the Secretary of State (telegram).	If necessary information is supplied in <i>Marina</i> case, German Government will take steps to rectify error, apologize, and offer indemnity.	313

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1436	Dec. 2	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to request investigation of the <i>Chemung</i> , reported sunk by Austrian submarine.	314
4530	Nov. 7 [Rec'd Dec. 4]	The Chargé in Germany to the Secretary of State.	Further information on political situation in Germany, bearing chiefly on submarine war. Note of Consul General at Dresden on food situation.	314
A 8059	Dec. 5	The German Ambassador to the Secretary of State.	Conclusive evidence that enemy merchant ships are armed offensively; encloses instructions for captains of merchant vessels, found on a French ship.	318
4685	Dec. 4 [Rec'd Dec. 5]	The Chargé in Germany to the Secretary of State (telegram).	Transmits German report on sinking of the <i>Arabia</i> .	319
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5283	Dec. 6	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note giving service of the <i>Marina</i> .	320
4691	Dec. 5 [Rec'd Dec. 6]	The Chargé in Germany to the Secretary of State (telegram).	Foreign Office instructions to Bernstorff to endeavor to settle <i>Arabia</i> case by conversations.	320
4140	Dec. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Repeats German report on sinking of the <i>Arabia</i> and asks if the vessel was used as transport for troops in service of Great Britain.	320
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5337	Dec. 18	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British statement as to the service of the <i>Marina</i> .	325
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4791	Dec. 27 [Rec'd Dec. 28]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits German note relative to sinking of the <i>Delto</i> .	327
A 8929	Dec. 29 [Rec'd Jan. 2, 1917]	The German Ambassador to the Secretary of State.	The confidential instructions of the French Admiralty to masters of merchant vessels for their protection, were found on the <i>Marie Thérèse</i> on Oct. 29 and bore no date.	328

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## THE SEIZURE OF THE "KANKAKEE"—THE BLACK LIST OF NEUTRAL SHIPS

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3493	Jan. 3	The Ambassador in Great Britain to the Secretary of State (telegram).	The <i>Kankakee</i> was captured by the British and conveyed to Gibraltar.	329
	Jan. 5	The Secretary of State to the British Ambassador.	Requests reply to U. S. note regarding British measures restricting legitimate trade with belligerent and neutral countries.	329
	Jan. 5 [Rec'd Jan. 6]	The British Ambassador to the Secretary of State.	Has presented to his Government the U. S. note requesting reply regarding trade restrictions.	329

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2794	Jan. 5 [Rec'd Jan. 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits White Paper entitled <i>Measures Adopted to Intercept the Sea-borne Commerce of Germany.</i>	330

THE TRADING WITH THE ENEMY (EXTENSION OF POWERS) ACT (DECEMBER 23, 1915)—  
RESERVATION OF THE RIGHT TO PROTEST AGAINST THIS ACT AS AFFECTING AMERICAN INTERESTS, JANUARY 25, 1916—REPORTS AND CORRESPONDENCE ON INTERFERENCE WITH NEUTRAL TRADE

2735	Jan. 17	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to mail copy of amended enemy-trading act prohibiting trading with non-residents of enemy nationality or association.	337
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3601	Jan. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Explains object of Trading with the Enemy (Extension of Powers) Act of 1915.	338
2774	Jan. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	Formal reservation of right to protest against the enemy-trading act of Dec. 23, 1915, as liable to cause undue interference with American trade.	339
2806	Jan. 31	The Secretary of State to the Ambassador in Great Britain (telegram).	Transmits, for attention of the Foreign Office, report of the Consul at Marseille on the disposition of the <i>Kankakee</i> with request for intervention on behalf of the crew.	339
1083	Jan. 17 [Rec'd Feb. 1]	The Consul General at London to the Secretary of State.	Modification of British blockade policy improbable. Suggestions which if adopted would do away with reasonable complaints from U. S. shippers.	340

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2878	Jan. 20 [Rec'd Feb. 1]	The Ambassador in Great Britain to the Secretary of State.	News articles on futility of England's blockade against Germany, showing the decrease of German imports and increase in those of surrounding neutral countries.	341
3752	Feb. 10	The Ambassador in Great Britain to the Secretary of State (telegram).	Explains action proposed by the British Government regarding the <i>Kankakee</i> and other vessels owned by American Transatlantic Co.	344
2903	Jan. 24 [Rec'd Feb. 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits British memorandum in justification of trade regulations in China.	345
2911	Feb. 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Again requests reply to U. S. note on subject of British trade restrictions; delay causing dissatisfaction.	349
3833	Feb. 21	The Ambassador in Great Britain to the Secretary of State (telegram).	British and French reply to U. S. note on trade restrictions will express willingness to submit, after the war, validity of order in council of Mar. 11 to an international tribunal.	349
	Feb. 7 [Rec'd Feb. 23]	The Consul General at London to the Secretary of State.	Reports the number of vessels, loaded at American ports, detained by British Admiralty since Mar. 11, 1915.	350
419	Feb. 2 [Rec'd Feb. 25]	The Chargé in the Netherlands to the Secretary of State.	Transmits letter from the commercial attaché on complaints of Netherlands Oversea Trust against British violation of agreement in adoption of rationing system.	350
3872	Feb. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey is urging haste in replying to U. S. shipping note.	351
	Mar. 1	The Consul General at London to the Secretary of State (telegram).	First proclamation under British blacklisting law names firms in neutral countries with which trading is forbidden.	352

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BRITISH NOTE OF FEBRUARY 16, 1916, IN DEFENSE OF THE TRADING WITH THE ENEMY (EXTENSION OF POWERS) ACT—THE FIRST "STATUTORY LIST", FEBRUARY 29, 1916—REPRESENTATIONS IN THE CASES OF THE "HOCKING", "GENESSEE", AND "KANKAKEE"

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3092	Feb. 19 [Rec'd Mar. 6]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note in defense of the Trading with the Enemy (Extension of Powers) Act, 1915.	352
3093	Feb. 19 [Rec'd Mar. 6]	The Ambassador in Great Britain to the Secretary of State.	Procedure for Americans who seek release of goods placed in a prize court.	353
1248	Feb. 24 [Rec'd Mar. 6]	The Consul General at London to the Secretary of State.	Transmits letter from U. S. consular agent at Kirkwall setting forth routine practice of British authorities on arrival of vessels diverted to that port by Admiralty.	355
3374	Mar. 16	The Acting Secretary of State to the Ambassador in Great Britain.	Forwards copy of Department's letter to William Amer Co., and others, advising a method of procedure to secure release of goods seized by British.	355
3052	Mar. 16	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Note to Great Britain declaring the seizure of the <i>Hocking</i> , the <i>Genessee</i> , and the <i>Kankakee</i> to be illegal.	357
3191	Mar. 7 [Rec'd Mar. 20]	The Ambassador in Great Britain to the Secretary of State.	Transmits British proclamation prohibiting trading with persons of enemy nationality, etc., dated Feb. 29, 1916.	358
4006	Mar. 23	The Ambassador in Great Britain to the Secretary of State (telegram).	Delay in answering U. S. note on blockade is due to necessary discussion of answer with France.	360
	Mar. 25	The Consul General at London to the Secretary of State (telegram).	Certain firms in Philippine Islands are proclaimed as enemy firms under trading-with-enemy law.	360

BRITISH ORDER IN COUNCIL OF MARCH 30, 1916, FURTHER MODIFYING THE DECLARATION OF LONDON—PROTEST AGAINST THIS ORDER, APRIL 8, 1916—THE "ZAMORA" DECISION ASSERTING THE PREVALENCE OF INTERNATIONAL LAW OVER ORDERS IN COUNCIL

4088	Apr. 4	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits text of order in council of Mar. 30.	361
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4149	Apr. 12	The Ambassador in Great Britain to the Secretary of State (telegram).	Has been informed that the reply to the U. S. shipping note is now ready.	362
3194	Apr. 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Request for a British statement regarding application of the new order in council to the <i>Joseph W. Fordney</i> case.	363
1584	Apr. 7 [Rec'd Apr. 18]	The Consul General at London to the Secretary of State.	Transmits a British black list of ships corrected to Mar. 31, 1916.	363
4176	Apr. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Spring Rice and Jusserand are ready to present their note, but consider time inopportune.	364
1605	Apr. 10 [Rec'd Apr. 21]	The Consul General at London to the Secretary of State.	British prize court must be governed by international law as against orders in council: Decision of Privy Council in <i>Zamora</i> case (text enclosed).	364
	Apr. 22	The Secretary of State to the Consul General at London (telegram).	Instructions to obtain total value of merchandise in prize court and approximate value of American goods therein.	367
3493	Apr. 14 [Rec'd Apr. 24]	The Ambassador in Great Britain to the Secretary of State.	Reversal of judgment by Privy Council in <i>Zamora</i> case may nullify rulings under orders in council.	367

BRITISH NOTE OF APRIL 24, 1916, IN GENERAL JUSTIFICATION OF MEASURES OF INTERFERENCE WITH NEUTRAL TRADE—THE ABOLITION OF THE DISTINCTION BETWEEN ABSOLUTE AND CONDITIONAL CONTRABAND

107	Apr. 24	The British Ambassador to the Secretary of State.	Transmits memorandum in justification of restrictions on trade.	368
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	Apr. 22 [Rec'd Apr. 26]	The British Ambassador to the Secretary of State.	American Transatlantic Co. ship <i>Winneconne</i> carried cargo to Gothenburg for Germany. Immunity from capture enjoyed by company's vessels can only be continued provided they will not trade with Scandinavia and Holland.	382
	Apr. 27	The Vice Consul at London to the Secretary of State (telegram).	Figures showing value of merchandise in prize court not available. Gives price of goods sold by prize court to Mar. 31.	383
	May 3	The Secretary of State to the Ambassador in Great Britain (telegram).	For the Consul General: requests estimate of value of American goods in prize court.	383
	May 3	The Edward Maurer Co., Inc., to the Secretary of State.	Calls attention to action of steamship lines in blacklisting, and refusing to accept freight for, certain South American firms of German origin. Relief through the Government asked.	383
4271	Apr. 20 [Rec'd May 9]	The Vice Consul at London to the Secretary of State.	Transmits list of articles declared to be contraband of war; no distinction made between absolute and conditional.	385
	May 9	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government declines to discuss the <i>Joseph W. Fordney</i> case pending prize court decision.	387
	May 10	The Secretary of State to the British Ambassador.	Explains status of ships owned by American Transatlantic Co. and asks if the British Government intends to repudiate its promise concerning them.	388
1739	May 2 [Rec'd May 13]	The Consul General at London to the Secretary of State.	British Government appears to have ignored its pledge to accept consignments to Netherlands Oversea Trust. Sends list of such goods returned for prize court proceedings.	390
3702	May 3 [Rec'd May 15]	The Ambassador in Great Britain to the Secretary of State.	Transmits copy of <i>aide mémoire</i> to Grey setting forth shippers' protest against the seizure of goods consigned to Netherlands Oversea Trust, and Grey's reply.	390
	May 18	The Secretary of State to the Edward Maurer Co., Inc.	Refusal of steamship companies to accept cargo for shipment, is a private matter, not under control of the Department.	391

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3341	May 19	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to request removal of vessels of American Transatlantic Co. from black list.	392
4345	May 22	The Ambassador in Great Britain to the Secretary of State (telegram).	Consul General Skinner suggests that Oversea Trust assignments actually in Holland should not be returned to England until facts in each case have been examined.	393
3174	May 12 [Rec'd May 23]	The Ambassador in France to the Secretary of State.	Transmits amendments to and modifications of decree of Nov. 6, 1914, relating to the French adoption of the Declaration of London, with preliminary report of reasons therefor.	393
3662	May 23	The Acting Secretary of State to the Ambassador in Great Britain.	Approves action taken in connection with seizure of goods consigned to Oversea Trust.	395
74	May 26	The Acting Secretary of State to the Minister in Sweden (telegram). The same to the Ministers in the Netherlands, Denmark, and Norway.	Instructions to furnish statistics in refutation of allegations in the British note of Apr. 24 on trade restrictions.	395
	June 6	The Consul General at London to the Secretary of State (telegram).	Value of detained cargo on June 2 estimated at four million pounds.	396
	June 7	The Secretary of State to Representative George F. O'Shaunessy.	Arrangements with Great Britain for the uninterrupted shipment of goods of German and Austrian origin for the benefit of American industries.	396

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927	May 31 [Rec'd June 19]	The Minister in Denmark to the Secretary of State.	Statement on trade conditions; difficulty in obtaining accurate statistics showing that receipt of American exports is less than needed.	398
493	June 13 [Rec'd June 27]	The Minister in the Netherlands to the Secretary of State.	Report on restraint upon commerce between the United States and the Netherlands.	399
	June 29	The Consul General at London to the Secretary of State (telegram).	Transmits proclamation of June 27 supplementing previous contraband proclamations.	405
195	July 3 [Rec'd July 5]	The British Ambassador to the Secretary of State.	Great Britain will not repudiate promise to American Transatlantic Co. Trusts that discussion of legal points will be postponed until cases have come before the prize court.	405
2115	June 21 [Rec'd July 6]	The Consul General at London to the Secretary of State.	Transmits prize court judgment in the <i>Joseph W. Fordney</i> case.	406
4532	July 6	The Ambassador in Great Britain to the Secretary of State (telegram).	Government ready to give consideration to concrete cases of U. S. shipments consigned to Oversea Trust which have been placed in prize court.	407

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1479	July 8 [Rec'd July 9]	The Ambassador in France to the Secretary of State (telegram).	French and British Governments will discontinue observance of Declaration of London and will be guided by principles of international law instead.	408
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	July 19	The Consul General at London to the Secretary of State (telegram).	Transmits proclamation blacklisting 85 concerns in the United States.	411
	July 20	Memorandum of the Acting Secretary of State.	Discussion with Spring Rice of the subject of the blacklisting of U. S. firms and probable danger of litigation.	411
	July 22	Memorandum of the Acting Secretary of State.	Further discussion with Spring Rice of subject of blacklisting.	412
4600	July 22 [Rec'd July 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	Will make mitigating suggestions regarding British blacklisting of American firms.	412
4181	July 10 [Rec'd July 24]	The Ambassador in Great Britain to the Secretary of State.	Transmits text of the Maritime Rights Order in Council of July 7, 1916, with explanatory memorandum.	413
	July 22 [Rec'd July 24]	The Norwegian Minister to the Acting Secretary of State.	Asks if the United States has requested an explanation of Great Britain regarding blacklisting. Desires to be informed of any further steps.	415
3392	July 11 [Rec'd July 25]	The Ambassador in France to the Secretary of State.	Transmits text of decree of July 7 repealing previous decrees relating to the Declaration of London, with report of reasons therefor.	416
523	July 20 [Rec'd July 25]	The Russian Ambassador to the Acting Secretary of State.	Russia joins with England and France in denouncing the Declaration of London.	418
	July 21 [Rec'd July 25]	The Swedish Minister to the Acting Secretary of State.	Inquires as to course the United States will take regarding the British blacklisting of American firms.	418
	July 25	Memorandum of the Acting Secretary of State.	Spring Rice explains intention of blacklisting act and will communicate U. S. objections to his Government.	419
4606	July 25	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggested to Cecil that British officials in the United States be authorized to remove names of shippers from black list when good reason is shown.	420

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4610	July 26	The Ambassador in Great Britain to the Secretary of State (telegram).	Lord Robert Cecil explains the statutory black-list act and gives assurance that injustice will be avoided.	420

## PROTEST OF JULY 26, 1916, AGAINST THE BLACKLISTING OF AMERICAN FIRMS

3578	July 26	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Formal note protesting against the enemy-trading act.	421
4292	July 19 [Rec'd July 31]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note refusing bunker coal to ships of the American Transatlantic Co.	422
2308	July 21 [Rec'd July 31]	The Consul General at London to the Secretary of State.	Statutory and black lists, and reasons for placing certain firms thereon. Encloses British note to American Ambassador.	423
	July 29 [Rec'd July 31]	The British Embassy to the Department of State.	Difficulties of the <i>Chinese Prince</i> , which arrived at Manila short of cargo seized by British at Penang. Asks cancellation of bond required of owners.	424
	July 28 [Rec'd Aug. 1]	The Swedish Minister to the Acting Secretary of State.	Swedish Government ready to cooperate in rectifying unsatisfactory conditions due to British blacklisting.	425
	Aug. 1	The Acting Secretary of State to the Swedish Minister.	Forwards copy of note to British Government on the black list; in individual cases some modification of blacklisting has been secured.	426
	Aug. 1	The Acting Secretary of State to the Norwegian Minister.	Sends copy of note to Great Britain regarding the enemy-trading act. Will keep him informed of further action.	426
	July 25 [Rec'd Aug. 4]	The Swedish Minister to the Secretary of State.	The Swedish, Norwegian, and Danish Governments have informed Great Britain and France that they reserve the right to protest against new maritime rules.	427
1517	Aug. 7	The Ambassador in France to the Secretary of State (telegram).	Transmits French notification of lists of persons and firms with whom transactions are forbidden.	427
	Aug. 9	The Consul General at Guayaquil to the Secretary of State (telegram).	Grace & Co. ships refuse cargo belonging to blacklisted Americans. Requests instructions regarding refusal of bills of health.	428

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2308	Aug. 4 [Rec'd Aug. 14]	The Consul General at London to the Secretary of State.	Further discussion of statutory and black lists and of cases of Albert Herskovits & Co. and J. Aron & Co.	428
1281	Aug. 15	The Secretary of State to the British Ambassador.	British statement regarding vessels of American Transatlantic Co. is not clear. Company has complied with British conditions.	429

PROTESTS AGAINST THE DENIAL OF BUNKER COAL TO AMERICAN VESSELS NOT ON THE "WHITE LIST" (CASES OF THE "RIZAL" AND "CHARLTON HALL") AND AGAINST INTERFERENCE WITH PHILIPPINE COMMERCE (CASES OF THE "CHINESE PRINCE", "KAFUE", AND "AYMERIC")

3687	Aug. 15	The Secretary of State to the Chargé in Great Britain (telegram).	The <i>Rizal</i> , carrying Philippine cargo, was refused coal at Colombo; no grounds for interference.	430
4057	Aug. 16	The Secretary of State to the Chargé in Great Britain.	American Transatlantic Co. complained of difficulty in obtaining employment for its vessels because of black list, not of failure to obtain bunker coal.	430
	Aug. 16	The Department of State to the British Embassy.	Protests seizure of goods on the <i>Chinese Prince</i> and the <i>Kafue</i> , and reserves rights of reclamation for damages.	431
	Aug. 17	The Secretary of State to Representative Claude Kitchin.	Brief history of British blacklisting and U. S. action taken regarding it.	432
3703	Aug. 18	The Secretary of State to the Chargé in Great Britain (telegram).	The taking up of individual cases of American firms on black list is not an admission of correctness of Great Britain's course.	435
3710	Aug. 19	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to investigate statement that the securing of bunker coal is conditioned upon the promise not to sell or time-charter vessels without the consent of the British Government.	435
659	July 29 [Rec'd Aug. 24]	The Chargé in Sweden to the Secretary of State.	Denmark, Norway, Sweden, and Spain are presenting, in identic notes, a formal reservation of rights to England and France in respect to their action regarding the Declaration of London.	435
3736	Aug. 25	The Secretary of State to the Chargé in Great Britain (telegram).	Transmits request of F. E. Childs Co. for assistance in shipment of cocoa from Guayaquil with instructions to insist upon it.	436

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3741	Aug. 25	The Secretary of State to the Chargé in Great Britain (telegram).	The <i>Charlton Hall</i> is refused coal at Colombo.	436
	Aug. 29	The Secretary of State to the Consul General at Guayaquil (telegram).	This Department has no authority to refuse bills of health to steamers refusing to carry cargo of blacklisted firms.	437
4063	Aug. 30 [Rec'd Aug. 31]	The Netherland Minister to the Secretary of State.	Forwards copies of Netherland notes of protest to British, French, and German Governments regarding revision of their maritime laws.	437
4814	Sept. 1	The Chargé in Great Britain to the Secretary of State (telegram).	The <i>Rizal</i> received bunker coal at Colombo after charterers assented to British conditions.	439
4823	Sept. 4	The Chargé in Great Britain to the Secretary of State (telegram).	British Consul at Guayaquil instructed to facilitate the shipment of cocoa to F. E. Childs Co., Inc.	439
4830	Sept. 4 [Rec'd Sept. 5]	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits British note promising to give attention to representations regarding names on statutory list.	440
4848	Sept. 6	The Chargé in Great Britain to the Secretary of State (telegram).	The <i>Charlton Hall</i> has been granted bunker coal at Colombo and the same facilities ordered for her at Suez or Port Said.	440
	Sept. 7	The Acting Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Certificates signed by British consular officers required for exports from Philippines to United Kingdom. Inquires if this has the sanction of his Government.	440
3806	Sept. 8	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to inquire as to British conditions for granting bunkering facilities to neutral ships.	441
3809	Sept. 9	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to request explanation of British interference with shipments between American ports: Cases of the <i>Aymeric</i> , the <i>Chinese Prince</i> , and the <i>Kafue</i> .	441
3558	Aug. 26 [Rec'd Sept. 11]	The Chargé in France to the Secretary of State.	Forwards French instructions to representatives abroad relative to the issuance of certificates of nationality to persons doing business with France or her colonies.	441

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No.	Date	From and to whom	Subject	Page
4878	Sept. 11	The Consul General at London to the Secretary of State (telegram).	No further permits for shipment of certain goods will be issued at present to Scandinavian countries, owing to oversupply for normal use.	443
	Sept. 12	The Chargé in Great Britain to the Secretary of State (telegram).	The British explain that the white list comprises neutral vessels whose owners have accepted certain conditions imposed by Great Britain.	443

## ACTS OF CONGRESS AUTHORIZING RETALIATION AGAINST MEASURES DETRIMENTAL TO AMERICAN COMMERCE (SEPTEMBER 7 AND 8, 1916)—BRITISH PROTEST AGAINST THESE ACTS

3839	Sept. 16	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to investigate report of the closing of Scandinavia and Netherlands to U. S. commerce, and its relation to the retaliatory legislation by recent Congress.	444
4897	Sept. 16	The Chargé in Great Britain to the Secretary of State (telegram).	Foreign Office explains notice that shipowners who have accepted certain British conditions may receive bunkering facilities.	444
	Undated [Rec'd Sept.17]	The British Secretary of State for Foreign Affairs to the British Ambassador at Washington.	British protest against the acts of Congress authorizing retaliation against measures detrimental to American commerce.	445

## AMERICAN PROTEST OF SEPTEMBER 18, 1916, AGAINST THE RULES OF THE ORDER IN COUNCIL OF JULY 7, 1916—THE REQUIREMENT OF "CERTIFICATES OF INTEREST" FOR GOODS EXPORTED FROM THE PHILIPPINE ISLANDS TO TERRITORIES OF THE BRITISH EMPIRE

4191	Sept. 18	The Secretary of State to the Chargé in Great Britain.	Protest against the Maritime Rights Order in Council of July 7, 1916, as at variance with practice of nations; rights of the United States reserved.	446
	Sept. 19 [Rec'd Sept.20]	The British Embassy to the Department of State.	Goods seized on the <i>Chinese Prince</i> and <i>Kafue</i> have been released.	447
	Sept. 19 [Rec'd Sept.20]	The Commercial Adviser of the British Embassy to the Acting Foreign Trade Adviser of the Department of State.	Explains the necessity for certificates required for exports from the Philippines to the United Kingdom.	447

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4915	Sept. 20	The Chargé in Great Britain to the Secretary of State (telegram).	British restriction on shipments to Scandinavia and Holland bears no relation to recent legislation in Congress.	448
4920	Sept. 21	The Chargé in Great Britain to the Secretary of State (telegram).	Conditions for granting bunkering facilities are the same as those for inclusion in the white list.	449
	Sept. 23 [Rec'd Sept.25]	The British Ambassador to the Secretary of State.	Instructions have been issued for the release of goods removed from the <i>Aymeric</i> at Hongkong.	449
	Sept. 28	The Secretary of State to the Counselor of the British Embassy.	Objects to Sir Richard Crawford's discussion of blacklisting with U. S. citizens in lieu of diplomatic discussion.	450
	Sept. 29 [Rec'd Sept.30]	The Counselor of the British Embassy to the Secretary of State.	Sir Richard Crawford had no intention of substituting private conversation for diplomatic discussion.	450
4810	Sept. 19 [Rec'd Oct. 2]	The Chargé in Great Britain to the Secretary of State.	Transmits British reply to complaint that the American Transatlantic Co. is deprived of business by the black list.	452
	Oct. 4	The Consul General at London to the Secretary of State (telegram).	Proclamation of Oct. 3, 1916, giving additions to and changes in the contraband list.	453
	Sept. 28 [Rec'd Oct. 9]	The Consul General at London to the Secretary of State.	Transmits circular issued by the Foreign Office, Sept. 25, 1916, regarding certificates required of specified countries trading with the British Empire.	453
3908	Oct. 9	The Secretary of State to the Ambassador in Great Britain (telegram).	Lord Cecil's interview with the press regarding the black list, while negotiations on the subject were in progress, has created an unfavorable impression.	454
3913	Oct. 10	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Complains that the <i>Pathfinder</i> is delayed at Trinidad, awaiting permit from London for bunker coal.	455

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

BRITISH NOTES IN DEFENSE OF THE BLACK LIST AND IN REPLY TO THE AMERICAN PROTEST OF SEPTEMBER 18, 1916—FURTHER CORRESPONDENCE REGARDING RESTRICTIONS ON BUNKER COAL (CASE OF THE "PATHFINDER")

No.	Date	From and to whom	Subject	Page
5003	Oct. 11 [Rec'd Oct. 12]	The Ambassador in Great Britain to the Secretary of State (telegram).	Official reply gives five points in support of blacklisting policy, but British realize American black list was a blunder.	455
3936	Oct. 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to endeavor to hasten consideration on export of certain drugs to Merck & Co.	456
5014	Oct. 13	The Ambassador in Great Britain to the Secretary of State (telegram).	British will reduce black list in the United States; will not discriminate against its trade after the war.	456
5021	Oct. 14	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests a compromise plan to secure the removal of the black list.	456
	Oct. 16 [Rec'd Oct. 18]	The British Ambassador to the Secretary of State.	Denies that warning of black list was given to U. S. coal dealers; encloses British regulations of Oct. 1915 regarding bunker coal for neutral vessels.	457
4351	Oct. 18	The Acting Secretary of State to the Ambassador in Great Britain.	Instructions to renew request for removal of vessels of American Transatlantic Co. from black list.	459
5049	Oct. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office requests its Government to authorize the granting of bunkers to the <i>Pathfinder</i> .	460
3962	Oct. 20	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Time not opportune for suggesting compromise regarding black list.	460
4988	Oct. 11 [Rec'd Oct. 24]	The Ambassador in Great Britain to the Secretary of State.	Transmits British reply to note on Maritime Rights Order in Council of 1916.	461
5021	Oct. 12 [Rec'd Oct. 24]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note in justification of the Trading with the Enemy Act of 1915.	461

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## NEUTRAL RIGHTS AS AFFECTED BY BLOCKADING MEASURES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Oct. 23 [Rec'd Oct. 25]	The Secretary of Commerce to the Secretary of State.	Transmits a memorandum on the means of combating foreign restrictions on commerce and a statement on the export of ammunition.	466
3980	Oct. 26	The Secretary of State to the Ambassador in Great Britain (telegram).	Communicates a report of the Transatlantic Co. in the <i>Hocking</i> and <i>Genesee</i> cases; instructions to renew representations for release of the vessels.	479
5089	Oct. 30 [Rec'd Oct. 31]	The Ambassador in Great Britain to the Secretary of State (telegram).	Report of a conversation with Lord Cecil on the coaling of U. S. ships in the British West Indies.	480
5107	Nov. 2	The Ambassador in Great Britain to the Secretary of State (telegram).	Lord Robert Cecil gives assurance that inquiry is being made into the case of Merck & Co.	480
2989	Oct. 26 [Rec'd Nov. 6]	The Consul General at London to the Secretary of State.	Forwards copy of his letter to Rothermel who has been warned by the British blacklisting department to have no dealings with Trompenberg of Amsterdam.	481
2931	Oct. 27 [Rec'd Nov. 6]	The Consul General at London to the Secretary of State.	Transmits copies of letters from Procurator General regarding seizure of U. S. goods consigned to Netherlands Oversea Trust, with comments.	482

RESERVATION OF AMERICAN RIGHTS IN CONNECTION WITH THE ABOLITION OF THE DISTINCTION BETWEEN ABSOLUTE AND CONDITIONAL CONTRABAND, NOVEMBER 11, 1916—REFUSAL OF THE UNITED STATES TO RESORT TO BRITISH COURTS FOR MAINTENANCE OF NATIONAL RIGHTS—PRIZE COURT DECISIONS UPHOLDING THE LEGALITY OF THE ORDER IN COUNCIL OF MARCH 11, 1915 (CASES OF THE "STIGSTAD" AND "UNITED STATES")

4467	Nov. 11	The Secretary of State to the Ambassador in Great Britain. The same to the Ambassadors in France, Italy, and Russia.	Formal reservation of rights in respect of American interests as affected by abolition of distinction between absolute and conditional contraband.	483
5169	Nov. 16 [Rec'd Nov. 17]	The Ambassador in Great Britain to the Secretary of State (telegram).	British suggestion that Polk be sent to London to assist in reducing the black list.	484



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No.	Date	From and to whom	Subject	Page
	Nov. 10 [Rec'd Nov. 21]	The Vice Consul at London to the Secretary of State.	Report on shipping detentions at Kirkwall during October.	484
4502	Nov. 24	The Secretary of State to the Ambassador in Great Britain.	U. S. Government will not resort to British courts for maintenance of its national rights infringed upon by British orders in council.	485
4082	Nov. 24	The Secretary of State to the Ambassador in Great Britain (telegram).	Department's work too pressing for Polk to go to London. Suggests that Crawford be empowered to act in Washington.	485
	Nov. 25	The Vice Consul at London to the Secretary of State (telegram).	Great Britain declares additional articles of contraband.	486
5219	Nov. 27 [Rec'd Nov. 28]	The Ambassador in Great Britain to the Secretary of State (telegram).	Calls attention to the conciliatory attitude of the British toward the black-list controversy. Repeats British suggestion that Polk visit London.	486
5224	Nov. 27 [Rec'd Nov. 28]	The Ambassador in Great Britain to the Secretary of State (telegram).	Substance of the Foreign Office note on treatment of American Transatlantic Company's ships.	487
	Undated [Rec'd Dec. 6]	The British Embassy to the Department of State.	British memorandum explaining that, owing to tonnage shortage, coaling facilities are reserved for British and Allied ships and for such others as are utilized to their advantage.	489
	Dec. 15	The Secretary of State to Mr. Carl S. Stern.	Requests facts regarding British discrimination in giving letters of assurance for shipments of cotton to Scandinavia.	489
	Dec. 16	The Secretary of State to the Consul General at London (telegram).	Desires prize court decision on legality of provision of order in council under which non-contraband goods have been seized on ground of enemy destination.	490
	Dec. 23	The Consul General at London to the Secretary of State (telegram).	Proclamation requiring that articles exported to Holland, with certain exceptions, be consigned to Dutch Government or Oversea Trust.	490
3281	Dec. 11 [Rec'd Dec. 26]	The Consul General at London to the Secretary of State.	Claims may be presented in writing to prize court without intercession of local counsel; judgments may be obtained with practically no expense.	490
	Dec. 18 [Rec'd Jan. 2, 1917]	The Consul General at London to the Secretary of State.	Transmits latest revised list of ships blacklisted by British.	491

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No.	Date	From and to whom	Subject	Page
3327	Dec. 19 [Rec'd Jan. 2, 1917]	The Consul General at London to the Secretary of State.	Prize court decision on <i>Stigstad</i> case deals with validity of order in council whereunder goods presumably destined for belligerent countries may be detained in the United Kingdom; comments thereon.	492
3355	Dec. 28 [Rec'd Jan. 10, 1917]	The Consul General at London to the Secretary of State.	Transmits judgment of prize court in case of the vessel <i>United States</i> , defining captor's rights to shipments <i>in transitu</i> .	494

## INFORMAL ARRANGEMENTS WITH GREAT BRITAIN AND HER ALLIES REGARDING THE EXPORTATION OF AMERICAN GOODS TO ENEMY AND NEUTRAL EUROPEAN COUNTRIES

## BRITISH "LETTERS OF ASSURANCE" TO AMERICAN SHIPPERS

Mar. 9 [Rec'd Mar. 11]	The Assistant Secretary of Commerce to the Secretary of State.	An office has been established at the British Embassy at Washington to furnish letters of assurance to facilitate passage of shipments. British circular of March 4 enclosed.	496
May 20	The Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Asks for more liberal issuance of letters of assurance to shippers of certain products.	497
May 23 [Rec'd May 24]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Has called attention of Foreign Office to unsatisfactory issuance of letters of assurance to shippers.	497
July 6	The Consul at Saloniki to the Secretary of State (telegram).	Inquires if letters of assurance for shipments to Greece shall pass through local British or French consulates only.	498
July 7	Mr. Carl S. Stern to the Secretary of State.	Points out difficulties attendant upon issuance of letters of assurance; suggests that the Government take action to obtain prompt discontinuance.	498
July 8	The Acting Secretary of State to the Consul at Saloniki (telegram).	Department has not given approval to arrangements for letters of assurance issued by British. U. S. consuls in Greece should have nothing to do with requests for them.	499

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## INFORMAL ARRANGEMENTS REGARDING EXPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
287	July 11	The Acting Foreign Trade Adviser of the Department of State to Mr. Carl S. Stern.	The subject of interference with neutral trade is being given careful consideration by the Department.	499
	Oct. 20 [Rec'd Nov. 7]	The Minister in Norway to the Secretary of State.	Transmits the suggestion that letters of assurance be arranged direct between Norway and England in order to avoid delay and expense.	500
	Dec. 9	The Acting Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Forwards the suggestion received from Norway regarding letters of assurance.	501
	Dec. 11	The Commercial Adviser of the British Embassy to the Acting Foreign Trade Adviser of the Department of State.	Recommends that suggestions from Norway be made through Norwegian Financial Department.	502

## SHIPMENTS OF FRUIT

3197	Feb. 8	The Secretary of State to the Ambassador in Great Britain.	Points out the discrimination against American fruit to the advantage of Spain and other Mediterranean countries.	502
3223	Mar. 14 [Rec'd Mar. 31]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note on arrangements for shipment of fruit from the Mediterranean to the Oversea Trust.	503
	July 7	The Consul General at London to the Secretary of State (telegram).	Danish Merchants' Guild requested not to submit further applications for import permits for shipments of dried fruit, because of excessive importations over ration allotted by the British.	504
	Sept. 1 [Rec'd Sept. 13]	The Consul General at London to the Secretary of State.	Shipments of fresh apples to acceptable consignees in Scandinavia, not subject to interference.	504
2725	Sept. 14 [Rec'd Sept. 25]	The Consul General at London to the Secretary of State.	Further restrictions on shipment of fresh fruit.	505

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No.	Date	From and to whom	Subject	Page
	Oct. 18	The Consul General at London to the Secretary of State (telegram).	British will raise no objection to shipments of fresh apples to Scandinavia with usual guarantee and restrictions.	506

## SHIPMENTS OF TOBACCO

2713	Dec. 20, 1915 [Rec'd Jan. 4]	The Ambassador in Great Britain to the Secretary of State.	British do not propose to extend non-interference to shipments of tobacco destined for consignees suspected of trading with the enemy.	506
	Jan. 10	The Secretary of State to the Secretary of the Treasury.	British Government agrees not to interfere with tobacco shipped to neutrals. Suggests inspection of such shipments by customs officers to prevent smuggling of contraband.	507
3587	Jan. 15 [Rec'd Jan. 16]	The Ambassador in Great Britain to the Secretary of State (telegram).	Tobacco extracts and substitutes must be consigned to Oversea Trust.	507
	Feb. 19 [Rec'd Feb. 21]	The Assistant Secretary of the Treasury to the Secretary of State.	Will provide for supervision of packing of tobacco in order to guard against contraband; also will caution collectors of customs to secure accuracy in manifests.	508
	Mar. 6	The Foreign Trade Adviser of the Department of State to the Assistant Secretary of the Treasury.	British will request the opening of an occasional bale of tobacco to guard against concealed contraband. Asks if this can be done.	508
	Mar. 10 [Rec'd Mar. 13]	The Secretary of the Treasury to the Secretary of State.	Inspection of tobacco intended for shipment. Requests attitude towards Geyer's shipments from Government-bonded warehouses.	509
	Mar. 18	The Acting Secretary of State to the Secretary of the Treasury.	Shipment of tobacco from Geyer & Co. allowed to proceed without inspection.	510
	Apr. 10 [Rec'd Apr. 12]	The Secretary of the Treasury to the Secretary of State.	Instructions sent to collectors of customs regarding issuance of certificates for tobacco from customs-bonded warehouses.	510
4507	June 29	The Ambassador in Great Britain to the Secretary of State (telegram).	The British Government will not continue to permit unrestricted importation of tobacco into enemy countries.	510

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No.	Date	From and to whom	Subject	Page
3543	July 20	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Complains of change in British policy regarding tobacco; urges continuance of former arrangement for shipments.	511
3549	July 21	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Informed that tobacco must now be consigned to Oversea Trust. Requests that shipments on the way be not interfered with.	511
4661	Aug. 5 [Rec'd Aug. 6]	The Chargé in Great Britain to the Secretary of State (telegram).	American tobacco now on high seas or loading, not required to be consigned to Oversea Trust.	512
3654	Aug. 9	The Acting Secretary of State to the Chargé in Great Britain (telegram).	Insists that assurance be given of non-interference with tobacco contracted for prior to notice of change in British attitude.	512
4755	Aug. 22	The Chargé in Great Britain to the Secretary of State (telegram).	British extend concession so that tobacco purchased prior to Aug. 4 and shipped before Aug. 31 need not be consigned to Oversea Trust nor covered by guarantee for Scandinavia.	512
3727	Aug. 23	The Secretary of State to the Chargé in Great Britain (telegram).	Asks that time for shipment of tobacco already contracted for be extended.	513
	Aug. 24	The Commercial Adviser of the British Embassy to the Acting Foreign Trade Adviser of the Department of State.	Tobacco shipments made before Aug. 31 and paid for before Aug. 4 need not be consigned to Oversea Trust or have consignee's guarantee.	513
	Aug. 29	The Conference of Tobacco Growers of the United States to the Secretary of State.	Protest against British withdrawal from agreement to permit tobacco free entry into neutral ports.	514
3767	Aug. 31	The Secretary of State to the Chargé in Great Britain (telegram).	In view of Germany's notice prohibiting importation of tobacco, urges removal of British requirement regarding consignment and guarantee.	516
4828	Sept. 4 [Rec'd Sept. 5]	The Chargé in Great Britain to the Secretary of State (telegram).	Foreign Office will not extend further facilities for shipment of tobacco. Other neutral countries subject to same requirements.	516

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No.	Date	From and to whom	Subject	Page
4902	Sept. 18	The Chargé in Great Britain to the Secretary of State (telegram).	Substance of British note refusing to remove restrictions on tobacco and discrediting Germany's act of prohibition.	517
	Sept. 23	The Consul General at London to the Secretary of State (telegram).	Agreement regarding tobacco is construed by Foreign Office to mean tobacco paid for by European importers only. Broader construction desired regarding tobacco afloat.	517
3860	Sept. 23	The Secretary of State to the Chargé in Great Britain (telegram).	Explanation of tobacco situation showing why change of methods has brought no relief. Urges relaxation of restriction.	517
3967	Oct. 21	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Tobacco detained at Copenhagen. Instructions to lay complaints of shippers before the Foreign Office.	518
5076	Oct. 26	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note permitting <i>bona fide</i> contracts for tobacco made before July 15 to be shipped without consignment to Oversea Trust or guarantee under certain conditions.	519
3991	Oct. 30	The Secretary of State to the Ambassador in Great Britain (telegram).	Acknowledges receipt of British memorandum of Oct. 26 concerning tobacco shipments.	519
4048	Nov. 16	The Secretary of State to the Ambassador in Great Britain (telegram).	Repeats communication from U. S. Minister at Copenhagen that tobacco is being held because of inability to comply with British regulations. Instructions to urge its release.	520
4110	Dec. 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to insist upon the release of tobacco exposed and deteriorating in Copenhagen.	520
4132	Dec. 5	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge that tobacco be allowed to go forward to neutral countries without restrictions as to ultimate destination.	520
5271	Dec. 5	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government unable to make further concessions regarding tobacco.	521
4144	Dec. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Department has never understood that later arrangements regarding tobacco were intended to supplant previous assurances. Urges vigorous representations.	521

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## INFORMAL ARRANGEMENTS REGARDING EXPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
5355	Dec. 21	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office states that later concessions were intended to operate in substitution of previous arrangements concerning tobacco.	522
5359	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	The Foreign Office is unable to make further concessions regarding shipments of tobacco. Importation of Dutch colonial tobacco into Holland is to be curtailed.	522

## INFORMAL ARRANGEMENTS REGARDING THE IMPORTATION OF GOODS FROM GERMANY AND AUSTRIA-HUNGARY

## GOODS ORDERED BEFORE MARCH 1, 1915

2714	Jan. 14	The Secretary of State to the Ambassador in Great Britain (telegram).	Regarding goods ordered from Germany and Austria-Hungary before Mar. 1, 1915, British Embassy urges speedy action on cases recommended.	523
3658	Jan. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Gives reasons why investigation of complaints regarding goods ordered from Germany and Austria-Hungary is delayed in Foreign Office.	523
2838	Feb. 8	The Secretary of State to the Ambassador in Great Britain (telegram).	British Embassy states that on Jan. 18 nearly 150 importation cases were awaiting decision of the Foreign Office. Immediate decision urged.	524
3782	Feb. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	Report on the number of importation cases awaiting decision of the Foreign Office and the number already dealt with.	524
3068	Mar. 20	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Protest against British excuses for the refusal of permits for the shipment of German cotton goods.	524
4012	Mar. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that protest be made to British Ambassador at Washington, citing specific cases of refusal of permits for German cotton goods; or that more definite information be sent to him.	525
	Mar. 25 [Rec'd Mar. 27]	The Commercial Adviser of the British Embassy to the Counselor for the Department of State.	Permits to bring out from neutral ports goods of enemy origin will be granted for goods genuinely ordered before Mar. 1, 1915; date can not be extended.	525

## PART II

## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Apr. 18 [Rec'd Apr. 19]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Foreign Office fixes the dates on which permits to move enemy goods must lapse.	526
	Apr. 29	The Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Requests extension of time for firms which may be unable to obtain shipment of goods from Rotterdam within the time specified.	526
	May 16 [Rec'd May 17]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Issue by British consular authorities at neutral ports of permits for the shipment of goods must be made on or before date of expiration of the permit.	527
3385	June 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Plans to send Wyvell of Foreign Trade Adviser's office to London to explain certain applications for assurances of non-interference with importations of German and Austrian goods.	527
4448	June 12 [Rec'd June 13]	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that he take up with Lord Robert Cecil cases of application for assurance of non-interference with goods of enemy origin instead of Wyvell.	528
3451	June 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Foreign Office agreeable to have Wyvell go to London to aid in presenting importation cases. Only necessary to secure a hearing for him before proper officials.	528
4493	June 23 [Rec'd June 24]	The Ambassador in Great Britain to the Secretary of State (telegram).	British discouragement of Wyvell's visit; further concessions regarding enemy exports impossible.	529
3468	June 29	The Secretary of State to the Ambassador in Great Britain (telegram).	No stone should be left unturned to secure justice to exporters against blockade measures.	530
3594	July 31	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	British Embassy suggests that only a limited number of cases be presented by Wyvell. Instructions to try to secure recognition of all meritorious cases.	530



## PART II

## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4647	Aug. 2	The Ambassador in Great Britain to the Secretary of State (telegram).	Wyvell has 150 (importation) cases, many of which can be classified and considered in groups. Others require individual consideration.	531
4695	Aug. 10	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits Wyvell's report on importation cases submitted to Cecil.	531
3663	Aug. 11	The Secretary of State to the Chargé in Great Britain (telegram).	Official sanction given Wyvell to present (importation) cases to Foreign Office for consideration.	531
4793	Aug. 30	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits Wyvell's report on finished work (importation cases).	532
4860	Sept. 9	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits Wyvell's final report on (importation) cases submitted.	532
4549	Dec. 8	The Secretary of State to the Ambassador in Great Britain.	Expresses disappointment at favorable decision of only one importation case of the thirty presented by Wyvell; renews request for release of nine others.	532
	Dec. 19	The Acting Foreign Trade Adviser of the Department of State to Mr. A. W. Faber.	The Harrison Glove Co. case the only importation case granted.	533

## IMPORTATION OF SUGAR-BEET SEED

2748	Jan. 19	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge substitute shipping permits for sugar-beet seed now at Rotterdam.	534
3636	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Government reluctant to grant further permits for shipment of sugar-beet seed not covered by existing permits.	534
2779	Jan. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	It is desired that the British Government issue permits for an amount of beet seed not in excess of existing permits.	534

## PART II

## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3760	Feb. 11	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government will issue new permits for specified quantity of beet seed when shipments reach Rotterdam ready for loading.	535
3040	Feb. 11 [Rec'd Feb. 23]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note stating that all outstanding permits for shipment of beet seed will be canceled, and new permits issued. Comments thereon.	535
3764	Aug. 31	The Secretary of State to the Chargé in Great Britain (telegram).	Requests permit for shipment of beet seed now in Rotterdam for Michigan Sugar Co.	536
4888	Sept. 13 [Rec'd Sept. 14]	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits British note stating that request for permit for shipment of beet seed to Michigan Sugar Co. must be considered and French Government consulted.	537
3840	Sept. 16	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to insist upon permit for shipment of beet seed to Michigan Sugar Co. and to DeRekowski, and to urge blanket permit covering U. S. normal requirements, as in fulfillment of agreement.	537
4916	Sept. 20	The Chargé in Great Britain to the Secretary of State (telegram).	Finds no record of agreement regarding blanket permit for shipment of beet seed.	538
3855	Sept. 22	The Secretary of State to the Chargé in Great Britain (telegram).	Stabler (Secretary of Embassy) states that informal understanding regarding blanket permit for beet seed was reached with Cadogan.	538
3919	Oct. 11	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to hasten action on permit of beet seed in view of previous understanding: large industry dependent on it.	538
5023	Oct. 16	The Ambassador in Great Britain to the Secretary of State (telegram).	Misunderstanding regarding beet seed. British Government will issue no blanket permits for shipment of goods of enemy origin. Allies being consulted on subject of beet seed.	538
3956	Oct. 18	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge action on permit for shipment of beet seed to Michigan Sugar Co., omitting reference to previous understanding in the matter.	539
3996	Nov. 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to present to the Foreign Office his belief that the facts in the case support Stabler's version of the unrecorded Stabler-Cadogan agreement.	539

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4009	Nov. 2	The Secretary of State to the Ambassador in Great Britain (telegram).	British Foreign Office must have confirmed shipment to Wisconsin Sugar Co. under general assurances given Stabler. Urges action on Michigan Sugar Co. and DeRekowski cases.	540
5171	Nov. 17	The Ambassador in Great Britain to the Secretary of State (telegram).	Substance of British note: No record of assurances for future shipments of beet seed; permit given to Wisconsin Sugar Co. on special application of the United States.	540
4075	Nov. 23	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge prompt and favorable action authorizing shipments of sugar-beet seed.	541
5223	Nov. 27 [Rec'd Nov. 28]	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that unrecorded agreement be disregarded in negotiating for shipment of beet seed.	541
4117	Dec. 2	The Secretary of State to the Ambassador in Great Britain (telegram).	Department will accept Foreign Office explanation of Stabler-Cadogan agreement and will not invoke it with reference to future shipments provided uninterrupted shipments to DeRekowski and Michigan Sugar Co. are allowed.	542
5290	Dec. 7	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that Department's acceptance of Foreign Office explanation of the Stabler-Cadogan agreement can not be used as a means of inducing facilities for shipment.	542
4250	Jan. 5, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Prompt and favorable action expected on shipments of beet seed to Michigan Sugar Co. and to DeRekowski. Will not regard case as a precedent in discussion of future shipments.	543
5537	Jan. 24, 1917	The Ambassador in Great Britain to the Secretary of State (telegram).	As a special concession, British authorize release of beet seed to DeRekowski and Michigan Sugar Co.	543

## IMPORTATION OF DRUGS

3497	July 6	The Secretary of State to the Ambassador in Great Britain (telegram).	Permit for shipment of novocaine and salvarsan already at Rotterdam, regarded as lapsed. Instructions to urge uninterrupted shipment.	544
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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3650	Aug. 8	The Acting Secretary of State to the Chargé in Great Britain (telegram).	Instructions to press for early reply to representations regarding shipment of salvarsan and novocaine.	544
4678	Aug. 8	The Chargé in Great Britain to the Secretary of State (telegram).	British authorize shipment of salvarsan. Permit for novocaine has lapsed and cannot be renewed.	545
3709	Aug. 18	The Secretary of State to the Chargé in Great Britain (telegram).	Explains delay in obtaining drugs and urgent need for them in the United States. Instructions to endeavor to obtain uninterrupted shipment.	545
4845	Sept. 6	The Chargé in Great Britain to the Secretary of State (telegram).	British will allow specific amount of novocaine to pass. Points out that delay has been caused by action of Germany.	546

## IMPORTATION OF DYES

2533	Dec. 3, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to draw attention to the urgent need for dyestuffs, requesting consent for safe passage to the Republic Trading Corp. as consignee instead of to William A. Mitchell.	546
2489	Dec. 10, 1915	The Secretary of State to the Ambassador in Germany (telegram).	Desires restatement of present attitude of German Government as to exportation of dyestuffs.	547
2583	Dec. 14, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry regarding British conditions for exportation of dyestuffs. Agreements for distribution through Republic Trading Corp.	547
3222	Dec. 14, 1915 [Rec'd Dec. 15]	The Ambassador in Germany to the Secretary of State (telegram).	German Government's attitude regarding exportation of dyestuffs remains unchanged.	547
3407	Dec. 17, 1915	The Ambassador in Great Britain to the Secretary of State (telegram).	Conditions for shipment of dyestuffs unchanged. Permission granted for two shiploads of dyes, on understanding that they are already paid for by cotton shipment.	547
3411	Dec. 17, 1915	The Ambassador in Great Britain to the Secretary of State (telegram).	British request assurance that U. S. Government approves proposed change in consignment of dyestuffs from Mitchell to Republic Trading Corp.	548

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2644	Dec. 28, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests cancellation of permit for shipment of dyestuffs to Mitchell. Need for a replacement for an equal amount of dyestuffs to be paid for in cash.	548
479	Jan. 12	The Minister in the Netherlands to the Secretary of State (telegram).	Message from the Commercial Attaché to the Department of Commerce: Germans willing to ship dyestuffs if British will give assurance of non-interference.	549
2709	Jan. 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge early reply on dyestuffs, in view of urgent need in the United States.	549
3586	Jan. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office understood that dyestuffs had been paid for with cotton already shipped. Necessary to know to whom further shipments should be consigned, and price.	549
2739	Jan. 18	The Secretary of State to the Ambassador in Great Britain (telegram).	Further representations regarding issuance of permits for material necessary for American industries, and attitude of U. S. citizens.	550
487	Jan. 19	The Chargé in the Netherlands to the Secretary of State (telegram).	Transmits message from the Commercial Attaché to Department of Commerce stating that he might obtain 800 tons of dyestuffs if British will guarantee non-interference.	550
2759	Jan. 21	The Secretary of State to the Ambassador in Great Britain (telegram).	It is desired that cargoes of dyestuffs estimated at five million dollars be shipped from Germany. Urges early action.	551
2621	Jan. 21	The Secretary of State to the Ambassador in Germany (telegram).	Several bills introduced in Congress for protection of dye industry. Instructions to use this information.	551
2967	Jan. 31 [Rec'd Feb. 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note stating that if cotton shipped to Germany has been paid for in the United States in cash, British Government will not object to payment in Germany for two cargoes of dyestuffs.	551
2915	Feb. 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to request permit for dyestuffs. It would relieve irritation against Great Britain, although improbable that Germany will lift embargo.	552

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3850	Feb. 25	The Ambassador in Great Britain to the Secretary of State (telegram).	British consider their undertaking of Jan. 28 not to interfere with shipment of dyes, the same as a permit.	552
2811	Mar. 15	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to again request permission for exportation of dyestuffs: British have assured non-interference.	553
3634	Mar. 16 [Rec'd Mar.17]	The Ambassador in Germany to the Secretary of State (telegram).	Suggests that bills to protect U. S. dyestuff industry be introduced in Congress as the best method of obtaining dyes from Germany.	553
2828	Mar. 20	The Acting Secretary of State to the Ambassador in Germany (telegram).	Bill to protect U. S. dyestuffs industry now before Congress. German Ambassador has informed his Government dyestuffs should be released without exchange of commodities for cash payment.	553
A2888	Apr. 20 [Rec'd Apr. 21]	The German Ambassador to the Secretary of State.	Is authorized to arrange for export from Germany to the United States of 15,000 tons of dyestuffs upon guarantee of safe delivery and precaution against reexportation.	553
	Apr. 24	The Secretary of State to the German Ambassador.	Acknowledges note expressing Germany's willingness to release certain dyestuffs.	554
	May 13	The Commercial Adviser of the British Embassy to the Acting Secretary of State.	German policy in regard to exportation of dyestuffs has caused British withdrawal of permit to ship two cargoes.	555
3316	May 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge continuance of undertaking of non-interference with shipment of dyestuffs to Republic Trading Corp.	556
	May 24	The Acting Secretary of State to the Commercial Adviser of the British Embassy.	Restates U. S. understanding of dyestuffs case. Sees no basis for British change of attitude towards their assurances previously issued.	557
3359	May 24	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge that uninterrupted shipment of dyestuffs be allowed under previous permit.	558

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3380	May 31	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Can not understand attitude of British regarding permits for dyestuffs; desires immediate assurance that they will come forward at once.	558
4420	June 5	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits official note declaring that permit to ship dyes has not been used and has now lapsed. Awaits further instructions.	559
3399	June 6	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to renew representations and recall definite agreement of British Government to allow certain shipment of dyes.	559
	June 8 [Rec'd June 9]	The German Ambassador to the Secretary of State.	Germany ready to ship dyestuffs as requested, subject to assurances of safe transit.	559
4467	June 16	The Ambassador in Great Britain to the Secretary of State (telegram).	Final decision is that, permits for shipment of dyestuffs having lapsed, British can not consider fresh concessions under conditions which have now changed.	560
	Oct. 30	The Counselor for the Department of State to the Commercial Adviser of the British Embassy.	Refers to his note of May 24 and sends a memorandum of facts regarding dyestuffs.	561

## IMPORTATION OF SODIUM CYANIDE

2632	Dec. 27, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to request uninterrupted shipment of sodium cyanide to Roessler & Hasslacher Chemical Co.	561
2694	Jan. 11	The Secretary of State to the Ambassador in Great Britain (telegram).	Urges early reply regarding cyanide, in view of great need.	562
3710	Feb. 4	The Ambassador in Great Britain to the Secretary of State (telegram).	British and French Governments cannot allow shipments of sodium cyanide.	562
2850	Feb. 10	The Secretary of State to the Ambassador in Great Britain (telegram).	Cites indispensability of cyanide; instructions to request prompt reconsideration of refusal to allow its export from Germany.	562

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2939	Feb. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	Little cyanide available in Uruguay; instructions to ask again in name of Department, that uninterrupted shipment of cyanide be granted.	563
3896	Mar. 1 [Rec'd Mar. 2]	The Ambassador in Great Britain to the Secretary of State (telegram).	British position regarding sodium cyanide. Ambassador at Washington instructed to explain situation.	563
3006	Mar. 6	The Secretary of State to the Ambassador in Great Britain (telegram).	Again requests cyanide permit; refusal would have serious consequences.	564
3928	Mar. 9	The Ambassador in Great Britain to the Secretary of State (telegram).	British Ambassador, Washington, instructed to explain to Department reason why British Government denies cyanide to Roessler & Hasslacher.	564
3023	Mar. 10	The Secretary of State to the Ambassador in Great Britain (telegram).	British Ambassador has assured uninterrupted shipment of necessary articles. Unless immediate permits are granted for cyanide, matter will be taken up by Congress.	564
3949	Mar. 14	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey has promised to give early consideration to the subject of shipments of cyanide.	565
3084	Mar. 23	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to press for immediate reply regarding Mitchell-Bissell application for porcelain guides and for cyanide.	565
3330	Mar. 27 [Rec'd Apr. 15]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note giving reasons for objection to shipment of German cyanide.	565

## IMPORTATION OF PORCELAIN GUIDES FOR TEXTILE MACHINERY

3629	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Permits for porcelain guides for Mitchell-Bissell have been granted. No record of request for other guides.	566
2778	Jan. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	New application of Mitchell-Bissell Co. for permits for porcelain guides.	567
3653	Undated [Rec'd Jan. 27]	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office has cabled the Embassy that new permit for Mitchell-Bissell for porcelain guides has been refused.	567



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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2805	Jan. 31	The Secretary of State to the Ambassador in Great Britain (telegram).	Urgent request for reconsideration of refusal of permit to Mitchell-Bissell for porcelain guides and for cyanide.	567
2849	Feb. 10	The Secretary of State to the Ambassador in Great Britain (telegram).	Refusal of permit for porcelain guides and cyanide would cause unfavorable impression in the United States.	568
2912	Feb. 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests immediate reply regarding porcelain guides.	568
3841	Feb. 23	The Ambassador in Great Britain to the Secretary of State (telegram).	Reports a reconsideration of subject of porcelain guides.	568
3007	Mar. 6	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to inform Foreign Office that delay in shipment of porcelain guides and cyanide is causing inestimable harm.	568
4042	Mar. 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note stating that the Government, after careful reconsideration, is unable to reverse its original decision to refuse permits for the shipment of German porcelain guides.	569
	Apr. 8	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Permits have been granted Mitchell-Bissell Co. to import certain cases of porcelain guides from Germany on condition specified.	569
4607	Dec. 27	The Secretary of State to the Ambassador in Great Britain.	Instructions to request non-interference with further shipment of porcelain guides on broad basis of urgent need of U. S. industries.	570
5748	Feb. 2, 1917 [Rec'd Feb. 13]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note stating that the Government is unable to give any undertaking in regard to further shipment of porcelain guides.	570

## IMPORTATION OF MACHINE KNITTING NEEDLES

3676	May 29	The Acting Secretary of State to the Ambassador in Great Britain.	National Association of Hosiery and Underwear Manufacturers, Inc., request uninterrupted shipment of knitting needles on the ground of urgent need.	571
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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3750	Aug. 28	The Secretary of State to the Chargé in Great Britain (telegram).	Urges early and favorable reply to request with regard to knitting needles.	572
3844	Sept. 18	The Secretary of State to the Chargé in Great Britain (telegram).	Points out serious conditions which threaten knitting industry for want of needles. Urges release.	572
4706	Sept. 6 [Rec'd Sept. 18]	The Chargé in Great Britain to the Secretary of State.	Transmits British note stating that Great Britain can supply knitting needles and asks for samples of needles required.	572
4947	Sept. 27	The Chargé in Great Britain to the Secretary of State (telegram).	British Government unwilling to grant facilities for needles from Germany since United Kingdom can supply them.	573
	Oct. 7	The Acting Secretary of State to the Consul General at London (telegram).	Instructions to make inquiries about supplies and classes of available knitting needles and to send names of British dealers.	573
	Oct. 10	The Consul General at London to the Secretary of State (telegram).	Exportation of hosiery needles is prohibited to all non-British destinations. Reasons.	574
	Oct. 14	The Secretary of State to the Consul General at London (telegram).	Information regarding U. S. requirements for knitting needles.	574
	Oct. 20	The Consul General at London to the Secretary of State (telegram).	Reports that a very limited surplus of needles can be supplied to the United States on account of embargo.	574
2983	Oct. 27 [Rec'd Nov. 6]	The Consul General at London to the Secretary of State.	German needles have been imported for British trade from the beginning of the war, but Procurator General refuses to release or sell those held in prize court.	575
1507	Nov. 10	The Secretary of State to the Consul General at London.	Instructions to substantiate statements regarding importation of German needles for British trade.	575
4512	Nov. 25	The Secretary of State to the Ambassador in Great Britain.	No possibility of British firms supplying U. S. demand for needles. Instructions to urge action looking to relief of pressing need for German supply.	576

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4533	Dec. 4	The Secretary of State to the Ambassador in Great Britain.	The style of hosiery needles that Great Britain can supply is very little used in the United States.	576
3339	Dec. 20 [Rec'd Jan. 15, 1917]	The Consul General at London to the Secretary of State.	Transmits letters corroborating statement relative to importation of German needles into Great Britain and the supply of needles to U. S. factories.	577
4330	Jan. 24, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Bearded needles unavailable in England. English houses receiving German needles under license. Unless permit is given to ship German needles the unavoidable conclusion will be discrimination against the United States under guise of a war measure.	578
3474	Jan. 17, 1917 [Rec'd Jan. 30]	The Consul General at London to the Secretary of State.	German needles are imported into England with the consent of the Government. Encloses Procurator General's letter regarding such importation.	579
4377	Feb. 1, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Since the British Government permits the importation of German needles for British use, the Department expects non-interference with needles for the United States.	579
4432	Feb. 12, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Hosiery and underwear industry in need of needles held at Rotterdam and Copenhagen. Urges prompt release.	580
5699	Feb. 15, 1917	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note agreeing to grant permit for export of German needles to the United States. Inquires as to quantity, etc.	580

## IMPORTATION OF HOPS

2408	Nov. 4, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests arrangement for importation of hops and lupulin from Germany or Austria.	580
2476	Nov. 19, 1915	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry regarding action concerning hops.	581

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## INFORMAL ARRANGEMENTS REGARDING IMPORTATION, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3323	Dec. 1, 1915 [Rec'd Dec. 2]	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government continues to discuss with France the exportation of German and Austrian hops.	581
2665	Jan. 5	The Secretary of State to the Ambassador in Great Britain (telegram).	Awaiting decision regarding hops. The Ambassador at Paris has been instructed to present the matter to the French Government.	581
1298	Jan. 5	The Secretary of State to the Ambassador in France (telegram).	Proposes that shipments of German or Austrian hops be made from neutral port to Secretary of Commerce to be distributed under guarantee.	581
3606	Jan. 20	The Ambassador in Great Britain to the Secretary of State (telegram).	Asks for what purpose hops and lupulin are desired and if for use of the Government.	582
1230	Jan. 21	The Ambassador in France to the Secretary of State (telegram).	France refuses to authorize free exportation of hops from Germany; may be obtained from France and Russia.	582
2765	Jan. 22	The Secretary of State to the Ambassador in Great Britain (telegram).	Hops and lupulin used in brewing industry are procurable only in Germany or Austria; are not for Government use.	582
2937	Jan. 28 [Rec'd Feb. 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note refusing permits for German or Austrian hops on ground that they can be obtained from Russia or France.	583

## ARRANGEMENTS FOR THE REGULATION OF IMPORTS MADE BY EUROPEAN NEUTRAL COUNTRIES

## THE NETHERLANDS OVERSEA TRUST

311	May 11	The Secretary of State to the Minister in the Netherlands (telegram).	Reported discrimination of Oversea Trust against American coffee. Instructions to investigate and, if true, protest.	584
472	May 16 [Rec'd May 31]	The Minister in the Netherlands to the Secretary of State.	Evident discrimination of Oversea Trust against U. S. trade in coffee. Encloses formal protest. Relation of Trust to British and Netherland Governments.	584

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## ARRANGEMENTS FOR THE REGULATION OF IMPORTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
323	June 8	The Secretary of State to the Minister in the Netherlands (telegram).	Instructions to request a statement of the relations of the Oversea Trust to the Netherland Government.	586
590	June 13	The Minister in the Netherlands to the Secretary of State (telegram).	Oversea Trust is private corporation not under Government control; no intention of discriminating against America.	586
502	June 20 [Rec'd July 5]	The Minister in the Netherlands to the Secretary of State.	Oversea Trust is chartered by the Netherland Government but is controlled by the British Government. Encloses Loudon's note in explanation of its operations.	586
2432	Aug. 10 [Rec'd Aug. 22]	The Consul General at London to the Secretary of State.	Transmits correspondence with U. S. Commercial Attaché at The Hague regarding coffee trade with the Netherlands through Oversea Trust.	587

## THE NORWEGIAN ASSOCIATIONS AND THE STAVANGER PACKERS' IMPORT UNION

23	Apr. 15 [Rec'd May 12]	The Consul at Stavanger to the Secretary of State.	Transmits report on Stavanger Packers' Import Union.	588
281	Oct. 17 [Rec'd Nov. 3]	The Minister in Norway to the Secretary of State.	Agreement practically concluded by which Great Britain allows Norway to import a maximum quantity of foodstuffs from America.	589
5370	Dec. 5 [Rec'd Dec. 18]	The Ambassador in Great Britain to the Secretary of State.	Transmits copy of letter from Norwegian Minister in Great Britain regarding agreement for importation of certain quantities of foodstuff into Norway.	590

## INTERFERENCE WITH THE MAILS BY BELLIGERENT GOVERNMENTS

	Dec. 18, 1915	The Secretary of State to the Postmaster General.	The British Ambassador at Washington states that Traum Rubber Co. is forwarding by parcel post to Stockholm dental rubber and rubber sheets.	591
2657	Jan. 4	The Secretary of State to the Ambassador in Great Britain (telegram).	Cites instances of British interference with U. S. mail and parcel post. Instructions to protest.	591
	Jan. 11 [Rec'd Jan. 12]	The Postmaster General to the Secretary of State.	Inquires if the rules of contraband are applicable to parcel post between this country and Sweden.	592

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## INTERFERENCE WITH THE MAILS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3643	Jan. 25	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note stating that questions regarding seizure of mails from neutral vessels must be referred to the Allied Governments jointly.	593
	Jan. 26	The Secretary of State to the Postmaster General.	So far as belligerent countries are concerned, the rules which apply to merchandise sent by freight or express apply also to merchandise sent by mail.	593
	Jan. 24 [Rec'd Jan.26]	The Swedish Minister to the Secretary of State.	Appeal for cooperation in protesting against illegal seizure by British of mail between neutral countries.	594
	Jan. 28	The Secretary of State to the Swedish Minister.	Acknowledges receipt of appeal for cooperation in protest against illegal seizure of mails by the British.	595
2904	Feb. 19	The Secretary of State to the Ambassador in Great Britain (telegram).	Van Dyke reports that mail from the Netherlands to the United States is being seized by the British. Instructions to request an explanation.	595
3832	Feb. 21	The Ambassador in Great Britain to the Secretary of State (telegram).	British answer to protest against seizure of mail will be delivered as soon as the French reply is received.	595
	Undated	Form letter of the Secretary of State to consignees of parcel-post packages seized by the British.	Merchandise forwarded overseas by parcel post is subject to search; non-contraband is seized. Owner may make claim before the prize court.	596
	Mar. 18	The Consul General at London to the Secretary of State (telegram).	Department's understanding that innocent mail may go forward immediately is erroneous. Procurator General will proceed against certain classes of mail under appropriate order in council.	596
862	Mar. 28	The Secretary of State to the Consul General at London.	Transmits form letter being sent out by the Department in reply to complaints from consignees of parcel-post packages seized by the British.	596
	Apr. 3	The French Ambassador to the Secretary of State.	Transmits memorandum in justification of the seizure of mails on the high seas.	598
85	Apr. 3	The British Ambassador to the Secretary of State.	Transmits memorandum in justification of the seizure of mails on the high seas.	602

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## INTERFERENCE WITH THE MAILS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4162	Apr. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	In order to reduce censorship delay, Foreign Office suggests that shipping documents for cargo be dispatched in special bags; also that U. S. mail to neutrals of northern Europe be dispatched through England.	603
3311	May 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Post Office Department has no objection to placing shipping documents in special bags. Prefers mail to go direct to neutral countries, relying upon non-interference by Allies.	603
1700	May 24	The Secretary of State to the French Ambassador.	A protest against illegal seizure by British and French of mail between neutral countries.	604
	June 2 [Rec'd June 5]	The British Ambassador to the Counselor for the Department of State.	Reply to complaints of U. S. citizens against interference with mails.	608
1948	May 29 [Rec'd June 13]	The Consul General at London to the Secretary of State.	Transmits official note regarding the ultimate disposition of parcel-post merchandise seized by the British, with comments.	610
	July 7	The British Ambassador to the Secretary of State.	Transmits copy of Foreign Office letter to John Scheepers & Co. in explanation of the British practice of censoring mails.	610
3538	July 19	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to press for reply to note regarding censorship of mails.	612
4599	July 22	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note and memorandum in reply to specific complaints regarding censorship of mails by the Allied Governments.	613
3560	July 24	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	States that the British memorandum of July 20 (censorship of mails) has been published; urges forwarding of reply of Allied Governments without further delay.	615
1512	Aug. 2	The Ambassador in France to the Secretary of State (telegram).	Subject of interference with mails is being considered by French and British Governments.	615
	Undated [Rec'd Aug. 10]	Statement issued to the Press by the British Embassy.	Explains the system of censoring mails and the causes of delay.	615

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## INTERFERENCE WITH THE MAILS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3680	Aug. 15	The Secretary of State to the Chargé in Great Britain (telegram).	Repeats telegram from Consul at Singapore stating that Manila mails have been brought there and searched. Instructions to protest.	618
	Aug. 15 [Rec'd Aug. 16]	The British Ambassador to the Secretary of State.	Denies that mails are searched to utilize trade secrets as a means of capturing American trade.	618
4511	Aug. 11 [Rec'd Aug. 21]	The Chargé in Great Britain to the Secretary of State.	Forwards Lloyd George's statement that the Government is free to make use of the information found in intercepted mail. Encloses extract from parliamentary debates.	619
1553	Aug. 24	The Chargé in France to the Secretary of State (telegram).	French Government promises reply to note on the interference with mails by Sept. 15.	621
	Sept. 20 [Rec'd Sept. 21]	The British Ambassador to the Secretary of State.	Transmits Lloyd George's statement of Sept. 15 denying that the British Government is using information obtained from the censorship for commercial purposes.	621
2728	Sept. 15 [Rec'd Sept. 25]	The Consul General at London to the Secretary of State.	Consular letters of American origin are being opened by the censors in spite of enclosed assurance to the contrary.	622
5012	Oct. 13	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note explaining the search and seizure at Singapore of mail <i>en route</i> to Manila.	623
	Oct. 12 [Rec'd Oct. 13]	The French Ambassador to the Secretary of State.	Transmits memorandum of the Allies regarding mail found on merchant vessels on the high seas.	624
307	Oct. 12 [Rec'd Oct. 13]	The British Ambassador to the Secretary of State.	Transmits memorandum of the Allies regarding mail found on merchant vessels on the high seas.	629
3940	Oct. 14	The Secretary of State to the the Ambassador in Great Britain (telegram).	Requests information regarding censorship of mails at Kirkwall and inquires as to the number of supervisors needed in censorship service.	629
	Oct. 24	The Secretary of State to the French Ambassador.	Acknowledges receipt of French note and memorandum on the censorship of mails.	629
5134	Nov. 8	The Ambassador in Great Britain to the Secretary of State (telegram).	Information regarding the censorship of mails at Kirkwall. No means of judging accurately the number of men required as supervisors.	630



## PART II

## THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES OF ENEMY SUBJECTS AND MILITARY RESERVISTS FROM AMERICAN SHIPS ON THE HIGH SEAS—CASES OF THE "CHINA", "AUSABLE", "HENRY S.", "MARCUS L. URANN", "MISSOURIAN", AND "FREDERICK LUCKENBACH"

No.	Date	From and to whom	Subject	Page
1295	Jan. 4	The Secretary of State to the Ambassador in France (telegram).	Mere release of enemy subjects seized by the <i>Descartes</i> not satisfactory. Requires assurance as to future attitude toward alien enemies on neutral vessels.	630
1194	Jan. 6	The Ambassador in France to the Secretary of State (telegram).	Attitude of the French Government toward alien enemies on board neutral ships.	631
1301	Jan. 7	The Secretary of State to the Ambassador in France (telegram).	Appreciates the efforts of France to remove causes of friction. Believes that the principles of the <i>Trent</i> case deny to a belligerent the right to remove from a neutral ship even paid agents of a government.	631
1222	Jan. 19	The Ambassador in France to the Secretary of State (telegram).	Quotes from French note stating that the principle involved in removal of alien enemy subjects from neutral ship must be decided jointly with Great Britain.	631
	Undated [Rec'd Feb. 23]	The Consul at Nagasaki to the Secretary of State (telegram).	The British cruiser <i>Laurentic</i> removed Germans, Austrians, and Turks from the <i>China</i> .	632
	Feb. 23	The Consul General at Hongkong to the Secretary of State (telegram).	Germans, taken from the <i>China</i> by the <i>Laurentic</i> , are at military detention barracks, Hongkong.	632
2924	Feb. 23	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to insist upon the release of persons removed from the <i>China</i> as not being incorporated in the armed forces of the enemies of Great Britain.	632
3259	Mar. 17 [Rec'd Mar. 31]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note in justification of removal of Germans and Austrians from the <i>China</i> .	633
3277	Mar. 20 [Rec'd Apr. 5]	The Ambassador in Great Britain to the Secretary of State.	British authorities at Kirkwall have removed from the <i>Ausable</i> , Third Officer Leiztritz, believed to be in the German Naval Reserve.	635
3745	Apr. 13 [Rec'd Apr. 14]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits German protest regarding the surrender by a U. S. captain of a German stowaway (an escaped French captive) to an English ship for return to French authorities.	636

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## THE REMOVAL BY BELLIGERENTS OF ENEMY SUBJECTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3233	Apr. 22	The Secretary of State to the Ambassador in Great Britain (telegram).	Seizure of persons on the <i>China</i> : Instructions to maintain that only military or naval persons may be removed from neutral vessels on the high seas.	637
3264	May 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to protest to British Government against seizure of Leiztritz unless shown that he was incorporated in the armed forces of Germany.	639
2968	May 3	The Secretary of State to the Ambassador in Germany (telegram).	Declines to interfere in the case of the German stowaway found on the <i>Missourian</i> , and returned to France on a British steamer.	640
1919	May 4	The Secretary of State to the German Ambassador.	Inquires whether any of the persons removed from the <i>China</i> were incorporated in the German, Austrian, or Turkish armed forces.	640
4252	May 5	The Ambassador in Great Britain to the Secretary of State (telegram).	British will release <i>China</i> prisoners but cannot open the door through which enemy reservists in neutral countries may reach their own countries.	640
3285	May 6	The Secretary of State to the Ambassador in Great Britain (telegram).	U. S. Government expects formal apology for affront to its flag, as well as the release of the men taken from the <i>China</i> .	641
3298	May 11	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to press for the release of persons taken prisoner from the <i>Henry S</i> .	641
4284	May 11 [Rec'd May 12]	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that some of the <i>China</i> prisoners are German reservists with false passports returning to Germany; asks that they may be retained pending the arrival of documentary proof.	641
4289	May 12 [Rec'd May 13]	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British memorandum in reply to U. S. protest against the seizure of persons on the <i>China</i> . Comments.	642
3318	May 15	The Secretary of State to the Ambassador in Great Britain (telegram).	Insists upon the release of all persons removed from the <i>China</i> .	644
3320	May 15	The Secretary of State to the Ambassador in Great Britain (telegram).	Expresses appreciation of amicable settlement of <i>China</i> case. Cites similar Civil War cases. Asks when prisoners will be released.	644
A 3485	May 13 [Rec'd May 16]	The German Ambassador to the Secretary of State.	The German subjects taken from the <i>China</i> do not belong to the military organization.	645

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## THE REMOVAL BY BELLIGERENTS OF ENEMY SUBJECTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4314	May 16	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that, when he promised the release of the persons seized on the <i>China</i> , he did not know that some of them were incorporated in the enemy armed forces.	645
4320	May 18	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that our Government ask for the release of undoubted civilians removed from the <i>China</i> but suspend demand for others until documents arrive from the Orient.	645
4335	May 20	The Ambassador in Great Britain to the Secretary of State (telegram).	Has been informed by Grey that all persons from the <i>China</i> will be released.	646
3347	May 20	The Secretary of State to the Ambassador in Great Britain (telegram).	Cannot agree to retention of <i>China</i> prisoners on grounds of subsequent incriminating evidence.	647
3357	May 24	The Secretary of State to the Ambassador in Great Britain (telegram).	Pleased with release of persons seized on the <i>China</i> , with admission of principle contended for. Instructions to press for release of men in the <i>Henry S.</i> and <i>Ausable</i> cases.	647
4645/ 11	May 25	The Turkish Chargé to the Secretary of State.	Ottoman subjects removed from the <i>China</i> are not supposed to be incorporated in the armed forces of Turkey.	648
4384	May 30	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that Leiztritz confesses to being an officer in the German Naval Reserves.	648
1567	May 31 [Rec'd June 1]	The Austro-Hungarian Chargé to the Secretary of State.	Reports that some of the Austro-Hungarian subjects removed from the <i>China</i> are members of the military organization.	648
3402	June 8	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquires when the <i>China</i> prisoners will be released and what arrangements have been made for their transportation home.	649
4446	June 12	The Ambassador in Great Britain to the Secretary of State (telegram).	The <i>China</i> passengers are in Australia. Delay in releasing them will be investigated.	649
3436	June 17	The Secretary of State to the Ambassador in Great Britain (telegram).	Denies right of the British to seize Leiztritz and urges his release.	649

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3464	June 28	The Secretary of State to the Ambassador in Great Britain (telegram).	The Government expects Great Britain to release and return the <i>China</i> prisoners promptly.	650
4508	June 29	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British memorandum stating that the <i>China</i> prisoners will be released in accord with promise, even though some of them had served in the war and were escaped prisoners.	650
A 4243	June 24 [Rec'd June 30]	The German Ambassador to the Secretary of State.	Asks that steps be taken for the release of Leiztritz, giving reasons for request.	651
3478	July 1	The Secretary of State to the Ambassador in Great Britain (telegram).	States that the British memorandum concerning the <i>China</i> case is unsatisfactory; suggests that it be withdrawn or reworded.	651
4570	July 18	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note stating that the memorandum of July 5 was worded to indicate that the <i>China</i> case should not be used as a precedent.	652
3562	July 24	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to cable whether all Germans taken from the <i>China</i> have been released.	653
4276	July 19 [Rec'd July 31]	The Ambassador in Great Britain to the Secretary of State.	Transmits British memorandum in explanation of contention in the <i>China</i> case.	653
4637	July 31 [Rec'd Aug. 1]	The Ambassador in Great Britain to the Secretary of State (telegram).	Instructions have been given for the release of the <i>China</i> prisoners. Have requested details regarding all prisoners removed from the <i>China</i> , the <i>Ausable</i> , and the <i>Henry S.</i>	656
1654	Aug. 12	The Secretary of State to the Ambassador in France (telegram).	Request for facts in the case of Second Mate Miller, who was removed by a French naval officer from the <i>Frederick Luckenbach</i> ; instructions to request his release, if justified in so doing.	657
	Aug. 23	The Ambassador in Great Britain to the Chargé in Great Britain (telegram).	Instructions to procure names, etc., of <i>China</i> prisoners, and to ask again for their release.	657
4795	Aug. 30	The Chargé in Great Britain to the Secretary of State (telegram).	Colonial Office now handling the <i>China</i> case. Governor General of Australia instructed to convey prisoners to Shanghai in British ship.	657

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4894	Sept. 15	The Chargé in Great Britain to the Secretary of State (telegram).	Shipping difficulties cause delay in release of the <i>China</i> prisoners. Suggests that consular officer in Australia take up matter.	658
	Sept. 20	The Secretary of State to the Consul General at Sydney, Australia (telegram).	Instructions to expedite transportation of <i>China</i> prisoners.	658
1610	Sept. 20	The Chargé in France to the Secretary of State (telegram).	Has been informed by Foreign Office that Miller will be released without delay.	658
2122	Sept. 26	The Secretary of State to the German Ambassador.	Arrangements have been made to send the <i>China</i> prisoners to Shanghai. Inexpedient to attempt to change their destination.	658
	Oct. 7 [Rec'd Oct. 8]	The Consul General at Sydney, Australia, to the Secretary of State (telegram).	The <i>China</i> prisoners have sailed for Shanghai.	659
1646	Oct. 13	The Chargé in France to the Secretary of State (telegram).	Miller released. Arrangements made for his return to the United States.	659
4324	Oct. 13 [Rec'd Nov. 6]	The Chargé in Germany to the Secretary of State.	Transmits German note stating position in regard to German stowaway on the <i>Missourian</i> .	659
3827	Oct. 24 [Rec'd Nov. 10]	The Chargé in France to the Secretary of State.	French reluctant to make written statement regarding the release of Second Mate Miller. Discussion of grounds for his arrest.	660
	Nov. 15	The Consul General at Shanghai to the Secretary of State (telegram).	The men seized from the <i>China</i> arrived in Shanghai and transhipped to Hongkong.	661
3746	Nov. 18	The Secretary of State to the Chargé in Germany.	Argument in justification of the surrender of the German stowaway (Feldwebel) to a British ship.	661
	Nov. 23	The Secretary of State to the Ambassador in Great Britain.	Memorandum giving a <i>résumé</i> of the <i>China</i> case.	662
4520	Dec. 1	The Secretary of State to the Ambassador in Great Britain.	Memorandum for Lord Grey on the <i>Henry S., Ausable</i> , and <i>Marcus L. Urann</i> cases.	667

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4213	Dec. 26	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests a report on the British reception of memorandum on the <i>Henry S.</i> , <i>Marcus L. Urann</i> , and <i>Ausable</i> cases.	678
5339	Dec. 29	The Ambassador in Great Britain to the Secretary of State (telegram).	Report on the British reception of the memorandum on the <i>Henry S.</i> , <i>Marcus L. Urann</i> , and <i>Ausable</i> cases.	678

## DEPARTURES BY BELLIGERENT GOVERNMENTS AND NAVAL AUTHORITIES FROM THE ESTABLISHED RULES FOR EXERCISE OF THE RIGHT OF VISIT AND SEARCH AT SEA

1020	Dec. 17, 1915	The Secretary of State to the British Ambassador.	Protests against action of the <i>Isis</i> in searching the <i>Zealandia</i> , an American vessel lying at anchor in Progreso Harbor and in charge of Mexican customs officials.	679
50	Feb. 17 [Rec'd Feb. 23]	The British Ambassador to the Secretary of State.	Maintains that the <i>Zealandia</i> , when searched by the <i>Isis</i> , was outside the three-mile limit; claims belligerent right to visit and search her, even though she was in charge of Mexican customs officials.	679
67	Mar. 11 [Rec'd Mar. 13]	The British Ambassador to the Secretary of State.	New procedure adopted for visit and search at sea, in consequence of German practice of disguising raiding cruisers as neutral merchantmen.	680
	Mar. 14	The Secretary of the Navy to the Secretary of State.	Considers it unwise to enter into any agreement with one belligerent recognizing a departure from an established procedure in visit and search.	681
1134	Apr. 10	The Secretary of State to the British Ambassador.	Irregularity and illegality of the course of British naval officers in searching the <i>Zealandia</i> .	682
	Apr. 13	The Secretary of State to the Secretary of the Treasury.	Unwise to agree to any change in the established rules of procedure by war vessels in visit and search.	684
	Apr. 25	The Secretary of State to the Secretary of the Treasury.	The action of customs collectors who bring to attention of shipmasters the recent British visit-and-search orders, should be disapproved.	684
	May 5	The Secretary of State to the British Ambassador.	U. S. coastwise trading vessels in Philippine waters are being subjected to irregular visit and search, supposedly by British ships.	684

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	June 9 [Rec'd June 12]	The British Ambassador to the Secretary of State.	Communicates new instructions to naval officers regarding visit and search.	685
	June 28	The Secretary of State to the Ambassador in Japan (telegram).	Consuls are instructed to take no action regarding Japanese instructions for use of signals in boarding merchant ships.	686
196	July 3 [Rec'd July 5]	The British Ambassador to the Secretary of State.	Refutation of charges of irregularities in visit and search of the <i>Zealandia</i> by the <i>Isis</i> .	686
1248	July 11	The Acting Secretary of State to the British Ambassador.	Search of the <i>Zealandia</i> was an undue and discourteous exercise of belligerent rights.	688

PROJECTS OF COOPERATION AMONG THE NEUTRAL STATES IN DEFENSE OF  
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190	Mar. 14 [Rec'd Mar. 28]	The Minister in Norway to the Secretary of State.	Ministers of Scandinavia meet in Copenhagen, agreeing to maintain strict neutrality. Encloses official <i>communiqué</i> of the meeting.	691
	Aug. 29 [Rec'd Aug. 31]	The Greek Legation to the Department of State.	Proposes that the United States take the initiative in negotiations looking toward the ratification of the International Prize Court Convention and the appointment of judges of the court, so that it may be accessible to claimants after the war.	692
	Sept. 11	The Department of State to the Greek Legation.	The time inopportune for negotiations for the institution of the International Prize Court.	693
271	Sept. 26 [Rec'd Oct. 13]	The Minister in Norway to the Secretary of State.	Transmits copy of the official <i>communiqué</i> of the conference of Scandinavian ministers at Christiania, Sept. 19-22.	694
294	Dec. 1	The Chargé in Spain to the Secretary of State (telegram).	Swedish proposal of neutral joint action considered by French and British Embassies as directed against the Allies. Informed that Spain would take only such action as the Allies would desire.	696

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108	Dec. 20	The Minister in Norway to the Secretary of State (telegram).	Switzerland and Holland have accepted the invitation to attend the meeting of neutral European powers. If Spain refuses, the question of a meeting will be reconsidered.	697

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	Dec. 30, 1915 [Rec'd Jan. 3]	The French Ambassador to the Secretary of State.	Officers of the French Army Flying Corps are in the United States for a brief visit with relatives.	701
	Jan. 27	The Secretary of State to Representative J. A. Elston.	The visit of members of the French Army Flying Corps is not a violation of neutrality.	701
214	July 13 [Rec'd July 14]	The British Ambassador to the Secretary of State.	Requests permission for reentry into the United States of discharged British soldiers.	702
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	Sept. 1	The Secretary of State to the Secretary of Labor.	In each case of reentry of a British soldier into the United States, it would have to be decided whether he was discharged and whether he intended to remain. Otherwise U. S. neutrality might be involved.	703



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	Oct. 7 [Rec'd Oct. 9]	The British Ambassador to the Secretary of State.	Inquires if disabled soldiers may be sent from Halifax to Jamaica via New York.	705
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	Jan. 15, 1917.	The Secretary of State to the British Ambassador.	Will permit the passage of Jamaican disabled soldiers if they are discharged in Canada and sent home as civilians.	707

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	Nov. 11	The Ambassador in Chile to the Secretary of State (telegram).	Informed that Chile has contracted in Great Britain for battleships and destroyers but not for submarines.	712
	Nov. 14	The Secretary of State to the Ambassador in Chile (telegram).	Department's telegram regarding British transfer of submarines to Chile will apply equally to battleships and destroyers.	713
	Nov. 16	The Ambassador in Chile to the Secretary of State (telegram).	Minister for Foreign Affairs affirms that transfer of submarines to Chile is compensation offered by British for the delay in delivery of ships under construction in England.	713
	Nov. 20	The Secretary of State to the Ambassador in Chile (telegram).	Requires assurance that submarines are for use of Chile and not for transfer to belligerents.	713
	Nov. 29	The Ambassador in Chile to the Secretary of State (telegram).	Transmits Chilean statement that submarines are for the use of Chile and will not be transferred to any belligerent during the present war.	714

## TREATMENT OF BELLIGERENT WARSHIPS IN AMERICAN PORTS: THE ESCAPE OF MEMBERS OF THEIR INTERNED CREWS

2525	Dec. 22, 1915	The Secretary of State to the Ambassador in Germany (telegram).	Urges reply to representations on the escape of interned Germans.	714
	Jan. 14	The Secretary of State to the Secretary of War.	As the <i>Empire</i> preserves the character of a military transport, the 24-hour rule should be applied to her stay in Manila port.	714
3508	Feb. 19 [Rec'd Feb. 20]	The Ambassador in Germany to the Secretary of State (telegram).	Offers explanation of act of Germans who escaped from internment.	715
2792	Mar. 9	The Secretary of State to the Ambassador in Germany (telegram).	Sends Navy Department's criticism of German reply regarding the escape of interned Germans.	715

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## TREATMENT OF BELLIGERENT WARSHIPS IN AMERICAN PORTS, ETC.—Con.

No.	Date	From and to whom	Subject	Page
3109	June 20	The Secretary of State to the Ambassador in Germany (telegram).	Asks reply to note regarding apprehension, punishment, and return of Germans who escaped from internment.	716
B 6383	June 29 [Rec'd July 3]	The German Ambassador to the Secretary of State.	General Staff at Berlin does not assent to form of pledge required of commanding officers interned in the United States.	717
	Aug. 15 [Rec'd Aug. 16]	The Secretary of the Navy to the Secretary of State.	States the policy upon which the regulations of the Navy Department regarding the internment of belligerent war vessels are based, and desires to know if that policy as stated is in accord with his views.	718
	Sept. 1	The Secretary of State to the Secretary of the Navy.	Approves the policy of the Navy Department regarding the internment of belligerent war vessels, with slight amendment.	718
	Sept. 21	The Secretary of the Treasury to the Secretary of State.	Forwards letter from the collector of customs at New York showing that the <i>Laconia</i> and the <i>Tuscania</i> are being fitted out as transports. Requests instructions for the collector.	719
	Sept. 22	The Secretary of State to the Secretary of the Treasury.	The <i>Laconia</i> and the <i>Tuscania</i> should not be allowed to outfit as transports in a U. S. port; must be returned to the condition in which they arrived.	720
4052	Sept. 16 [Rec'd Oct. 9]	The Ambassador in Germany to the Secretary of State.	Transmits note from Zimmermann regarding the escape of officers and men from German interned cruisers in U. S. ports.	720

## TREATMENT OF PRIZE SHIPS IN AMERICAN PORTS—CASE OF THE "APPAM"

	Feb. 1	The Secretary of the Treasury to the Counselor for the Department of State.	Reports presence in Norfolk Harbor of the British steamer <i>Appam</i> , captured and manned by Germans and carrying prisoners. Requests instructions for the collector of customs.	722
	Feb. 2	The Secretary of State to the Secretary of the Treasury (telegram).	Suggests that demand be made for immediate release of all persons on board the <i>Appam</i> , with certain specified exceptions.	723
A 785	Feb. 2	The German Ambassador to the Secretary of State.	The <i>Appam</i> carries the crews of seven enemy vessels transferred from the <i>Moewe</i> . Requests internment of them and the crew of the <i>Appam</i> .	723

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	Feb. 3 [Rec'd Feb. 4]	The Collector of Customs at Norfolk to the Assistant Secretary of the Treasury.	The German commander promises release of all persons on the <i>Appam</i> , except the prize officer and crew.	724
	Feb. 4	The British Embassy to the Department of State.	Requests that the principles of Articles 21 and 23 of Hague Convention XIII of 1907 be applied to the <i>Appam</i> case.	725
	Undated [Rec'd Feb. 8]	The German Ambassador to the Secretary of State.	Claims that the <i>Appam</i> is a prize and, under treaty of 1799, can not be interned or turned over to the British.	726
	Feb. 15	The British Embassy to the Department of State.	Reserves all rights with regard to the <i>Appam</i> .	726
	Feb. 16 [Rec'd Feb. 17]	The Attorney General to the Counselor for the Department of State.	Transmits correspondence regarding the libel filed by British owners for possession of the <i>Appam</i> .	726
	Feb. 17 [Rec'd Feb. 19]	The British Ambassador to the Secretary of State.	Request for assurances with regard to the <i>Appam</i> .	727
	Feb. 21	The Secretary of State to the British Ambassador.	Unable to comply with request for assurances in the <i>Appam</i> case.	727
A 1293	Feb. 22	The German Ambassador to the Secretary of State.	Protests against libel for possession of the <i>Appam</i> and asks for dismissal of suit.	728
	Mar. 2	The Secretary of State to the German Ambassador.	Argument regarding disposition of the <i>Appam</i> and interpretation of Article 19 of the Treaty of 1799.	729
A 1829	Mar. 14	The German Ambassador to the Secretary of State.	Assurance that crew or equipment of the <i>Appam</i> will not be augmented and no attempt at escape will be made. Attempts to secure dismissal of suit.	731
A 1727	Mar. 16	The German Ambassador to the Secretary of State.	Interpretation of Article 19 of the Treaty of 1799 as regards the <i>Appam</i> case. Proposes that it be referred to the Hague Court of Arbitration.	732
	Mar. 31 [Rec'd Apr. 1]	The British Ambassador to the Secretary of State.	Requests that official representations be made to the U. S. court to return the <i>Appam</i> to her owners on ground that her detention was a violation of U. S. neutrality.	733
	Apr. 4	The Secretary of State to the British Ambassador.	Declines to comply with request for official representations to court for release of <i>Appam</i> . Her presence in U. S. waters not violation of U. S. neutrality.	734

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No.	Date	From and to whom	Subject	Page
2217	Apr. 7	The Secretary of State to the German Ambassador.	States the reasons why the United States cannot accede to the request that legal steps before an American court be suspended in the <i>Appam</i> case and why it can only accept the proposal for arbitration of the meaning of Article 19 of the treaty of 1799 under certain specified conditions.	735
	Apr. 12 [Rec'd Apr. 13]	The British Ambassador to the Secretary of State.	Asks that Department suggest to the court its understanding of the general maritime rule on prizes of war in neutral ports, leaving the court free to determine whether the law had been violated in the <i>Appam</i> case.	737
A 4387	June 30 [Rec'd July 1]	The German Ambassador to the Secretary of State.	German interpretation of Article 19 of the treaty of 1799. An authenticated note from John Adams, Benj. Franklin, and Thos. Jefferson in support of the interpretation. Request that asylum be granted the <i>Appam</i> and that case be dismissed from court.	737
	Aug. 3 [Rec'd Aug. 5(?)]	The British Ambassador to the Secretary of State.	Calls attention to long stay of <i>Appam</i> in U. S. port, in violation of U. S. neutrality; again requests that she be released to British owners with damages, or else placed under U. S. custody.	741
	Aug. 5 [Rec'd Aug. 7]	The British Ambassador to the Secretary of State.	Holds that the United States is responsible for the <i>Appam</i> . Requests that the prize crew be interned.	741
	Aug. 24	The Secretary of State to the British Ambassador.	Declines to accept responsibility for the <i>Appam</i> , which owners have placed in hands of the court. German Government has given assurance of protection.	742
347	Dec. 1 [Rec'd Dec. 2]	The British Ambassador to the Secretary of State.	The question of status and treatment of the <i>Appam</i> is one between the British and U. S. Governments and not one between the British owners and those in temporary possession of her.	743
1394	Dec. 13	The Secretary of State to the British Ambassador.	<i>Appam</i> owners must exhaust legal remedies with denial of justice before the question can be taken up through diplomatic channels.	745

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	Mar. 9	The Acting Secretary of the Treasury to the Secretary of State.	It is reported that Germans will attempt to use interned vessels. Asks advice as to the proper means of maintaining neutrality in the absence of U. S. naval vessels. Suggests the dismantling of the engines of interned ships.	746
	Mar. 11	The Secretary of State to the Secretary of the Treasury.	Inadvisable to disable machinery or place guards upon self-interned German vessels. Calls attention to effectiveness of fort guns and restriction of coal supply.	747
	Apr. 20	The Attorney General to the Secretary of State.	U. S. officials in Porto Rico report that Germans threaten to disable vessels if relations are broken. Instructions given marshal to appoint special deputies.	748
	Apr. 22 [Rec'd Apr. 24]	The Secretary of the Treasury to the Secretary of State.	Proposed removal of crews from German interned vessels at San Juan in case of break in relations with Germany. Asks advice regarding the <i>President</i> .	748
	Apr. 29	The Secretary of State to the Secretary of the Treasury.	Does not recommend removal of crew from the <i>President</i> .	749

## TREATMENT OF ARMED MERCHANT SHIPS

	Dec. 31, 1915	The Secretary of State to the Italian Ambassador.	U. S. rules of 1914 regarding armed merchant ships in American ports necessarily modified by the changed situation arising out of the effectiveness of their armament in attacks on submarines.	749
	Jan. 7	The Secretary of the Treasury to the Secretary of State.	Asks advice as to clearance of the armed steamer <i>Giuseppe Verdi</i> .	749
	Jan. 11 [Rec'd Jan. 13]	The Italian Ambassador to the Secretary of State.	Gives assurance that guns carried by Italian merchantmen will be used for defense only and not to attack submarines while being warned.	750
	Jan. 13	The Secretary of State to the Secretary of the Treasury.	Suggests that no objection be raised as to clearance of the <i>Giuseppe Verdi</i> , under assurances given by the Italian Ambassador.	750
	Jan. 26	The Secretary of State to the Italian Ambassador.	Asks that guns be removed from the <i>Verona</i> or that official assurance be given that they will be used for defense only and not for attack on submarines while being warned.	750
	Jan. 27	The Italian Ambassador to the Secretary of State.	Assurances given in the <i>Verdi</i> case were intended to cover any similar case.	751

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	Jan. 28	The Secretary of State to the Italian Ambassador.	Prefers that a separate formal assurance be given by each armed merchantman wishing clearance from U. S. ports.	752
	Feb. 7 [Rec'd Feb. 8]	The Minister in Costa Rica to the Secretary of State (telegram).	Costa Rican inquiry as to the admission of Italian armed merchantmen in U. S. ports.	752
	Feb. 9	The Secretary of State to the Minister in Costa Rica (telegram).	U. S. Government requires armed merchantmen either to land guns or to give assurance of defensive use only. Modification of policy under consideration.	752
	Apr. 25	The Secretary of State to the Secretary of the Treasury.	Items of information which collectors should report regarding arrival in U. S. ports of armed merchantmen.	753
	May 2	The Italian Ambassador to the Secretary of State.	Wishes to modify assurances given regarding armed merchantmen, because Germans and Austrians have announced intention to sink at sight.	753
	May 3	The Secretary of State to the Italian Ambassador.	Will accept modified assurances regarding armed merchantmen for the present, but this not a precedent for future cases.	754
	June 19 [Rec'd June 21]	The French Ambassador to the Secretary of State.	Suggested alteration of present practice of issuing a separate note of assurance for each armed merchantman arriving in a U. S. port.	754
	June 21 [Rec'd June 22]	The Secretary of the Treasury to the Secretary of State.	To avoid duplication, suggests that reports on merchantmen be made only when there is a material change in armament from what has already been reported.	755
	June 22	The Secretary of State to the Secretary of the Treasury.	Accepts suggestion regarding elimination of duplication in armament reports and clearance of French vessels.	755
	July 3	The Secretary of State to the French Ambassador.	The Secretary of the Treasury has accepted the suggestion that French consular officers give assurances regarding the armament of French merchantmen.	756
	Sept. 13	The Secretary of State to the British Ambassador.	Calls attention to preparation at Brooklyn docks for armament of the <i>Crewe Hall</i> and states that clearance will be refused until ship is returned to former condition.	756
	Oct. 13 [Rec'd Oct. 16]	The British Ambassador to the Secretary of State.	Hague Convention XIII of 1907 not applicable to defensive armament; however, armament removed from the <i>Crewe Hall</i> .	757
	Oct. 24	The Secretary of State to the British Ambassador.	Attitude concerning the <i>Crewe Hall</i> not based on Hague conventions but on desire to prevent embarrassing incidents.	757

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	Nov. 2	The Secretary of State to the Secretary of the Treasury.	French armed merchantmen arriving in port for first time are not to be cleared except upon instructions from Washington.	758

## HOVERING OF BELLIGERENT WARSHIPS IN CLOSE PROXIMITY TO TERRITORIAL WATERS

82	Mar. 20 [Rec'd Mar. 28]	The British Ambassador to the Secretary of State.	Claims British ships near U. S. waters necessary to prevent escape of enemy ships and to intercept supplies. Cites U. S. acts during Civil War as precedent.	759
1152	Apr. 26	The Secretary of State to the British Ambassador.	Maintains that hovering of belligerent warships such as the <i>Vinland</i> and <i>Zealandia</i> near U. S. waters, is inexcusable source of annoyance and offense.	762
1694	May 13	The Secretary of State to the French Ambassador.	Requests reply to inquiries regarding the presence of the <i>Descartes</i> in the vicinity of San Juan.	764
	July 27	Memorandum of the Counselor for the Department of State.	The French explanation of the presence of the <i>Descartes</i> in the territorial waters of Porto Rico.	765

## TREATMENT OF BELLIGERENT WAR AND MERCHANT SUBMARINES IN NEUTRAL PORTS AND WATERS (CASE OF THE "DEUTSCHLAND"): THEIR OPERATIONS BEYOND TERRITORIAL WATERS (CASE OF THE "U-53")

194	July 3	The British Ambassador to the Secretary of State.	Submits views of British Government on issues raised by the rumored visit of a German submarine to a U. S. port.	765
	July 11	The Acting Secretary of State to the British Ambassador.	Acknowledges note on the issues raised by rumored visit of German submarine to U. S. port.	767
	July 13	Memorandum of the Acting Secretary of State.	Conversation with the British Ambassador in regard to the submarine merchant ship <i>Deutschland</i> .	767
4123	July 15 [Rec'd July 16]	The Ambassador in Germany to the Secretary of State (telegram).	Inquires whether the <i>Deutschland</i> will be recognized as a merchant vessel.	767



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3195	July 17	The Acting Secretary of State to the Ambassador in Germany (telegram). The same to the Ambassador in Great Britain.	The <i>Deutschland</i> arrived in Baltimore bringing cargo of dyestuffs. Authorities here declared her to be a merchantman.	768
	July 19	The Third Assistant Secretary to the Acting Secretary of State.	British protest against U. S. decision in <i>Deutschland</i> case. Encloses telegram from Grey to the Ambassador at Washington.	768
	Aug. 21 [Rec'd Aug. 22]	The French Embassy to the Department of State. The same from the British, Russian, Japanese, and Italian Embassies, and from the Portuguese Legation.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769
	Aug. 31	The Department of State to the French Embassy. The same to the British, Russian, and Japanese Embassies, and <i>mutatis mutandis</i> , to the Italian Embassy and to the Portuguese Legation.	The United States reserves its liberty of action in respect to treatment of submarines. Responsibility for any conflict between belligerent warships and neutral submarines must rest upon negligent power.	770
3909	Oct. 9	The Secretary of State to the Ambassador in Great Britain (telegram). The same to the Chargé in France.	German submarines off coast are apparently living up to formal assurances. With regard to the suggested modification of rules concerning submarines in neutral ports, Allies are reminded of their refusal to modify, during hostilities, the rules of warfare concerning armed merchantmen.	771
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in Sweden, Norway, Denmark, the Netherlands, and Spain (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772

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3471	Oct. 10	The Acting Secretary of State to the Chargé in Germany (telegram).	Sinking of nine merchant ships off Nantucket Island by the <i>U-53</i> without violation of international law. Feeling throughout country aroused.	772
643	Oct. 11 [Rec'd Oct. 12]	The Minister in the Netherlands to the Secretary of State (telegram).	Netherlands has forbidden foreign war vessels within her waters since 1914 and reserves right to decide status of submarines.	773
5002	Oct. 11 [Rec'd Oct. 12]	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey enumerates British grievances caused by U. S. attitude towards defensive armament, hovering, and submarines.	773
4460	Oct. 11 [Rec'd Oct. 12]	The Chargé in Germany to the Secretary of State (telegram).	Reports informal conversation with Von Jagow regarding activity of submarines off U. S. coast.	774
A 6435	Oct. 12 [Rec'd Oct. 14]	The German Ambassador to the Secretary of State.	Activities of German submarines in Atlantic will be within the rules of international law and promises given.	774
309	Oct. 13 [Rec'd Oct. 14]	The British Ambassador to the Secretary of State.	Transmits affidavit of master of the <i>Stephano</i> , sunk by German submarine off U. S. coast.	774
368	Oct. 14	The Minister in Denmark to the Secretary of State (telegram).	Under Danish law war submarines are treated as other war vessels. Question of merchant submarines has not arisen.	775
142	Oct. 14 [Rec'd Oct. 15]	The Minister in Sweden to the Secretary of State (telegram).	War submarines prohibited from entering Swedish territorial waters. All treated as war submarines unless commercial character proven.	775
283	Oct. 14 [Rec'd Oct. 15]	The Ambassador in Spain to the Secretary of State (telegram).	No measure yet taken regarding merchant submarine. Submits for U. S. opinion, proposed decree regarding rights and duties of neutrals in submarine warfare.	776
144	Oct. 16 [Rec'd Oct. 17]	The Minister in Sweden to the Secretary of State (telegram).	Swedish attitude toward commercial submarines corresponds to the attitude of the United States. War submarines, with certain exceptions, will be attacked.	777
79[89]	Oct. 17 [Rec'd Oct. 18]	The Minister in Norway to the Secretary of State (telegram).	No position yet taken by Norway on merchant submarines. Encloses decree forbidding war submarines in territorial waters.	777
	Oct. 18	The Minister in Norway to the Secretary of State (telegram).	War submarines refused access to territorial waters of Norway; ruling does not extend to merchant submarines.	778

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5052	Oct. 20	The Ambassador in Great Britain to the Secretary of State (telegram).	Recommends that reports of U. S. naval officers be published to allay criticism regarding the <i>U-53</i> incident.	780
3968	Oct. 22	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	The United States not obligated to give the British an official statement of the facts in the <i>U-53</i> case.	780
5070	Oct. 23	The Ambassador in Great Britain to the Secretary of State (telegram).	British anxious to have official information regarding destruction of merchantmen by the <i>U-53</i> .	781
188	Oct. 27	The Secretary of State to the Ambassador in Spain (telegram).	Withholds opinion on proposed Spanish decree regarding submarines.	781
94	Oct. 28	The Minister in Norway to the Secretary of State (telegram).	Transmits summary of German note protesting Norwegian decree relative to entry of submarines into Norwegian waters.	782
3986	Oct. 28	The Secretary of State to the Ambassador in Great Britain (telegram).	Will consider advisability of making statement on the <i>U-53</i> after facts are obtained. Quotes from Admiral Benson's published account of the rescue work.	782
98	Nov. 11	The Minister in Norway to the Secretary of State (telegram).	Transmits summary of Norway's reply to Germany regarding restriction on submarines: sole object to protect her rights as a neutral.	783

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3995	June 14 [Rec'd June 15]	The Ambassador in Germany to the Secretary of State (telegram).	Germany contemplates extending to the Consul at Warsaw the same recognition as that accorded to Consuls at Brussels, Antwerp, and Liège.	795
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THE PROCLAMATION BY GERMANY AND AUSTRIA-HUNGARY CREATING THE  
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4575	Nov. 8 [Rec'd Nov. 9]	The Chargé in Germany to the Secretary of State (telegram).	Consul at Warsaw desires instruction regarding the new Kingdom of Poland.	797
3576	Nov. 14	The Secretary of State to the Chargé in Germany (telegram).	Consul at Warsaw should deal with officials of the new Kingdom of Poland as <i>de facto</i> officials, but should not attend official ceremonies.	797
787	Nov. 18	The Russian Ambassador to the Secretary of State.	Russia protests against German and Austro-Hungarian declaration of independence of Poland.	797
4006	Dec. 5 [Rec'd Dec. 23]	The Ambassador in France to the Secretary of State.	Transmits Allied declaration of Nov. 18, 1916, protesting against the formation of Polish State and creation of Polish Army by Central powers.	798

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1226	May 16	The Secretary of State to the Ambassador in Austria-Hungary (telegram; cancelled on May 17).	Impossible to send a warship for Austro-Hungarian Ambassador, but can arrange for his safe-conduct to the United States.	799
1464	Sept. 27 [Rec'd Sept.28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austria-Hungary wishes assurance that safe-conduct will be given should they send an ambassador to the United States.	799
1375	Sept. 29	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Agrees to the appointment of an Austro-Hungarian ambassador and gives assurance of a safe-conduct to the United States.	799
1481	Oct. 12 [Rec'd Oct. 13]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Government asks <i>agrément</i> for appointment of Tarnowski as Ambassador.	800
1387	Oct. 18	The Acting Secretary of State to the Ambassador in Austria-Hungary (telegram).	Desires more information concerning Tarnowski.	800
1489	Oct. 21 [Rec'd Oct. 23]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Enumerates qualifications of Tarnowski and recommends him as Ambassador to the United States.	800
1404	Nov. 1	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Tarnowski acceptable to the United States. Safe-conducts will be arranged.	801
1522	Nov. 9 [Rec'd Nov.10]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government announces appointment of Tarnowski as Ambassador to the United States.	801
1524	Nov. 11 [Rec'd Nov.12]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Burian requests that the new Ambassador be assured of means of communicating with his Government.	801

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4044	Nov. 14	The Secretary of State to the Ambassador in Great Brit- ain (telegram). The same, <i>muta- tis mutandis</i> , to the Amba- sador in France.	Austro-Hungarian request for safe- conduct for Tarnowski and party to the United States.	802
1417	Nov. 14	The Secretary of State to the Ambassador in Austria-Hun- gary (tele- gram).	Explains why no assurances re- garding communication between the Ambassador and his Govern- ment can be given.	803
5218	Nov. 27	The Ambassa- dor in Great Britain to the Secretary of State (tele- gram).	Quotes British note refusing safe- conduct for Tarnowski because of the warlike activities of Ger- man and Austro-Hungarian diplo- matic officers in neutral coun- tries.	804
1712	Nov. 27 [Rec'd Nov.28]	The Ambassa- dor in France to the Secre- tary of State (telegram).	Transmits French note refusing the Austro-Hungarian request to furnish safe-conduct for her Am- bassador.	804
4097	Nov. 28	The Secretary of State to the Ambassador in Great Brit- ain (telegram). The same, <i>muta- tis mutandis</i> , to the Am- bassador in France.	Expects the British Government to reconsider their action and to grant safe-conduct for Austro- Hungarian Ambassador.	805
5243	Nov. 30	The Ambassa- dor in Great Britain to the Secretary of State (tele- gram).	A request from the U. S. Govern- ment for safe-conduct for the Austro-Hungarian Ambassador will receive consideration.	805
5321	Dec. 15	The Ambassa- dor in Great Britain to the Secretary of State (tele- gram).	Transmits Foreign Office note granting U. S. request for safe- conduct for the Austro-Hun- garian Ambassador.	806
1749	Dec. 18 [Rec'd Dec.19]	The Ambassador in France to the Secretary of State (tele- gram).	French Government will accord safe-conduct to Tarnowski and suite.	806

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	Dec. 30, 1915	The Secretary of State to the German Am- bassador.	The limitations of diplomatic im- munity for domestics and em- ployees of an embassy.	808
A 2826	Apr. 18 [Rec'd Apr. 19]	The German Ambassador to the Secre- tary of State.	Requests the release of Von Igel, an Embassy employee arrested in New York, and the reprim- and of officials responsible for his arrest.	808
A 2833	Apr. 18 [Rec'd Apr. 19]	The German Ambassador to the Secre- tary of State.	Official papers belonging to Em- bassy were seized when Von Igel was arrested; requests their immediate return.	809
	Apr. 20	The Secretary of State to the German Am- bassador.	Instructions have been given for return of Embassy papers seized when Von Igel was arrested.	809
A 2876/ 16	Apr. 20 [Rec'd Apr. 24]	The German Ambassador to the Secre- tary of State.	Protests against any use being made of papers seized with Von Igel. Again requests their re- turn.	809
	Apr. 24	The Secretary of State to the German Am- bassador.	Von Igel's crimes were committed before he became attaché; ques- tions his claim to diplomatic im- munity. Offers to return such papers as Bernstorff may con- sider official.	810
A 2955	Apr. 27	The German Ambassador to the Secre- tary of State.	Presents reasons for claiming im- munity of Von Igel and seized papers. Declines to inspect pa- pers to determine which are offi- cial. Requests postponement of prosecution.	811
A 3807	May 27 [Rec'd May 29]	The German Ambassador to the Secre- tary of State.	German Government declares pro- cedure against Von Igel as con- trary to international law and that seized documents were in- violable.	812
	June 16	The Secretary of State to the German Am- bassador.	Seized papers will be used in case of the <i>United States v. Hans Tauscher, et al.</i> Immunity of Von Igel not yet decided. Cites unjustified invasion of premises used by American Embassy in Berlin and seizure of papers.	813

## PART IV

## QUESTIONS OF DIPLOMATIC IMMUNITY, ETC.—Continued

No.	Date	From and to whom	Subject	Page
A 4193/ 16	June 19 [Rec'd June 20]	The German Ambassador to the Secre- tary of State.	Proposes that legality of seizure of papers from Von Igel be settled by arbitration and that, pending decision, no use be made of the papers in question.	814

REPRESENTATION OF BELLIGERENT GOVERNMENTS IN ENEMY COUNTRIES—  
PROTECTION OF CONSULAR PROPERTY

1096	Sept. 29, 1915 [Rec'd Oct. 2]	The Ambassador in Turkey to the Secretary of State (tele- gram).	Message to French Government: Seals have been removed from French Consulate at Beirut, and archives are being examined by Turkish authorities.	815
1231	Oct. 19, 1915	The Secretary of State to the Ambassador in Turkey (telegram).	Approves of protest against Turk- ish violation of French Consul- ate and inquires if examination of French archives continues.	815
826	Jan. 4 [Rec'd Feb. 15]	The Ambassador in Turkey to the Secretary of State.	Sends copies of protests to Sublime Porte against violations of bel- ligerent consular premises in care of United States. Replies re- ceived to only two of them.	815
1300	Feb. 14 [Rec'd Mar. 6]	The Ambassador in Austria- Hungary to the Secretary of State.	Report on services rendered belliger- ents as their representative and on their dissatisfaction with results obtained.	816
1625	Mar. 3 [Rec'd Mar. 6]	The Chargé in Turkey to the Secretary of State (tele- gram).	French archives have been re- moved from the Consulate Gen- eral at Beirut and are being ex- amined by the Turks.	818
	Mar. 15	The Acting Sec- retary of State to the Chargé in Turkey.	Approves of protest against viola- tion of belligerent consular premises.	819
	Mar. 20	The Acting Sec- retary of State to the Am- bassador in Austria-Hun- gary.	The United States is merely acting as a channel of communication between belligerents and not with authority to present de- mands. Belligerent demands are to be communicated without comment.	819
3844	May 4 [Rec'd May 5]	The Ambassador in Germany to the Secre- tary of State (telegram).	Reports the raid on British Con- sulate building used by the U. S. Embassy, and seizure of U. S. records on British relief work.	820
2988	May 9	The Secretary of State to the Ambassador in Germany (telegram).	Requests full details of raid on Embassy's quarters in British Consulate building.	820



## PART IV.

## REPRESENTATION OF BELLIGERENT GOVERNMENTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3882	May 12 [Rec'd May 13]	The Ambassador in Germany to the Secretary of State (telegram).	Detailed report on raiding of British Consulate building. Encloses copy of his unanswered protest to Foreign Office requesting return of U. S. Embassy papers.	820
A 4385/ 16	June 30 [Rec'd July 1]	The German Ambassador to the Secretary of State.	Germany apologized for raiding Embassy quarters in former British Consulate and papers were returned. This incident different from Igel incident.	821
4104	July 11 [Rec'd July 12]	The Ambassador in Germany to the Secretary of State (telegram).	Seized U. S. papers returned without note of apology. German request that matter be dropped.	822
1517	July 8 [Rec'd July 31]	The Chargé in Turkey to the Secretary of State.	If Department approves, will complain to Sublime Porte of violation of U. S. consular seals protecting belligerent interests in Turkey. Encloses Turkish <i>note verbale</i> in justification of acts.	822
3043	Oct. 18	The Acting Secretary of State to the Chargé in Turkey (telegram).	Permission to call attention of Sublime Porte to seriousness of violation by Turkish Government of U. S. consular seals.	823
343	Oct. 6 [Rec'd Oct. 10]	The Minister in Roumania to the Secretary of State (telegram).	Garden of German Legation searched and explosives and tubes of bacilli of communicable disease found.	824
345	Oct. 8 [Rec'd Oct. 13]	The Minister in Roumania to the Secretary of State (telegram).	Authorities ask Secretary Andrews to sign a <i>procès-verbal</i> describing proceedings in the garden of the German Legation; requests instructions. Reports aeroplane attacks.	824
1021	Oct. 14	The Secretary of State to the Minister in Roumania (telegram).	Requests full report regarding proceedings in garden of German Legation. Andrews not authorized to sign <i>procès-verbal</i> .	824

## THE RIGHT OF ASYLUM—CASE OF THE BRITISH VICE CONSUL AT SOFIA

22	Jan. 1 [Rec'd Jan. 2]	The Chargé in Bulgaria to the Secretary of State (telegram).	Arrest of French consular official at Sofia. Controversy over attempted arrest of Hurst, former British Vice Consul and refugee in the American Legation.	825
8	Jan. 3	The Secretary of State to the Chargé in Bulgaria (telegram).	Instructions to make strong representations in favor of former British Vice Consul, but not to continue to shelter him if Bulgarian Government insists upon his arrest.	825

## PART IV

## THE RIGHT OF ASYLUM, ETC.—Continued

No.	Date	From and to whom	Subject	Page
42	Jan. 7 [Rec'd Feb. 1]	The Chargé in Bulgaria to the Secretary of State.	Presents reasons why former British Vice Consul should not be surrendered. Awaits further instructions.	826
50	Jan. 18 [Rec'd Feb.18]	The Chargé in Bulgaria to the Secretary of State.	Discussion of the right of asylum and further arguments against surrender of former British Vice Consul to Bulgarian authorities.	827
	Feb. 25	The Secretary of State to the Chargé in Bulgaria.	Approves action taken in protection of former British Vice Consul.	829
61	Feb. 3 [Rec'd Mar.6]	The Chargé in Bulgaria to the Secretary of State.	Reports liberation of the French Vice Consul and freedom from molestation of the former British Vice Consul.	829

## PROTECTION OF AMERICAN INSTITUTIONS AND CITIZENS IN TURKEY—EFFORTS IN BEHALF OF OTHER FOREIGNERS

724	Dec. 15, 1915 [Rec'd Feb. 1]	The Ambassador in Turkey to the Secretary of State.	Transportation on American vessels of Americans and refugees from Beirut and Jaffa.	829
874	Jan. 21 [Rec'd Feb.16]	The Ambassador in Turkey to the Secretary of State.	Difficulties in the way of departure of United States citizens and others.	831
1800	May 12 [Rec'd May 17]	The Chargé in Turkey to the Secretary of State (telegram).	Military authorities are taking over the American college at Sivas for use of the wounded. Has cautioned Sublime Porte to take proper measures to provide for Americans.	832
1814	May 17 [Rec'd May 22]	The Chargé in Turkey to the Secretary of State (telegram).	Reports the taking over by Turkish military authorities of various American missions and schools.	833
1815	May 17 [Rec'd May 22]	The Chargé in Turkey to the Secretary of State (telegram).	Reports American college and hospital at Marsivan taken by authorities. Recommends that warning be sent Turkish Government.	834
1825	May 22 [Rec'd May 26]	The Chargé in Turkey to the Secretary of State (telegram).	Assurances given that the taking over of American institutions is a temporary measure; no intention of expelling Americans.	834
2628	May 27	The Acting Secretary of State to the Chargé in Turkey (telegram).	Enumerates series of unfriendly acts of Turkish authorities against American officers and interests. Desires prompt redress of grievances.	835

## PART IV

## PROTECTION OF AMERICAN INSTITUTIONS AND CITIZENS IN TURKEY, ETC.—Con.

No.	Date	From and to whom	Subject	Page
1844	May 31 [Rec'd June 4]	The Chargé in Turkey to the Secretary of State (telegram).	Mission buildings at Marsivan, Talas, and Sivas requisitioned and missionaries sent to Constantinople. Protest made, reserving all U. S. rights.	836
1355	May 31 [Rec'd June 19]	The Chargé in Turkey to the Secretary of State.	Transmits copies of his protests against action of local authorities at Marsivan and elsewhere in seizing mission property and subjecting Americans to indignities.	838
1482	July 1 [Rec'd July 24]	The Chargé in Turkey to the Secretary of State.	Transmits Turkish note of explanation regarding the treatment of Americans, their institutions, and their property.	841
1502	July 4 [Rec'd July 25]	The Chargé in Turkey to the Secretary of State.	Remarks on Turkish note regarding American institutions and criticism of Turkish policy.	844
2333	Dec. 14 [Rec'd Dec. 19]	The Ambassador in Turkey to the Secretary of State (telegram).	Has taken up with Turkish authorities the arrest of Russian subjects and been informed that the measure is retaliatory.	845
2349	Dec. 21 [Rec'd Dec. 26]	The Ambassador in Turkey to the Secretary of State (telegram).	Arrest of Russians in Turkey due to capture of Moslems by Russian Fleet. They will be sent to interior unless Moslems are released.	846

## REPRESENTATIONS IN BEHALF OF ARMENIANS AND SYRIANS

1800	Feb. 4	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to express to the Turkish Government the horror and indignation of Americans over the persecution of Armenians in Turkey.	846
1852	Feb. 12	The Secretary of State to the Chargé in Turkey (telegram).	Appeals to humanity and justice of Turkish Government and urges it to take steps toward amelioration of conditions caused by mistreatment of Armenians.	847
1794	Feb. 16	The Secretary of State to the German Ambassador.	Calls attention to outrages committed upon Armenians in Turkey, requesting that German influence be again exerted to end tragedy.	847
1576	Feb. 15 [Rec'd [Feb. 29]	The Chargé in Turkey to the Secretary of State (telegram.)	Minister for Foreign Affairs asserts that all deportation has ceased and that no more will take place. The Armenian situation, however, still very unsettled.	848
1672	Mar. 28 [Rec'd Mar. 30]	The Chargé in Turkey to the Secretary of State (telegram).	Reports conversation with Talaat Bey on renewal of Armenian deportations: explanations and promises.	849

## PART IV

## REPRESENTATIONS IN BEHALF OF ARMENIANS AND SYRIANS—Continued

No.	Date	From and to whom	Subject	Page
2484	May 9	The Secretary of State to the Chargé in Turkey (telegram).	Quotes note of French Ambassador depicting extreme conditions in Syria. Requests information.	850
2600	May 24	The Acting Secretary of State to the Chargé in Turkey (telegram).	Instructions to urge Ottoman Government to protect Christians in Syria, if conditions are as reported.	851
1821	May 21 [Rec'd May 26]	The Chargé in Turkey to the Secretary of State (telegram).	Report on conditions in Syria----	851
1854	June 3 [Rec'd June 7]	The Chargé in Turkey to the Secretary of State (telegram).	Has urged Minister of Foreign Affairs to take immediate steps for the protection of Christian Syrians.	852
2758	June 16	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to urge Turkish Government again to alleviate condition of Armenians in Mesopotamia, if reports are true.	852
1973	July 21 [Rec'd July 25]	The Chargé in Turkey to the Secretary of State (telegram).	Report on conditions in Mesopotamia and on the Aleppo massacre. Evident policy of Turkish Government is to prevent rehabilitation of Armenian race.	852
2978	Sept. 22	The Secretary of State to the Chargé in Turkey (telegram).	Inquiry as to what action by Department would alleviate the condition of Armenians.	853
1757	Sept. 1 [Rec'd Sept.25]	The Chargé in Turkey to the Secretary of State.	Reports additional deportations. Has sent notes on the subject to the Turkish Minister of the Interior and to the German Ambassador. Opposition of Turkish officials to foreign relief work.	853
2136	Oct. 1 [Rec'd Oct. 5]	The Chargé in Turkey to the Secretary of State (telegram).	Suggests probable effect of a threat to withdraw U. S. diplomatic representatives from Turkey. To alleviate Armenian situation deportations must cease and restrictions placed upon neutral relief work must be removed.	856
2186	Oct. 17 [Rec'd Oct.20]	The Ambassador in Turkey to the Secretary of State (telegram).	Describes further the condition of Armenians. Suggests that the President write to the Emperors of Germany and Austria on the subject and that letter be published.	857
3535	Nov. 1	The Secretary of State to the Chargé in Germany (telegram). Substance communicated to the Ambassador in Turkey.	Instructions to call attention to the sufferings of Armenians at the hands of the Turks; expresses hope for favorable consideration and action by Germany.	858

## PART IV

REPRESENTATIONS IN BEHALF OF CIVILIANS DEPORTED FROM NORTHERN  
FRENCH CITIES AND FROM BELGIUM

No.	Date	From and to whom	Subject	Page
3111	June 21	The Secretary of State to the Ambassador in Germany (telegram).	Belgium requests that the United States bring Germany's attention to the fact that any deportation from Belgium would be in violation of international law.	858
4042	June 23 [Rec'd June 24]	The Ambassador in Germany to the Secretary of State (telegram).	Suggests that Hoover communicate to him through the London Embassy whether there is danger of Belgian deportations.	859
3899	Oct. 5	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Requests report from Hoover on deportations from France and Belgium, if any, and on the present situation.	859
4452	Oct. 10 [Rec'd Oct. 11]	The Chargé in Germany to the Secretary of State (telegram).	American Minister in Brussels states that Germany has demanded lists of Belgian unemployed with object of deporting them to Germany as laborers. Requests instructions.	859
3497	Oct. 19	The Acting Secretary of State to the Chargé in Germany (telegram).	If advisable, draw attention of Minister for Foreign Affairs to action of the military authorities in Belgium, reminding him of assurances given Gerard regarding deportations.	860
9	Oct. 18 [Rec'd Oct. 20]	The Minister in Belgium to the Secretary of State (telegram).	Reports impressment and deportation of Belgian laborers in French Flanders; efforts to prevent this in Belgian occupied territory.	860
	Oct. 10 [Rec'd Oct. 24]	The Chairman of the Commission for Relief in Belgium to the Secretary of State.	Account of the evacuation of congested sections of Lille.	860
4511	Oct. 23 [Rec'd Oct. 25]	The Chargé in Germany to the Secretary of State (telegram).	Undersecretary of State for Foreign Affairs has promised an investigation of Belgian deportations.	862
4535	Oct. 27 [Rec'd Oct. 31]	The Chargé in Germany to the Secretary of State (telegram).	Report of an interview with Zimmermann concerning enforced labor of Belgian civilians; suggests representations to the Chancellor.	862
3539	Nov. 2	The Secretary of State to the Chargé in Germany (telegram).	Authorizes interview with Chancellor on subject of enforcing labor on Belgian civilians.	863

## PART IV

## REPRESENTATIONS IN BEHALF OF CIVILIANS DEPORTED, ETC.—Continued

No.	Date	From and to whom	Subject	Page
12	Nov. 1 [Rec'd Nov.3]	The Minister in Belgium to the Secretary of State (telegram).	Reports number of Belgians unemployed and number sent to Germany. Quotes statement of German authorities.	863
14	Nov. 9 [Rec'd Nov.15]	The Minister in Belgium to the Secretary of State (telegram).	Indiscriminate impressment of workmen continues. Suggests measures for ameliorating situation and encloses opinion of Commission for Relief in Belgium.	864
15	Nov. 11 [Rec'd Nov.15]	The Minister in Belgium to the Secretary of State (telegram).	Suggests that Germany be urged to open camps of Belgian workmen in Germany to inspection of neutral powers.	865
16	Nov. 15 [Rec'd Nov.17]	The Minister in Belgium to the Secretary of State (telegram).	Impressment of workmen continues, though less rigorously. Members of relief organizations now respected.	865
4625	Nov. 20 [Rec'd Nov.21]	The Chargé in Germany to the Secretary of State (telegram).	The Chancellor, in an interview with the Spanish Minister, seemed disposed to consider amelioration of measures for deporting Belgian workmen. No actual revocation of policy.	866
4635	Nov. 22 [Rec'd Nov.23]	The Chargé in Germany to the Secretary of State (telegram).	Report of an interview with the Chancellor on enforced employment and deportation of Belgian civilians.	866
4645	Nov. 24 [Rec'd Nov.25]	The Chargé in Germany to the Secretary of State (telegram).	Points of amelioration adopted by Germany in carrying out measures of impressment and deportation of Belgian workmen.	867
21	Nov. 28 [Rec'd Nov.29]	The Minister in Belgium to the Secretary of State (telegram).	Recruitment of Belgian workmen continues without discrimination. Instances given.	867
4689	Dec. 5 [Rec'd Dec. 6]	The Chargé in Germany to the Secretary of State (telegram).	Chancellor informally denies that deportation of Belgians is contrary to international law. Points out Entente forcing of Roumania and Greece.	868
4719	Dec. 11 [Rec'd Dec.13]	The Chargé in Germany to the Secretary of State (telegram).	Zimmermann promises amelioration of conditions and manner of carrying out deportation measures. Encloses German note in justification of these measures.	868
4756	Dec. 20 [Rec'd Dec.21]	The Chargé in Germany to the Secretary of State (telegram).	Transmits German note: Owing to complaints of Belgian workmen, a number have been returned home from Germany.	870

## PART IV

## REPRESENTATIONS IN BEHALF OF IRISH POLITICAL PRISONERS

No.	Date	From and to whom	Subject	Page
3606	Aug. 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Transmits, for presentation to the Foreign Office, text of Senate resolution expressing the hope that the British Government will show clemency in treatment of Irish political prisoners.	870
3608	Aug. 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to report whether Senate resolution was presented to Foreign Office; also any further details on Casement case.	871
4654	Aug. 3	The Chargé in Great Britain to the Secretary of State (telegram).	Senate resolution presented to Prime Minister. Casement executed this morning.	871

## CORRESPONDENCE RELATING TO RELIEF WORK

## BELGIAN RELIEF

279	Apr. 18 [Rec'd May 13]	The Minister in Belgium to the Secretary of State.	Transmits copy of correspondence with the Embassy in Great Britain and with German authorities regarding adjustments necessary to insure continuation of relief work in Belgium.	871
3885	May 30 [Rec'd June 12]	The Ambassador in Great Britain to the Secretary of State.	Transmits Grey's note giving assurance of British cooperation in Belgian relief work.	883
5089	Oct. 24 [Rec'd Nov. 6]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note concerning the distribution of foodstuffs in Belgium, considered in connection with the labor policy of the German Government of occupation.	884
5194	Nov. 23	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits Grey's personal appeal to the United States that Belgian relief work shall not be destroyed by the acts of Germany.	885

## POLISH RELIEF

2658	Jan. 4	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry as to arrangements made by Hoover with the Central powers for relief in Serbia and Poland.	886
3541	Jan. 11	The Ambassador in Great Britain to the Secretary of State (telegram).	Reasons why the Relief Commission sees little hope of helping Poland. Investigations in Serbia.	886

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
2926	Feb. 23	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to inform Hoover that Polish relief organizations are inquiring what progress he is making in obtaining consent of belligerents for relief work in Poland.	886
2945	Feb. 26	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to advise Grey that American citizens desire to send relief to Poland through the Belgian Relief Commission.	887
3865	Feb. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Cabinet has not yet reached a decision on the subject of Polish relief. Relief everywhere put in jeopardy by German conduct.	887
B 2258	Feb. 28 [Rec'd Feb. 29]	The German Ambassador to the Secretary of State.	Gives assurance that food for Poland will not be seized on way through Germany and will be distributed exclusively among Polish population.	887
3914	Mar. 6 [Rec'd Mar. 7]	The Ambassador in Great Britain to the Secretary of State (telegram).	Germans will agree to Hoover-Walcott relief plan for Poland; asks that British approval be urged.	888
3966	Mar. 16	The Ambassador in Great Britain to the Secretary of State (telegram).	British have referred question of Polish relief to Russia, and will act according to Russian decision.	888
3282	Mar. 20 [Rec'd Apr. 5]	The Ambassador in Great Britain to the Secretary of State.	Transmits draft of plan submitted to Grey by Hoover and Walcott for relief in Poland.	889
906	Apr. 3 [Rec'd Apr. 5]	The Austro-Hungarian Chargé to the Secretary of State.	Burian gives assurance that food imported to Poland will not be requisitioned and approves of American committee for distribution.	890
788	Apr. 15	The Secretary of State to the Chargé in Russia (telegram).	Instruction to inquire unofficially as to the attitude of the Russian Government toward plan for relief of Poland.	890
517	Apr. 25 [Rec'd Apr. 27]	The Chargé in Russia to the Secretary of State (telegram). Repeated to the Ambassador in Great Britain.	Attitude of Russian Government favorable toward plan of Rockefeller Foundation for relief in Poland.	891
816	May 10	The Secretary of State to the Ambassador in Russia (telegram).	Inquires whether Russia would favor extension over Poland of organization of Belgian Relief Commission and the conditions and guarantees required.	891



## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
561	May 20 [Rec'd May 21]	The Ambassador in Russia to the Secretary of State (telegram).	Russia consents to U. S. relief in Poland under guarantee that aid does not reach her enemies.	891
3741	May 12 [Rec'd May 22]	The Ambassador in Great Britain to the Secretary of State.	Transmits British memorandum on proposed plan for Polish relief and draft of guarantees to be signed by German authorities in Poland.	892
3028	May 24	The Acting Secretary of State to the Ambassador in Germany (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Austria-Hungary.	Instructions to furnish Foreign Office with copy of British memorandum on relief in Poland and to ascertain its attitude.	894
3031	May 25	The Acting Secretary of State to the Ambassador in Germany (telegram). Same to the Ambassador in Great Britain.	Transmits message of Rockefeller Foundation to Director of War Relief Commission in Stockholm announcing the availability of funds for relief work in Poland, Serbia, Montenegro, and Albania when arrangements satisfactory to Commission have been made.	895
3034	May 27	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to report on German attitude toward Polish relief. Breakdown of relief through inability of powers to agree on details would be a calamity.	895
3929	May 29 [Rec'd May 30]	The Ambassador in Germany to the Secretary of State (telegram).	Presented to Minister of Interior copy of the British memorandum regarding relief of Poland. Proposition will probably be rejected.	896
3038	May 31	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to present to Foreign Office substance of Department's 3034, May 27, regarding relief in Poland.	896
3934	May 30 [Rec'd May 31]	The Ambassador in Germany to the Secretary of State (telegram). Repeated to the Ambassadors in Great Britain, France, and Russia.	Gives reasons why Germany can not accept proposition made by Great Britain in memorandum of May 10. Offers substitute proposition.	896

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
3992	June 13 [Rec'd June 14]	The Ambassador in Germany to the Secretary of State (telegram).	Germany can not accept conditions proposed by England for relief in Poland. Indicates form of relief work acceptable.	897
611	June 15 [Rec'd June 20]	The Ambassador in Russia to the Secretary of State (telegram).	Sazonov declines to pass on proposed plan of relief for Poland before conferring with the Allies. Objects to large number soldiers being maintained in Poland.	898
4017	June 16 [Rec'd June 26]	The Ambassador in Great Britain to the Secretary of State.	Transmits telegrams from the Ambassador in Berlin on Polish relief and British note maintaining the responsibility of Germany and Austria-Hungary for conditions and adhering to original demands.	898
	July 7	The Acting Secretary of State to the Ambassadors in Austria-Hungary, France, Germany, Great Britain, and Russia (telegram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
4183	July 7 [Rec'd July 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note and memorandum on various points connected with present treatment of Poland by Germany and Austria.	900
	July 20	The President of the United States to the Sovereigns of Austria-Hungary, Germany, Great Britain, and Russia, and the President of France.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
4619	July 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits final British proposal of conditions upon which food-stuffs may enter occupied territory. Comments.	904
1506	July 28 [Rec'd July 29]	The Ambassador in France to the Secretary of State (telegram).	Allies are communicating through the British Government, a new proposal for relief work in Poland.	905
4171	July 29 [Rec'd July 30]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits German note stating that Great Britain has prevented relief work and that the harvest will relieve the situation.	906

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1374	Aug. 7 [Rec'd Aug. 9]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Foreign Office note stating that military authorities will not remove supplies from occupied territory in such quantities as to jeopardize the population.	906
4688	Aug. 9	The Chargé in Great Britain to the Secretary of State (telegram).	Quotes British note discrediting German and Austro-Hungarian assertions regarding relief work and stating that further negotiations seem useless.	907
	Undated [Rec'd Aug. 12]	King George V to President Wilson.	Has offered assistance in relief work upon reasonable conditions, which Germany has refused.	907
1554	Aug. 25	The Chargé in France to the Secretary of State (telegram).	Transmits copy of reply of the President of France to President Wilson, expressing willingness but inability to find means of relieving sufferings in Poland because of attitude of the enemy.	908
3904	Aug. 28 [Rec'd Sept. 11]	The Ambassador in Germany to the Secretary of State.	Transmits Emperor's reply to President Wilson: Russia responsible for Poland's condition; relief measures taken; U. S. aid balked by Entente.	909
3934	Aug. 30 [Rec'd Sept. 11]	The Ambassador in Germany to the Secretary of State.	Transmits German note: Wording and substance of British declaration regarding relief work makes discussion impossible.	911
263	Aug. 30 [Rec'd Sept. 20]	The Ambassador in Russia to the Secretary of State.	Transmits reply of the Emperor to President Wilson: Favors relief work in Poland but regrets that the enemy has opposed legitimate conditions submitted by Allies. Comments.	911
1920	Aug. 25 [Rec'd Sept. 25]	The Ambassador in Austria-Hungary to the Secretary of State.	Transmits reply of the Emperor to President Wilson: Ready to make agreement for provisioning Poland; conditions have been communicated to American Embassy.	912

## SERBIAN RELIEF

	Nov. 26, 1915	The Consul at Saloniki to the Secretary of State (telegram).	Transmits report of the head of the Sanitary Commission to the Red Cross concerning relief in Serbia and other Balkan States.	913
1013	Dec. 8, 1915	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Red Cross wishes to know if Austria-Hungary desires cooperation in relieving distress of Serbia.	914

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
2619	Jan. 21	The Secretary of State to the Ambassador in Germany (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Austria-Hungary and the Chargé in Bulgaria.	Instruction to report upon attitude of the German Government toward transportation of relief supplies by Red Cross from Holland to Serbia by land.	914
2760	Jan. 21	The Secretary of State to the Ambassador in Great Britain (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in France.	Inquires attitude of British Government toward the transportation of relief supplies from the United States to Holland thence by land to Serbia.	914
3638	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Consent of British depends upon adequacy of machinery in Serbia for distributing food. Suggests that Red Cross wait until machinery is set up. Grain in Roumania cheaper.	914
1171	Jan. 13 [Rec'd Feb. 1]	The Ambassador in Austria-Hungary to the Secretary of State.	Transmits Austro-Hungarian note stating that the direction of Red Cross relief work in Serbia will be put in hands of Government General in Belgrade. Dr. Stuart will be permitted to return to Serbia. Comments.	915
1256	Feb. 6	The Ambassador in France to the Secretary of State (telegram).	Foreign Office states that it is incumbent upon Central Empires to assure feeding of the population of invaded countries.	916
1140	Feb. 9 [Rec'd Feb. 10]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government agrees in principle to shipments via Holland for Serbian relief, but delays final reply as to facilities and guarantees.	916
1137	Feb. 24	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Inquires why members of the Red Cross have been ordered to leave Serbia. Requests that Dr. Stuart and committee may continue their efforts for relief of Serbians.	916
1167	Feb. 26 [Rec'd Feb. 27]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Quotes message to Dr. Stuart through Bucharest Legation giving reasons for expulsion of Red Cross from Belgrade, and reply from Vopicka assuring Austria that required supplies for Serbian relief will be furnished. Requests instructions.	917

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1148	Feb. 29	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to communicate to Foreign Office Vopicka's assurance of supplies for Serbia and to ascertain attitude of the Government.	917
3545	Feb. 29 [Rec'd Mar. 1]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits message for Red Cross: German Government will permit transportation through Germany of supplies for Serbia, but must be informed as to contents and amount of shipments.	918
1175	Mar. 4 [Rec'd Mar. 5]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits summary of official note containing specific instructions to Government General at Belgrade as to methods to be used in carrying out American relief work.	918
1215	Apr. 1 [Rec'd Apr. 2]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's message to the Red Cross stating that he is proceeding to Belgrade.	919
1230	Apr. 18 [Rec'd Apr. 19]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's report to the Red Cross on progress of relief work in Belgrade and interior Serbia.	919
	Apr. 21 [Rec'd Apr. 22]	The British Ambassador to the Secretary of State.	Forwards message for Dr. Ryan: British ready to approve sending of medical and sanitary mission to Serbia, but would not approve of the introduction of foodstuffs.	919
1375	Apr. 29	The Ambassador in France to the Secretary of State (telegram).	Transmits Ryan's message to Red Cross: France refuses to allow further transportation of relief supplies for Serbia.	920
1300	June 13 [Rec'd June 14]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits, for Red Cross, summary of agreement between Dr. Stuart and the Military Governor General in Belgrade for the distribution of supplies in Serbia. Comments.	920
267	July 5 [Rec'd July 8]	The Minister in Roumania to the Secretary of State (telegram).	Asks Department to try to influence British Government to withdraw its opposition to Red Cross shipments of flour to Serbia.	921
4596	July 22	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note stating that as Austria and Germany claim the ability to provide food for Serbia, importation from neutral countries is unnecessary. If need exists, however, the British Government will release the grain requested.	922

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1373	Aug. 7 [Rec'd Aug. 8]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's message to Red Cross stating that the Austrian Government accepts the agreement for shipment of supplies from Roumania instead of from America.	923
2237	Nov. 25 [Rec'd Dec. 26]	The Ambassador in Austria-Hungary to the Secretary of State.	Transmits official note asking that American Red Cross activities in Serbia cease after distribution of supplies already on hand.	923

## RELIEF IN TURKISH TERRITORIES

1710	Jan. 14	The Secretary of State to the Ambassador in Turkey (telegram).	Instructions to have the <i>Des Moines</i> at Piraeus ready to transport American Red Cross members and supplies to Beirut, also to obtain permission for the ship to enter port.	924
1494	Jan. 17 [Rec'd Jan. 24]	The Ambassador in Turkey to the Secretary of State (telegram).	Turks do not authorize any ships to enter Beirut, as Syrian coast is blockaded by Allies; little hope that U. S. request will be granted. Asks for whom supplies are intended.	924
1758	Jan. 26	The Secretary of State to the Ambassador in Turkey (telegram).	Supplies are for the American Red Cross hospital at Beirut and the American community.	924
1520	Jan. 27 [Rec'd Jan. 31]	The Ambassador in Turkey to the Secretary of State (telegram).	Syrian blockade prevents the <i>Des Moines</i> from proceeding to Beirut; the only route open is via Constantinople.	925
	Feb. 4	The Secretary of State to the Consul at Jerusalem (telegram).	Asks if arrangements can be made to land at Jaffa, supplies for hospitals at Jerusalem.	925
1840	Feb. 10	The Secretary of State to the Ambassador in Turkey (telegram).	Red Cross inquires whether arrangements can be made with blockading squadron for <i>Des Moines</i> to pass blockade as others have done.	925
1570	Feb. 13 [Rec'd Feb. 25]	The Chargé in Turkey to the Secretary of State (telegram).	Turkish Government refuses permission for the <i>Des Moines</i> to visit Beirut.	925
1610	Feb. 26 [Rec'd Mar. 10]	The Chargé in Turkey to the Secretary of State (telegram).	States conditions upon which medical supplies may be landed at Jaffa for Jewish hospital in Jerusalem.	926

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1422	Mar. 14	The Acting Secretary of State to the Ambassador in France (telegram). The same to the Ambassador in Great Britain.	Instructions to inquire whether the landing of medical supplies for Jewish hospitals in Jerusalem will be permitted.	926
4041	Mar. 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office desires to know how it is to be assured that stores landed at Jaffa will reach the Jewish hospitals for which they are intended.	926
1680	Mar. 23 [Rec'd Mar. 29]	The Chargé in Turkey to the Secretary of State (telegram).	Transmits message of the Red Cross, Constantinople, to the Red Cross, Washington, urging relief for civilians of all races.	927
1344	Apr. 4	The Ambassador in France to the Secretary of State (telegram).	French can not modify blockade of Syrian coast by allowing Red Cross supplies to enter for Jerusalem.	927
1735	Apr. 12 [Rec'd Apr. 15]	The Chargé in Turkey to the Secretary of State (telegram).	Assurances given by Ottoman officials that medical supplies for Jewish hospitals will not be interfered with.	927
2332	Apr. 18	The Secretary of State to the Chargé in Turkey (telegram).	Red Cross sends \$50,000 to be used in cooperation with Red Crescent Society for relief work in Turkey.	928
2341	Apr. 19	The Secretary of State to the Chargé in Turkey (telegram).	American people consider it the duty of Germany to feed her allies. The Allies decline permission for America to send provisions to blockaded Turkish coast.	928
2376	Apr. 24	The Secretary of State to the Chargé in Turkey (telegram).	Request for a suggestion as to a method of transporting Red Cross supplies from Athens to Beirut.	928
1486	Apr. 27	The Secretary of State to the Ambassador in France (telegram).	Inquires if the French Government will permit a boat from Jaffa to meet American ship and receive medical supplies.	928
1771	Apr. 27 [Rec'd May 1]	The Chargé in Turkey to the Secretary of State (telegram).	No means of transporting Red Cross supplies from Athens or Constantinople to Beirut.	929
4244	May 3	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government unable to modify blockade of Syrian coast by permitting the landing of supplies for Jewish hospitals.	929

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1412	May 24	The Ambassador in France to the Secretary of State (telegram.)	French Government declines to permit a vessel to pass through blockaded port (Jaffa) with hospital supplies.	929
2678	June 3	The Acting Secretary of State to the Chargé in Turkey (telegram).	Inquires whether Ottoman Government has been urged to protect Christians and whether relief supplies will be permitted to enter Lebanon and other parts of Syria. Conditions serious.	930
2763	June 17	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to call attention of Turkish Government to the strong sympathy in the United States for the destitute of Syria, and to urge prompt reply.	930
1889	June 17 [Rec'd June 21]	The Chargé in Turkey to the Secretary of State (telegram).	Report of desperate situation in Syria, which Turkish officials deny. Promise of an investigation.	930
2779	June 23	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to continue to urge the Ottoman Government to grant permission for sending relief supplies to Syria.	931
2784	June 24	The Secretary of State to the Chargé in Turkey (telegram).	If Turkish Government is not attempting to starve inhabitants of Lebanon, what are objections to sending relief supplies there and to Syria?	931
2814	July 7	The Acting Secretary of State to the Chargé in Turkey (telegram).	Refusal of Turkish Government to permit relief for Syria may affect American sentiment toward Turkey.	932
1930	July 6 [Rec'd July 9]	The Chargé in Turkey to the Secretary of State (telegram).	Minister for Foreign Affairs denies that famine exists in Syria; he has submitted proposal for relief to the Minister of Interior and is awaiting his decision.	932
1948	July 15 [Rec'd July 19]	The Chargé in Turkey to the Secretary of State (telegram).	Relief measures inadequate. Asks Department to appeal to Germany and Austria-Hungary to force Turkey to cease persecutions.	932
	July 31	Memorandum communicated by the Third Assistant Secretary of State to the French Ambassador.	Cooperation of Germany and Austria-Hungary in Syrian relief might be more readily obtained if Allies would allow Red Cross supplies to Germany and Austria-Hungary to pass through blockade.	933
1987	July 26 [Rec'd Aug. 1]	The Chargé in Turkey to the Secretary of State (telegram).	Government refuses to permit distribution of relief supplies in Syria and the Lebanon by neutrals; denies need for outside help.	934



## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
1525	Aug. 11	The Ambassador in France to the Secretary of State (telegram).	French Government agrees to delivery of hospital supplies for Jerusalem under specified conditions.	935
2029	Aug. 12 [Rec'd Aug. 15]	The Chargé in Turkey to the Secretary of State (telegram).	Proposes an arrangement for the distribution of American relief supplies in Syria and the Lebanon by the Red Crescent conjointly with Red Cross.	936
1545	Aug. 22	The Chargé in France to the Secretary of State (telegram).	Vessel transporting supplies for Jerusalem must conform to measures prescribed by French naval authorities for passage of blockade.	936
	Aug. 31	The Secretary of State to the Consul at Alexandria (telegram).	Cholera reported in Palestine and Damascus. The <i>Des Moines</i> will transport supplies when passage of blockade is arranged.	937
	Sept. 7	The Consul at Alexandria to the Secretary of State (telegram).	Passage through blockade arranged for the <i>Des Moines</i> .	937
2949	Sept. 13	The Secretary of State to the Chargé in Turkey (telegram).	Allies have given consent for the <i>Des Moines</i> to take medical supplies through the blockade. Instructions to request Turkish permission for American citizens to leave Palestine on the vessel.	937
2078	Sept. 9 [Rec'd Sept. 13]	The Chargé in Turkey to the Secretary of State (telegram).	Sublime Porte consents to the distribution of relief in Syria through Red Crescent and American Red Cross. Similar arrangement will be made with Spain.	938
2099	Sept. 16 [Rec'd Sept. 20]	The Chargé in Turkey to the Secretary of State (telegram).	Transmits telegram to Consul General at Beirut and reply regarding arrangements for distribution of relief supplies through the Red Cross.	938
3034	Oct. 14	The Secretary of State to the Chargé in Turkey (telegram).	Space will be reserved on the <i>Des Moines</i> for supplies for the Syrians. Requests information regarding method of distribution and assurances that the Red Cross will have controlling management.	938
2192	Oct. 18 [Rec'd Oct. 24]	The Ambassador in Turkey to the Secretary of State (telegram). Substance communicated to the French Ambassador.	Inadvisable to discuss or publish details concerning the sending and distributing of relief supplies.	939

## PART IV

## CORRESPONDENCE RELATING TO RELIEF WORK—Continued

No.	Date	From and to whom	Subject	Page
2276	Nov. 25 [Rec'd Nov.28]	The French Ambassador to the Secretary of State.	France grants free passage to the <i>Caesar</i> for carrying of supplies to the Syrians. Asks that all supplies be taken in one trip.	939
	Nov. 23 [Rec'd Nov.28]	The Ambassador in Turkey to the Secretary of State (telegram).	Further arrangements for the importation and distribution of food for Syria and the Lebanon.	940
	Dec. 19	The Secretary of State to the Ambassadors in Great Britain, France, Germany, Austria-Hungary, Turkey, and Spain (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940

## THE EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE AS CONTRABAND OF WAR: THE QUESTION OF THEIR SHIPMENT TO THE CENTRAL EMPIRES

2162	Jan. 3 [Rec'd Jan. 17]	The Ambassador in Germany to the Secretary of State.	Requests that British permission be obtained for shipment of rubber operating gloves to American medical expedition in Berlin.	941
	Feb. 18	The Secretary of State to the Ambassador in Great Britain.	Transmits letter from ex-President Taft requesting permits for Red Cross supplies for Germany, Austria, and Turkey. Instructions to obtain requested permits.	941
2986	Mar. 2	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to ascertain whether Government will permit passage of rubber medical supplies to Germany for American Physicians' Expeditions Committee.	942
3627	Mar. 15 [Rec'd Mar.16]	The Ambassador in Germany to the Secretary of State (telegram).	Asks that rubber gloves be sent through Embassy, and proposes to guarantee that they will be destroyed after use.	943
3642	Mar. 18 [Rec'd Mar.19]	The Ambassador in Germany to the Secretary of State (telegram).	Rubber gloves used for work on military and civil prisoners. Need urgent.	943
2839	Mar. 23	The Acting Secretary of State to the Ambassador in Germany (telegram).	Improper to make guarantee regarding operating gloves. Ambassador in London will communicate fact to proper parties.	943

## PART IV

## THE EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3080	Mar. 23	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Gerard states that it would be unfortunate if Germans had to cease caring for wounded prisoners for lack of rubber gloves. Instructions to notify proper parties.	943
4045	Mar. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note regarding medical supplies for Germany: U. S. voucher for authenticity of the American Physicians' Expeditions Committee in Germany essential to the granting of facilities for receiving supplies.	944
3317	Mar. 23 [Rec'd Apr. 5]	The Ambassador in Great Britain to the Secretary of State.	Transmits British note withdrawing list of hospital supplies which Great Britain had proposed to exempt from seizure as contraband, and stating reasons.	945
	Apr. 20	Memorandum of the Third Assistant Secretary of State.	Has shown the British Ambassador the German note of Oct. 15, apparently accepting the British list of hospital supplies to be exempted from seizure; pointing out that it had been delivered to the British Embassy on Dec. 9 and that Grey's note of March 22 was evidently sent in error.	946
2956	May 1	The Secretary of State to the Ambassador in Germany (telegram).	Inquires whether the German Government had ever given a definite reply to British proposal for exemption of hospital supplies.	946
3843	May 4 [Rec'd May 5]	The Ambassador in Germany to the Secretary of State (telegram).	No correspondence relative to hospital supplies in transit subsequent to Nov. 10; Foreign Office has received no reply to note of Oct. 15 to Spanish Ambassador.	947
2982	May 8	The Secretary of State to the Ambassador in Germany (telegram).	British proposal regarding exemption of hospital supplies was sent with Department's instruction of June 25, 1915. Inquires whether presented; whether note of Oct. 15 to Spanish Ambassador was an answer thereto; whether any other medium was used to convey the reply.	947
	May 8 [Rec'd May 10]	The Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Claims for Red Cross treaty rights to exemption of hospital supplies from interference as contraband. British withdrawal based on misconception of attitude of Central powers.	947
3877	May 11 [Rec'd May 12]	The Ambassador in Germany to the Secretary of State (telegram).	Proposal of British Government concerning hospital supplies was given to Germany Aug. 2, 1915. Reply was sent to Spanish and U. S. Governments with idea that they would inform the enemy.	949

## PART IV

## THE EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3013	May 19	The Acting Secretary of State to the Ambassador in Germany (telegram).	Inquires whether German reply to British proposal concerning hospital supplies was sent to British Government through Spanish diplomatic officers.	950
3910	May 22 [Rec'd May 23]	The Ambassador in Germany to the Secretary of State (telegram).	British proposal concerning hospital supplies was agreed to by Germany; note to that effect was sent to Spain.	950
3405	June 9	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry regarding a possible understanding with Spanish Ambassador not to present to the British Government the German reply concerning hospital supplies.	951
	June 10 [Rec'd June 12]	The Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Proposal that the Red Cross send to the Central powers a commission of satisfactory persons to receive and distribute hospital supplies.	951
3430	June 16	The Secretary of State to the Ambassador in Great Britain (telegram).	Instruction to present to British Government the Red Cross proposal regarding shipments of hospital supplies to Central powers.	952
4482	June 21	The Ambassador in Great Britain to the Secretary of State (telegram).	Explains why the German reply to the British proposal concerning hospital supplies was not presented to the British Government.	953
3486	July 3	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to present Taft's note of May 8 to British Government without comment.	953
3487	July 3	The Secretary of State to the Ambassador in Great Britain (telegram).	Disapproves of his action in expressing an opinion as to inutility of presenting the German reply to British Government.	953
4553	July 13	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note disapproving Red Cross suggestion to send a supervisory commission to Central powers, as no need exists.	954
3527	July 17	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Unfavorable impression created here by British failure to acquiesce in Red Cross proposition.	954

## PART IV

## THE EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE, ETC.—Continued

No.	Date	From and to whom	Subject	Page
4598	Undated [Rec'd July 22]	The Ambassador in Great Britain to the Secretary of State (telegram).	Lord Robert Cecil repeats British refusal to admit Red Cross supplies to Germany.	955
4625	July 28 [Rec'd July 29]	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note in justification of refusal to permit hospital supplies to be sent to Central powers, except to American Red Cross units.	955
	Aug. 1 [Rec'd Aug. 4]	The Acting Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Requests that the Central powers be asked to authorize the reestablishment of Red Cross hospital units.	956
3275	Aug. 8	The Acting Secretary of State to the Ambassador in Germany (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Austria-Hungary.	Inquiry regarding permission for the Red Cross to establish hospital units in Germany.	957
1450	Sept. 20 [Rec'd Sept. 22]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government accepts offer of the Red Cross to send hospital units.	957
4489	Oct. 18 [Rec'd Oct. 19]	The Chargé in Germany to the Secretary of State (telegram).	German Government accepts offer of the Red Cross to send hospital units.	957
4074	Nov. 23	The Secretary of State to the Ambassador in Great Britain (telegram).	Red Cross has been informed that, in view of the condition of British prisoners of war in Turkey, the British Government will not permit the establishment of American Red Cross units in Germany. Instruction to call attention of British Government to its unconditional assurances of July 28.	958
5264	Dec. 4 [Rec'd Dec. 5]	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British note suggesting that the United States put forward proposals under which British prisoners would receive no less consideration than is accorded Syrian and Jewish populations in Near East.	958

PART IV

THE SHIPMENT TO THE CENTRAL EMPIRES OF MILK FOR BABIES

No.	Date	From and to whom	Subject	Page
2639	Dec. 27, 1915	The Secretary of State to the Ambassador in Great Britain (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in France.	Asks if British will permit transportation, from the United States to Germany and Austria, of milk for babies, to be distributed by the Red Cross.	959
1210	Jan. 13	The Ambassador in France to the Secretary of State (telegram).	Transmits French refusal for the transit of milk from the United States to Germany and Austria.	959
2698	Feb. 11	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to make a report upon the importation of milk into Germany for the two years preceding the war.	960
3502	Feb. 18 [Rec'd Feb. 19]	The Ambassador in Germany to the Secretary of State (telegram).	Reports on Germany's foreign milk trade during the years 1912 and 1913.	960
2946	Apr. 18 [Rec'd May 8]	The Ambassador in Germany to the Secretary of State.	Transmits report of Doctor Taylor, Embassy camp inspector, regarding German milk supply and health conditions of infants and children.	960
3087	June 13	The Secretary of State to the Ambassador in Germany (telegram).	Desires to know if there is any objection to the publication of Doctor Taylor's milk report.	963
4001	June 15 [Rec'd June 16]	The Ambassador in Germany to the Secretary of State (telegram).	Sees no objection to publication of Doctor Taylor's milk report.	963
3101	June 17	The Secretary of State to the Ambassador in Germany (telegram).	Instruction to ascertain if Germany will consent to the publication of Doctor Taylor's milk report.	964
	June 22 [Rec'd June 24]	The British Ambassador to the Secretary of State.	Inquires whether Department has agreed to give clearance papers for cargo of condensed milk for Germany, Austria, and Poland, to be sent by Citizens' Committee for Food Shipments.	964
1227	June 30	The Secretary of State to the British Ambassador.	Department has not approved or disapproved shipment of condensed milk to be sent by Citizens' Committee for Food Shipments to Germany, Austria, and Poland.	964

## THE SHIPMENT TO THE CENTRAL EMPIRES OF MILK FOR BABIES—Continued

No.	Date	From and to whom	Subject	Page
	July 14 [Rec'd July 17]	Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments, to the Chief of the Division of Near Eastern Affairs, Department of State.	Declares that publication of Doctor Taylor's milk report has wrought havoc and has necessitated a public statement regarding it. Encloses copy of the statement.	965
3208	July 20	The Acting Secretary of State to the Ambassador in Germany (telegram).	Inquires if children are starving at such a rate that the United States may, on humanitarian grounds, ask for the removal of milk from the contraband list.	967
4150	July 24 [Rec'd July 25]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Doctor Taylor's report of July 24 stating that the milk supply of Germany is sufficient.	967
	Aug. 8	The Secretary of State to Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments.	Considers as conclusive Doctor Taylor's report upon the milk situation in Germany. American rights in British blockade are in hands of Department officials.	968
4204	Oct. 3 [Rec'd Oct. 16]	The Chargé in Germany to the Secretary of State.	Transmits Doctor Taylor's report of Sept. 30 bearing upon the milk supply of Germany.	968

## THE ECONOMIC CONFERENCE OF THE ALLIED GOVERNMENTS

593	Mar. 9	The Ambassador in Italy to the Secretary of State (telegram).	Efforts may be made at approaching conference at Paris to make restrictions on commerce; may possibly affect American interests.	972
1413	Mar. 10	The Secretary of State to the Ambassador in France (telegram).	Instructions to ascertain results of the commercial conference at Paris, if it is held.	972
1336	Mar. 29 [Rec'd Mar. 30]	The Ambassador in France to the Secretary of State (telegram).	Transmits resolutions adopted at a conference of the Allies held at Paris, Mar. 27 and 28, to insure unity of military, economic, and diplomatic action in carrying on the war.	972

## PART IV

## THE ECONOMIC CONFERENCE OF THE ALLIED GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
	Apr. 17	The Ambassador in Japan to the Secretary of State (telegram).	Japanese envoy to Entente economic conference is on the way to Paris; he does not favor suggested economic alliance between the Entente nations to regulate trade after the war. Suggests that American representatives in Paris get in touch with him.	973
	Apr. 24	The Secretary of State to the Ambassador in Japan (telegram).	Would regret any combination which might restrict commerce between Japan and United States.	973
1494	May 3	The Secretary of State to the Ambassador in France (telegram).	Instructions to report fully on progress of the economic conference of Allies.	973
1383	May 6 [Rec'd May 8]	The Ambassador in France to the Secretary of State (telegram).	The (unofficial) International Parliamentary Commercial Conference at Paris, Apr. 27-29, 1916, discussed commercial relations, reparations, and international financial and judicial questions.	974
3311	June 22 [Rec'd July 5]	The Ambassador in France to the Secretary of State.	Transmits recommendations adopted by the Economic Conference of the Allied Governments held at Paris June 14-17, 1916. Comments.	974
3324	June 23 [Rec'd July 5]	The Ambassador in France to the Secretary of State.	Statement which the Minister of Commerce made to members of the press when delivering to them the official announcement of the recommendations adopted by the commercial conference of the Allies. Comments.	977
118	June 26 [Rec'd July 24]	The Ambassador in Russia to the Secretary of State.	Reports discussion with Sazonov of the economic conference of Allies at Paris, its object and effect. President Wilson's speech to the League to Enforce Peace misconstrued by European press.	981
133	Aug. 24	The Secretary of State to the Ambassador in Russia.	Instructions to keep the Department posted as to Russia's attitude towards U. S. commerce as result of the economic conference.	982
4190	Dec. 20	The Secretary of State to the Ambassador in Great Britain (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in France.	Inquires action of British Government on the resolutions of the Paris economic conference.	982



## PART IV—Continued

## THE ECONOMIC CONFERENCE OF THE ALLIED GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
5378	Dec. 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Paris resolution approved by British Government. No ratification possible for this class of agreement. No new legislation on the subject since the conference.	983
1771	Dec. 30 [Rec'd Dec. 31]	The Ambassador in France to the Secretary of State (telegram).	Resolutions adopted at (Paris economic) conference now ratified by all signatory powers, except Italy, Russia, and Japan. No French legislation yet enacted to carry out the resolutions.	983

# LIST OF PAPERS BY COUNTRIES, INCOMING PAPERS CHRONOLOGICALLY UNDER DATE OF ISSUE

## AUSTRIA-HUNGARY

No.	Date	From and to whom	Subject	Page
1013	Dec. 8, 1915	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Red Cross wishes to know if Austria-Hungary desires cooperation in relieving distress of Serbia.	914
1066	Jan. 3	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Inquires concerning the destruction of the <i>Persia</i> and asks assurances of early action by the Government.	143
[Enclosure]	Jan. 7	The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy.	Direction of Red Cross relief work in Serbia will be put in hands of Government General in Belgrade. Dr. Stuart will be permitted to return to Serbia.	915
	Jan. 12	The Austro-Hungarian Minister of Foreign Affairs to the Austro-Hungarian Chargé at Washington (telegram).	No information has been received in regard to the sinking of the <i>Persia</i> ; responsibility therefore cannot be assumed.	145
1171	Jan. 13 [Rec'd Feb. 1]	The Ambassador in Austria-Hungary to the Secretary of State.	Transmits Austro-Hungarian note stating that the direction of Red Cross relief work in Serbia will be put in hands of Government General in Belgrade. Dr. Stuart will be permitted to return to Serbia. Comments.	915
1093	Jan. 21	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instruction to report upon attitude of Austria-Hungary toward transportation of relief supplies by Red Cross from Holland to Serbia by land.	914 n
1103	Jan. 22 [Rec'd Jan. 23]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Minister for Foreign Affairs states that no Austro-Hungarian submarine was concerned in the sinking of the <i>Persia</i> .	148
1107	Jan. 31	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to inform the Department if prize court proceedings are instituted in relation to the <i>Ancona</i> , <i>Lasakumi Maru</i> , and <i>Persia</i> .	155

## AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
1116	Feb. 9	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to present to Foreign Office report of attack on the <i>Petrolite</i> , and if facts are as reported, to demand apology, punishment of captain, and compensation.	160
1140	Feb. 9 [Rec'd Feb. 10]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government agrees in principle to shipments via Holland for Serbian relief, but delays final reply as to facilities and guarantees.	916
1144	Feb. 10 [Rec'd Feb. 12]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Foreign Office note announcing that armed merchant vessels will be treated as belligerent.	166
1300	Feb. 14 [Rec'd Mar. 6]	The Ambassador in Austria-Hungary to the Secretary of State.	Report on services rendered belligerents as their representative and on their dissatisfaction with results obtained.	816
[Enclosure]	Feb. 22	The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy.	Explains attack on the <i>Petrolite</i> .	175
1137	Feb. 24	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Inquires why members of the Red Cross have been ordered to leave Serbia. Requests that Dr. Stuart and committee may continue their efforts for relief of Serbians.	916
1167	Feb. 26 [Rec'd Feb. 27]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Quotes message to Dr. Stuart through Bucharest Legation giving reasons for expulsion of Red Cross from Belgrade, and reply from Vopicka assuring Austria that required supplies for Serbian relief will be furnished. Requests instructions.	917
	Feb. 28	The Austro-Hungarian Chargé to the Secretary of State.	Austria-Hungary takes the same position as Germany on treatment of armed enemy merchantmen.	182
1168	Feb. 28 [Rec'd Feb. 29]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Vienna press is warned by Ministry of Foreign Affairs that relations between the United States and Germany have reached a critical stage.	182
1148	Feb. 29	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to communicate to Foreign Office Vopicka's assurance of supplies for Serbia and ascertain attitude of the Government.	917

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1175	Mar. 4 [Rec'd Mar. 5]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits summary of official note containing specific instructions to Government General at Belgrade as to methods to be used in carrying out American relief work.	918
1157	Mar. 9	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Denies that he told the Austro-Hungarian Chargé that the United States would welcome a German declaration that armed merchantmen would be treated as auxiliary cruisers.	202 n
1188	Mar. 15 [Rec'd Mar. 16]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Burian impressed with clearness of statement regarding the German memorandum on armed merchantmen; incident a case of misunderstanding.	206
	Mar. 20	The Acting Secretary of State to the Ambassador in Austria-Hungary.	The United States is merely acting as a channel of communication between belligerents and not with authority to present demands. Belligerent demands are to be communicated without comment.	819
573	Mar. 25 [Rec'd Apr. 18]	The Consul General at Budapest to the Secretary of State.	Details of a rumored agreement of Great Britain, France, and Germany in June 1914; plan ruined by Russian intrigues in the Balkans.	25
1215	Apr. 1 [Rec'd Apr. 2]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's message to the Red Cross stating that he is proceeding to Belgrade.	919
906	Apr. 3 [Rec'd Apr. 5]	The Austro-Hungarian Chargé to the Secretary of State.	Burian gives assurance that food imported to Poland will not be requisitioned and approves of American committee for distribution.	890
1194	Apr. 17	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Prompt report requested on the <i>Imperator</i> said to have been destroyed by Austrian submarine.	231
1230	Apr. 18 [Rec'd Apr. 19]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's report to the Red Cross on progress of relief work in Belgrade and interior Serbia.	919

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1242	Apr. 27 [Rec'd Apr.28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austrians do not want break with America.	250
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1256	May 10 [Rec'd May 11]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	It is thought that Germany's conduct of submarine war will be contingent upon concessions from the Entente.	266
[Enclosure]	May 16	The Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Promises to take steps to prevent press attacks on the President and U. S. Government.	276
1226	May 16	The Secretary of State to the Ambassador in Austria-Hungary (telegram; cancelled on May 17).	Impossible to send a warship for Austro-Hungarian Ambassador, but can arrange for his safe-conduct to the United States.	799
1609	May 20 [Rec'd June 19]	The Ambassador in Austria-Hungary to the Secretary of State.	Unfriendliness of the Austrian press to the United States. Note from Burian promising to take steps to prevent press attacks on the President and U. S. Government.	273
1272	May 24 [Rec'd May 25]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits official notice of prize court procedure in the <i>Ancona</i> case.	271
1238	May 24	The Acting Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to furnish Foreign Office with copy of British memorandum on relief in Poland and to ascertain its attitude.	894 n
1279	May 26 [Rec'd May 28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Press comments on the President's change of policy in regard to mediation.	30

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1300	June 13 [Rec'd June 14]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits, for Red Cross, summary of agreement between Dr. Stuart and the Military Governor General in Belgrade for the distribution of supplies in Serbia. Comments.	920
1263	June 21	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Gives information regarding attack on the <i>Petrolite</i> by Austrian submarine. Demands apology, punishment of commander, and indemnity.	276
	July 7	The Acting Secretary of State to the Ambassadors in Austria-Hungary, France, Germany, Great Britain, and Russia (telegram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
1296	July 14	The Acting Secretary of State to the Ambassador in Austria-Hungary (telegram).	This Government reserves right to present diplomatic claims in the <i>Ancona</i> case. Extension of time is requested for preparation of cases for prize court proceedings.	279
[Enclosure]	July 17	The Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Explanation of the <i>Petrolite</i> incident.	282
	July 20	The President of the United States to the Sovereigns of Austria-Hungary, Germany, Great Britain, and Russia, and the President of France.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
[Enclosure]	July 21	The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy.	Agrees to extend time for the registration of claims in the <i>Ancona</i> case, and to settle question of indemnity for personal injuries through diplomatic channels.	284
1373	Aug. 7 [Rec'd Aug. 8]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Transmits Dr. Stuart's message to Red Cross stating that the Austrian Government accepts the agreement for shipment of supplies from Roumania instead of from America.	923

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[Enclosure]	Undated [Rec'd Aug. 9]	The Austro-Hungarian Ministry for Foreign Affairs to the American Embassy.	Military authorities will not remove supplies from occupied territory in such quantities as to jeopardize the population.	906
1332	Aug. 18	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Awaits further report on the <i>Petrolite</i> case; requests that settlement be hastened.	283
[Enclosure]	Aug. 21	Emperor Francis Joseph to President Wilson.	Ready to make agreement for provisioning Poland; conditions have been communicated to American Embassy.	913
1423	Sept. 8 [Rec'd Sept. 9]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Reply to the U. S. <i>Petrolite</i> note promised soon.	286
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1988	Sept. 15 [Rec'd Oct. 2]	The Ambassador in Austria-Hungary to the Secretary of State.	An <i>impasse</i> arrived at in <i>Petrolite</i> case. Encloses Burian's reply to U. S. note.	288
1450	Sept. 20 [Rec'd Sept. 22]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government accepts offer of the Red Cross to send hospital units.	957
1370	Sept. 23	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	The United States understands that Austria-Hungary will consider claims in the <i>Ancona</i> case without need of presentation in prize court.	287
1464	Sept. 27 [Rec'd Sept. 28]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austria-Hungary wishes assurance that safe-conduct will be given should they send an ambassador to the United States.	799
1375	Sept. 29	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Agrees to the appointment of an Austro-Hungarian ambassador and gives assurance of a safe-conduct to the United States.	799

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1481	Oct. 12 [Rec'd Oct. 13]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Government asks <i>agrément</i> for appointment of Tarnowski as Ambassador.	800
1387	Oct. 18	The Acting Secretary of State to the Ambassador in Austria-Hungary (telegram).	Desires more information concerning Tarnowski.	800
1489	Oct. 21 [Rec'd Oct. 23]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Enumerates qualifications of Tarnowski and recommends him as Ambassador to the United States.	800
1404	Nov. 1	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Tarnowski acceptable to the United States. Safe-conducts will be arranged.	801
1522	Nov. 9 [Rec'd Nov. 10]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Austro-Hungarian Government announces appointment of Tarnowski as Ambassador to the United States.	801
1524	Nov. 11 [Rec'd Nov. 12]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Burian requests that the new Ambassador be assured of means of communicating with his Government.	801
1527	Nov. 13 [Rec'd Nov. 14]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	Information regarding the passage of Tarnowski and party to the United States and request for safe-conducts.	802
1417	Nov. 14	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Explains why no assurances regarding communication between the Ambassador and his Government can be given.	803
1424	Nov. 18	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to request investigation of torpedoing of the <i>Arabia</i> .	310



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2213	Nov. 21 [Rec'd Dec. 26]	The Ambassador in Austria-Hungary to the Secretary of State.	A <i>résumé</i> of the European situation as affecting Austria-Hungary and press comments on the effect of the President's peace note.	114
[Enclosure]	Nov. 22	The Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Accepts U. S. proposal of radio communication between his Government and its Ambassador.	807
[Enclosure]	Nov. 22	The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy.	Asks that American Red Cross activities in Serbia cease after distribution of supplies already on hand.	923
2230	Nov. 24 [Rec'd Dec. 26]	The Ambassador in Austria-Hungary to the Secretary of State.	Transmits Austro-Hungarian note accepting U. S. proposal for radio communication between the Government and its Ambassador and comments thereon.	806
1436	Dec. 2	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to request investigation of the <i>Chemung</i> , reported sunk by Austrian submarine.	314
1445	Dec. 9	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to request investigation of the sinking of the <i>Lökken</i> .	322 n
1446	Dec. 9	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Instructions to request investigation of the sinking of the <i>Palermo</i> .	323 n
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1572	Dec. 11 [Rec'd Dec. 13]	The Ambassador in Austria-Hungary to the Secretary of State (telegram).	The Central powers will issue an identic appeal to the Entente powers to arrange a peace conference.	85

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No.	Date	From and to whom	Subject	Page
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1457	Dec. 16	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Great Britain grants U. S. request for safe-conduct of the Austro-Hungarian Ambassador.	806 n
	Dec. 18	The Secretary of State to the Ambassador in Austria-Hungary (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n
	Dec. 19	The Secretary of State to the Ambassadors in Austria-Hungary, Great Britain, France, Germany, Turkey, and Spain (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940
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[Enclosure]	Dec. 26	The Austro-Hungarian Ministry for Foreign Affairs to the American Embassy.	Commends the President's peace proposal and suggests a convention of belligerents.	119
	Jan. 2, 1917	The Secretary of State to the Ambassadors in Austria-Hungary, Germany, and Turkey, and the Consul General at Sofia (telegram).	Transmits reply of the Entente to the overtures of the Central powers with instructions regarding its delivery.	139

## BELGIUM

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	Jan. 18	The Secretary of State to the Belgian Minister.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146 n
	Mar. 23	The Belgian Minister to the Secretary of State.	Reply to the American proposal for a <i>modus vivendi</i> .	211 n
	Apr. 7	The Secretary of State to the Belgian Minister.	Regrets that governments of the Entente powers can not accede to proposal for a <i>modus vivendi</i> .	223 n
279	Apr. 18 [Rec'd May 13]	The Minister in Belgium to the Secretary of State.	Transmits copy of correspondence with the Embassy in Great Britain and with German authorities regarding adjustments necessary to insure continuation of relief work in Belgium.	871
	Oct. 10 [Rec'd Oct. 24]	The Chairman of the Commission for Relief in Belgium to the Secretary of State.	Account of the evacuation of congested sections of Lille.	860
9	Oct. 18 [Rec'd Oct. 20]	The Minister in Belgium to the Secretary of State (telegram).	Reports impressment and deportation of Belgian laborers in French Flanders; efforts to prevent this in Belgian occupied territory.	860
12	Nov. 1 [Rec'd Nov. 3]	The Minister in Belgium to the Secretary of State (telegram).	Reports number of Belgians unemployed and number sent to Germany. Quotes statement of German authorities.	863
14	Nov. 9 [Rec'd Nov. 15]	The Minister in Belgium to the Secretary of State (telegram).	Indiscriminate impressment of workmen continues. Suggests measures for ameliorating situation and encloses opinion of Commission for Relief in Belgium.	864
15	Nov. 11 [Rec'd Nov. 15]	The Minister in Belgium to the Secretary of State (telegram).	Suggests that Germany be urged to open camps of Belgian workmen in Germany to inspection of neutral powers.	865
16	Nov. 15 [Rec'd Nov. 17]	The Minister in Belgium to the Secretary of State (telegram).	Impressment of workmen continues, though less rigorously. Members of relief organizations now respected.	865
21	Nov. 28 [Rec'd Nov. 29]	The Minister in Belgium to the Secretary of State (telegram).	Recruitment of Belgian workmen continues without discrimination. Instances given.	867

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No.	Date	From and to whom	Subject	Page
	Dec. 16	The Secretary of State to the Consul at Havre for transmission to the Belgian Government (telegram).	Transmits, for presentation to the Belgian Government, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 18	The Secretary of State to the Consul at Havre for transmission to the Belgian Government (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n

## BRAZIL

	Mar. 31 [Rec'd Apr. 1]	The Ambassador in Brazil to the Secretary of State (telegram).	Brazil suggests that leading American countries meet in conference to solidify continental relations and convince Europe that interests of American powers are identical.	217
	Apr. 6	The Secretary of State to the Ambassador in Brazil (telegram).	Brazil's proposal for conference of American countries is receiving consideration.	223

## BULGARIA

22	Jan. 1 [Rec'd Jan. 2]	The Chargé in Bulgaria to the Secretary of State (telegram).	Arrest of French consular official at Sofia. Controversy over attempted arrest of Hurst, former British Vice Consul and refugee in the American Legation.	825
8	Jan. 3	The Secretary of State to the Chargé in Bulgaria (telegram).	Instructions to make strong representations in favor of former British Vice Consul, but not to continue to shelter him if Bulgarian Government insists upon his arrest.	825
42	Jan. 7 [Rec'd Feb. 1]	The Chargé in Bulgaria to the Secretary of State.	Presents reasons why former British Vice Consul Hurst should not be surrendered. Awaits further instructions.	826
50	Jan. 18 [Rec'd Feb. 18]	The Chargé in Bulgaria to the Secretary of State.	Discussion of the right of asylum and further arguments against surrender of former British Vice Consul to Bulgarian authorities.	827

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No.	Date	From and to whom	Subject	Page
54	Jan. 19 [Rec'd Feb. 16]	The Chargé in Bulgaria to the Secretary of State.	Reports on German and Bulgarian civil administration of Serbian territory.	16
21	Jan. 21	The Secretary of State to the Chargé in Bulgaria (telegram).	Instruction to report upon attitude of Bulgarian Government toward transportation of relief supplies by Red Cross from Holland to Serbia by land.	914 n
61	Feb. 3 [Rec'd Mar. 6]	The Chargé in Bulgaria to the Secretary of State.	Reports liberation of French Vice Consul and freedom from molestation of the former British Vice Consul.	829
	Feb. 25	The Secretary of State to the Chargé in Bulgaria.	Approves action taken in protection of former British Vice Consul.	829
63	Mar. 18 [Rec'd Mar. 24]	The Chargé in Bulgaria to the Secretary of State (telegram)	Troops are concentrating on Roumanian frontier.	19
74	Apr. 1 [Rec'd Apr. 4]	The Chargé in Bulgaria to the Secretary of State (telegram).	Report on Bulgarian conditions. Situation respecting Roumania has eased.	23
105	Apr. 8 [Rec'd May 8]	The Chargé in Bulgaria to the Secretary of State.	Danger of a rupture between Bulgaria and Roumania seems to have disappeared.	27
111	Dec. 12 [Rec'd Dec. 13]	The Chargé in Bulgaria to the Secretary of State (telegram).	The Prime Minister points out the strong position of the Central powers and proposes to enter into peace negotiations with Great Britain.	86
	Dec. 18	The Secretary of State to the Minister in Bulgaria (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n
[Enclosure]	Undated [Rec'd Jan. 2, 1917]	The Bulgarian Minister for Foreign Affairs to the American Consul General at Sofia.	Reply of the Bulgarian Government to the President's peace note.	138
	Jan. 2, 1917	The Secretary of State to the Consul General at Sofia, <i>et al.</i>	Transmits reply of the Entente to the overtures of the Central powers with instructions regarding its delivery.	139

## CHILE

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	Nov. 10	The Secretary of State to the Ambassador in Chile (telegram).	Instructions to ascertain the nature of the proposed arrangement between Great Britain and Chile regarding transfer of submarines.	712
	Nov. 11	The Ambassador in Chile to the Secretary of State (telegram).	Informed that Chile has contracted in Great Britain for battleships and destroyers but not for submarines.	712
	Nov. 14	The Secretary of State to the Ambassador in Chile (telegram).	Department's telegram regarding British transfer of submarines to Chile will apply equally to battleships and destroyers.	713
	Nov. 16	The Ambassador in Chile to the Secretary of State (telegram).	Minister for Foreign Affairs affirms that transfer of submarines to Chile is compensation offered by British for the delay in delivery of ships under construction in England.	713
	Nov. 20	The Secretary of State to the Ambassador in Chile (telegram).	Requires assurance that submarines are for use of Chile and not for transfer to belligerents.	713
[Enclosure]	Nov. 28	The Chilean Minister for Foreign Affairs to the American Ambassador.	Affirms that submarines are for the use of Chile and will not be transferred to any belligerent during the present war.	714

## CHINA

	Nov. 15	The Consul General at Shanghai to the Secretary of State (telegram).	The men seized from the <i>China</i> arrived in Shanghai and transhipped to Hongkong.	661
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## COSTA RICA

	Feb. 7 [Rec'd Feb. 8]	The Minister in Costa Rica to the Secretary of State (telegram).	Costa Rican inquiry as to the admission of Italian armed merchantmen in U. S. ports.	752
	Feb. 9	The Secretary of State to the Minister in Costa Rica (telegram).	U. S. Government requires armed merchantmen either to land guns or to give assurance of defensive use only. Modification of policy under consideration.	752

## DENMARK

No.	Date	From and to whom	Subject	Page
250	May 15	The Minister in Denmark to the Secretary of State (telegram).	Austrian diplomat states that Vienna would send an ambassador to the United States, but suggests his passage on a U. S. man-of-war.	798
105	May 17	The Secretary of State to the Minister in Denmark (telegram).	Impossible to send a warship for Austro-Hungarian Ambassador, but can arrange for his safe-conduct to the United States.	799 n
108	May 26	The Acting Secretary of State to the Minister in Denmark (telegram).	Instructions to furnish statistics in refutation of allegations in the British memorandum of Apr. 24 on trade restrictions.	395 n
927	May 31 [Rec'd June 19]	The Minister in Denmark to the Secretary of State.	Statement on trade conditions; difficulty in obtaining accurate statistics showing that receipt of American exports is less than needed.	398
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in Denmark, Norway, Sweden, the Netherlands, and Spain (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772
368	Oct. 14	The Minister in Denmark to the Secretary of State (telegram).	Under Danish law war submarines are treated as other war vessels. Question of merchant submarines has not arisen.	775
406	Dec. 23	The Minister in Denmark to the Secretary of State (telegram).	Arrangements finally made for release of detained tobacco, in compliance with existing regulations.	522 n
	Dec. 29	The Danish Minister to the Secretary of State.	Transmits copy of a note from the Danish Government to the governments of belligerent nations expressing the hope that the initiative of President Wilson will bring peace.	121 n

## ECUADOR

	Aug. 9	The Consul General at Guayaquil to the Secretary of State (telegram).	Grace & Co. ships refuse cargo belonging to blacklisted Americans. Requests instructions regarding refusal of bills of health.	428
	Aug. 29	The Secretary of State to the Consul General at Guayaquil (telegram)	This Department has no authority to refuse bills of health to steamers refusing to carry cargo of blacklisted firms.	437

## FRANCE

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1280	Dec. 27, 1915	The Secretary of State to the Ambassador in France (telegram).	Asks if France will permit transportation, from the United States to Germany and Austria, of milk for babies, to be distributed by the Red Cross.	959 n
	Dec. 28, 1915	The Secretary of State to the French Ambassador.	Inquires as to purpose of visit to this country of officers of the French Army Flying Corps.	701
	Dec. 30, 1915 [Rec'd Jan. 3]	The French Ambassador to the Secretary of State.	Certain officers of the French Army Flying Corps are in the United States for a brief visit with relatives.	701
1295	Jan. 4	The Secretary of State to the Ambassador in France (telegram).	Mere release of enemy subjects seized by the <i>Descartes</i> not satisfactory. Requires assurance as to future attitude toward alien enemies on neutral vessels.	630
1298	Jan. 5	The Secretary of State to the Ambassador in France (telegram).	Proposes that shipments of German or Austrian hops be made from neutral port to Secretary of Commerce to be distributed under guarantee.	581
1194	Jan. 6	The Ambassador in France to the Secretary of State (telegram).	Attitude of the French Government toward alien enemies on board neutral ships.	631
1301	Jan. 7	The Secretary of State to the Ambassador in France (telegram).	Appreciates the efforts of France to remove causes of friction. Believes that the principles of the <i>Trent</i> case deny to a belligerent the right to remove from a neutral ship even paid agents of a government.	631
[Enclosure]	Jan. 11	The French Government to the American Embassy.	Refusal for the transit of milk from United States to Germany and Austria.	959
	Jan. 18	The Secretary of State to the French Ambassador.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146 n
1222	Jan. 19	The Ambassador in France to the Secretary of State (telegram).	Quotes from French note stating that the principle involved in removal of alien enemy subjects from neutral ship must be decided jointly with Great Britain.	631
1230	Jan. 21	The Ambassador in France to the Secretary of State (telegram).	France refuses to authorize free exportation of hops from Germany; may be obtained from France and Russia.	582
1331	Jan. 21	The Secretary of State to the Ambassador in France (telegram).	Inquires as to attitude of Government toward the transportation of relief supplies from the United States to Holland thence by land to Serbia.	914 n
1912	Jan. 21 [Rec'd Feb. 7]	The Ambassador in France to the Secretary of State.	Transmits message of President Poincaré to the French Army, urging them to heroic and patriotic endeavor. Considers it typical of his convictions.	14



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	Jan. 22 [Rec'd Jan. 24]	The French Ambassador to the Secretary of State.	Relates the frightfulness of German submarine warfare and defends the arming of merchantmen.	149
1256	Feb. 6	The Ambassador in France to the Secretary of State (telegram).	Foreign Office states that it is incumbent upon Central Empires to assure feeding of the population of invaded countries.	916
1371	Feb. 10	The Secretary of State to the Ambassador in France (telegram).	Cites indispensability of cyanide; instructions to request prompt reconsideration of refusal to allow its export from Germany.	563 n
[Enclosure]	Feb. 15	Memorandum of the French and British Governments.	Justification of seizure of mails on the high seas.	599
314	Feb. 17 [Rec'd Mar. 1]	The Consul at Havre to the Secretary of State.	Belgian Ministry has communicated to the press Allied declaration regarding Belgian independence, reestablishment and indemnity, and Belgian reply thereto. Transmits press texts.	17
1413	Mar. 10	The Secretary of State to the Ambassador in France (telegram).	Instructions to ascertain results of the commercial conference at Paris, if it is held.	972
1422	Mar. 14	The Acting Secretary of State to the Ambassador in France (telegram).	Instructions to inquire whether the landing of medical supplies for Jewish hospitals in Jerusalem will be permitted.	926
	Mar. 22	The French Ambassador to the Secretary of State.	Reply to the American proposal for a <i>modus vivendi</i> .	211 n
1438	Mar. 27	The Secretary of State to the Ambassador in France (telegram).	Inquires whether the <i>Sussex</i> was armed and whether Channel ships are armed.	215 n
1330	Mar. 28 [Rec'd Mar. 29]	The Ambassador in France to the Secretary of State (telegram).	No indication of guns on the <i>Sussex</i> . Channel passenger steamers not armed.	216
1336	Mar. 29 [Rec'd Mar. 30]	The Ambassador in France to the Secretary of State (telegram).	Transmits resolutions adopted at a conference of the Allies held at Paris, Mar. 27 and 28, to insure unity of military, economic, and diplomatic action in carrying on the war.	972
1339	Apr. 1	The Ambassador in France to the Secretary of State (telegram).	Reports fully on destruction of the <i>Sussex</i> , enclosing affidavit of Beer and letter of the American Consul at St. Gall.	218

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No.	Date	From and to whom	Subject	Page
1341	Apr. 2	The Ambassador in France to the Secretary of State (telegram).	Reports findings on comparison of fragments from the <i>Sussex</i> with a German mine and torpedo kept at Toulon.	220
	Apr. 3	The French Ambassador to the Secretary of State.	Transmits memorandum in justification of the seizure of mails on the high seas.	598
1344	Apr. 4	The Ambassador in France to the Secretary of State (telegram).	French can not modify blockade of Syrian coast by allowing Red Cross supplies to enter for Jerusalem.	927
	Apr. 7	The Secretary of State to the French Ambassador.	Regrets that governments of the Entente powers cannot accede to proposal for a <i>modus vivendi</i> .	223 n
1468	Apr. 12	The Secretary of State to the Ambassador in France (telegram).	Inquires as to reliability of evidence submitted in the <i>Sussex</i> case.	227
1360	Apr. 13 [Rec'd Apr. 14]	The Ambassador in France to the Secretary of State (telegram).	Presents proof that no imposition was practiced in the evidence found on the <i>Sussex</i> .	229
	Apr. 24 [Rec'd Apr. 25]	The French Ambassador to the Secretary of State.	France shares views expressed by British memorandum regarding restrictions on trade.	382
1486	Apr. 27	The Secretary of State to the Ambassador in France (telegram).	Inquires if the French Government will permit a boat from Jaffa to meet American ship and receive medical supplies.	928
1375	Apr. 29	The Ambassador in France to the Secretary of State (telegram).	Transmits Ryan's message to Red Cross: France refuses to allow further transportation of relief supplies for Serbia.	920
1494	May 3	The Secretary of State to the Ambassador in France (telegram).	Instructions to report fully on progress of the economic conference of Allies.	973
358	May 4 [Rec'd May 23]	The Consul at Havre to the Secretary of State.	The Allies pledge aid in maintaining the <i>status quo</i> of Belgian Congo.	29
1383	May 6 [Rec'd May 8]	The Ambassador in France to the Secretary of State (telegram).	The (unofficial) International Parliamentary Commercial Conference at Paris, Apr. 27-29, 1916, discussed commercial relations, reparations, and international financial and judicial questions.	974
3174	May 12 [Rec'd May 23]	The Ambassador in France to the Secretary of State.	Transmits amendments to and modifications of decree of Nov. 6, 1914, relating to the French adoption of the Declaration of London, with preliminary report of reasons therefor.	393

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No.	Date	From and to whom	Subject	Page
1694	May 13	The Secretary of State to the French Ambassador.	Requests reply to inquiries regarding the presence of the <i>Descartes</i> in the vicinity of San Juan.	764
1398	May 16	The Ambassador in France to the Secretary of State (telegram).	Quotes speech of May 14 by President of France: Allies desire to make a peace that will guarantee stability and not leave Germany in a position to recommence the war.	29
1700	May 24	The Secretary of State to the French Ambassador.	A protest against illegal seizure by British and French of mail between neutral countries.	604
1412	May 24	The Ambassador in France to the Secretary of State (telegram).	French Government declines to permit a vessel to pass through blockaded port (Jaffa) with hospital supplies.	929
1421	May 31	The Counselor of Embassy in France to the Secretary of State (telegram).	Paris press comments unfavorably on President Wilson's speeches.	33
1542	June 2	The Secretary of State to the Ambassador in France (telegram).	Repeats plan of relief acceptable to Germany and asks attitude of French Government concerning it.	896 n
	June 19 [Rec'd June 21]	The French Ambassador to the Secretary of State.	Suggested alteration of present practice of issuing a separate note of assurance for each armed merchantman arriving in a U. S. port.	754
3311	June 22 [Rec'd July 5]	The Ambassador in France to the Secretary of State.	Transmits recommendations adopted by the Economic Conference of the Allied Governments held at Paris June 14-17, 1916. Comments.	974
3324	June 23 [Rec'd July 5]	The Ambassador in France to the Secretary of State.	Statement which the Minister of Commerce made to members of the press when delivering to them the official announcement of the recommendations adopted by the commercial conference of the Allies. Comments.	977
	June 28	The Consul General at Paris to the Secretary of State (telegram).	Transmits proclamation of June 27 supplementing previous contraband proclamations.	405 n
	July 3	The Secretary of State to the French Ambassador.	The Secretary of the Treasury has accepted the suggestion that French consular officers give assurances regarding the armament of French merchantmen.	756

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No.	Date	From and to whom	Subject	Page
	July 7	The Acting Secretary of State to the Ambassador in France, Austria-Hungary, Germany, Great Britain, and Russia (telegram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
1479	July 8 [Rec'd July 9]	The Ambassador in France to the Secretary of State (telegram).	French and British Governments will discontinue observance of Declaration of London and will be guided by principles of international law instead.	408
3392	July 11 [Rec'd July 25]	The Ambassador in France to the Secretary of State.	Transmits text of decree of July 7 repealing previous decrees relating to the Declaration of London, with report of reasons therefor.	416
1615	July 19	The Acting Secretary of State to the Ambassador in France (telegram).	Instructions to press for reply to note regarding censorship of mails.	612 n
	July 20	The President of the United States to the President of France, and the Sovereigns of Austria-Hungary, Germany, Great Britain, and Russia.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
1506	July 28 [Rec'd July 29]	The Ambassador in France to the Secretary of State (telegram).	Allies are communicating through the British Government, a new proposal for relief work in Poland.	905
	July 31	Memorandum communicated by the Third Assistant Secretary of State to the French Ambassador.	Cooperation of Germany and Austria-Hungary in Syrian relief might be more readily obtained if Allies would allow Red Cross supplies to Germany and Austria-Hungary to pass through blockade.	933
1512	Aug. 2	The Ambassador in France to the Secretary of State (telegram).	Subject of interference with mails is being considered by French and British Governments.	615
1517	Aug. 7	The Ambassador in France to the Secretary of State (telegram).	Transmits French notification of lists of persons and firms with whom transactions are forbidden.	427
1525	Aug. 11	The Ambassador in France to the Secretary of State (telegram).	French Government agrees to delivery of hospital supplies for Jerusalem under specified conditions.	935

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No.	Date	From and to whom	Subject	Page
1654	Aug. 12	The Secretary of State to the Ambassador in France (telegram).	Request for facts in the case of Second Mate Miller, who was removed by a French naval officer from the <i>Frederick Luckenbach</i> ; instructions to request his release, if justified in so doing.	657
	Aug. 21 [Rec'd Aug. 22]	The French Embassy to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769
1545	Aug. 22	The Chargé in France to the Secretary of State (telegram).	Vessel transporting supplies for Jerusalem must conform to measures prescribed by French naval authorities for passage of blockade.	936
1553	Aug. 24	The Chargé in France to the Secretary of State (telegram).	French Government promises reply to note on the interference with mails by Sept. 15.	621
[Enclosure]	Undated [Rec'd Aug. 25]	President Poincaré to President Wilson.	Willing but unable to find means of relieving sufferings in Poland because of attitude of the enemy.	908
3558	Aug. 26 [Rec'd Sept. 11]	The Chargé in France to the Secretary of State.	Forwards French instructions to representatives abroad relative to the issuance of certificates of nationality to persons doing business with France or her colonies.	441
	Aug. 31	The Department of State to the French Embassy.	The United States reserves its liberty of action in respect to treatment of submarines. Responsibility for any conflict between belligerent warships and neutral submarines must rest upon negligent power.	770
1610	Sept. 20	The Chargé in France to the Secretary of State (telegram).	Has been informed by Foreign Office that Miller will be released without delay.	658
	Sept. 22	The Secretary of State to the French Ambassador.	Requests Foreign Office to prevent discharged soldiers from applying for entry into the United States in transit to Canada.	704
1770	Oct. 9	The Secretary of State to the Chargé in France (telegram).	German submarines off coast are apparently living up to formal assurances. With regard to the suggested modification of rules concerning submarines in neutral ports, Allies are reminded of their refusal to modify, during hostilities, the rules of warfare concerning armed merchantmen.	771n
	Oct. 12 [Rec'd Oct. 13]	The French Ambassador to the Secretary of State.	Transmits memorandum of the Allies regarding mail found on merchant vessels on the high seas.	624

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No.	Date	From and to whom	Subject	Page
	Oct. 13	The Consul General at Paris to the Secretary of State (telegram).	The French Government makes same additions to and changes in contraband list as the British in Proclamation of Oct. 3.	453 n
1646	Oct. 13	The Chargé in France to the Secretary of State (telegram).	Miller released. Arrangements made for his return to the United States.	659
	Oct. 24	The Secretary of State to the French Ambassador.	Acknowledges receipt of French note and memorandum on the censorship of mails.	629
3827	Oct. 24 [Rec'd Nov.10]	The Chargé in France to the Secretary of State.	French reluctant to make written statement regarding the release of Second Mate Miller. Discussion of grounds for his arrest.	660
1772	Oct. 25	The Secretary of State to the French Ambassador.	Transmits substance of note from Ambassador in Turkey stating inadvisable to discuss or publish details concerning the sending and distributing of relief supplies.	939 n
1418	Nov. 11	The Secretary of State to the Ambassador in France.	Formal reservation of rights in respect of American interests as affected by abolition of distinction between absolute and conditional contraband.	483 n
1827	Nov. 14	The Secretary of State to the Ambassador in France (telegram).	Austro-Hungarian request for safe-conduct for Tarnowski and party to the United States.	802 n
	Nov. 23	The Consul General at Paris to the Secretary of State (telegram).	France declares additions to contraband list similar to those of Great Britain.	486 n
	Nov. 25 [Rec'd Nov.28]	The French Ambassador to the Secretary of State.	France grants free passage to the <i>Caesar</i> for carrying of supplies to the Syrians. Asks that all supplies be taken in one trip.	939
[Enclosure]	Undated [Rec'd Nov.28]	The French Minister for Foreign Affairs to the American Ambassador.	Refuses the Austro-Hungarian request to furnish safe-conduct for her Ambassador.	804
1855	Nov. 28	The Secretary of State to the Ambassador in France (telegram).	Expects the French Government to reconsider its action and to grant safe-conduct for Austro-Hungarian Ambassador.	805 n
4006	Dec. 5 [Rec'd Dec.23]	The Ambassador in France to the Secretary of State.	Transmits Allied declaration of Nov. 18, 1916, protesting against the formation of Polish State and creation of Polish Army by Central powers.	798

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No.	Date	From and to whom	Subject	Page
	Dec. 7 [Rec'd Dec. 8]	The French Ambassador to the Secretary of State.	Details of Allied blockade of Greece.	80
	Dec. 16	The Secretary of State to Diplomatic Representatives in France, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
1745	Dec. 16	The Ambassador in France to the Secretary of State (telegram).	Transmits a portion of Briand's speech made before the Chamber of Deputies, commenting on the peace proposals and warning against demoralization.	95
	Dec. 18	The Secretary of State to the Ambassador in France (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n
1750	Dec. 18 [Rec'd Dec. 19]	The Counselor of the Embassy in France to the Secretary of State (telegram).	The German proposals have been presented to the Foreign Office. Intimation as to the reply will be made as soon as possible.	99
1749	Dec. 18 [Rec'd Dec. 19]	The Ambassador in France to the Secretary of State (telegram).	French Government will accord safe-conduct to Tarnowski and suite.	806
1752	Dec. 19 [Rec'd Dec. 20]	The Ambassador in France to the Secretary of State (telegram).	The President of the Council stated before the Senate that the German peace proposal was a war ruse which had not deceived neutral governments and that a concerted answer would be made.	102
	Dec. 19	The Secretary of State to the Ambassadors in France, Great Britain, Germany, Austria-Hungary, Turkey, and Spain (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940
1891	Dec. 20	The Secretary of State to the Ambassador in France (telegram).	Inquires action of French Government on the resolutions of the Paris economic conference.	982 n
1754	Dec. 21	The Ambassador in France to the Secretary of State (telegram).	Has presented the President's note regarding peace terms to the Premier, who expressed regret that it should have come simultaneously with the German peace proposals.	104

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No.	Date	From and to whom	Subject	Page
1796	Dec. 21	The Secretary of State to the French Ambassador.	This Government does not concede the right of the Allies to blockade the Greek coast in the absence of a state of war.	105
1769	Dec. 29 [Rec'd Dec.30]	The Ambassador in France to the Secretary of State (telegram).	Interview with Cambon regarding the French outlook as to the continuation of hostilities.	126
1770	Dec. 29 [Rec'd Dec.30]	The Ambassador in France to the Secretary of State (telegram).	Transmits advance copy of the reply of the Allied Governments to the proposal of the Central powers to enter into peace negotiations, which is to be delivered officially on Dec. 31.	123
1774	Dec. 30 [Rec'd Dec.31]	The Ambassador in France to the Secretary of State (telegram).	Reply to the President's peace note will be given soon, after due consideration.	127
1771	Dec. 30 [Rec'd Dec. 31]	The Ambassador in France to the Secretary of State (telegram).	Resolutions adopted at (Paris economic) conference now ratified by all signatory powers, except Italy, Russia, and Japan. No French legislation yet enacted to carry out the resolutions.	983

## GERMANY

2489	Dec. 10, 1915	The Secretary of State to the Ambassador in Germany (telegram).	Desires restatement of present attitude of German Government as to exportation of dyestuffs.	547
3222	Dec. 14, 1915 [Rec'd Dec. 15]	The Ambassador in Germany to the Secretary of State (telegram).	German Government's attitude regarding exportation of dyestuffs remains unchanged.	547
A 8306	Dec. 19, 1915 [Rec'd Dec. 20]	The German Ambassador to the Secretary of State.	Announces the personnel of the Embassy staff.	807
2525	Dec. 22, 1915	The Secretary of State to the Ambassador in Germany (telegram).	Urges reply to representations on the escape of interned Germans.	714
	Dec. 30, 1915	The Secretary of State to the German Ambassador.	The limitations of diplomatic immunity for domestics and employees of an embassy.	808
A 27/16	Jan. 3	The German Ambassador to the Secretary of State.	Discussion of <i>Lusitania</i> case delayed by failure to receive telegram from Germany. Requests that enclosed message be forwarded to Germany.	144



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No.	Date	From and to whom	Subject	Page
	Jan. 3	The Secretary of State to the German Ambassador.	Message to the German Foreign Office has been forwarded.	144
2162	Jan. 3 [Rec'd Jan. 17]	The Ambassador in Germany to the Secretary of State.	Requests that British permission be obtained for shipment of rubber operating gloves to American medical expedition in Berlin.	941
3311	Jan. 5 [Rec'd Jan. 6]	The Ambassador in Germany to the Secretary of State (telegram).	Thinks arrangement has been made by which Greece will permit Central powers to attack Allies in Saloniki.	13
	Undated [Rec'd Jan. 7]	The German Ambassador to the Secretary of State.	Explanation of German policy of submarine warfare in the Mediterranean.	144
3360	Jan. 17 [Rec'd Jan. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann states that the sinking of the <i>Persia</i> was not caused by a German submarine.	145
3361	Jan. 17 [Rec'd Jan. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Germany unwilling to admit obligation to pay indemnity even though possibly willing to pay in the <i>Lusitania</i> case.	145
3375	Jan. 21 [Rec'd Jan. 22]	The Ambassador in Germany to the Secretary of State (telegram).	Asks to be informed as to negotiations on the <i>Lusitania</i> case.	148
2619	Jan. 21	The Secretary of State to the Ambassador in Germany (telegram).	Instruction to report upon attitude of the German Government toward transportation of relief supplies by Red Cross from Holland to Serbia by land.	914
2621	Jan. 21	The Secretary of State to the Ambassador in Germany (telegram).	Several bills introduced in Congress for protection of dye industry. Instructions to use this information.	551
[Enclosure]	Jan. 23	The American Minister to the Chief of the Political Department of the Government General in Belgium.	Asks that guarantee against requisition be extended to cover food products of all kinds and raw material for clothing.	874
2634	Jan. 24	The Secretary of State to the Ambassador in Germany (telegram).	Holding confidential negotiations with Bernstorff on <i>Lusitania</i> case.	150

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No.	Date	From and to whom	Subject	Page
2645	Jan. 26	The Secretary of State to the Ambassador in Germany (telegram).	Negotiations with Bernstorff regarding the <i>Lusitania</i> .	150
3406	Jan. 29 [Rec'd Jan. 30]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann favors rejection of the <i>Lusitania</i> proposal, adding that Germany has plenty of submarines and that war with America would remove restrictions on submarine warfare.	153
3408	Jan. 29 [Rec'd Jan. 30]	The Ambassador in Germany to the Secretary of State (telegram).	Draft of a note which he understands the German Government is willing to send in settlement of the submarine incidents.	153
[Enclosure]	Jan. 29	The German Undersecretary of State for Foreign Affairs to Colonel House.	Points out the objectionable features in the <i>Lusitania</i> terms of settlement proposed by the Department.	154
4007	Jan. 29 [Rec'd Jan. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits copy of letter from Zimmermann to Colonel House pointing out objectionable features in the <i>Lusitania</i> terms of settlement proposed by the Department; also Colonel House's suggestion for no action.	154
3409	Jan. 30 [Rec'd Jan. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann's statement that there is no longer any international law and his own denial of Germany's power to change its rules to suit her convenience.	155
3413	Jan. 31 [Rec'd Feb. 1]	The Ambassador in Germany to the Secretary of State (telegram).	Thinks that Germany is not desirous of break in relations with the United States and will try to embroil us with Japan.	155
3419	Feb. 1 [Rec'd Feb. 2]	The Ambassador in Germany to the Secretary of State (telegram).	Germany will admit liability in <i>Lusitania</i> case but will deny illegality of her act.	156
A 785	Feb. 2	The German Ambassador to the Secretary of State.	The <i>Appam</i> carries the crews of seven enemy vessels transferred from the <i>Moewe</i> . Requests internment of them and the crew of the <i>Appam</i> .	723
	Undated [Rec'd Feb. 4]	The German Ambassador to the Secretary of State.	Germany's submarine warfare an act of retaliation. Regrets are expressed and reparation offered for loss of American lives on the <i>Lusitania</i> .	157
3437	Feb. 4 [Rec'd Feb. 5]	The Ambassador in Germany to the Secretary of State (telegram).	Reported that enemy merchant vessels will be sunk by Germany without notice in retaliation for British orders to fire on submarines at sight.	159

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No.	Date	From and to whom	Subject	Page
3445	Feb. 5 [Rec'd Feb. 6]	The Ambassador in Germany to the Secretary of State (telegram).	Reports substance of conversation of Morgenthau with Zimmermann and with Von Jagow on war issues.	159
3458	Feb. 7 [Rec'd Feb. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Zimmermann's interview with the press regarding the submarine controversy.	160
	Feb. 8	Extracts from an interview with the German Chancellor by Karl H. von Wiegand, published in the <i>New York World</i> , Feb. 9, 1916.	Germany desires to maintain friendly relations with the United States, but not at the price of national humiliation: refuses to give up the submarine weapon.	161
[Enclosure]	Feb. 8	Memorandum of the German Government.	Armed merchantmen will be treated as belligerents; warning to neutrals.	163
	Undated [Rec'd Feb. 8]	The German Ambassador to the Secretary of State.	Claims that the <i>Appam</i> is a prize and, under treaty of 1799, can not be interned or turned over to the British.	726
3473	Feb. 10	The Ambassador in Germany to the Secretary of State (telegram).	German memorandum on the treatment of armed merchantmen has been received and will be forwarded as soon as it is translated.	163
3474	Feb. 10 [Rec'd Feb. 11]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits German memorandum of Feb. 8 on the treatment of armed merchantmen.	163
[Enclosure]	Feb. 10	The German Foreign Office to the American Embassy.	<i>Note verbale</i> transmitting memorandum on the treatment of armed merchantmen, and exhibits.	187
3479	Feb. 11 [Rec'd Feb. 12]	The Ambassador in Germany to the Secretary of State (telegram).	Has learned indirectly from Foreign Office that, if necessary, Germany will make alliance with Russia and Japan against America.	167
2698	Feb. 11	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to make a report upon the importation of milk into Germany for the two years preceding the war.	960
3482	Feb. 12 [Rec'd Feb. 13]	The Ambassador in Germany to the Secretary of State (telegram).	German Government and press favor unrestricted submarine warfare if the U. S. <i>modus vivendi</i> proposal fails.	167
A 1138	Feb. 16	The German Ambassador to the Secretary of State.	Transmits reply to U. S. note of July 21, 1915, on the <i>Lusitania</i> case: expresses regret; recognizes liability; and offers indemnity.	171

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1794	Feb. 16	The Secretary of State to the German Ambassador.	Calls attention to outrages committed upon Armenians in Turkey, requesting that German influence be again exerted to end tragedy.	847
[Enclosure]	Feb. 16	The Chief of the Political Department of the Government General in Belgium to the American Minister.	Agrees to prohibition of exportation from Belgian occupied territory of foodstuffs, provisions, and fodder, subject to specified limitations, and reserves right of provisioning army of occupation.	876
[Enclosure]	Feb. 16	The Chief of the Political Department of the Government General in Belgium to the American Minister.	Claims right to requisition supplies for provisioning army of occupation. Explanations.	877
	Feb. 17	Memorandum of the Secretary of State of a conversation with the German Ambassador.	Regarding Germany's new submarine policy and its effect upon the settlement of the <i>Lusitania</i> case.	172
2716	Feb. 17	The Secretary of State to the Ambassador in Germany (telegram).	Germany's recent proclamation regarding enemy merchantmen has stopped negotiations and left the <i>Lusitania</i> case unsettled.	173
3502	Feb. 18 [Rec'd Feb. 19]	The Ambassador in Germany to the Secretary of State (telegram).	Reports on Germany's foreign milk trade during the years 1912 and 1913.	960
A 1082	Feb. 19	The German Ambassador to the Secretary of State.	Transmits British confidential instructions found on the <i>Appam</i> : Any submarine to be treated as hostile.	173
3508	Feb. 19 [Rec'd Feb. 20]	The Ambassador in Germany to the Secretary of State (telegram).	Offers explanation of act of Germans who escaped from internment.	715
A 1293	Feb. 22	The German Ambassador to the Secretary of State.	Protests against libel for possession of the <i>Appam</i> and asks for dismissal of suit.	728
2740	Feb. 25	The Secretary of State to the Ambassador in Germany (telegram).	Transmits the President's letter to Senator Stone regarding abridgment of the rights of American citizens.	177

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3528	Feb. 25 [Rec'd Feb. 26]	The Ambassador in Germany to the Secretary of State (telegram).	Baron Zwiedinek informed his Government that the United States would welcome a German declaration such as the memorandum on armed merchant vessels.	178
3530	Feb. 25 [Rec'd Feb. 26]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment regarding rights of Americans to travel on armed liners and views of German officials as to advantages of war with America.	178
3531	Feb. 26 [Rec'd Feb. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Press comments on American conflict of opinion regarding armament of merchantmen.	179
3535	Feb. 27 [Rec'd Feb. 28]	The Ambassador in Germany to the Secretary of State (telegram).	Germany is discussing advisability of abandoning the practice of sinking ships without notice if England disarms merchant vessels.	180
	Feb. 28	The German Ambassador to the Secretary of State.	Reiteration of stand taken by Germany against armed merchantmen; explanation of pledges made to America.	181
B 2258	Feb. 28 [Rec'd Feb. 29]	The German Ambassador to the Secretary of State.	Gives assurance that food for Poland will not be seized on way through Germany and will be distributed exclusively among Polish population.	887
A 1427	Feb. 29	The German Ambassador to the Secretary of State.	Quotes British press to prove that armament of British merchantmen is for offense and <i>North German Gazette</i> to show that Germany is within her right in attacking these armed vessels.	182
[Enclosure]	Feb. 29	The German Foreign Office to the American Embassy.	Transmits memorandum regarding attitude of the German Government as to the supply of munitions during Spanish-American war.	709
3545	Feb. 29 [Rec'd Mar. 1]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits message for Red Cross: German Government will permit transportation through Germany of supplies for Serbia, but must be informed as to contents and amount of shipments.	918
2756	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram). Repeated to Vienna.	Explanation of misquoted statement in message of Austro-Hungarian Chargé to his Government.	183
2757	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram).	German memorandum on submarine policy and armed merchantmen not yet received.	185

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No.	Date	From and to whom	Subject	Page
2760	Mar. 1	The Secretary of State to the Ambassador in Germany (telegram).	Quotes the President's letter to Congressman Pou urging vote upon resolutions regarding travel on armed merchantmen; statement regarding the situation.	185
3561	Mar. 2 [Rec'd Mar. 3]	The Ambassador in Germany to the Secretary of State (telegram).	Von Tirpitz is urging that every vessel approaching England be torpedoed at sight.	186
	Mar. 2	The Secretary of State to the German Ambassador.	Argument regarding disposition of the <i>Appam</i> and interpretation of Article 19 of the Treaty of 1799.	729
3565	Mar. 3 [Rec'd Mar. 4]	The Ambassador in Germany to the Secretary of State (telegram).	Unlimited submarine blockade of English waters discussed in council. Decision lies with the Emperor.	186
3579	Mar. 6 [Rec'd Mar. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Von Tirpitz's proposal for unlimited submarine blockade of England is rejected in war council.	198
3592	Mar. 7 [Rec'd Mar. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Forwards text of semiofficial reply to British Admiralty's publication of instructions of Oct. 20, 1915, to armed merchantmen.	201
2631	Mar. 7 [Rec'd Mar. 20]	The Ambassador in Germany to the Secretary of State.	Transmits German <i>note verbale</i> with memorandum regarding attitude of the German Government as to the supply of munitions during Spanish-American war, with comment.	708
A 1601	Undated [Rec'd Mar. 8]	The German Ambassador to the Secretary of State.	Explains how Great Britain's disregard for established rules of international law is responsible for Germany's submarine policy.	198
3601	Mar. 9 [Rec'd Mar. 10]	The Ambassador in Germany to the Secretary of State (telegram).	Press reports tabling of resolution regarding travel on armed merchantmen; complains of negligence of Embassy in not telegraphing secret British orders attached to German memorandum.	205
3606	Mar. 9 [Rec'd Mar. 11]	The Ambassador in Germany to the Secretary of State (telegram).	German press attempts a survey of the political situation in Washington and concludes that dissension in the Democratic Party is cause of weakened position of the Government.	205
2790	Mar. 9	The Secretary of State to the Ambassador in Germany (telegram).	Denies that he told the Austro-Hungarian Chargé that the United States would welcome a German declaration that armed merchantmen would be treated as auxiliary cruisers.	202
2792	Mar. 9	The Secretary of State to the Ambassador in Germany (telegram).	Sends Navy Department's criticism of German reply regarding the escape of interned Germans.	715

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No.	Date	From and to whom	Subject	Page
A 1829	Mar. 14	The German Ambassador to the Secretary of State.	Assurance that crew or equipment of the <i>Appam</i> will not be augmented and no attempt at escape will be made. Attempts to secure dismissal of suit.	731
3624	Mar. 15 [Rec'd Mar. 16]	The Ambassador in Germany to the Secretary of State (telegram).	Semiofficial notice is published that submarine warfare is being conducted with increased severity.	205
2811	Mar. 15	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to again request permission for exportation of dyestuffs: British have assured non-interference.	553
3627	Mar. 15 [Rec'd Mar. 16]	The Ambassador in Germany to the Secretary of State (telegram).	Asks that rubber gloves be sent through Embassy, and proposes to guarantee that they will be destroyed after use.	943
3634	Mar. 16 [Rec'd Mar. 17]	The Ambassador in Germany to the Secretary of State (telegram).	Suggests that bills to protect U. S. dyestuff industry be introduced in Congress as the best method of obtaining dyes from Germany.	553
3635	Mar. 16 [Rec'd Mar. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Press reports trouble with Mexico, suggesting that Japan is backing Villa. Resignation of Von Tirpitz confirmed.	205
A 1727	Mar. 16	The German Ambassador to the Secretary of State.	Interpretation of Article 19 of the Treaty of 1799 as regards the <i>Appam</i> case. Proposes that it be referred to the Hague Court of Arbitration.	732
3637	Mar. 17 [Rec'd Mar. 18]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment: Von Capelle to succeed Von Tirpitz; since enemies have refused peace, Germany will use every means to secure early victory.	206
3640	Mar. 18 [Rec'd Mar. 19]	The Ambassador in Germany to the Secretary of State (telegram).	Interview with the Chancellor regarding peace.	207
3642	Mar. 18 [Rec'd Mar. 19]	The Ambassador in Germany to the Secretary of State (telegram).	Rubber gloves used for work on military and civil prisoners. Need urgent.	943
3645	Mar. 18 [Rec'd Mar. 19]	The Ambassador in Germany to the Secretary of State (telegram).	Resolutions introduced in the Reichstag by the different parties declaring for full freedom in use of the submarine.	208
3650	Mar. 20 [Rec'd Mar. 21]	The Ambassador in Germany to the Secretary of State (telegram).	Von Capelle appointed Secretary of State of the Navy. Germany disclaims any connection with sinking of the <i>Tubantia</i> .	209

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No.	Date	From and to whom	Subject	Page
2828	Mar. 20	The Acting Secretary of State to the Ambassador in Germany (telegram).	Bill to protect U. S. dyestuffs industry now before Congress. German Ambassador has informed his Government dyestuffs should be released without exchange of commodities for cash payment.	553
3651	Mar. 21 [Rec'd Mar. 22]	The Ambassador in Germany to the Secretary of State (telegram).	Pressure being used to prevent open discussion in the Reichstag of resolutions advocating full freedom in the use of submarines.	210
3654	Mar. 22 [Rec'd Mar. 23]	The Ambassador in Germany to the Secretary of State (telegram).	Socialist resolution regarding the use of submarines and peace; Von Tirpitz clique against Chancellor and clamoring for relentless submarine war.	210
3658	Mar. 23 [Rec'd Mar. 24]	The Ambassador in Germany to the Secretary of State (telegram).	Postponement of discussion in Reichstag of resolution on submarine warfare. Semiofficially reported that Germany and Austria are to receive foodstuffs from Roumania.	214
2839	Mar. 23	The Acting Secretary of State to the Ambassador in Germany (telegram).	Improper to make guarantee regarding operating gloves. Ambassador in London will communicate fact to proper parties.	943
3664	Mar. 25 [Rec'd Mar. 26]	The Ambassador in Germany to the Secretary of State (telegram).	Founding of Socialist Labor Party, opposed to continuing the war.	20
3666	Mar. 26 [Rec'd Mar. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Protests against the publication of his confidential correspondence and requests public denial that peace proposals have come from the Chancellor.	20
2852	Mar. 27	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to inquire whether the <i>Sussex</i> was torpedoed by a submarine belonging to Germany or her allies.	215
2855	Mar. 28	The Secretary of State to the Ambassador in Germany (telegram).	Instruction to inquire whether the <i>Englishman</i> was sunk by a submarine belonging to Germany or her allies.	215
2858	Mar. 28	The Secretary of State to the Ambassador in Germany (telegram).	Statements have been issued denying that peace suggestions have come from German Government through the American Ambassador.	21
3678	Mar. 29 [Rec'd Mar. 31]	The Ambassador in Germany to the Secretary of State (telegram).	Reichstag Budget Committee discussed submarine question. Press leaning toward relentless warfare.	217



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No.	Date	From and to whom	Subject	Page
2859	Mar. 29	The Secretary of State to the Ambassador in Germany (telegram).	The <i>Englishman</i> is reported to have been sunk by the <i>U-19</i> .	216
2860	Mar. 29	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to inquire of Foreign Office whether the <i>Manchester Engineer</i> was sunk by a submarine belonging to Germany or her allies.	216
3687	Mar. 31 [Rec'd Apr. 2]	The Ambassador in Germany to the Secretary of State (telegram).	Reichstag Budget Committee passes a resolution to make such use of the submarine as will bring peace and security to Germany.	220
2873	Apr. 1	The Secretary of State to the Ambassador in Germany (telegram).	Requests to be informed whether the <i>Berwindale</i> was torpedoed by Germany or her allies.	219
2874	Apr. 1	The Secretary of State to the Ambassador in Germany (telegram).	Requests report on destruction of the <i>Eagle Point</i> .	220
A 2346	Apr. 2	The German Ambassador to the Secretary of State.	Germany wishes to know what the United States is going to do about the misuse of its flag by the British naval forces ( <i>Baralong</i> case).	222
3712	Apr. 5 [Rec'd Apr. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Debate in the Reichstag on peace terms, the future of Belgium, and relentless submarine warfare.	23
[Enclosure]	Apr. 5	The German Minister of Foreign Affairs to the American Ambassador.	Investigation in the <i>Sussex</i> case is still inconclusive.	225
3713	Apr. 6 [Rec'd Apr. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Von Jagow's note stating that result of investigation of the <i>Sussex</i> case is still inconclusive. Comments.	225
3715	Apr. 6 [Rec'd Apr. 7]	The Ambassador in Germany to the Secretary of State (telegram).	Deliberations of different factions in the Reichstag. The Budget Committee has submitted a report on submarine resolution.	224
3720	Apr. 7 [Rec'd Apr. 8]	The Ambassador in Germany to the Secretary of State (telegram).	Reichstag passed the submarine resolution. The debate showed that differences of opinion were subordinate to a desire for unity.	226

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No.	Date	From and to whom	Subject	Page
2217	Apr. 7	The Secretary of State to the German Ambassador.	States the reasons why the United States cannot accede to the request that legal steps before an American court be suspended in the <i>Appam</i> case and why it can only accept the proposal for arbitration of the meaning of Article 19 of the treaty of 1799 under certain specified conditions.	735
[Enclosure]	Apr. 10	The German Minister of Foreign Affairs to the American Ambassador.	Note regarding investigation of the <i>Sussex</i> , <i>Manchester Engineer</i> , <i>Englishman</i> , <i>Berwindvale</i> , and <i>Eagle Point</i> cases.	227
[Enclosure]	Apr. 11	The German Foreign Office to the American Embassy.	Protest against the surrender by a U. S. captain of the German stowaway (an escaped French captive) to a British ship for return to French authorities.	636
3747	Apr. 14 [Rec'd Apr. 15]	The Ambassador in Germany to the Secretary of State (telegram).	Trade agreement between Roumania and Germany was signed on April 7.	24
[Enclosure]	Apr. 14	The Chief of the Political Department of the Government General in Belgium to the American Minister.	Germany will accede to British demands in prohibiting exportation of foodstuffs from Belgium and will not requisition supplies for army of occupation.	881
3754	Apr. 16 [Rec'd Apr. 17]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits statement purporting to represent position of Chancellor, Foreign Office, and Marine Department regarding their submarine policy.	231
2913	Apr. 18	The Secretary of State to the Ambassador in Germany (telegram).	Statement of facts in the <i>Sussex</i> case and warning that if present methods of submarine warfare are not abandoned this Government will sever diplomatic relations.	232
A 2826	Apr. 18 [Rec'd Apr. 19]	The German Ambassador to the Secretary of State.	Requests the release of Von Igel, an Embassy employee arrested in New York, and the reprimand of officials responsible for his arrest.	808
A 2833	Apr. 18 [Rec'd Apr. 19]	The German Ambassador to the Secretary of State.	Official papers belonging to Embassy were seized when Von Igel was arrested; requests their immediate return.	809
[Enclosure]	Apr. 18	The American Minister to the Chief of the Political Department of the Government General in Belgium.	Expresses appreciation of German efforts at solution of difficulties encountered in Belgian relief work.	882

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No.	Date	From and to whom	Subject	Page
2946	Apr. 18 [Rec'd May 8]	The Ambassador in Germany to the Secretary of State.	Transmits report of Doctor Taylor, Embassy camp inspector, regarding German milk supply and health conditions of infants and children.	960
3769	Apr. 19 [Rec'd Apr. 20]	The Ambassador in Germany to the Secretary of State (telegram).	Zimmermann is said to have stated that Germany will make no further concessions in submarine war.	237
3780	Apr. 20 [Rec'd Apr. 21]	The Ambassador in Germany to the Secretary of State (telegram).	Delivered to Von Jagow note on possible break in relations with Germany. He repeated that Germany would not give up sinking ships without notice.	239
A 2888	Apr. 20 [Rec'd Apr. 21]	The German Ambassador to the Secretary of State.	Is authorized to arrange for export from Germany to the United States of 15,000 tons of dyestuffs upon guarantee of safe delivery and precaution against reexportation.	553
A 2876/ 16	Apr. 20 [Rec'd Apr. 24]	The German Ambassador to the Secretary of State.	Protests against any use being made of papers seized with Von Igel. Again requests their return.	809
	Apr. 20	The Secretary of State to the German Ambassador.	Instructions have been given for return of Embassy papers seized when Von Igel was arrested.	809
2927	Apr. 22	The Secretary of State to the Ambassador in Germany (telegram).	Instructions to cable exact words of Von Jagow in stating that Germany would not give up sinking merchant ships without notice.	239
3785	Apr. 22 [Rec'd Apr. 23]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment on the U. S. note regarding break in diplomatic relations and Germany's delay in replying.	240
3790	Apr. 22 [Rec'd Apr. 23]	The Ambassador in Germany to the Secretary of State (telegram).	Germany is delaying answer to U. S. note warning of possible break in diplomatic relations.	240
3793	Apr. 23 [Rec'd Apr. 24]	The Ambassador in Germany to the Secretary of State (telegram).	Representatives of socialists and workmen's unions will tell Chancellor that Germans do not want war with America.	240
3795	Apr. 24 [Rec'd Apr. 25]	The Ambassador in Germany to the Secretary of State (telegram).	Reports interview with Chancellor regarding reply to U. S. note on submarine war and threat of break in relations.	242
3799	Apr. 24 [Rec'd Apr. 25]	The Ambassador in Germany to the Secretary of State (telegram).	Von Jagow's statement regarding the U. S. note on severing of relations with Germany.	242

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No.	Date	From and to whom	Subject	Page
3800	Apr. 24 [Rec'd Apr. 25]	The Ambassador in Germany to the Secretary of State (telegram).	Conflict between the Military and Navy, and those who advocate a decent conduct of submarine war.	241
	Apr. 24	The Secretary of State to the German Ambassador.	Acknowledges note expressing Germany's willingness to release certain dyestuffs.	554
	Apr. 24	The Secretary of State to the German Ambassador.	Von Igel's crimes were committed before he became attaché; questions his claim to diplomatic immunity. Offers to return such papers as Bernstorff may consider official.	810
3805	Apr. 25 [Rec'd Apr. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Von Jagow states that sinking of merchant ships without notice in war zone is Germany's answer to England's illegal blockade of Germany.	243
3811	Apr. 25 [Rec'd Apr. 27]	The Ambassador in Germany to the Secretary of State (telegram).	Reports interview with Chancellor on crisis in relations. Requests instructions as to details of what will be acceptable to the United States.	243
A 2955	Apr. 27	The German Ambassador to the Secretary of State.	Presents reasons for claiming immunity of Von Igel and seized papers. Declines to inspect papers to determine which are official. Requests postponement of prosecution.	811
3816	Apr. 27 [Rec'd Apr. 28]	The Ambassador in Germany to the Secretary of State (telegram).	Is asked by Von Jagow to go to Great Headquarters for an audience with the Emperor.	249
2944	Apr. 28	The Secretary of State to the Ambassador in Germany (telegram).	Instructions as to care of U. S. interests in case of severance of relations with Germany.	249
2951	Apr. 28	The Secretary of State to the Ambassador in Germany (telegram).	The United States expects a prompt declaration of abandonment of illegal submarine warfare. Encloses memorandum concerning legal conduct of naval vessels.	252
2956	May 1	The Secretary of State to the Ambassador in Germany (telegram).	Inquires whether the German Government had ever given a definite reply to British proposal for exemption of hospital supplies.	946
3834	May 2 [Rec'd May 3]	The Ambassador in Germany to the Secretary of State (telegram).	Believes that Germany will welcome mediation by the President.	27
3839	May 3 [Rec'd May 4]	The Ambassador in Germany to the Secretary of State (telegram).	Reports visit to General Headquarters and interview with the Emperor.	253

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No.	Date	From and to whom	Subject	Page
2968	May 3	The Secretary of State to the Ambassador in Germany (telegram).	Declines to interfere in the case of the German stowaway found on the <i>Missourian</i> , and returned to France on a British steamer.	640
1918	May 4	The Secretary of State to the German Ambassador.	Department has not felt warranted in taking up the <i>Baralong</i> case with the British because of the contradictory evidence in the case.	253
[Enclosure]	May 4	The German Secretary of State for Foreign Affairs to the American Ambassador.	Promises to observe rules of visit and search and to provide for safety of persons on board ships when torpedoed.	257
1919	May 4	The Secretary of State to the German Ambassador.	Inquires whether any of the persons removed from the <i>China</i> were incorporated in the German, Austrian, or Turkish armed forces.	640
3844	May 4 [Rec'd May 5]	The Ambassador in Germany to the Secretary of State (telegram).	Reports the raid on British Consulate building used by U. S. Embassy, and seizure of U. S. records on British relief work.	820
3843	May 4 [Rec'd May 5]	The Ambassador in Germany to the Secretary of State (telegram).	No correspondence relative to hospital supplies in transit subsequent to Nov. 10; Foreign Office has received no reply to note of Oct. 15 to Spanish Ambassador.	947
2975	May 5	The Secretary of State to the Ambassador in Germany (telegram).	Inquires if Department's memorandum on conduct of naval vessels toward merchant ships was handed to German officials.	256
2976	May 5	The Secretary of State to the Ambassador in Germany (telegram).	Inquires what use was made of Department's circular of Apr. 27 regarding attitude of this Government on subject of armed merchant ships.	256
3852	May 6 [Rec'd May 7]	The Ambassador in Germany to the Secretary of State (telegram).	His answer to the Emperor's complaint against England for stopping cargoes bound for Germany through neutral countries.	260
3853	May 6 [Rec'd May 7]	The Ambassador in Germany to the Secretary of State (telegram).	Press comment on German note promising concession to American demands.	260
3855	May 7 [Rec'd May 8]	The Ambassador in Germany to the Secretary of State (telegram).	Disposition of Department's memorandum on conduct of naval vessels toward merchant ships.	262
3856	May 7 [Rec'd May 8]	The Ambassador in Germany to the Secretary of State (telegram).	Newspapers forbidden to make comment on German note. Navy and Military hope for revenge on the United States later.	262

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No.	Date	From and to whom	Subject	Page
3857	May 7 [Rec'd May 8]	The Ambassador in Germany to the Secretary of State (telegram).	Department's circular of Apr. 27 regarding attitude of this Government on subject of armed merchant ships was presented to the Foreign Office and to the Chancellor.	263
[Enclosure]	May 7	The German Secretary of State for Foreign Affairs to the American Ambassador.	Acknowledges liability for attack on the <i>Sussex</i> and offers indemnity.	265
2983	May 8	The Secretary of State to the Ambassador in Germany (telegram).	Accepts German assurances as not contingent upon conduct of any other government.	263
3861	May 8	The Ambassador in Germany to the Secretary of State (telegram).	Widespread sentiment in Germany that when war is ended she will be revenged on the United States for export of arms and attitude toward submarine war.	264
3863	May 8 [Rec'd May 9]	The Ambassador in Germany to the Secretary of State (telegram).	Article from the <i>Cologne Gazette</i> discussing Germany's concession.	264
2982	May 8	The Secretary of State to the Ambassador in Germany (telegram).	British proposal regarding exemption of hospital supplies was sent with Department's instruction of June 25, 1915. Inquires whether presented; whether note of Oct. 15 to Spanish Ambassador was an answer thereto; whether any other medium was used to convey the reply.	947
2988	May 9	The Secretary of State to the Ambassador in Germany (telegram).	Requests full details of raid on Embassy's quarters in British Consulate building.	820
3873	May 10 [Rec'd May 11]	The Ambassador in Germany to the Secretary of State (telegram).	Von Jagow affirms that Germany made no express condition in note on submarine war.	266
3877	May 11 [Rec'd May 12]	The Ambassador in Germany to the Secretary of State (telegram).	Proposal of British Government concerning hospital supplies was given to Germany Aug. 2, 1915. Reply was sent to Spanish and U. S. Governments with idea that they would inform the enemy.	949
3880	May 11 [Rec'd May 12]	The Ambassador in Germany to the Secretary of State (telegram).	Chancellor fears that unless the United States enforces international law against England, Germany will demand resumption of relentless submarine war.	267

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No.	Date	From and to whom	Subject	Page
A 3444	May 12 [Rec'd May 13]	The German Ambassador to the Secretary of State.	Warns that neutral ships, when stopped by Germans, must observe provisions of international law to avoid incidents as in the <i>Bandoeng</i> case.	267
3882	May 12 [Rec'd May 13]	The Ambassador in Germany to the Secretary of State (telegram).	Detailed report on raiding of British Consulate building. Encloses copy of his unanswered protest to Foreign Office requesting return of U. S. Embassy papers.	820
3886	May 13	The Ambassador in Germany to the Secretary of State (telegram).	Chancellor thinks it inadvisable to answer the last American note.	268
A 3485	May 13 [Rec'd May 16]	The German Ambassador to the Secretary of State.	The German subjects taken from the <i>China</i> do not belong to the military organization.	645
3013	May 19	The Acting Secretary of State to the Ambassador in Germany (telegram).	Inquires whether German reply to British proposal concerning hospital supplies was sent to British Government through Spanish diplomatic officers.	950
1937	May 20	The Acting Secretary of State to the German Ambassador.	German note warning neutral ships against turning on submarines has been sent to the Secretary of Commerce and contents given to the press.	268
3910	May 22 [Rec'd May 23]	The Ambassador in Germany to the Secretary of State (telegram).	British proposal concerning hospital supplies was agreed to by Germany; note to that effect was sent to Spain.	950
3028	May 24	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to furnish Foreign Office with copy of British memorandum on relief in Poland and to ascertain its attitude.	894
2444	May 25	The Acting Secretary of State to the Ambassador in Germany.	Sends file copies of correspondence concerning the <i>Pinzon</i> , with explanations.	710
3031	May 25	The Acting Secretary of State to the Ambassador in Germany (telegram).	Transmits message of Rockefeller Foundation to Director of War Relief Commission in Stockholm announcing the availability of funds for relief work in Poland, Serbia, Montenegro, and Albania when arrangements satisfactory to Commission have been made.	895
A 3807	May 27 [Rec'd May 29]	The German Ambassador to the Secretary of State.	German Government declares procedure against Von Igel as contrary to international law and that seized documents were inviolable.	812

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No.	Date	From and to whom	Subject	Page
3034	May 27	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to report on German attitude toward Polish relief. Breakdown of relief through inability of powers to agree on details would be a calamity.	895
3929	May 29 [Rec'd May 30]	The Ambassador in Germany to the Secretary of State (telegram).	Presented to Minister of Interior copy of the British memorandum regarding relief of Poland. Proposition will probably be rejected.	803
3934	May 30 [Rec'd May 31]	The Ambassador in Germany to the Secretary of State (telegram).	Gives reasons why Germany can not accept propositions made by Great Britain in memorandum of May 10. Offers substitute proposition.	896
3939	May 30 [Rec'd May 31]	The Ambassador in Germany to the Secretary of State (telegram).	German press considers the President's peace proposals as being favorable to Great Britain.	32
3941	May 31 [Rec'd June 1]	The Ambassador in Germany to the Secretary of State (telegram).	National Liberal Party advocates relentless submarine warfare; all parties except Socialists prefer mediation to come from Switzerland.	33
	May 31	The Acting Secretary of State to the Consul General at Hamburg (telegram).	Instructions to ascertain unofficially if Germany intends to institute prize proceedings in the <i>Arabic</i> case.	271
3038	May 31	The Acting Secretary of State to the Ambassador in Germany (telegram).	Instructions to present to Foreign Office substance of Department's 3034, May 27, regarding relief in Poland.	896
3951	June 3 [Rec'd June 4]	The Ambassador in Germany to the Secretary of State (telegram).	Von Jagow asks why American notes to England on the <i>China</i> case and the seizure of mails were not published, while U. S. notes to Germany were invariably published.	271
3062	June 6	The Secretary of State to the Ambassador in Germany (telegram).	Requests explanation of statement on favorable prospects of peace.	34
3971	June 7 [Rec'd June 9]	The Consul General at Hamburg to the Secretary of State (telegram).	German Government will not voluntarily institute prize court proceedings in the <i>Arabic</i> or any other case; but claimants may do so.	272
3972	June 8 [Rec'd June 9]	The Ambassador in Germany to the Secretary of State (telegram).	Statement to press concerning peace mere generalities; made good impression. Requests authority to deny that the Department has issued statement that Germany will demand peace if harvest is unfavorable.	34



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No.	Date	From and to whom	Subject	Page
	June 8 [Rec'd June 9]	The German Ambassador to the Secretary of State.	Germany ready to ship dyestuffs as requested, subject to assur- ances of safe transit.	559
3978	June 9 [Rec'd June 10]	The Ambassador in Germany to the Secretary of State (tele- gram).	Von Jagow again asks why U. S. notes to Great Britain about the <i>China</i> and the detention of mails were not published.	272
3085	June 13	The Secretary of State to the Ambassador in Germany (telegram).	Authorization to state that the Department has given no state- ment in regard to the internal economic conditions of Ger- many.	35
3086	June 13	The Secretary of State to the Ambassador in Germany (telegram).	The <i>China</i> correspondence will be made public as soon as believed expedient.	273
3087	June 13	The Secretary of State to the Ambassador in Germany (telegram).	Desires to know if there is any ob- jection to the publication of Doctor Taylor's milk report.	963
3992	June 13 [Rec'd June 14]	The Ambassador in Germany to the Secretary of State (tele- gram).	Germany can not accept conditions proposed by England for relief in Poland. Indicates form of re- lief work acceptable.	397
3995	June 14 [Rec'd June 15]	The Ambassador in Germany to the Secretary of State (tele- gram).	Germany contemplates extending to the Consul at Warsaw the same recognition as that ac- cording to Consuls at Brussels, Antwerp, and Liège.	795
4001	June 15 [Rec'd June 16]	The Ambassador in Germany to the Secretary of State (tele- gram).	Sees no objection to publication of Doctor Taylor's milk report.	963
4007	June 16 [Rec'd June 17]	The Ambassador in Germany to the Secretary of State (tele- gram).	U. S. note to the Allies relating to seizure and detention of the mails was published in Germany and received favorably.	273
	June 16	The Secretary of State to the German Am- bassador.	Seized papers will be used in case of the <i>United States v. Hans Tauscher, et al.</i> Immunity of Von Igel not yet decided. Cites unjustified invasion of premises used by American Embassy in Berlin and seizure of papers.	813
[Enclo- sure]	June 17	Memorandum of the German Government.	Discusses British illegal measures against neutral firms which maintain commercial relations with Germany.	409
3101	June 17	The Secretary of State to the Ambassador in Germany (tel- egram).	Instruction to ascertain if Ger- many will consent to the publi- cation of Doctor Taylor's milk report.	964

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No.	Date	From and to whom	Subject	Page
A 4193/ 16	June 19 [Rec'd June 20]	The German Ambassador to the Secretary of State.	Proposes that legality of seizure of papers from Von Igel be settled by arbitration and that, pending decision, no use be made of the papers in question.	814
3109	June 20	The Secretary of State to the Ambassador in Germany (telegram).	Asks reply to note regarding apprehension, punishment, and return of Germans who escaped from internment.	716
3111	June 21	The Secretary of State to the Ambassador in Germany (telegram).	Belgium requests that the United States bring Germany's attention to the fact that any deportation from Belgium would be in violation of international law.	858
4042	June 23 [Rec'd June 24]	The Ambassador in Germany to the Secretary of State (telegram).	Suggests that Hoover communicate to him through the London Embassy whether there is danger of Belgian deportations.	859
A 4243	June 24 [Rec'd June 30]	The German Ambassador to the Secretary of State.	Asks that steps be taken for the release of Leiztritz, giving reasons for request.	651
A 4308	June 24	The German Ambassador to the Secretary of State.	Publication of documents on restraint of trade.	171 n
4050	June 26 [Rec'd June 27]	The Ambassador in Germany to the Secretary of State (telegram).	German Government has no objection to publication of Doctor Taylor's milk report.	964 n
4071	June 29 [Rec'd June 30]	The Ambassador in Germany to the Secretary of State (telegram).	Strikes and disturbances in Berlin.	37
B 6383	June 29 [Rec'd July 3]	The German Ambassador to the Secretary of State.	General Staff at Berlin does not assent to form of pledge required of commanding officers interned in the United States.	717
A 4385/ 16	June 30 [Rec'd July 1]	The German Ambassador to the Secretary of State.	Germany apologized for raiding Embassy quarters in former British Consulate and papers were returned. This incident different from Igel incident.	821
A 4387	June 30 [Rec'd July 1]	The German Ambassador to the Secretary of State.	German interpretation of Article 19 of the treaty of 1799. An authenticated note from John Adams, Benj. Franklin, and Thos. Jefferson in support of the interpretation. Request that asylum be granted the <i>Appam</i> and that case be dismissed from court.	737
	July 1	The Secretary of State to the German Ambassador.	Suggests early settlement of the <i>Frye</i> case.	278

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No.	Date	From and to whom	Subject	Page
3157	July 5	The Secretary of State to the Ambassador in Germany (telegram).	Transmits substance of German Ambassador's note regarding the raiding of former British Embassy. Instructions to report fully.	821 n
4084	July 6	The Ambassador in Germany to the Secretary of State (telegram).	There is talk of forcing the Government to reckless submarine war.	279
	July 7	The Acting Secretary of State to the Ambassadors in Germany, Austria-Hungary, France, Great Britain, and Russia (telegram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
4104	July 11 [Rec'd July 12]	The Ambassador in Germany to the Secretary of State (telegram).	Seized U. S. papers returned without note of apology. German request that matter be dropped.	822
3183	July 12	The Acting Secretary of State to the Ambassador in Germany (telegram).	Accepts German proposal to extend to the Consul at Warsaw the same recognition as that accorded to Consuls in Belgium.	796
4123	July 15 [Rec'd July 16]	The Ambassador in Germany to the Secretary of State (telegram).	Inquires whether the <i>Deutschland</i> will be recognized as a merchant vessel.	767
3195	July 17	The Acting Secretary of State to the Ambassador in Germany (telegram).	The <i>Deutschland</i> arrived in Baltimore bringing cargo of dyestuffs. Authorities have declared her to be a merchantman.	768
	July 20	The President of the United States to the Sovereigns of Germany, Austria-Hungary, Great Britain, and Russia, and the President of France.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
3208	July 20	The Acting Secretary of State to the Ambassador in Germany (telegram).	Inquires if children are starving at such a rate that the United States may, on humanitarian grounds, ask for the removal of milk from the contraband list.	967

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No.	Date	From and to whom	Subject	Page
4149	July 24 [Rec'd July 25]	The Ambassador in Germany to the Secretary of State (telegram).	Possibility that Germany will now sign the Bryan arbitration treaty but will reopen submarine war.	280
4150	July 24 [Rec'd July 25]	The Ambassador in Germany to the Secretary of State (telegram).	Transmits Doctor Taylor's report of July 24 stating that the milk supply of Germany is sufficient.	967
245	July 26 [Rec'd July 27]	The Consul General at Berlin to the Secretary of State (telegram).	Amendment to prize ordinance of Sept. 30, 1909, published.	281
A 4724	July 26 [Rec'd July 27]	The German Ambassador to the Secretary of State.	German Government agrees to diplomatic settlement of question of indemnity for the <i>Frye</i> ; desires that negotiations be conducted in Berlin.	281
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2658	Jan. 4	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry as to arrangements made by Hoover with the Central powers for relief in Serbia and Poland.	886
	Jan. 5	The Secretary of State to the British Ambassador.	Requests reply to U. S. note regarding British measures restricting legitimate trade with belligerent and neutral countries.	329
	Jan. 5 [Rec'd Jan. 6]	The British Ambassador to the Secretary of State.	Has presented to his Government the U. S. note requesting reply regarding trade restrictions.	329
2665	Jan. 5	The Secretary of State to the Ambassador in Great Britain (telegram).	Awaiting decision regarding hops. The Ambassador at Paris has been instructed to present the matter to the French Government.	581
2794	Jan. 5 [Rec'd Jan. 17]	The Ambassador in Great Britain to the Secretary of State.	Transmits White Paper entitled <i>Measures Adopted to Intercept the Sea-borne Commerce of Germany</i> .	330
2686	Jan. 10	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to advise Foreign Office that conditions enforced by British in China are causing damage to American trade.	330
2694	Jan. 11	The Secretary of State to the Ambassador in Great Britain (telegram).	Urges early reply regarding cyanide in view of great need.	562
3541	Jan. 11	The Ambassador in Great Britain to the Secretary of State (telegram).	Reasons why the Relief Commission sees little hope of helping Poland. Investigations in Serbia.	886
[Enclosure]	Jan. 11	The Ambassador in Great Britain to the Minister in Belgium.	Transmits letter from Grey threatening to withdraw consent to Belgian relief unless Germans comply with conditions laid down. Comments.	872
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2714	Jan. 14	The Secretary of State to the Ambassador in Great Britain (telegram).	Regarding goods ordered from Germany and Austria-Hungary before Mar. 1, 1915, British Embassy urges speedy action on cases recommended.	523
3586	Jan. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office understood that dyestuffs had been paid for with cotton already shipped. Necessary to know to whom further shipments should be consigned, and price.	549

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1083	Jan. 17 [Rec'd Feb. 1]	The Consul General at London to the Secretary of State.	Modification of British blockade policy improbable. Suggestions which if adopted would do away with reasonable complaints from U. S. shippers.	340
2735	Jan. 17	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to mail copy of amended enemy-trading act prohibiting trading with non-residents of enemy nationality or association.	337
	Jan. 18	The Secretary of State to the British Ambassador.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146
2739	Jan. 18	The Secretary of State to the Ambassador in Great Britain (telegram).	Further representations regarding issuance of permits for material necessary for American industries, and attitude of U. S. citizens.	550
2748	Jan. 19	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge substitute shipping permits for sugar-beet seed now at Rotterdam.	534
3601	Jan. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Explains object of Trading with the Enemy (Extension of Powers) Act of 1915.	338
3602	Jan. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits text of Trading with the Enemy (Extension of Powers) Act of Dec. 23, 1915.	337
2878	Jan. 20 [Rec'd Feb. 1]	The Ambassador in Great Britain to the Secretary of State.	News articles on futility of England's blockade against Germany, showing the decrease of German imports and increase in those of surrounding neutral countries.	341
3606	Jan. 20	The Ambassador in Great Britain to the Secretary of State (telegram).	Asks for what purpose hops and lupulin are desired and if for use of the Government.	582

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2760	Jan. 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquires attitude of British Government toward the transportation of relief supplies from the United States to Holland thence by land to Serbia.	914
2765	Jan. 22	The Secretary of State to the Ambassador in Great Britain (telegram).	Hops and lupulin used in brewing industry are procurable only in Germany or Austria; are not for Government use.	582
[Enclosure]	Jan. 22	The British Foreign Office to the American Embassy.	Memorandum in justification of British trade regulations in China.	345
3629	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Permits for porcelain guides for Mitchell-Bissell have been granted. No record of request for other guides.	566
3636	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Government reluctant to grant further permits for shipment of sugar-beet seed not covered by existing permits.	534
3638	Jan. 24	The Ambassador in Great Britain to the Secretary of State (telegram).	Consent of British depends upon adequacy of machinery in Serbia for distributing food. Suggests that Red Cross wait until machinery is set up. Grain in Roumania cheaper.	914
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2778	Jan. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	New application of Mitchell-Bissell Co. for permits for porcelain guides.	567
2779	Jan. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	It is desired that the British Government issue permits for an amount of beet seed not in excess of existing permits.	534
3648	Jan. 25 [Rec'd Jan.26]	The Ambassador in Great Britain to the Secretary of State (telegram).	U. S. <i>modus vivendi</i> proposals considered a victory for Germany. Great Britain preparing to construct munition plants at home and in Canada.	151
[Enclosure]	Jan. 25	The British Secretary of State for Foreign Affairs to the American Ambassador.	Questions regarding seizure of mails from neutral vessels must be referred to the Allied Governments jointly.	593

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3658	Jan. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Gives reasons why investigation of complaints regarding goods ordered from Germany and Austria-Hungary is delayed in Foreign Office.	523
3365	Jan. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	U. S. <i>modus vivendi</i> proposal will antagonize the Allies. Advises that it be withdrawn.	152
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2805	Jan. 31	The Secretary of State to the Ambassador in Great Britain (telegram).	Urgent request for reconsideration of refusal of permit to Mitchell-Bissell for porcelain guides and for cyanide.	567
2806	Jan. 31	The Secretary of State to the Ambassador in Great Britain (telegram).	Transmits, for attention of the Foreign Office, report of the Consul at Marseille on the disposition of the <i>Kankakee</i> with request for intervention on behalf of the crew.	339
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	Feb. 3 [Rec'd Feb. 5]	The British Secretary of State for Foreign Affairs to the British Ambassador at Washington (telegram).	U. S. proposal to deprive merchant vessels of defensive armament would insure the effectiveness of submarine warfare.	158

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	Feb. 5	The British Secretary of State for Foreign Affairs to Mr. Hoover.	An unfavorable reply to request for permission to extend relief to Poland.	887 <sup>n</sup>
2830	Feb. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to investigate and report cases of <i>Kashgar</i> and <i>City of Marseilles</i> .	160
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	Mar. 1	The Consul General at London to the Secretary of State (telegram).	First proclamation under British blacklisting law names firms in neutral countries with which trading is forbidden.	352
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3949	Mar. 14	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey has promised to give early consideration to the subject of shipments of cyanide.	565

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3374	Mar. 16	The Acting Secretary of State to the Ambassador in Great Britain.	Forwards copy of Department's letter to William Amer Co. and others, advising a method of procedure to secure release of goods seized by British.	355
3966	Mar. 16	The Ambassador in Great Britain to the Secretary of State (telegram).	British have referred question of Polish relief to Russia, and will act according to Russian decision.	888
[Enclosure]	Mar. 16	The British Secretary of State for Foreign Affairs to the American Ambassador.	Justification of the removal of Germans and Austrians from the <i>China</i> .	633
	Mar. 18	The Consul General at London to the Secretary of State (telegram).	Department's understanding that innocent mail may go forward immediately is erroneous. Procurator General will proceed against certain classes of mail under appropriate order in council.	596
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4041	Mar. 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office desires to know how it is to be assured that stores landed at Jaffa will reach the Jewish hospitals for which they are intended.	926

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[Enclosure]	Undated [Rec'd Mar. 27]	The British Secretary of State for Foreign Affairs to the American Ambassador.	The Government, after careful reconsideration, is unable to reverse its original decision to refuse permits for the shipment of German porcelain guides.	569
[Enclosure]	Mar. 27	The British Foreign Office to the American Embassy.	U. S. voucher for authenticity of the American Physicians' Expeditions Committee in Germany essential to the granting of facilities for receiving supplies.	944
862	Mar. 28	The Secretary of State to the Consul General at London.	Transmits form letter being sent out by the Department in reply to complaints from consignees of parcel-post packages seized by the British.	596
4044	Mar. 28	The Ambassador in Great Britain to the Secretary of State (telegram).	Admiralty states that the <i>Sussex</i> was not armed; not customary for cross-channel passenger steamers to be armed.	215
	Mar. 31 [Rec'd Apr. 1]	The British Ambassador to the Secretary of State.	Requests that official representations be made to the U. S. court to return the <i>Appam</i> to her owners on ground that her detention was a violation of U. S. neutrality.	733
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3141	Apr. 4	The Secretary of State to the Ambassador in Great Britain (telegram.)	Inquires if the <i>Sussex</i> was ever used as transport or troopship, and if transports follow the same route as the <i>Sussex</i> on her last trip.	223
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	Apr. 8	The Commercial Adviser of the British Em- bassy to the Foreign Trade Adviser of the Department of State.	Permits have been granted Mitch- ell-Bissell Co. to import cer- tain cases of porcelain guides from Germany on condition specified.	569
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[Enclo- sure]	Apr. 12	The American Ambassador to the British Secretary of State for For- eign Affairs.	Shippers' protest against seizure of goods consigned to the Netherlands Oversea Trust.	391
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4162	Apr. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	In order to reduce censorship delay, Foreign Office suggests that shipping documents for cargo be dispatched in special bags; also that U. S. mail to neutrals of northern Europe be dispatched through England.	603
	Apr. 18 [Rec'd Apr. 19]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Foreign Office fixes the dates on which permits to move enemy goods must lapse.	526
4176	Apr. 19	The Ambassador in Great Britain to the Secretary of State (telegram).	Spring Rice and Jusserand are ready to present their note, but consider time inopportune.	364
	Apr. 20 [Rec'd May 9]	The Vice Consul at London to the Secretary of State.	Transmits list of articles declared to be contraband of war; no distinction made between absolute and conditional.	385
	Apr. 21 [Rec'd Apr. 22]	The British Ambassador to the Secretary of State.	Forwards message for Dr. Ryan: British ready to approve sending of medical and sanitary mission to Serbia, but would not approve of the introduction of foodstuffs.	919
	Apr. 22	The Secretary of State to the British Ambassador.	Requests specific information regarding instructions issued for guidance of British sea captains.	239
	Apr. 22	The Secretary of State to the Consul General at London (telegram).	Instructions to obtain total value of merchandise in prize court and approximate value of American goods therein.	367
106	Apr. 22 [Rec'd Apr. 26]	The British Ambassador to the Secretary of State.	American Transatlantic Co. ship <i>Winneconne</i> carried cargo to Gothenburg for Germany. Immunity from capture enjoyed by company's vessels can only be continued provided they will not trade with Scandinavia and Holland.	382
3233	Apr. 22	The Secretary of State to the Ambassador in Great Britain (telegram).	Seizure of persons on the <i>China</i> : Instructions to maintain that only military or naval persons may be removed from neutral vessels on the high seas.	637

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107	Apr. 24	The British Ambassador to the Secretary of State.	Transmits memorandum in justification of restrictions on trade.	368
111	Apr. 25 [Rec'd Apr. 27]	The British Ambassador to the Secretary of State.	Instructions of Oct. 20 for the guidance of British sea captains contain orders at present in force.	249
3237	Apr. 25	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to confer with Foreign Office regarding British representation in Berlin in case of severance of relations between the United States and Germany.	241
1152	Apr. 26	The Secretary of State to the British Ambassador.	Maintains that hovering of belligerent warships such as the <i>Vinland</i> and <i>Zealandia</i> near U. S. waters, is inexcusable source of annoyance and offense.	762
	Apr. 27	The Vice Consul at London to the Secretary of State (telegram).	Figures showing value of merchandise in prize court not available. Gives price of goods sold by prize court to Mar. 31.	383
	Apr. 28	The British Ambassador to the Secretary of State.	Transmits British Admiralty instructions of Oct. 20, 1915, for defensively armed merchant ships.	250
3253	Apr. 28	The Secretary of State to the Ambassador in Great Britain (telegram).	Asks for copies of instructions of Oct. 20, 1915, to British armed merchantmen.	251
	Apr. 29	The Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Requests extension of time for firms which may be unable to obtain shipment of goods from Rotterdam within the time specified.	526
3264	May 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to protest to British Government against seizure of Leiztritz unless shown that he was incorporated in the armed forces of Germany.	639
3267	May 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Quotes letter reporting favorable attitude of Russia toward plan for relief in Poland. Instructions to ascertain British attitude.	891 <i>n</i>
1739	May 2 [Rec'd May 13]	The Consul General at London to the Secretary of State.	British Government appears to have ignored its pledge to accept consignments to Netherlands Oversea Trust. Sends list of such goods returned for prize court proceedings.	390

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[Enclosure]	May 2	The British Secretary of State for Foreign Affairs to the American Ambassador.	Agreement with Oversea Trust does not preclude request for the return of cargoes to England for prize court proceedings.	391
	May 3	The Secretary of State to the Ambassador in Great Britain (telegram).	For the Consul General: requests estimate of value of American goods in prize court.	383
3702	May 3 [Rec'd May 15]	The Ambassador in Great Britain to the Secretary of State.	Transmits copy of <i>aide mémoire</i> to Grey setting forth shippers' protest against the seizure of goods consigned to Netherlands Oversea Trust, and Grey's reply.	390
4244	May 3	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government unable to modify blockade of Syrian coast by permitting the landing of supplies for Jewish hospitals.	929
4252	May 5	The Ambassador in Great Britain to the Secretary of State (telegram).	British will release <i>China</i> prisoners but cannot open the door through which enemy reservists in neutral countries may reach their own countries.	640
	May 5	The Secretary of State to the British Ambassador.	U. S. coastwise trading vessels in Philippine waters are being subjected to irregular visit and search, supposedly by British ships.	684
3285	May 6	The Secretary of State to the Ambassador in Great Britain (telegram).	U. S. Government expects formal apology for affront to its flag, as well as the release of the men taken from the <i>China</i> .	641
[Enclosure]	May 8	The British Secretary of State for Foreign Affairs to the American Ambassador.	Replies to protest against the seizure of persons on the <i>China</i> .	643
4271	May 9	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government declines to discuss the <i>Joseph W. Fordney</i> case pending prize court decision.	387
	May 10	The Secretary of State to the British Ambassador.	Explains status of ships owned by American Transatlantic Co. and asks if the British Government intends to repudiate its promise concerning them.	388
[Enclosure]	May 10	Memorandum of the British Foreign Office.	Transmits British proposed plan for Polish relief and draft of guarantees to be signed by German authorities in Poland.	892



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4284	May 11 [Rec'd May 12]	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that some of the <i>China</i> prisoners are German reservists with false passports returning to Germany; asks that they may be retained pending the arrival of documentary proof.	641
4289	May 12 [Rec'd May 13]	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British memorandum in reply to U. S. protest against the seizure of persons on the <i>China</i> . Comments.	642
	May 13	The Commercial Adviser of the British Embassy to the Acting Secretary of State.	German policy in regard to exportation of dyestuffs has caused British withdrawal of permit to ship two cargoes.	555
3316	May 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge continuance of undertaking of non-interference with shipment of dyestuffs to Republic Trading Corp.	556
3311	May 13	The Secretary of State to the Ambassador in Great Britain (telegram).	Post Office Department has no objection to placing shipping documents in special bags. Prefers mail to go direct to neutral countries, relying upon non-interference by Allies.	603
3318	May 15	The Secretary of State to the Ambassador in Great Britain (telegram).	Insists upon the release of all persons removed from the <i>China</i> .	644
3320	May 15	The Secretary of State to the Ambassador in Great Britain (telegram).	Expresses appreciation of amicable settlement of <i>China</i> case. Cites similar Civil War cases. Asks when prisoners will be released.	644
	May 16 [Rec'd May 17]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Issue by British consular authorities at neutral ports of permits for the shipment of goods must be made on or before date of expiration of the permit.	527
4314	May 16	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that, when he promised the release of the persons seized on the <i>China</i> , he did not know that some of them were incorporated in the enemy armed forces.	645

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[Enclosure]	May 16	The British Secretary of State for Foreign Affairs to the American Ambassador.	Gives assurance of British cooperation in Belgian relief work.	884
4320	May 18	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that our Government ask for the release of undoubted civilians removed from the <i>China</i> but suspend demand for others until documents arrive from the Orient.	645
3341	May 19	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to request removal of vessels of American Transatlantic Co. from black list.	392
	May 20	The Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Asks for more liberal issuance of letters of assurance to shippers of certain products.	497
4335	May 20	The Ambassador in Great Britain to the Secretary of State (telegram).	Has been informed by Grey that all persons from the <i>China</i> will be released.	646
3347	May 20	The Secretary of State to the Ambassador in Great Britain (telegram).	Cannot agree to retention of <i>China</i> prisoners on grounds of subsequent incriminating evidence.	647
4345	May 22	The Ambassador in Great Britain to the Secretary of State (telegram).	Consul General Skinner suggests that Oversea Trust assignments actually in Holland should not be returned to England until facts in each case have been examined.	393
3662	May 23	The Acting Secretary of State to the Ambassador in Great Britain.	Approves action taken in connection with seizure of goods consigned to Oversea Trust.	395
	May 23 [Rec'd May 24]	The Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Has called attention of Foreign Office to unsatisfactory issuance of letters of assurance to shippers.	497
	May 24	The Acting Secretary of State to the Commercial Adviser of the British Embassy.	Restates U. S. understanding of dyestuffs case. Sees no basis for British change of attitude towards their assurances previously issued.	557

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1186	May 24	The Secretary of State to the British Ambassador.	A protest against illegal seizure by British and French of mail between neutral countries.	604 <i>n</i>
3357	May 24	The Secretary of State to the Ambassador in Great Britain (telegram).	Pleased with release of persons seized on the <i>China</i> , with admission of principle contended for. Instructions to press for release of men in the <i>Henry S.</i> and <i>Ausable</i> cases.	647
3366	May 25	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Transmits message of Rockefeller Foundation to Director of War Relief Commission in Stockholm announcing the availability of funds for relief work in Poland, Serbia, Montenegro, and Albania when arrangements satisfactory to Commission have been made.	895 <i>n</i>
3676	May 29	The Acting Secretary of State to the Ambassador in Great Britain.	National Association of Hosiery and Underwear Manufacturers, Inc., request uninterrupted shipment of knitting needles on the ground of urgent need.	571
1948	May 29 [Rec'd June 13]	The Consul General at London to the Secretary of State.	Transmits official note regarding the ultimate disposition of parcel-post merchandise seized by the British, with comments.	610
4384	May 30	The Ambassador in Great Britain to the Secretary of State (telegram).	Grey states that Leitztritz confesses to being an officer in the German Naval Reserves.	648
3380	May 31	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Can not understand attitude of British regarding permits for dyestuffs; desires immediate assurance that they will come forward at once.	558
3385	June 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Plans to send Wyvell of Foreign Trade Adviser's office to London to explain certain applications for assurances of non-interference with importations of German and Austrian goods.	527
[Enclosure]	June 2	The British Foreign Office to the American Embassy.	Permit to ship dyes has not been used and has now lapsed.	559

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	June 2 [Rec'd June 5]	The British Ambassador to the Counselor for the Department of State.	Reply to complaints of U. S. citizens against interference with mails.	608
3388	June 2	The Secretary of State to the Ambassador in Great Britain (telegram).	Repeats plan of relief acceptable to Germany and asks attitude of British Government concerning it.	896 n
	June 5 [Rec'd June 7]	The British Ambassador to the Secretary of State.	Denies that merchantmen have been instructed to use guns for offensive purposes and that awards have been made by the Government for such use.	271
4420	June 5	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits official note declaring that permit to ship dyes has not been used and has now lapsed. Awaits further instructions.	559
	June 6	The Consul General at London to the Secretary of State (telegram).	Value of detained cargo on June 2 estimated at four million pounds.	396
3399	June 6	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to renew representations and recall definite agreement of British Government to allow certain shipment of dyes.	559
3402	June 8	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquires when the <i>China</i> prisoners will be released and what arrangements have been made for their transportation home.	649
	June 9 [Rec'd June 12]	The British Ambassador to the Secretary of State.	Communicates new instructions to naval officers regarding visit and search.	685
3405	June 9	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry regarding a possible understanding with Spanish Ambassador not to present to the British Government the German reply concerning hospital supplies.	951
4446	June 12	The Ambassador in Great Britain to the Secretary of State (telegram).	The <i>China</i> passengers are in Australia. Delay in releasing them will be investigated.	649
4448	June 12 [Rec'd June 13]	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that he take up with Lord Robert Cecil cases of application for assurance of non-interference with goods of enemy origin instead of Wyvell.	528
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3426	June 15	The Secretary of State to the Ambassador in Great Britain (telegram).	Shippers' complaint that consignments to Oversea Trust are placed in prize court; instructions to request that goods in Netherlands not be returned to England until facts in each case have been examined.	397
[Enclosure]	June 15	The British Secretary of State for Foreign Affairs to the American Ambassador.	Sets forth joint responsibility of Germany and Austria-Hungary for conditions in Poland and elsewhere, and adheres to original demands concerning relief.	898
3430	June 16	The Secretary of State to the Ambassador in Great Britain (telegram).	Instruction to present to British Government the Red Cross proposal regarding shipments of hospital supplies to Central powers.	952
4017	June 16 [Rec'd June 26]	The Ambassador in Great Britain to the Secretary of State.	Transmits telegrams from the Ambassador in Berlin on Polish relief and British note maintaining the responsibility of Germany and Austria-Hungary for conditions and adhering to original demands.	898
4467	June 16	The Ambassador in Great Britain to the Secretary of State (telegram).	Final decision is that, permits for shipment of dyestuffs having lapsed, British can not consider fresh concessions under conditions which have now changed.	560
3436	June 17	The Secretary of State to the Ambassador in Great Britain (telegram).	Denies right of the British to seize Leiztritz and urges his release.	649
2115	June 21 [Rec'd July 6]	The Consul General at London to the Secretary of State.	Transmits prize court judgment in the <i>Joseph W. Fordney</i> case.	406
3451	June 21	The Secretary of State to the Ambassador in Great Britain (telegram).	Foreign Office agreeable to have Wyvell go to London to aid in presenting importation cases. Only necessary to secure a hearing for him before proper officials.	528
4482	June 21	The Ambassador in Great Britain to the Secretary of State (telegram).	Explains why the German reply to the British proposal concerning hospital supplies was not presented to the British Government.	953
	June 22 [Rec'd June 24]	The British Ambassador to the Secretary of State.	Inquires whether Department has agreed to give clearance papers for cargo of condensed milk for Germany, Austria, and Poland, to be sent by Citizens' Committee for Food Shipments.	964
4493	June 23 [Rec'd June 24]	The Ambassador in Great Britain to the Secretary of State (telegram).	British discouragement of Wyvell's visit; further concessions regarding enemy exports impossible.	529

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3464	June 28	The Secretary of State to the Ambassador in Great Britain (telegram).	The Government expects Great Britain to release and return the <i>China</i> prisoners promptly.	650
[Enclosure]	June 28	The British Secretary of State for Foreign Affairs to the American Ambassador.	The <i>China</i> prisoners will be released in accord with promise, even though some of them had served in the war and were escaped prisoners.	650
	June 29	The Consul General at London to the Secretary of State (telegram).	Transmits proclamation of June 27 supplementing previous contraband proclamations.	405
4507	June 29	The Ambassador in Great Britain to the Secretary of State (telegram).	The British Government will not continue to permit unrestricted importation of tobacco into enemy countries.	510
4508	June 29	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits British memorandum stating that the <i>China</i> prisoners will be released in accord with promise, even though some of them had served in the war and were escaped prisoners.	650
3468	June 29	The Secretary of State to the Ambassador in Great Britain (telegram).	No stone should be left unturned to secure justice to exporters against blockade measures.	530
1227	June 30	The Secretary of State to the British Ambassador.	Department has not approved or disapproved shipment of condensed milk to be sent by Citizens' Committee for Food Shipments to Germany, Austria, and Poland.	964
3478	July 1	The Secretary of State to the Ambassador in Great Britain (telegram).	States that the British memorandum concerning the <i>China</i> case is unsatisfactory; suggests that it be withdrawn or reworded.	651
194	July 3	The British Ambassador to the Secretary of State.	Submits views of British Government on issues raised by the rumored visit of a German submarine to a U. S. port.	765
195	July 3 [Rec'd July 5]	The British Ambassador to the Secretary of State.	Great Britain will not repudiate promise to American Transatlantic Co. Trusts that discussion of legal points will be postponed until cases have come before the prize court.	405
196	July 3 [Rec'd July 5]	The British Ambassador to the Secretary of State.	Refutation of charges of irregularities in visit and search of the <i>Zealandia</i> by the <i>Isis</i> .	686
3486	July 3	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to present Taft's note of May 8 to British Government without comment.	953

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3487	July 3	The Secretary of State to the Ambassador in Great Britain (telegram).	Disapproves of his action in expressing an opinion as to inutil-ity of presenting the German reply to British Government.	953
[Enclo- sure]	July 4	The British Sec- retary of State for Foreign Affairs to the American Am- bassador.	Note and memorandum on various points connected with the pres- ent treatment of Poland by Germany and Austria.	900
4532	July 6	The Ambassador in Great Brit- ain to the Sec- retary of State (telegram).	Government ready to give consid- eration to concrete cases of U. S. shipments consigned to Oversea Trust which have been placed in prize court.	407
3497	July 6	The Secretary of State to the Ambassador in Great Brit- ain (telegram).	Permit for shipment of novocaine and salvarsan already at Rotter- dam, regarded as lapsed. In- structions to urge uninterrupted shipment.	544
[Enclo- sure]	July 7	Memorandum of the British Government.	Explanation and reasons for the Maritime Rights Order in Coun- cil.	414
	July 7	The Consul Gen- eral at Lon- don to the Secretary of State (tele- gram).	Danish Merchants' Guild request- ed not to submit further applica- tions for import permits for shipments of dried fruit, because of excessive importations over ration allotted by the British.	504
	July 7	The British Am- bassador to the Secretary of State.	Transmits copy of Foreign Office letter to John Scheepers & Co. in explanation of the British practice of censoring mails.	610
	July 7	The Acting Sec- retary of State to the Amba- sadors in Great Britain, Aus- tria-Hungary, France, Ger- many, and Russia (tele- gram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
4183	July 7 [Rec'd July 17]	The Ambassador in Great Brit- ain to the Sec- retary of State.	Transmits British note and mem- orandum on various points con- nected with present treatment of Poland by Germany and Austria.	900
4181	July 10 [Rec'd July 24]	The Ambassador in Great Brit- ain to the Secretary of State.	Transmits text of the Maritime Rights Order in Council of July 7, 1916, with explanatory mem- orandum.	413
1248	July 11	The Acting Sec- retary of State to the British Ambassador.	Search of the <i>Zealandia</i> was an undue and discourteous exercise of belligerent rights.	688
	July 11	The Acting Sec- retary of State to the British Ambassador.	Acknowledges note on the issues raised by rumored visit of Ger- man submarine to U. S. port.	767

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No.	Date	From and to whom	Subject	Page
[Enclosure]	Undated [Rec'd July 13]	The British Secretary of State for Foreign Affairs to the American Ambassador.	Disapproves Red Cross suggestion to send a supervisory commission to Central powers, as no need exists.	954
214	July 13 [Rec'd July 14]	The British Ambassador to the Secretary of State.	Requests permission for reentry into the United States of discharged British soldiers.	702
[Enclosure]	July 15	The British Secretary of State for Foreign Affairs to the American Ambassador.	Memorandum in explanation of contention in the <i>China</i> case.	653
[Enclosure]	July 17	The British Foreign Office to the American Embassy.	Memorandum of July 5 was worded to indicate that the <i>China</i> case should not be used as a precedent.	652
3525	July 17	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	The <i>Deutschland</i> arrived in Baltimore bringing cargo of dyestuffs. Authorities have declared her to be a merchantman.	768 n
3527	July 17	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Unfavorable impression created here by British failure to acquiesce in Red Cross proposition.	954
3917	July 17	The Secretary of State to the Ambassador in Great Britain.	Gerard suggests that Hoover communicate to him through the London Embassy whether there is danger of Belgian deportations.	859
[Enclosure]	July 18	The British Secretary of State for Foreign Affairs to the American Ambassador.	Refuses bunker coal to ships of the American Transatlantic Co.	423
	July 19	The Consul General at London to the Secretary of State (telegram).	Transmits proclamation blacklisting 85 concerns in the United States.	411
3538	July 19	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to press for reply to note regarding censorship of mails.	612
3543	July 20	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Complains of change in British policy regarding tobacco and urges continuance of former arrangement for shipments.	511



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[Enclosure]	July 20	The British Secretary of State for Foreign Affairs to the American Ambassador.	Note and memorandum in reply to specific complaints regarding censorship of the mails by the Allied Governments.	613
	July 20	The President of the United States to the Sovereigns of Great Britain, Austria-Hungary, Germany, and Russia, and the President of France.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
[Enclosure]	July 20	The British Secretary of State for Foreign Affairs to the Ambassador in Great Britain.	States that as Austria and Germany claim the ability to provide food for Serbia, importation from neutral countries is unnecessary. If need exists, however, the British Government will release the grain requested.	922
3549	July 21	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Informed that tobacco must now be consigned to Oversea Trust. Requests that shipments on the way be not interfered with.	511
3552	July 21	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Discussion with Spring Rice of subject of the blacklisting of U. S. firms and probable danger of litigation.	411 n
2308	July 21 [Rec'd July 31]	The Consul General at London to the Secretary of State.	Statutory and black lists, and reasons for placing certain firms thereon. Encloses British note to American Ambassador.	423
4598	Undated [Rec'd July 22]	The Ambassador in Great Britain to the Secretary of State (telegram).	Lord Robert Cecil repeats British refusal to admit Red Cross supplies to Germany.	955
4600	July 22 [Rec'd July 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	Will make mitigating suggestions regarding British blacklisting of American firms.	412
3560	July 24	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	States that the British memorandum of July 20 (censorship of mails) has been published; urges forwarding of reply of Allied Governments without further delay.	615

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No.	Date	From and to whom	Subject	Page
3562	July 24	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to cable whether all Germans taken from the <i>China</i> have been released.	653
4606	July 25	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggested to Cecil that British officials in the United States be authorized to remove names of shippers from black list when good reason is shown.	420
4610	July 26	The Ambassador in Great Britain to the Secretary of State (telegram).	Lord Robert Cecil explains the statutory black-list act and gives assurance that injustice will be avoided.	420
3578	July 26	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Formal note protesting against the enemy-trading act.	421
[Enclosure]	July 26	The British Foreign Office to the American Embassy.	Final proposal of conditions upon which foodstuffs may enter occupied territory.	904
	July 27 [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain of a conversation with the British Secretary of State for Foreign Affairs.	British attitude toward America, President Wilson's speech, and a league to enforce peace.	40
4619	July 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Transmits final British proposal of conditions upon which foodstuffs may enter occupied territory. Comments.	904
[Enclosure]	Undated [Rec'd July 29]	The British Foreign Office to the American Embassy.	In justification of refusal to permit hospital supplies sent to Central powers except to American Red Cross units.	955
	July 29 [Rec'd July 31]	The British Embassy to the Department of State.	Difficulties of the <i>Chinese Prince</i> which arrived at Manila short of cargo seized by British at Penang. Asks cancellation of bond required of owners.	424
[Enclosure]	Undated [Rec'd July 31]	The British Foreign Office to the American Embassy.	British firms have been advised not to trade with Herskovits & Son.	424
3594	July 31	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	British Embassy suggests that only a limited number of cases be presented by Wyvell. Instructions to try to secure recognition of all meritorious cases.	530

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4637	July 31 [Rec'd Aug. 1]	The Ambassador in Great Britain to the Secretary of State (telegram).	Instructions have been given for the release of the <i>China</i> prisoners. Have requested details regarding all prisoners removed from the <i>China</i> , the <i>Ausable</i> , and the <i>Henry S.</i>	656
	Aug. 1 [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain of a conversation with the British Prime Minister.	Justification of Casement execution; anti-American feeling in Great Britain; Mexican situation.	45
4647	Aug. 2	The Ambassador in Great Britain to the Secretary of State (telegram).	Wyvell has 150 (importation) cases, many of which can be classified and considered in groups. Others require individual consideration.	531
3606	Aug. 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Transmits, for presentation to the Foreign Office, text of Senate resolution expressing the hope that the British Government will show clemency in treatment of Irish political prisoners.	870
3608	Aug. 2	The Acting Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to report whether Senate resolution was presented to Foreign Office; also any further details on Casement case.	871
4654	Aug. 3	The Chargé in Great Britain to the Secretary of State (telegram).	Senate resolution presented to Prime Minister. Casement executed this morning.	871
	Aug. 3 [Rec'd Aug. 5 (?)]	The British Ambassador to the Secretary of State.	Calls attention to long stay of <i>Appam</i> in U. S. port, in violation of U. S. neutrality; again requests that she be released to British owners with damages, or else placed under U. S. custody.	741
2308	Aug. 4 [Rec'd Aug. 14]	The Consul General at London to the Secretary of State.	Further discussion of statutory and black lists and of cases of Albert Herskovits & Co. and J. Aron & Co.	428
4661	Aug. 5 [Rec'd Aug. 6]	The Chargé in Great Britain to the Secretary of State (telegram).	American tobacco now on high seas or loading, not required to be consigned to Oversea Trust.	512
	Aug. 5 [Rec'd Aug. 7]	The British Ambassador to the Secretary of State.	Holds that the United States is responsible for the <i>Appam</i> . Requests that the prize crew be interned.	741

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3650	Aug. 8	The Acting Secretary of State to the Chargé in Great Britain (telegram).	Instructions to press for early reply to representations regarding shipment of salvarsan and novocaine.	544
4678	Aug. 8	The Chargé in Great Britain to the Secretary of State (telegram).	British authorize shipment of salvarsan. Permit for novocaine has lapsed and cannot be renewed.	545
[Enclosure]	Undated [Rec'd Aug. 9]	The British Foreign Office to the American Embassy.	Discredits German and Austro-Hungarian assertions regarding relief work and deems further negotiations useless.	907
3654	Aug. 9	The Acting Secretary of State to the Chargé in Great Britain (telegram).	Insists that assurance be given of non-interference with tobacco contracted for prior to notice of change in British attitude.	512
	Undated [Rec'd Aug. 10]	Statement issued to the Press by the British Embassy.	Explains the system of censoring mails and the causes of delay.	615
4695	Aug. 10	The Chargé in Great Britain to the Secretary of State (telegram).	Transmits Wyvell's report on (importation) cases submitted to Cecil.	531
2432	Aug. 10 [Rec'd Aug. 22]	The Consul General at London to the Secretary of State.	Transmits correspondence with U. S. Commercial Attaché at The Hague regarding coffee trade with the Netherlands through Oversea Trust.	587
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4511	Aug. 11 [Rec'd Aug. 21]	The Chargé in Great Britain to the Secretary of State.	Forwards Lloyd George's statement that the Government is free to make use of the information found in intercepted mail. Encloses extract from parliamentary debates.	619
	Undated [Rec'd Aug. 12]	King George V to President Wilson.	Has offered assistance in relief work upon reasonable conditions, which Germany has refused.	907
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3680	Aug. 15	The Secretary of State to the Chargé in Great Britain (telegram).	Repeats telegram from Consul at Singapore stating that Manila mails have been brought there and searched. Instructions to protest.	618

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	Undated [Rec'd Aug. (17?)]	Memorandum of the Ambassador in Great Britain.	Conversation with Lord Bryce, July 31, regarding the President's speech, interference with mail, blockade, league to enforce peace, etc.	43
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3709	Aug. 18	The Secretary of State to the Chargé in Great Britain (telegram).	Explains delay in obtaining drugs and urgent need for them in the United States. Instructions to endeavor to obtain uninterrupted shipment.	545
3710	Aug. 19	The Secretary of State to the Chargé in Great Britain (telegram).	Instructions to investigate statement that the securing of bunker coal is conditioned upon the promise not to sell or time-charter vessels without the consent of the British Government.	435
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	Aug. 22 [Rec'd Aug. 23]	The British Embassy to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769 n
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	Aug. 24	The Secretary of State to the British Ambassador.	Declines to accept responsibility for the <i>Appam</i> , which owners have placed in hands of the court. German Government has given assurance of protection.	742
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5224	Nov. 27 [Rec'd Nov. 28]	The Ambassador in Great Britain to the Secretary of State (telegram).	Substance of the Foreign Office note on treatment of American Transatlantic Company's ships.	487
4097	Nov. 28	The Secretary of State to the Ambassador in Great Britain (telegram).	Expects the British Government to reconsider their action and grant safe-conduct for Austro-Hungarian Ambassador.	805
5243	Nov. 30	The Ambassador in Great Britain to the Secretary of State (telegram).	A request from the U. S. Government for safe-conduct for Austro-Hungarian Ambassador will receive consideration.	805
4110	Dec. 1	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to insist upon the release of tobacco exposed and deteriorating in Copenhagen.	520
4520	Dec. 1	The Secretary of State to the Ambassador in Great Britain.	Memorandum for Lord Grey on the <i>Henry S., Ausable, and Marcus L. Urann</i> cases.	667
	Dec. 1	The Secretary of State to the British Ambassador.	Regarding passage of discharged and disabled soldiers, this Government must be free to exercise such right as will meet the exigencies of war without giving formal notice.	707
347	Dec. 1 [Rec'd Dec. 2]	The British Ambassador to the Secretary of State.	The question of status and treatment of the <i>Appam</i> is one between the British and U. S. Governments and not one between the British owners and those in temporary possession of her.	743
4116	Dec. 2	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquiry as to the service of the <i>Marina</i> .	313
4117	Dec. 2	The Secretary of State to the Ambassador in Great Britain (telegram).	Department will accept Foreign Office explanation of Stabler-Cadogan agreement and will not invoke it with reference to future shipments provided uninterrupted shipments to DeRekowski and Michigan Sugar Co. are allowed.	542
[Enclosure]	Dec. 2	The British Foreign Office to the American Embassy.	Suggests that the United States put forward proposals under which British prisoners would receive no less consideration than is accorded Syrian and Jewish populations in Near East.	953

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4533	Dec. 4	The Secretary of State to the Ambassador in Great Britain.	The style of hosiery needles that Great Britain can supply is very little used in the United States.	576
4132	Dec. 5	The Secretary of State to the Ambassador in Great Britain (telegram).	Instructions to urge that tobacco be allowed to go forward to neutral countries without restrictions as to ultimate destination.	520
5271	Dec. 5	The Ambassador in Great Britain to the Secretary of State (telegram).	British Government unable to make further concessions regarding tobacco.	521
[Enclosure]	Undated [Rec'd Dec. 6]	The British Secretary of State for Foreign Affairs to the American Ambassador.	Service of the <i>Marina</i> -----	320
	Undated [Rec'd Dec. 6]	The British Embassy to the Department of State.	British memorandum explaining that, owing to tonnage shortage, coaling facilities are reserved for British and Allied ships and for such others as are utilized to their advantage.	489
5278	Dec. 6	The Ambassador in Great Britain to the Secretary of State (telegram).	Asks what subjects are proposed for consideration in a conference of neutral nations.	697
4140	Dec. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Repeats German report on sinking of the <i>Arabia</i> and asks if the vessel was used as transport for troops in service of Great Britain.	320
4141	Dec. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Subjects to be considered in a conference of neutral nations.	697
4144	Dec. 7	The Secretary of State to the Ambassador in Great Britain (telegram).	Department has never understood that later arrangements regarding tobacco were intended to supplant previous assurances. Urges vigorous representations.	521
5290	Dec. 7	The Ambassador in Great Britain to the Secretary of State (telegram).	Suggests that Department's acceptance of Foreign Office explanation of the Stabler-Cadogan agreement cannot be used as a means of inducing facilities for shipment.	542
4549	Dec. 8	The Secretary of State to the Ambassador in Great Britain.	Expresses disappointment at favorable decision of only one inportation case of the thirty presented by Wyvell; renews request for release of nine others.	532

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	Dec. 9	The Acting Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Forwards the suggestion received from Norway regarding letters of assurance.	501
4162	Dec. 11	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests that replies be hastened; and asks whether the <i>Marina</i> was ever in service of Great Britain, and if so, when?	323
3281	Dec. 11 [Rec'd Dec. 26]	The Consul General at London to the Secretary of State.	Claims may be presented in writing to prize court without intercession of local counsel; judgments may be obtained with practically no expense.	490
	Dec. 11	The Commercial Adviser of the British Embassy to the Acting Foreign Trade Adviser of the Department of State.	Recommends that suggestions from Norway be made through Norwegian Financial Department.	502
1394	Dec. 13	The Secretary of State to the British Ambassador.	<i>Appam</i> owners must exhaust legal remedies with denial of justice before the question can be taken up through diplomatic channels.	745
5320	Dec. 15	The Ambassador in Great Britain to the Secretary of State (telegram).	Improbability of British acceptance of Germany's proposal to hold a peace conference, and the reasons therefor.	92
[Enclosure]	Dec. 15	The British Foreign Office to the American Embassy.	Grants U. S. request for safe-conduct for the Austro-Hungarian Ambassador.	806
	Dec. 16	The Secretary of State to Diplomatic Representatives in Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 16	The Secretary of State to the Consul General at London (telegram).	Desires prize court decision on legality of provision of order in council under which non-contraband goods have been seized on ground of enemy destination.	490
[Enclosure]	Undated [Rec'd Dec. 18]	The British Secretary of State for Foreign Affairs to the American Ambassador.	Service of the <i>Marina</i> -----	325

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	Dec. 18	The Ambassador in Great Britain to the Secretary of State (telegram).	The German note delivered to the Foreign Office; the reply will be a single answer signed by all the Allied Governments; intimation of its character promised.	96
5343	Dec. 18	The Secretary of State to the Ambassador in Great Britain (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n
	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Great Britain to the Secretary of State (telegram).	Great Britain will decline the German peace proposal because it contains no concrete terms. France has been requested to draw up the reply of the Allies.	100
5344	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Great Britain to the Secretary of State (telegram).	The Prime Minister has stated in the House of Commons that the Allies' terms of peace are complete restitution, full reparation, and effectual guarantees for the future.	101
3327	Dec. 19 [Rec'd Jan. 2, 1917]	The Consul General at London to the Secretary of State.	Prize court decision on <i>Stigstad</i> case deals with validity of order in council whereunder goods presumably destined for belligerent countries may be detained in the United Kingdom; comments thereon.	492
	Dec. 19	The Secretary of State to the Ambassadors in Great Britain, France, Germany, Austria-Hungary, Turkey, and Spain (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940
5352	Dec. 20	The Ambassador in Great Britain to the Secretary of State (telegram).	The President's note urging that all belligerents set forth their peace terms, was presented to the Foreign Secretary.	103
3339	Dec. 20 [Rec'd Jan. 15, 1917]	The Consul General at London to the Secretary of State.	Transmits letters corroborating statement relative to importation of German needles into Great Britain and the supply of needles to U. S. factories.	577
4190	Dec. 20	The Secretary of State to the Ambassador in Great Britain (telegram).	Inquires action of British Government on the resolutions of the Paris economic conference.	982

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5355	Dec. 21	The Ambassador in Great Britain to the Secretary of State (telegram).	Foreign Office states that later concessions were intended to operate in substitution of previous arrangements concerning tobacco.	522
5359	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	The Foreign Office is unable to make further concessions regarding shipments of tobacco. Importation of Dutch colonial tobacco into Holland is to be curtailed.	522
5363	Dec. 22 [Rec'd Dec. 23]	The Ambassador in Great Britain to the Secretary of State (telegram).	Dominant tone in comment on the President's peace note one of surprise and consternation; note considered ill-timed and shows an evidence of misunderstanding of the aims of the Allies.	108
	Dec. 23	The Consul General at London to the Secretary of State (telegram).	Proclamation requiring that articles exported to Holland, with certain exceptions, be consigned to Dutch Government or Oversea Trust.	490
5374	Dec. 26 [Rec'd Dec. 27]	The Ambassador in Great Britain to the Secretary of State (telegram).	Cecil expresses British disappointment in the President's note; public opinion will not permit secret reply; gives assurance that no neutral can bring the war to a close until the Allies have spent their utmost force to secure freedom from organized tyranny.	115
4213	Dec. 26	The Secretary of State to the Ambassador in Great Britain (telegram).	Requests a report on the British reception of memorandum on the <i>Henry S.</i> , <i>Marcus L. Urann</i> , and <i>Ausable</i> cases.	678
4607	Dec. 27	The Secretary of State to the Ambassador in Great Britain.	Instructions to request non-interference with further shipment of porcelain guides on broad basis of urgent need of U. S. industries.	570
5378	Dec. 27	The Ambassador in Great Britain to the Secretary of State (telegram).	Paris resolution approved by British Government. No ratification possible for this class of agreement. No new legislation on the subject since the conference.	983
3355	Dec. 28 [Rec'd Jan. 10, 1917]	The Consul General at London to the Secretary of State.	Transmits judgment of prize court in case of the vessel <i>United States</i> , defining captor's rights to shipments <i>in transitu</i> .	494
5389	Dec. 29	The Ambassador in Great Britain to the Secretary of State (telegram).	Report on the British reception of the memorandum on the <i>Henry S.</i> , <i>Marcus L. Urann</i> , and <i>Ausable</i> cases.	678

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4250	Jan. 5, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Prompt and favorable action expected on shipments of beet seed to Michigan Sugar Co. and to DeRekowski. Will not regard case as a precedent in discussion of future shipments.	543
[Enclosure]	Jan. 15, 1917	The British Procurator General to the American Consul General at London.	Importation of German knitting needles into Great Britain.	579
	Jan. 15, 1917	The Secretary of State to the British Ambassador.	Will permit the passage of Jamaican disabled soldiers if they are discharged in Canada and sent home as civilians.	707
3474	Jan. 17, 1917 [Rec'd Jan. 30]	The Consul General at London to the Secretary of State.	German needles are imported into England with the consent of the Government. Encloses Procurator General's letter regarding such importation.	579
5537	Jan. 24, 1917	The Ambassador in Great Britain to the Secretary of State (telegram).	As a special concession, British authorize release of beet seed to DeRekowski and Michigan Sugar Co.	543
4330	Jan. 24, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Bearded needles unavailable in England. English houses receiving German needles under license. Unless permit is given to ship German needles the unavoidable conclusion will be discrimination against the United States under guise of a war measure.	578
[Enclosure]	Feb. 1, 1917	The British Secretary of State for Foreign Affairs to the American Ambassador.	Government is unable to give any further undertaking in regard to shipment of porcelain guides.	571
4377	Feb. 1, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Since the British Government permits the importation of German needles for British use, the Department expects non-interference with needles for the United States.	579
4432	Feb. 12, 1917	The Secretary of State to the Ambassador in Great Britain (telegram).	Hosiery and underwear industry in need of needles held at Rotterdam and Copenhagen. Urges prompt release.	580
[Enclosure]	Undated [Rec'd Feb. 15, 1917]	The British Foreign Office to the American Embassy.	Will grant permit for export of German needles to the United States. Inquires as to quantity, etc.	580

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	Nov. 26, 1915	The Consul at Saloniki to the Secretary of State (telegram).	Transmits report of the head of the Sanitary Commission to the Red Cross concerning relief in Serbia and other Balkan States.	913
	June 3	The Consul at Saloniki to the Secretary of State (telegram).	French military authorities declare martial law; no resistance.	33
270	June 5 [Rec'd July 14]	The Consul at Saloniki to the Secretary of State.	Greek fortification in the north occupied by Germans and Bulgarians. The Allies declare all Macedonia in state of seige; Saloniki occupied without resistance.	38
124	June 8 [Rec'd June 9]	The Minister in Greece to the Secretary of State (telegram).	General blockade of Greek ports has been commenced without notice by the French, uncertainty prevails as to its purpose and scope.	34
	June 15 [Rec'd June 19]	The Greek Minister of Foreign Affairs to Greek Diplomatic Officers in Neutral Countries.	The Greek Government denounces the treatment to which her maritime commerce is subjected by the Entente powers.	36
133	June 22	The Minister in Greece to the Secretary of State (telegram).	Greek Government accepts demands of Entente powers for complete demobilization, dissolution of Chamber of Deputies, new elections and reforms. Blockade not yet raised.	37
	July 6	The Consul at Saloniki to the Secretary of State (telegram).	Inquires if letters of assurance for shipments to Greece shall pass through local British or French consulates only.	498
	July 8	The Acting Secretary of State to the Consul at Saloniki (telegram).	Department has not given approval to arrangements for letters of assurance issued by British. U. S. consuls in Greece should have nothing to do with requests for them.	499
	July 13	The Acting Secretary of State to the Greek Chargé.	Acknowledges receipt of communication protesting against treatment to which maritime commerce of Greece is subjected by the Entente.	38
	Aug. 29 [Rec'd Aug. 31]	The Greek Legation to the Department of State.	Proposes that the United States take the initiative in negotiations looking toward the ratification of the International Prize Court Convention and the appointment of judges of the court, so that it may be accessible to claimants after the war.	692
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	Sept. 11	The Department of State to the Greek Legation.	The time inopportune for negotiations for the institution of the International Prize Court.	693
158	Sept. 24 [Rec'd Sept. 25]	The Minister in Greece to the Secretary of State (telegram).	Venizelos begins movement to have Greece join the Allies, undoubtedly the beginning of revolution.	50
	Oct. 13 [Rec'd Oct. 14]	The Consul at Saloniki to the Secretary of State (telegram).	Revolutionists in control of the city. The Consulate will deal with Provisional authorities unofficially, pending instructions.	60
	Oct. 21	The Acting Secretary of State to the Consul at Saloniki (telegram).	Instructions to deal informally and unofficially with the Provisional authorities.	60
	Oct. 24 [Rec'd Oct. 25]	The Consul at Saloniki to the Secretary of State (telegram).	Provisional authorities consider Consulate's relations informal and unofficial.	60
186	Nov. 23	The Minister in Greece to the Secretary of State (telegram).	Have assumed charge of interests of Austria-Hungary, Bulgaria, and Turkey.	67
	Nov. 24 [Rec'd Nov. 29]	The Consul at Saloniki to the Secretary of State (telegram).	Greek Provisional Government declares war on Bulgaria and Germany.	70
	Nov. 30 [Rec'd Dec. 2]	The Greek Minister of Foreign Affairs to the American Minister in Greece.	Greek protest against treatment by the Allied forces.	75
189	Dec. 2 [Rec'd Dec. 3]	The Minister in Greece to the Secretary of State (telegram).	Desultory fighting in Athens; British and French losses numerous; Entente control slight. Suggests presence of the <i>Des Moines</i> .	78
154	Dec. 4	The Secretary of State to the Minister in Greece (telegram).	Inadvisable to send the <i>Des Moines</i> to Athens.	78
190	Dec. 4 [Rec'd Dec. 5]	The Minister in Greece to the Secretary of State (telegram).	Athens quiet but Piraeus in danger. British and French subjects leaving. Repeats request for cruiser.	79
191	Dec. 4 [Rec'd Dec. 5]	The Minister in Greece to the Secretary of State (telegram).	Spanish and Netherland Ministers have joined him in protesting the lawless methods of the Greek Government in suppressing Venizelists.	79

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194 [195?]	Dec. 7 [Rec'd Dec. 8]	The Minister in Greece to the Secretary of State (telegram).	Entente blockade of Greece declared. Divergence in views amongst Allies as to the treatment to be accorded Greece. Has been asked to take charge of French interests.	80
160	Dec. 8	The Secretary of State to the Minister in Greece (telegram).	Instructions to cable reason for protests to Greek Government and the character of methods used by them in suppressing the Venizelists.	81
196	Dec. 8 [Rec'd Dec. 9]	The Minister in Greece to the Secretary of State (telegram).	Extent of blockade of the Greek coasts.	82
198	Dec. 9 [Rec'd Dec. 10]	The Minister in Greece to the Secretary of State (telegram).	The King is desirous of peace. Entente have blockaded ports without explanation; have also demanded complete demobilization and reparation.	83
199	Dec. 11 [Rec'd Dec. 12]	The Minister in Greece to the Secretary of State (telegram).	Minister for Foreign Affairs, in protest against blockade, draws attention to peaceful relations with Allies and their failure to allege a motive for their act.	83
200	Dec. 11 [Rec'd Dec. 12]	The Minister in Greece to the Secretary of State (telegram).	Neutral Ministers in protest to Greece have insisted upon restoration of order; gives specific cases of disorder and persecution.	83
	Undated [Rec'd Dec. 12]	The Greek Ministry of Foreign Affairs to the Greek Chargé in the United States (telegram).	Gives account of the Venizelist insurrection in Athens and states that order has now been reestablished.	84
203	Dec. 14 [Rec'd Dec. 15]	The Minister in Greece to the Secretary of State (telegram).	The British Minister has presented Greece with the ultimatum of the Allied powers, demanding the removal of the Greek Army to Peloponnesus.	92
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	Jan. 19	The Secretary of State to the Italian Ambassador.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146 n
	Jan. 26	The Secretary of State to the Italian Ambassador.	Asks that guns be removed from the <i>Verona</i> or that official assurance be given that they will be used for defense only and not for attack on submarines while being warned.	750
	Jan. 27	The Italian Ambassador to the Secretary of State.	Assurances given in the <i>Verdi</i> case were intended to cover any similar case.	751
	Jan. 28	The Secretary of State to the Italian Ambassador.	Prefers that a separate formal assurance be given by each armed merchantman wishing clearance from U. S. ports.	752
563	Feb. 14	The Ambassador in Italy to the Secretary of State (telegram).	Italy considers American note recommending disarmament of merchantmen as favorable to Germany; Allied acceptance improbable.	169

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604	Mar. 20	The Ambassador in Italy to the Secretary of State (telegram).	War substantially exists between Italy and Germany.	19
	Mar. 23	The Italian Ambassador to the Secretary of State.	Transmits Italy's reply to the American proposal for a <i>modus vivendi</i> .	213
	Apr. 7	The Secretary of State to the Italian Ambassador.	Regrets that governments of the Entente powers cannot accede to proposal for a <i>modus vivendi</i> .	223 n
	May 2	The Italian Ambassador to the Secretary of State.	Wishes to modify assurances given regarding armed merchantmen, because Germans and Austrians have announced intention to sink at sight.	753
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586	July 7	The Secretary of State to the Ambassador in Italy (telegram).	Consuls are instructed to take no action regarding Italian instructions for use of signals in boarding merchant ships.	686 n
688	Aug. 14 [Rec'd Aug. 15]	The Ambassador in Italy to the Secretary of State (telegram).	Italy may feel compelled to take the initiative in declaring war on Germany.	40
	Aug. 21 [Rec'd Sept. 2]	The Italian Embassy to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769 n
695	Aug. 27 [Rec'd Aug. 28]	The Ambassador in Italy to the Secretary of State (telegram).	Italy has declared war against Germany.	47
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444	Nov. 11	The Secretary of State to the Ambassador in Italy.	Formal reservation of rights in respect of American interests as affected by abolition of distinction between absolute and conditional contraband.	483 <i>n</i>
	Dec. 16	The Secretary of State to Diplomatic Representatives in Italy, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 18	The Secretary of State to the Ambassador in Italy (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 <i>n</i>
756	Dec. 19	The Ambassador in Italy to the Secretary of State (telegram).	Minister for Foreign Affairs, in speech to Chamber, declared it inopportune to discuss enemy notes.	100
757	Dec. 19 [Rec'd Dec. 20]	The Ambassador in Italy to the Secretary of State (telegram).	German peace proposal was presented to the Minister of Foreign Affairs. Reply of Allies not yet agreed upon.	101
759	Dec. 21	The Ambassador in Italy to the Secretary of State (telegram).	Presents the President's note concerning peace terms to the Minister for Foreign Affairs; his comment.	107
	Dec. 25 [Rec'd Dec. 26]	The Ambassador in Italy to the Secretary of State (telegram).	Press strongly hostile to the President's peace suggestion. The Pope considered the true intermediary.	114
763	Dec. 27 [Rec'd Dec. 28]	The Ambassador in Italy to the Secretary of State (telegram).	Minister for Foreign Affairs suggests that should the President make another peace move, he do so without conferring with other powers. Germany may have learned of discussion with Switzerland and forestalled the President's step.	121
690	Dec. 29	The Secretary of State to the Ambassador in Italy (telegram).	The President did not consult Switzerland or any other power before sending the peace note.	122

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	Apr. 17	The Ambassador in Japan to the Secretary of State (telegram).	Japanese envoy to Entente economic conference is on the way to Paris; he does not favor suggested economic alliance between the Entente nations to regulate trade after the war. Suggests that American representatives in Paris get in touch with him.	973
	Apr. 24	The Secretary of State to the Ambassador in Japan (telegram).	Would regret any combination which might restrict commerce between Japan and United States.	973
516	May 17 [Rec'd June 9]	The Ambassador in Japan to the Secretary of State.	Copies of Japanese instructions to naval officers regarding the boarding of merchant vessels, have been sent to American consuls and naval attaché in Japan.	685
	May 18 [Rec'd May 19]	The Japanese Ambassador to the Secretary of State.	Agrees with Allies in declining to meet suggestion of the United States regarding submarine warfare and armed merchantmen.	268
	June 1	The Secretary of State to the Japanese Ambassador.	Regrets that governments of the Entente powers cannot accede to the proposal for a <i>modus vivendi</i> .	268 <sup>n</sup>
	June 28	The Secretary of State to the Ambassador in Japan (telegram).	Consuls are instructed to take no action regarding Japanese instructions for use of signals in boarding merchant ships.	686
	Aug. 28	The Japanese Embassy to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769 <sup>n</sup>
	Aug. 31	The Department of State to the Japanese Embassy.	The United States reserves its liberty of action in respect to treatment of submarines. Responsibility for any conflict between belligerent warship and neutral submarine must rest upon negligent power.	770 <sup>n</sup>
	Dec. 16	The Secretary of State to Diplomatic Representatives in Japan, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94

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487	Jan. 19	The Chargé in the Netherlands to the Secretary of State (telegram).	Transmits message from the Commercial Attaché to Department of Commerce stating that he might obtain 800 tons of dyestuffs if British will guarantee non-interference.	550
[Enclosure]	Jan. 31	The Commercial Attaché in the Netherlands to the Chargé.	Complaints of Netherlands Oversea Trust against British violation of agreement in adoption of rationing system.	350
542	Apr. 1 [Rec'd Apr. 3]	The Minister in the Netherlands to the Secretary of State (telegram).	Netherlands ships delay sailing; precautionary measures are taken for self-defense.	222
311	May 11	The Secretary of State to the Minister in the Netherlands (telegram).	Reported discrimination of Oversea Trust against American coffee. Instructions to investigate and, if true, protest.	584
[Enclosure]	May 15	The American Minister to the Netherlands Minister of Foreign Affairs.	Formal protest against apparent discrimination of Oversea Trust against U. S. trade in coffee.	585

## NETHERLANDS—Continued

No.	Date	From and to whom	Subject	Page
472	May 16 [Rec'd May 31]	The Minister in the Netherlands to the Secretary of State.	Evident discrimination of Oversea Trust against U. S. trade in coffee. Encloses formal protest. Relation of Trust to British and Netherland Governments.	584
317	May 26	The Acting Secretary of State to the Minister in the Netherlands (telegram).	Instructions to furnish statistics in refutation of allegations in the British memorandum of Apr. 24 on trade restrictions.	395 n
323	June 8	The Secretary of State to the Minister in the Netherlands (telegram).	Instructions to request a statement of the relations of the Oversea Trust to the Netherland Government.	586
493	June 13 [Rec'd June 27]	The Minister in the Netherlands to the Secretary of State.	Report on restraint upon commerce between the United States and the Netherlands.	399
590	June 13	The Minister in the Netherlands to the Secretary of State (telegram).	Oversea Trust is private corporation not under Government control; no intention of discriminating against America.	586
[Enclosure]	June 19	The Netherland Minister of Foreign Affairs to the American Minister.	Explanation of operations of the Oversea Trust.	587
502	June 20 [Rec'd July 5]	The Minister in the Netherlands to the Secretary of State.	Oversea Trust is chartered by the Netherland Government but is controlled by the British Government. Encloses Netherland note in explanation of its operations.	586
4063	Aug. 30 [Rec'd Aug. 31]	The Netherland Minister to the Secretary of State.	Forwards copies of Netherland notes of protest to British, French, and German Governments regarding revision of their maritime laws.	437
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in the Netherlands, Sweden, Norway, Denmark, and Spain (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772
643	Oct. 11 [Rec'd Oct. 12]	The Minister in the Netherlands to the Secretary of State (telegram).	Netherlands has forbidden foreign war vessels within her waters since 1914 and reserves right to decide status of submarines.	773



## NORWAY

No.	Date	From and to whom	Subject	Page
190	Mar. 14 [Rec'd Mar. 28]	The Minister in Norway to the Secretary of State.	Ministers of Scandinavia meet in Copenhagen, agreeing to maintain strict neutrality. Encloses official <i>communiqué</i> of the meeting.	691
23	Apr. 15 [Rec'd May 12]	The Consul at Stavanger to the Secretary of State.	Transmits report on Stavanger Packers' Import Union.	588
203	May 4 [Rec'd May 25]	The Minister in Norway to the Secretary of State.	The Storting has voted that petition of the Ford Peace Conference be laid on the table.	30
54	May 26	The Acting Secretary of State to the Minister in Norway (telegram).	Instructions to furnish statistics in refutation of allegations in the British memorandum of Apr. 24 on trade restrictions.	395 n
	July 22 [Rec'd July 24]	The Norwegian Minister to the Acting Secretary of State.	Asks if the United States has requested an explanation of Great Britain regarding blacklisting. Desires to be informed of any further steps.	415
	Aug. 1	The Acting Secretary of State to the Norwegian Minister.	Sends copy of note to Great Britain regarding the enemy-trading act. Will keep him informed of further action.	426
271	Sept. 26 [Rec'd Oct. 13]	The Minister in Norway to the Secretary of State.	Transmits copy of the official <i>communiqué</i> of the conference of Scandinavian ministers at Christiania, Sept. 19-22.	694
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in Norway, Sweden, Denmark, the Netherlands, and Spain (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772
79[89]	Oct. 17 [Rec'd Oct. 18]	The Minister in Norway to the Secretary of State (telegram).	No position yet taken by Norway on merchant submarines. Encloses decree forbidding war submarines in territorial waters.	777
281	Oct. 17 [Rec'd Nov. 3]	The Minister in Norway to the Secretary of State.	Agreement practically concluded by which Great Britain allows Norway to import a maximum quantity of foodstuffs from America.	589
	Oct. 18	The Minister in Norway to the Secretary of State (telegram).	War submarines refused access to territorial waters of Norway; ruling does not extend to merchant submarines.	778
287	Oct. 20 [Rec'd Nov. 7]	The Minister in Norway to the Secretary of State.	Transmits the suggestion that letters of assurance be arranged direct between Norway and England in order to avoid delay and expense.	500

## NORWAY—Continued

No.	Date	From and to whom	Subject	Page
94	Oct. 28	The Minister in Norway to the Secretary of State (telegram).	Transmits summary of German note protesting Norwegian decree relative to entry of submarines into Norwegian waters.	782
98	Nov. 11	The Minister in Norway to the Secretary of State (telegram).	Transmits summary of Norway's reply to Germany regarding restriction on submarines; sole object to protect her rights as a neutral.	783
[Enclosure]	Dec. 1	The Norwegian Minister in Great Britain to the American Ambassador.	Agreement between Norway and Great Britain regarding importation of foodstuff into Norway.	590
108	Dec. 20	The Minister in Norway to the Secretary of State (telegram).	Switzerland and Holland have accepted the invitation to attend the meeting of neutral European powers. If Spain refuses, the question of a meeting will be reconsidered.	697
109	Dec. 23 [Rec'd Dec. 24]	The Minister in Norway to the Secretary of State (telegram).	The Norwegian Government extends congratulations to the President on his note to the belligerents, and stands ready to cooperate in any action he may take.	112
	Dec. 29	The Norwegian Minister to the Secretary of State.	Transmits copy of a note from the Norwegian Government to the governments of belligerent nations expressing the hope that the initiative of President Wilson will bring peace.	121

## PORTUGAL

33	Feb. 24 [Rec'd Feb. 25]	The Chargé in Portugal to the Secretary of State (telegram).	Portuguese Government has taken possession of German merchant vessels interned at Lisbon.	17
141	Feb. 24 [Rec'd Mar. 28]	The Chargé in Portugal to the Secretary of State.	Gives details of seizure of German merchant vessels interned at Lisbon; encloses decree.	21
34	Mar. 9 [Rec'd Mar. 10]	The Minister in Portugal to the Secretary of State (telegram).	Germany considers herself at war with Portugal.	18
36	Mar. 16	The Minister in Portugal to the Secretary of State (telegram).	Diplomatic relations between Portugal and Austria-Hungary broken off.	19
	Aug. 30 [Rec'd Sept. 11]	The Portuguese Legation to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769 n

## PORTUGAL—Continued

No.	Date	From and to whom	Subject	Page
	Sept. 13	The Department of State to the Portuguese Legation.	The United States reserves its liberty of action in respect to treatment of submarines. Responsibility for any conflict between belligerent warship and neutral submarine must rest upon negligent power.	770 n
	Dec. 18	The Secretary of State to the Minister in Portugal (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n

## ROUMANIA

210	Jan. 6 [Rec'd Jan. 7]	The Minister in Roumania to the Secretary of State (telegram).	Has been informed that Roumania has received a loan from the Allies.	13
212	Jan. 13 [Rec'd Jan. 18]	The Minister in Roumania to the Secretary of State (telegram).	England and France have bought large quantities of grain from Roumania.	14
220	Feb. 2 [Rec'd Feb. 3]	The Minister in Roumania to the Secretary of State (telegram).	To avert danger of change of ministry, Roumania has sold grain to Central powers also.	14
250	Apr. 14 [Rec'd Apr. 16]	The Minister in Roumania to the Secretary of State (telegram).	Foreigners not having passports are conscripted for Roumanian Army. The country is ready for war.	25
483	May 2 [Rec'd May 29]	The Minister in Roumania to the Secretary of State.	Commercial treaty between Roumania and Germany not obligatory on either side. Entente powers are making successful efforts to prevent Turkey from obtaining cereals from Roumania.	31
267	July 5 [Rec'd July 8]	The Minister in Roumania to the Secretary of State (telegram).	Asks Department to try to influence British Government to withdraw its opposition to Red Cross shipments of flour to Serbia.	921
275	July 18 [Rec'd July 21]	The Minister in Roumania to the Secretary of State (telegram).	Believes that Roumania will enter the war on the side of the Quadruple Entente if Russia has immediate success.	39
279	July 22 [Rec'd July 24]	The Minister in Roumania to the Secretary of State (telegram).	Roumania is receiving war supplies from Russia; indicates an agreement between them.	40

ROUMANIA—Continued

No.	Date	From and to whom	Subject	Page.
293	Aug. 18 [Rec'd Aug. 19]	The Minister in Roumania to the Secretary of State (telegram).	Reliably informed that Roumania will enter the war, joining the Entente powers.	46
297	Aug. 27 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	Have been asked to take charge of German interests in Roumania as war is expected between the two countries.	47
274 [298]	Aug. 27 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	The Department is asked to take charge of Roumanian interests in Austria and in Germany, in case of war.	48
299	Aug. 28 [Rec'd Aug. 29]	The Minister in Roumania to the Secretary of State (telegram).	Roumania declares war against Austria-Hungary. Allies of latter consider this a declaration of war against them.	48
[Enclosure]	Aug. 28	The Roumanian Ministry of Foreign Affairs to the American Legation.	Transmits text of Roumanian declaration of war against Austria-Hungary.	53
310[?]	Sept. 5 [Rec'd Sept. 15]	The Minister in Roumania to the Secretary of State (telegram).	Germany, as ally of Austria-Hungary considers herself at war with Roumania. Bulgaria opened hostilities on Roumania without declaration of war.	50
304	Sept. 6	The Secretary of State to the Minister in Roumania (telegram).	Has war against Roumania been declared by Germany and Bulgaria, or <i>vice versa</i> ?	50
541	Sept. 8 [Rec'd Oct. 11]	The Minister in Roumania to the Secretary of State.	German and Austrian Ministers request the United States to represent their interests; Bucharest subjected to airraids; enemy subjects of military age interned. Encloses Roumania's declaration of war against Austria-Hungary.	50
343	Oct. 6 [Rec'd Oct. 10]	The Minister in Roumania to the Secretary of State (telegram).	Garden of German Legation searched and explosives and tubes of bacilli of communicable disease found.	824
345	Oct. 8 [Rec'd Oct. 13]	The Minister in Roumania to the Secretary of State (telegram).	Authorities ask Secretary Andrews to sign a <i>procès-verbal</i> describing proceedings in the garden of the German Legation; requests instructions. Reports aeroplane attacks.	824
1021	Oct. 14	The Secretary of State to the Minister in Roumania (telegram).	Requests full report regarding proceedings in garden of German Legation. Andrews not authorized to sign <i>procès-verbal</i> .	824

## ROUMANIA—Continued

No.	Date	From and to whom	Subject	Page
384	Nov. 25 [Rec'd Nov. 30]	The Minister in Roumania to the Secretary of State (telegram).	Bulgarian and German armies have crossed the Danube. Bucharest in panic and Government removed to Jassy. Has been requested to take charge of British, Russian, Italian, and Serbian interests.	74
	Dec. 16	The Secretary of State to Diplomatic Representatives in Roumania, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 18	The Secretary of State to the Minister in Roumania (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 <i>n</i>

## RUSSIA

	Jan. 18	The Secretary of State to the Russian Ambassador.	Proposes a <i>modus vivendi</i> to bring submarine warfare within the rules of international law and to discontinue the armament of merchant vessels.	146 <i>n</i>
	Mar. 23	The Russian Ambassador to the Secretary of State.	Reply to the American proposal for a <i>modus vivendi</i> .	211 <i>n</i>
	Apr. 7	The Secretary of State to the Russian Ambassador.	Regrets that governments of the Entente powers can not accede to proposal for a <i>modus vivendi</i> .	223 <i>n</i>
788	Apr. 15	The Secretary of State to the Chargé in Russia (telegram).	Instruction to inquire unofficially as to the attitude of the Russian Government toward plan for relief of Poland.	890
517	Apr. 25 [Rec'd Apr. 27]	The Chargé in Russia to the Secretary of State (telegram).	Attitude of Russian Government favorable toward plan of Rockefeller Foundation for relief in Poland.	891
816	May 10	The Secretary of State to the Ambassador in Russia (telegram).	Inquires whether Russia would favor extension over Poland of organization of Belgian Relief Commission and the conditions and guarantees required.	891
561	May 20 [Rec'd May 21]	The Ambassador in Russia to the Secretary of State (telegram).	Russia consents to U. S. relief in Poland under guarantee that aid does not reach her enemies.	891
847	June 2	The Secretary of State to the Ambassador in Russia (telegram).	Repeats plan of relief acceptable to Germany and asks attitude of Russian Government concerning it.	896 <i>n</i>

## RUSSIA—Continued

No.	Date	From and to whom	Subject	Page
611	June 15 [Rec'd June 20]	The Ambassador in Russia to the Secretary of State (telegram).	Sazonov declines to pass on proposed plan of relief for Poland before conferring with the Allies. Objects to large number of soldiers being maintained in Poland.	898
118	June 26 [Rec'd July 24]	The Ambassador in Russia to the Secretary of State.	Reports discussion with Sazonov of the economic conference of Allies at Paris, its object and effect. President Wilson's speech to League to Enforce Peace misconstrued by European press.	981
	July 7	The Acting Secretary of State to the Ambassadors in Russia, Austria-Hungary, France, Germany, and Great Britain (telegram).	Belligerents are asked to make mutual concessions to bring about relief in Poland.	899
523	July 20 [Rec'd July 25]	The Russian Ambassador to the Acting Secretary of State.	Russia joins with England and France in denouncing the Declaration of London.	418
	July 20	The President of the United States to the Sovereigns of Russia, Austria-Hungary, Germany, and Great Britain, and the President of France.	Deplores sufferings of non-combatants and suggests fresh consideration of ways and means for relieving distress in Poland.	903
[Enclosure]	Aug. 7	Emperor Nicholas II to President Wilson.	Favors relief work in Poland but regrets that the enemy has opposed legitimate conditions submitted by Allies.	912
133	Aug. 24	The Secretary of State to the Ambassador in Russia.	Instructions to keep the Department posted as to Russia's attitude towards U. S. commerce as result of the economic conference.	982
	Aug. 26 [Rec'd Aug. 28]	The Russian Embassy to the Department of State.	Urges that neutral governments take effective measures to prevent belligerent submarines from making use of neutral waters.	769 n
263	Aug. 30 [Rec'd Sept. 20]	The Ambassador in Russia to the Secretary of State.	Transmits reply of the Emperor to President Wilson: Favors relief work in Poland but regrets that the enemy has opposed legitimate conditions submitted by Allies. Comments.	911

## RUSSIA—Continued

No.	Date	From and to whom	Subject	Page
	Aug. 31	The Department of State to the Russian Embassy.	The United States reserves its liberty of action in respect to treatment of submarines. Responsibility for any conflict between belligerent warship and neutral submarine must rest upon negligent power.	770 n
247	Nov. 11	The Secretary of State to the Ambassador in Russia.	Formal reservation of rights in respect of American interests as affected by abolition of distinction between absolute and conditional contraband.	483 n
787	Nov. 18	The Russian Ambassador to the Secretary of State.	Russia protests against German and Austro-Hungarian declaration of independence of Poland.	797
	Dec. 16	The Secretary of State to Diplomatic Representatives in Russia, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 18	The Secretary of State to the Ambassador in Russia (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n
939	Dec. 20 [Rec'd Dec. 21]	The Ambassador in Russia to the Secretary of State (telegram).	German peace note was delivered to the Minister of Foreign Affairs. Could get no intimation concerning reply.	104

## SERBIA

	Dec. 16	The Secretary of State to Diplomatic Representatives in Serbia, Great Britain, <i>et al.</i> (telegram).	Transmits, for presentation to the governments concerned, the peace note of the Central powers, with instructions to intimate, when presenting it, that the United States would appreciate confidential information of the probable reply.	94
	Dec. 18	The Secretary of State to the Minister in Greece for transmission to Serbia (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 n

## SPAIN

No.	Date	From and to whom	Subject	Page
225	Apr. 12 [Rec'd Apr. 13]	The Ambassador in Spain to the Secretary of State (telegram).	The Prime Minister asks if the United States thinks a joint protest of neutrals against the torpedoing of neutral vessels and belligerent merchantmen would be effective.	229
140	Apr. 17	The Secretary of State to the Ambassador in Spain (telegram).	Suggestion of joint protest of neutrals to Germany against submarine warfare is under consideration.	230
240	May 11	The Ambassador in Spain to the Secretary of State (telegram).	Circumstances now being favorable, the King is ready to cooperate with the President toward securing an arbitration protocol.	28
172	Aug. 23	The Secretary of State to the Ambassador in Spain (telegram).	The President prevented by Allies' attitude from either accepting or rejecting the King's peace suggestion.	46
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in Spain, Sweden, Norway, Denmark, and the Netherlands (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772
233	Oct. 14 [Rec'd Oct. 16]	The Ambassador in Spain to the Secretary of State (telegram).	No measure yet taken regarding merchant submarine. Submits for U. S. opinion, proposed decree regarding rights and duties of neutrals in submarine warfare.	776
[Enclosure]	Undated [Rec'd Oct. 16]	The Spanish Minister for Foreign Affairs to the American Ambassador.	Submits for U. S. opinion proposed decree regarding the rights and duties of neutrals in submarine warfare.	776
188	Oct. 27	The Secretary of State to the Ambassador in Spain (telegram).	Withholds opinion on proposed Spanish decree regarding submarines.	781
294	Dec. 1	The Chargé in Spain to the Secretary of State (telegram).	Swedish proposal of neutral joint action considered by French and British Embassies as directed against the Allies. Informed that Spain would take only such action as the Allies would desire.	696
	Dec. 19	The Secretary of State to the Ambassadors in Spain, Great Britain, France, Germany, Austria-Hungary, and Turkey (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940



## SPAIN—Continued

No.	Date	From and to whom	Subject	Page
197	Dec. 20	The Secretary of State to the Chargé in Spain (telegram).	Forwards message from Ambassador Willard stating that the President authorizes him to say to the Spanish Government that the time is opportune for that country to act in support of the position taken by the United States.	102
302	Dec. 22 [Rec'd Dec. 23]	The Chargé in Spain to the Secretary of State (telegram).	Spain hopes to play an equal rôle with the United States in urging peace; inquires if the President's message requesting support was sent to all neutrals.	110
200	Dec. 27	The Secretary of State to the Chargé in Spain (telegram).	U. S. note requesting cooperation in peace efforts was sent to the Spanish Government alone and was not repeated to other governments.	116
	Dec. 27 [Rec'd Dec. 28]	The Spanish Ambassador to the Secretary of State.	Presents the felicitations of the Pope to the President on his peace note.	118
308	Dec. 28 [Rec'd Dec. 30]	The Chargé in Spain to the Secretary of State (telegram).	Forwards Spain's reply to the President's peace proposals and request for cooperation. Has been informed that Norway, Denmark, and Argentina will make similar reply.	122
[Enclosure]	Undated [Rec'd Dec. 30]	The Spanish Minister for Foreign Affairs to the American Chargé.	Reply to the President's request for cooperation in peace move: Present not an opportune time for such action.	122

## SWEDEN

	Jan. 24 [Rec'd Jan. 26]	The Swedish Minister to the Secretary of State.	Appeal for cooperation in protesting against illegal seizure by British of mail between neutral countries.	594
	Jan. 28	The Secretary of State to the Swedish Minister.	Acknowledges receipt of appeal for cooperation in protest against illegal seizure of mails by the British.	595
48	Feb. 7	The Secretary of State to the Minister in Sweden (telegram).	Instructions to report in detail as to operations of British submarines in the Baltic.	159
90	Feb. 10 [Rec'd Feb. 11]	The Minister in Sweden to the Secretary of State (telegram).	Reports on British submarine warfare in the Baltic.	163
	Feb. 14	The Swedish Minister in Great Britain to Colonel House.	Advocates cooperation of neutrals against attempts of belligerents to annul existing rules of international law.	689

## SWEDEN—Continued

No.	Date	From and to whom	Subject	Page
609	Mar. 30 [Rec'd May 17]	The Minister in Sweden to the Secretary of State.	A bill introduced in Parliament proposes that the King consider the calling of a peace conference of neutral countries.	29
74	May 26	The Acting Secretary of State to the Minister in Sweden (telegram).	Instructions to furnish statistics in refutation of allegations in the British note of Apr. 24 on trade restrictions.	395
647	June 23 [Rec'd July 11]	The Chargé in Sweden to the Secretary of State.	Government withholds information regarding imports as it might tend to affect interests of Sweden adversely.	408
	July 21 [Rec'd July 25]	The Swedish Minister to the Acting Secretary of State.	Inquires as to course the United States will take regarding the British blacklisting of American firms.	418
	July 25 [Rec'd Aug. 4]	The Swedish Minister to the Secretary of State.	The Swedish, Norwegian, and Danish Governments have informed Great Britain and France that they reserve the right to protest against new maritime rules.	427
	July 28 [Rec'd Aug. 1]	The Swedish Minister to the Acting Secretary of State.	Swedish Government ready to cooperate in rectifying unsatisfactory conditions due to British blacklisting.	425
659	July 29 [Rec'd Aug. 24]	The Chargé in Sweden to the Secretary of State.	Denmark, Norway, Sweden, and Spain are presenting, in identic notes, a formal reservation of rights to England and France in respect to their action regarding the Declaration of London.	435
	Aug. 1	The Acting Secretary of State to the Swedish Minister.	Forwards copy of note to British Government on the black list; in individual cases some modification of blacklisting has been secured.	426
	Oct. 10	The Acting Secretary of State to Diplomatic Officers in Sweden, Norway, Denmark, the Netherlands, and Spain (telegram).	Inquiry regarding treatment of belligerent war or merchant submarines visiting neutral ports.	772
142	Oct. 14 [Rec'd Oct. 15]	The Minister in Sweden to the Secretary of State (telegram).	War submarines prohibited from entering Swedish territorial waters. All treated as war submarines unless commercial character proven.	775
144	Oct. 16 [Rec'd Oct. 17]	The Minister in Sweden to the Secretary of State (telegram).	Swedish attitude toward commercial submarines corresponds to the attitude of the United States. War submarines, with certain exceptions, will be attacked.	777

## SWEDEN—Continued

No.	Date	From and to whom	Subject	Page
	Dec. 30	The Swedish Minister to the Secretary of State.	Transmits copy of a note from the Swedish Government to the governments of belligerent nations expressing the hope that the initiative of President Wilson will bring peace.	121 n

## SWITZERLAND

340	Mar. 25 [Rec'd Mar. 26]	The Minister in Switzerland to the Secretary of State (telegram).	Turkey is thought to be desirous of making separate peace with the Allies.	20
369	June 7 [Rec'd June 8]	The Minister in Switzerland to the Secretary of State (telegram).	Swiss Government considers pressure in favor of peace premature; inadvisable for Switzerland to act now.	34
418	Sept. 28 [Rec'd Sept. 29]	The Minister in Switzerland to the Secretary of State (telegram).	Any attempt at mediation before public opinion in belligerent countries has paved the way for a peace conference will do more harm than good.	55
435	Nov. 20	The Minister in Switzerland to the Secretary of State (telegram).	Press article states that United States is ready to take steps toward peace; undoubtedly German propaganda.	65
449	Dec. 16 [Rec'd Dec. 17]	The Minister in Switzerland to the Secretary of State (telegram).	Swiss opinion: Chances of peace remote, as specific intention of Germany is not known; Japan not desirous of making a separate peace.	96
	Dec. 23 [Rec'd Dec. 27]	Note of the Swiss Federal Council, addressed to all Belligerent Governments.	Supports President Wilson in his efforts to bring about peace.	117
455	Dec. 23 [Rec'd Dec. 25]	The Minister in Switzerland to the Secretary of State (telegram).	The Swiss Federal Council has presented to each of the belligerent powers a note endorsing President Wilson's peace suggestions; promises enthusiastic support.	112

## TURKEY

1096	Sept. 29, 1915 [Rec'd Oct. 2]	The Ambassador in Turkey to the Secretary of State (telegram).	Message to French Government: Seals have been removed from French Consulate at Beirut, and archives are being examined by Turkish authorities.	815
1231	Oct. 19, 1915	The Secretary of State to the Ambassador in Turkey (telegram).	Approves of protest against Turkish violation of French Consulate and inquires if examination of French archives continues.	815

## TURKEY—Continued

No.	Date	From and to whom	Subject	Page
724	Dec. 15, 1915 [Rec'd Feb. 1]	The Ambassador in Turkey to the Secretary of State.	Transportation on American vessels of Americans and refugees from Beirut and Jaffa.	829
826	Jan. 4 [Rec'd Feb. 15]	The Ambassador in Turkey to the Secretary of State.	Sends copies of protests to Sublime Porte against violations of belligerent consular premises in care of United States. Replies received to only two of them.	815
1710	Jan. 14	The Secretary of State to the Ambassador in Turkey (telegram).	Instructions to have the <i>Des Moines</i> at Piraeus ready to transport American Red Cross members and supplies to Beirut, also to obtain permission for the ship to enter port.	924
1494	Jan. 17 [Rec'd Jan. 24]	The Ambassador in Turkey to the Secretary of State (telegram).	Turks do not authorize any ships to enter Beirut, as Syrian coast is blockaded by Allies; little hope that U. S. request will be granted. Asks for whom supplies are intended.	924
874	Jan. 21 [Rec'd Feb. 16]	The Ambassador in Turkey to the Secretary of State.	Difficulties in the way of departure of United States citizens and others.	831
1758	Jan. 26	The Secretary of State to the Ambassador in Turkey (telegram).	Supplies are for the American Red Cross hospital at Beirut and the American community.	924
1520	Jan. 27 [Rec'd Jan. 31]	The Ambassador in Turkey to the Secretary of State (telegram).	Syrian blockade prevents the <i>Des Moines</i> from proceeding to Beirut; the only route open is via Constantinople.	925
1786	Feb. 2	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to inquire of Turkey whether the <i>Persia</i> was sunk by her submarine.	156
1800	Feb. 4	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to express to the Turkish Government the horror and indignation of Americans over the persecution of Armenians in Turkey.	846
	Feb. 4	The Secretary of State to the Consul at Jerusalem (telegram).	Asks if arrangements can be made to land at Jaffa, supplies for hospitals at Jerusalem.	925
1840	Feb. 10	The Secretary of State to the Ambassador in Turkey (telegram).	Red Cross inquires whether arrangements can be made with blockading squadron for <i>Des Moines</i> to pass blockade as others have done.	925
1852	Feb. 12	The Secretary of State to the Chargé in Turkey (telegram).	Appeals to humanity and justice of Turkish Government and urges it to take steps toward amelioration of conditions caused by mistreatment of Armenians.	847

## TURKEY—Continued

No.	Date	From and to whom	Subject	Page
1570	Feb. 13 [Rec'd Feb. 25]	The Chargé in Turkey to the Secretary of State (telegram).	Turkish Government refuses permission for the <i>Des Moines</i> to visit Beirut.	925
1576	Feb. 15 [Rec'd Feb. 29]	The Chargé in Turkey to the Secretary of State (telegram).	Minister for Foreign Affairs asserts that all deportation has ceased and that no more will take place. The Armenian situation, however, still very unsettled.	848
1610	Feb. 26 [Rec'd Mar. 10]	The Chargé in Turkey to the Secretary of State (telegram).	States conditions upon which medical supplies may be landed at Jaffa for Jewish hospital in Jerusalem.	926
1625	Mar. 3 [Rec'd Mar. 6]	The Chargé in Turkey to the Secretary of State (telegram).	French archives have been removed from the Consulate General at Beirut and are being examined by the Turks.	818
1640	Mar. 8 [Rec'd Mar. 26]	The Chargé in Turkey to the Secretary of State (telegram).	Sublime Porte states that the <i>Persia</i> was not sunk by a Turkish submarine.	214
	Mar. 15	The Acting Secretary of State to the Chargé in Turkey.	Approves of protest against violation of belligerent consular premises.	819
1680	Mar. 23 [Rec'd Mar. 29]	The Chargé in Turkey to the Secretary of State (telegram).	Transmits message of the Red Cross, Constantinople, to the Red Cross, Washington, urging relief for civilians of all races.	927
1672	Mar. 28 [Rec'd Mar. 30]	The Chargé in Turkey to the Secretary of State (telegram).	Reports conversation with Talaat Bey on renewal of Armenian deportations: explanations and promises.	849
2172	Mar. 29	The Secretary of State to the Chargé in Turkey (telegram).	British Foreign Office desires to know how it is to be assured that the stores landed at Jaffa will reach the Jewish hospitals for which they are intended.	926 n
1735	Apr. 12 [Rec'd Apr. 15]	The Chargé in Turkey to the Secretary of State (telegram).	Assurances given by Ottoman officials that medical supplies for Jewish hospitals will not be interfered with.	927
2332	Apr. 18	The Secretary of State to the Chargé in Turkey (telegram).	Red Cross sends \$50,000 to be used in cooperation with Red Crescent Society for relief work in Turkey.	928
2341	Apr. 19	The Secretary of State to the Chargé in Turkey (telegram).	American people consider it the duty of Germany to feed her allies. The Allies decline permission for America to send provisions to blockaded Turkish coast.	928

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No.	Date	From and to whom	Subject	Page
2376	Apr. 24	The Secretary of State to the Chargé in Turkey (telegram).	Request for suggestion as to a method of transporting Red Cross supplies from Athens to Beirut.	928
1771	Apr. 27 [Rec'd May 1]	The Chargé in Turkey to the Secretary of State (telegram).	No means of transporting Red Cross supplies from Athens or Constantinople to Beirut.	929
41	Apr. 29 [Rec'd June 16]	The Consul at Trebizond to the Secretary of State.	Russian forces, unopposed by the Turks, have occupied the city.	35
2484	May 9	The Secretary of State to the Chargé in Turkey (telegram).	Quotes note of French Ambassador depicting extreme conditions in Syria. Requests information.	850
1800	May 12 [Rec'd May 17]	The Chargé in Turkey to the Secretary of State (telegram).	Military authorities are taking over the American college at Sivas for use of the wounded. Has cautioned Sublime Porte to take proper measures to provide for Americans.	832
1814	May 17 [Rec'd May 22]	The Chargé in Turkey to the Secretary of State (telegram).	Reports the taking over by Turkish military authorities of various American missions and schools.	833
1815	May 17 [Rec'd May 22]	The Chargé in Turkey to the Secretary of State (telegram).	Reports American college and hospital at Marsivan taken by authorities. Recommends that warning be sent Turkish Government.	834
[Enclosure]	May 17	The American Chargé to the Turkish Minister of Foreign Affairs.	Urges that comfort of Americans be assured when colleges and hospitals are taken over for use of wounded soldiers.	838
1821	May 21 [Rec'd May 26]	The Chargé in Turkey to the Secretary of State (telegram).	Report on conditions in Syria.	851
1825	May 22 [Rec'd May 26]	The Chargé in Turkey to the Secretary of State (telegram).	Assurances given that taking over of American institutions is a temporary measure; no intention of expelling Americans.	834
2600	May 24	The Acting Secretary of State to the Chargé in Turkey (telegram).	Instructions to urge Ottoman Government to protect Christians in Syria, if conditions are as reported.	851
4645/11	May 25	The Turkish Chargé to the Secretary of State.	Ottoman subjects removed from the <i>China</i> are not supposed to be incorporated in the armed forces of Turkey.	648

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No.	Date	From and to whom	Subject	Page
2628	May 27	The Acting Secretary of State to the Chargé in Turkey (telegram).	Enumerates series of unfriendly acts of Turkish authorities against American officers and interests. Desires prompt redress of grievances.	835
[Enclosure]	May 29	The American Chargé to the Turkish Minister of Foreign Affairs.	Protests the seizure of property at Marsivan and indignities suffered by American missionaries.	839
1844	May 31 [Rec'd June 4]	The Chargé in Turkey to the Secretary of State (telegram).	Mission buildings at Marsivan, Talas, and Sivas requisitioned and missionaries sent to Constantinople. Protest made, reserving all U. S. rights.	836
2678	June 3	The Acting Secretary of State to the Chargé in Turkey (telegram).	Inquires whether Ottoman Government has been urged to protect Christians and whether relief supplies will be permitted to enter Lebanon and other parts of Syria. Conditions serious.	930
1854	June 3 [Rec'd June 7]	The Chargé in Turkey to the Secretary of State (telegram).	Has urged Minister of Foreign Affairs to take immediate steps for the protection of Christian Syrians.	852
2758	June 16	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to urge Turkish Government again to alleviate condition of Armenians in Mesopotamia, if reports are true.	852
1889	June 17 [Rec'd June 21]	The Chargé in Turkey to the Secretary of State (telegram).	Report of desperate situation in Syria, which Turkish officials deny. Promise of an investigation.	930
2763	June 17	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to call attention of Turkish Government to the strong sympathy in the United States for the destitute of Syria, and to urge prompt reply.	930
2779	June 23	The Secretary of State to the Chargé in Turkey (telegram).	Instructions to continue to urge the Ottoman Government to grant permission for sending relief supplies to Syria.	931
2784	June 24	The Secretary of State to the Chargé in Turkey (telegram).	If Turkish Government is not attempting to starve inhabitants of Lebanon, what are objections to sending relief supplies there and to Syria?	931
[Enclosure]	June 26	The Turkish Minister of Foreign Affairs to the American Chargé.	Explanation regarding the treatment of Americans, their institutions, and their property.	841

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No.	Date	From and to whom	Subject	Page
[Enclosure]	July 2	The Turkish Ministry of Foreign Affairs to the American Embassy.	Justification of acts in violating premises of consulates and seizing archives.	823
1502	July 4 [Rec'd July 25]	The Chargé in Turkey to the Secretary of State.	Remarks on Turkish note regarding American institutions and criticism of Turkish policy.	844
1930	July 6 [Rec'd July 9]	The Chargé in Turkey to the Secretary of State (telegram).	Minister for Foreign Affairs denies that famine exists in Syria; he has submitted proposal for relief to the Minister of Interior and is awaiting his decision.	932
2814	July 7	The Acting Secretary of State to the Chargé in Turkey (telegram).	Refusal of Turkish Government to permit relief for Syria may affect American sentiment toward Turkey.	932
1517	July 8 [Rec'd July 31]	The Chargé in Turkey to the Secretary of State.	If Department approves, will complain to Sublime Porte of violation of U. S. consular seals protecting belligerent interests in Turkey. Encloses Turkish <i>note verbale</i> in justification of acts.	822
1948	July 15 [Rec'd July 19]	The Chargé in Turkey to the Secretary of State (telegram).	Relief measures inadequate. Asks Department to appeal to Germany and Austria-Hungary to force Turkey to cease persecutions.	932
1973	July 21 [Rec'd July 25]	The Chargé in Turkey to the Secretary of State (telegram).	Report on conditions in Mesopotamia and on the Aleppo massacre. Evident policy of Turkish Government is to prevent rehabilitation of Armenian race.	852
1987	July 26 [Rec'd Aug. 1]	The Chargé in Turkey to the Secretary of State (telegram).	Government refuses to permit distribution of relief supplies in Syria and the Lebanon by neutrals; denies need for outside help.	934
2029	Aug. 12 [Rec'd Aug. 15]	The Chargé in Turkey to the Secretary of State (telegram).	Proposes an arrangement for the distribution of American relief supplies in Syria and the Lebanon by the Red Crescent conjointly with Red Cross.	936
2053	Aug. 30 [Rec'd Sept. 2]	The Chargé in Turkey to the Secretary of State (telegram).	Turkey joins Germany and Bulgaria in war against Roumania.	49
	Aug. 31	The Secretary of State to the Consul at Alexandria (telegram).	Cholera reported in Palestine and Damascus. The <i>Des Moines</i> will transport supplies when passage of blockade is arranged.	937
1757	Sept. 1 [Rec'd Sept. 25]	The Chargé in Turkey to the Secretary of State.	Reports additional deportations. Has sent notes on the subject to the Turkish Minister of the Interior and to the German Ambassador. Opposition of Turkish officials to foreign relief work.	853



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No.	Date	From and to whom	Subject	Page
	Sept. 7	The Consul at Alexandria to the Secretary of State (telegram).	Passage through blockade arranged for the <i>Des Moines</i> .	937
2078	Sept. 9 [Rec'd Sept.13]	The Chargé in Turkey to the Secretary of State (telegram).	Sublime Porte consents to the distribution of relief in Syria through Red Crescent and American Red Cross. Similar arrangement will be made with Spain.	938
2949	Sept. 13	The Secretary of State to the Chargé in Turkey (telegram).	Allies have given consent for the <i>Des Moines</i> to take medical supplies through the blockade. Instructions to request Turkish permission for American citizens to leave Palestine on the vessel.	937
2099	Sept. 16 [Rec'd Sept.20]	The Chargé in Turkey to the Secretary of State (telegram).	Transmits telegram to Consul General at Beirut and reply regarding arrangements for distribution of relief supplies through the Red Cross.	938
2978	Sept. 22	The Secretary of State to the Chargé in Turkey (telegram).	Inquiry as to what action by Department would alleviate the condition of Armenians.	853
2136	Oct. 1 [Rec'd Oct. 5]	The Chargé in Turkey to the Secretary of State (telegram).	Suggests probable effect of a threat to withdraw U. S. diplomatic representatives from Turkey. To alleviate Armenian situation deportations must cease and restrictions placed upon neutral relief work must be removed.	856
3034	Oct. 14	The Secretary of State to the Chargé in Turkey (telegram).	Space will be reserved on the <i>Des Moines</i> for supplies for the Syrians. Requests information regarding method of distribution and assurances that the Red Cross will have controlling management.	938
2186	Oct. 17 [Rec'd Oct. 20]	The Ambassador in Turkey to the Secretary of State (telegram).	Describes further the condition of Armenians. Suggests that the President write to the Emperors of Germany and Austria on the subject and that letter be published.	857
3043	Oct. 18	The Acting Secretary of State to the Chargé in Turkey (telegram).	Permission to call attention of Sublime Porte to seriousness of violation by Turkish Government of U. S. consular seals.	823
2192	Oct. 18 [Rec'd Oct. 24]	The Ambassador in Turkey to the Secretary of State (telegram).	Inadvisable to discuss or publish details concerning the sending and distributing of relief supplies.	939

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No.	Date	From and to whom	Subject	Page
3081	Nov. 3	The Secretary of State to the Ambassador in Turkey (telegram).	Attention of German Government has been directed to sufferings of Armenians at hands of the Turks and assistance asked in securing amelioration.	858 <i>n</i>
2276	Nov. 23 [Rec'd Nov. 28]	The Ambassador in Turkey to the Secretary of State (telegram).	Further arrangements for the importation and distribution of food for Syria and the Lebanon.	940
2288	Nov. 28 [Rec'd Dec. 1]	The Ambassador in Turkey to the Secretary of State (telegram).	Presented new military attaché to the Sultan. Requested permission for Americans to aid war sufferers in Turkey.	75
2327	Dec. 12 [Rec'd Dec. 15]	The Ambassador in Turkey to the Secretary of State (telegram).	Transmits text of the Turkish offer to enter peace negotiations with the Allies. Conditions of peace not stated.	91
2333	Dec. 14 [Rec'd Dec. 19]	The Ambassador in Turkey to the Secretary of State (telegram).	Has taken up with Turkish authorities the arrest of Russian subjects and been informed that the measure is retaliatory.	845
	Dec. 18	The Secretary of State to the Ambassador in Turkey (telegram).	Transmits the suggestion of the President that all belligerents state their views as to terms upon which the war may be ended.	97 <i>n</i>
	Dec. 19	The Secretary of State to the Ambassadors in Turkey, Great Britain, France, Germany, Austria-Hungary, and Spain (telegram).	The <i>Caesar</i> left New York Dec. 17 with relief supplies for Syria. First stop Cadiz.	940
2349	Dec. 21 [Rec'd Dec. 26]	The Ambassador in Turkey to the Secretary of State (telegram).	Arrest of Russians in Turkey due to capture of Moslems by Russian Fleet. They will be sent to interior unless Moslems are released.	846
2360	Dec. 24 [Rec'd Dec. 28]	The Ambassador in Turkey to the Secretary of State (telegram).	Interview with the Turkish Minister for Foreign Affairs in which the President's peace note was presented. Asks permission to give full text of communication to the press.	119
[Enclosure]	Dec. 26	The Turkish Minister for Foreign Affairs to the American Ambassador in Turkey.	Replies to the President's peace note in terms similar to those of the other Central powers.	120
3225	Dec. 29	The Secretary of State to the Ambassador in Turkey (telegram).	The President's peace note may be made public.	122

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## UNITED STATES

[This section includes circulars, interdepartmental communications, correspondence with private firms and individuals, and other documents not listed elsewhere in the List of Papers by Countries.]

	Dec. 18, 1915	The Secretary of State to the Postmaster General.	The British Ambassador at Washington states that Traum Rubber Co. is forwarding by parcel post to Stockholm dental rubber and rubber sheets.	591
	Jan. 7	The Secretary of the Treasury to the Secretary of State.	Asks advice as to clearance of the armed steamer <i>Giuseppe Verdi</i> .	749
	Jan. 10	The Secretary of State to the Secretary of the Treasury.	British Government agrees not to interfere with tobacco shipped to neutrals. Suggests inspection of such shipments by customs officers to prevent smuggling of contraband.	507
	Jan. 11 [Rec'd Jan. 12]	The Postmaster General to the Secretary of State.	Inquires if the rules of contraband are applicable to parcel post between this country and Sweden.	592
	Jan. 13	The Secretary of State to the Secretary of the Treasury.	Suggests that no objection be raised as to clearance of the <i>Giuseppe Verdi</i> , under assurances given by the Italian Ambassador.	750
	Jan. 14	The Secretary of State to the Secretary of War.	As the <i>Empire</i> preserves the character of a military transport, the 24-hour rule should be applied to her stay in Manila port.	714
	Jan. 26	The Secretary of State to the Postmaster General.	So far as belligerent countries are concerned, the rules which apply to merchandise sent by freight or express apply to merchandise sent by mail.	593
	Jan. 27	The Secretary of State to Representative J. A. Elston.	The visit of members of the French Army Flying Corps is not a violation of neutrality.	701
	Feb. 1	The Secretary of the Treasury to the Counselor for the Department of State.	Reports presence in Norfolk Harbor of the British steamer <i>Appam</i> captured and manned by Germans and carrying prisoners. Requests instructions for the collector of customs.	722

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No.	Date	From and to whom	Subject	Page
	Feb. 2	The Secretary of State to the Secretary of the Treasury (telegram).	Suggests that demand be made for immediate release of all persons on board the <i>Appam</i> , with certain specified exceptions.	723
	Feb. 3 [Rec'd Feb. 4]	The Collector of Customs at Norfolk to the Assistant Secretary of the Treasury.	The German commander promises the release of all persons on the <i>Appam</i> , except the prize officer and crew.	724
	Feb. 10	Statement given to the press by the Secretary of State.	Germany has been asked to do nothing that is not reasonable and fair.	162
	Feb. 16	The Secretary of State to Diplomatic Officers in European countries (telegram).	This Government will rely upon the established rules of international law if the <i>modus vivendi</i> proposals are rejected by the Entente powers.	170
	Feb. 16 [Rec'd Feb. 17]	The Attorney General to the Counselor for the Department of State.	Transmits correspondence regarding the libel filed by British owners for possession of the <i>Appam</i> .	726
	Feb. 19 [Rec'd Feb. 21]	The Assistant Secretary of the Treasury to the Secretary of State.	Will provide for supervision of packing of tobacco in order to guard against contraband; also will caution collectors of customs to secure accuracy in manifests.	508
[Enclosure]	Feb. 24	The President to the Chairman of the Committee on Foreign Relations.	Regarding abridgment of the rights of American citizens.	177
[Enclosure]	Feb. 29	The President to the Acting Chairman of the Committee on Rules of the House of Representatives.	Urges early vote upon the resolutions regarding travel on armed merchantmen.	185
	Undated	Form letter of the Secretary of State to consignees of parcel-post packages seized by the British.	Merchandise forwarded overseas by parcel post is subject to search; non-contraband is seized. Owner may make claim before the prize court.	596
	Mar. 4	The Secretary of State to the Ambassadors in European Belligerent Countries.	Gore resolution forbidding Americans to travel on armed merchantmen tabled in the Senate. Action favorable to administration's position.	186

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No.	Date	From and to whom	Subject	Page
	Mar. 6	The Foreign Trade Adviser of the Department of State to the Assistant Secretary of the Treasury.	British will request the opening of an occasional bale of tobacco to guard against concealed contraband. Asks if this can be done.	508
	Mar. 8	The Secretary of State to the Ambassadors in European Belligerent Countries (telegram).	The House of Representatives tabled the resolution warning Americans against traveling upon armed merchantmen—a vote of confidence in the President's conduct of foreign affairs.	202
	Mar. 9 [Rec'd Mar. 11]	The Assistant Secretary of Commerce to the Secretary of State.	An office has been established at the British Embassy at Washington to furnish letters of assurance to facilitate passage of shipments. British circular of Mar. 4 enclosed.	496
	Mar. 9	The Acting Secretary of the Treasury to the Secretary of State.	It is reported that Germans will attempt to use interned vessels. Asks advice as to the proper means of maintaining neutrality in the absence of U. S. naval vessels. Suggests the dismantling of the engines of interned ships.	746
	Mar. 10 [Rec'd Mar. 13]	The Secretary of the Treasury to the Secretary of State.	Inspection of tobacco intended for shipment. Requests attitude towards Geyer's shipments from Government-bonded warehouses.	509
	Mar. 11	The Secretary of State to the Secretary of the Treasury.	Inadvisable to disable machinery or place guards upon self-interned German vessels. Calls attention to effectiveness of fort guns and restriction of coal supply.	747
	Mar. 14	The Secretary of State to the Secretary of the Navy.	Asks views as to procedure to be followed with regard to new British system of visit and search.	680 n
	Mar. 14	The Secretary of the Navy to the Secretary of State.	Considers it unwise to enter into any agreement with one belligerent recognizing a departure from an established procedure in visit and search.	681
	May 18	The Third Assistant Secretary of State to the Acting Secretary of State.	British Ambassador asserts that popular sentiment for the blockade is controlling the parliamentary situation.	392
	Mar. 18	The Acting Secretary of State to the Secretary of the Treasury.	Shipment of tobacco from Geyer & Co. allowed to proceed without inspection.	510
	Apr. 10 [Rec'd Apr. 12]	The Secretary of the Treasury to the Secretary of State.	Instructions sent to collectors of customs regarding issuance of certificates for tobacco from customs-bonded warehouses.	510

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No.	Date	From and to whom	Subject	Page
	Apr. 13	The Secretary of State to the Secretary of the Treasury.	Unwise to agree to any change in the established rules of procedure by war vessels in visit and search.	684
2362-A	Apr. 17	Executive Order.	Revised rules governing the granting and issuing of passports in the United States, effective May 1, 1916.	787
	Apr. 20	The Attorney General to the Secretary of State.	U. S. officials in Porto Rico report that Germans threaten to disable vessels if relations are broken. Instructions given marshal to appoint special deputies.	748
	Apr. 20	Memorandum of the Third Assistant Secretary of State.	Has shown the British Ambassador the German note of Oct. 15, apparently accepting the British list of hospital supplies to be exempted from seizure; pointing out that it had been delivered to the British Embassy on Dec. 9 and that Grey's note of Mar. 22 was evidently sent in error.	946
	Apr. 22 [Rec'd Apr. 24]	The Secretary of the Treasury to the Secretary of State.	Proposed removal of crews from German interned vessels at San Juan in case of break in relations with Germany. Asks advice regarding the <i>President</i> .	748
	Apr. 25	The Secretary of State to the Secretary of the Treasury.	The action of customs collectors who bring to attention of shipmasters the recent British visit-and-search orders, should be disapproved.	684
	Apr. 25	The Secretary of State to the Secretary of the Treasury.	Items of information which collectors should report regarding arrival in U. S. ports of armed merchantmen.	753
	Mar. 25 [Pub. on Apr. 27]	Memorandum of the Department of State.	Status of an armed merchant vessel of a belligerent from the viewpoint of a neutral when that vessel enters its port, and from that of an enemy when on the high seas. Rights and duties of neutrals and belligerents.	244
	Apr. 29	The Secretary of State to the Secretary of the Treasury.	Does not recommend removal of the crew from the <i>President</i> .	749
	May 3	The Edward Maurer Co., Inc., to the Secretary of State.	Calls attention to action of steamship lines in blacklisting, and refusing to accept freight for, certain South American firms of German origin. Relief through the Government asked.	383
	May 8 [Rec'd May 10]	The Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Claims for Red Cross treaty rights to exemption of hospital supplies from interference as contraband. British withdrawal based on misconception of attitude of Central powers.	947

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No.	Date	From and to whom	Subject	Page
	May 18	The Secretary of State to the Edward Maurer Co., Inc.	Refusal of steamship companies to accept cargo for shipment is a private matter, not under control of the Department.	391
	June 7	The Secretary of State to Representative George F. O'Shaunnessy.	Arrangements with Great Britain for the uninterrupted shipment of goods of German and Austrian origin for the benefit of American industries.	396
	June 10 [Rec'd June 12]	The Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Proposal that the Red Cross send to the Central powers a commission of satisfactory persons to receive and distribute hospital supplies.	951
	June 21 [Rec'd June 22]	The Secretary of the Treasury to the Secretary of State.	To avoid duplication, suggests that reports on merchantmen be made only when there is a material change in armament from what has already been reported.	755
	June 22	The Secretary of State to the Secretary of the Treasury.	Accepts suggestion regarding elimination of duplication in armament reports and clearance of French vessels.	755
	July 7	Mr. Carl S. Stern to the Secretary of State.	Points out difficulties attendant upon issuance of letters of assurance; suggests that the Government take action to obtain prompt discontinuance.	498
	July 11	The Acting Foreign Trade Adviser of the Department of State to Mr. Carl S. Stern.	The subject of interference with neutral trade is being given careful consideration by the Department.	499
	July 13	Memorandum of the Acting Secretary of State.	Conversation with the British Ambassador in regard to the submarine merchant ship <i>Deutschland</i> .	767
	July 14 [Rec'd July 17]	Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments, to the Chief of the Division of Near Eastern Affairs, Department of State.	Declares that publication of Doctor Taylor's milk report has wrought havoc and has necessitated a public statement regarding it. Encloses copy of the statement.	965
	July 19	Memorandum of the Counselor for the Department of State.	Austro-Hungarian Chargé presented affidavits of seamen on the <i>Petrolite</i> case; evidence conflicts with facts as stated in U. S. note to Austria.	279

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No.	Date	From and to whom	Subject	Page
	July 19	The Third Assistant Secretary to the Acting Secretary of State.	British protest against U. S. decision in <i>Deutschland</i> case. Encloses telegram from Grey to the Ambassador at Washington.	768
	July 20	Memorandum of the Counselor for the Department of State.	Discusses with the Austro-Hungarian Chargé (Zwiedinek) the discrepancies in affidavits in the <i>Petrolite</i> case.	280
	July 20	Memorandum of the Acting Secretary of State.	Discussion with Spring Rice of the subject of the blacklisting of U. S. firms and probable danger of litigation.	411
	July 22	Memorandum of the Acting Secretary of State.	Further discussion with Spring Rice of subject of blacklisting.	412
	July 25	Memorandum of the Acting Secretary of State.	Spring Rice explains intention of blacklisting act and will communicate U. S. objections to his Government.	419
	July 27	Memorandum of the Counselor for the Department of State.	The French explanation of the presence of the <i>Descartes</i> in the territorial waters of Porto Rico.	765
	Aug. 1 [Rec'd Aug. 4]	The Acting Chairman of the Central Committee of the American Red Cross to the Secretary of State.	Requests that the Central powers be asked to authorize the reestablishment of Red Cross hospital units.	956
	Aug. 8	The Secretary of State to Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments.	Considers as conclusive Doctor Taylor's report upon the milk situation in Germany. American rights in British blockade are in hands of Department officials.	968
	Aug. 15 [Rec'd Aug. 16]	The Secretary of the Navy to the Secretary of State.	States the policy upon which the regulations of the Navy Department regarding the internment of belligerent war vessels are based, and desires to know if that policy as stated is in accord with his views.	718
	Aug. 17	The Secretary of State to Representative Claude Kitchen.	Brief history of British blacklisting and U. S. action taken regarding it.	432



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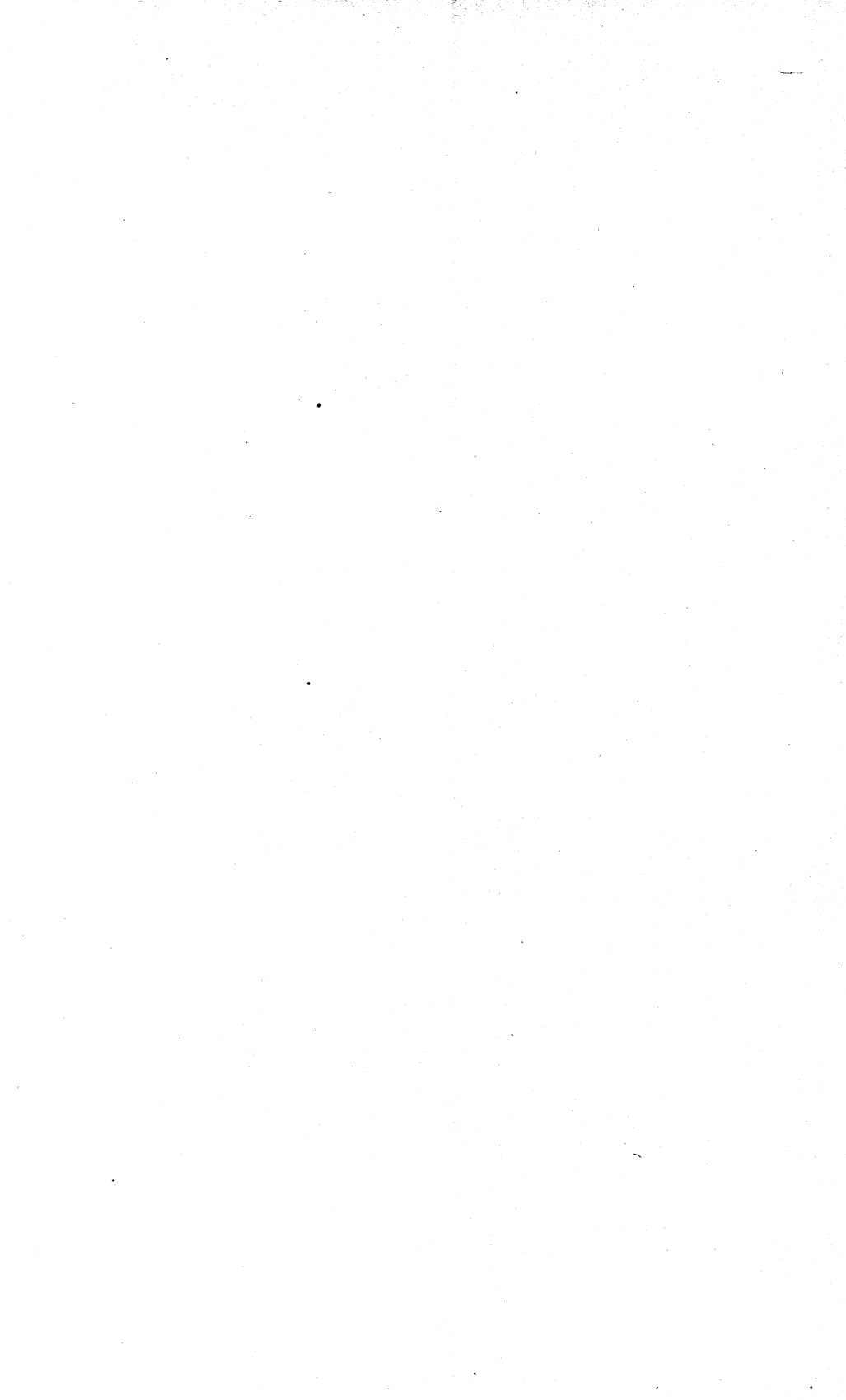
No.	Date	From and to whom	Subject	Page
	Aug. 18	The Counselor for the Department of State to Representative John J. Fitzgerald.	Memorandum regarding U. S. action in protest against certain acts of belligerents in violation of the principles of international law.	3
	Aug. 21	The Acting Secretary of Labor to the Secretary of State.	Cases of reentry of British discharged soldiers into the United States must be decided individually by immigration officers.	702
	Aug. 29	The Conference of Tobacco Growers of the United States to the Secretary of State.	Protest against British withdrawal from agreement to permit tobacco free entry into neutral ports.	514
	Sept. 1	The Secretary of State to the Secretary of Labor.	In each case of reentry of a British soldier into the United States, it would have to be decided whether he was discharged and whether he intended to remain. Otherwise U. S. neutrality might be involved.	703
	Sept. 1	The Secretary of State to the Secretary of the Navy.	Approves the policy of the Navy Department regarding the internment of belligerent war vessels, with slight amendment.	718
[Enclosure]	Sept. 20	The Deputy Collector of Customs in New York to the Secretary of the Treasury.	The <i>Laconia</i> and <i>Tuscania</i> are being fitted out for duty as transports.	719
	Sept. 21	The Secretary of the Treasury to the Secretary of State.	Forwards letter from the collector of customs at New York showing that the <i>Laconia</i> and the <i>Tuscania</i> are being fitted out as transports. Requests instructions for the collector.	719
	Sept. 22	The Secretary of State to the Secretary of the Treasury.	The <i>Laconia</i> and the <i>Tuscania</i> should not be allowed to outfit as transports in a U. S. port; must be returned to the condition in which they arrived.	720
483	Sept. 28	The Secretary of State to Diplomatic and Consular Officers (including Consular Agents).	Registration of American citizens abroad: Instructions enclosing Executive Order effective Nov. 15, 1916.	790
2461	Sept. 28	Executive Order.	Registration of American citizens abroad: Order effective Nov. 15, 1916.	794
	Oct. 11	The Secretary of State to the Secretary of Labor.	Approves withdrawal of Department's circular of Sept. 8. Wishes to be advised of all soldiers entering the United States and the purpose of their visit.	705

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No.	Date	From and to whom	Subject	Page
	Oct. 19 [Rec'd Oct. 26]	The Collector of Customs at San Juan, Por- to Rico, to the Secretary of the Treasury.	Asks for definite instructions re- garding clearance of French armed merchantmen arriving for the first time at a U. S. port.	757
	Oct. 23 [Rec'd Oct. 25]	The Secretary of Commerce to the Secretary of State.	Transmits a memorandum on the means of combating foreign re- strictions on commerce and a statement on the export of am- munition.	466
	Nov. 2	The Secretary of State to the Secretary of the Treasury.	French armed merchantmen ar- riving in port for first time are not to be cleared except upon instructions from Washington.	758
	Dec. 4	The Secretary of State to Dip- lomatic Offi- cers in Euro- pean Coun- tries (tele- gram).	Inadvisable to participate in the proposed conferences of neutral European governments. Rea- sons.	696
	Dec. 15	The Secretary of State to Mr. Carl S. Stern.	Requests facts regarding British discrimination in giving letters of assurance for shipments of cot- ton to Scandinavia.	489
	Dec. 19	The Acting For- eign Trade Adviser of the Department of State to Mr. A. W. Faber.	The Harrison Glove Co. case the only importation case granted.	533
	Dec. 20	The Secretary of State to Dip- lomatic Offi- cers in Neu- tral Coun- tries (tele- gram).	Transmits the suggestion of the President that all belligerents state their views as to the terms upon which the war may be end- ed.	97 <i>n</i>
	Dec. 21	The Secretary of State to the Ambassadors and Ministers in Belligerent Countries (telegram).	Denies that this Government is considering any change of its policy of neutrality.	106
	Dec. 24	The Secretary of State to the Ambassadors and Ministers in Belligerent Countries (telegram).	The President's peace note means nothing but what it plainly ex- presses; replies will be conveyed in strict confidence to other group of belligerents in hope of finding common grounds for negotia- tions.	112

PRELIMINARY DOCUMENT

53620°—29—1



# PRELIMINARY DOCUMENT

## ACTION OF THE UNITED STATES WITH REGARD TO VIOLATIONS OF THE PRINCIPLES OF INTERNATIONAL LAW BY BELLIG- ERENTS

File No. 763.72111/3972a

*The Counselor for the Department of State (Polk) to Representative  
John J. Fitzgerald*

WASHINGTON, August 18, 1916.

SIR: In response to your oral request of recent date for information with regard to action taken by the Department in protest to certain acts of the belligerents in the present war in violation of the principles of international law, I have the honor to submit for your information the enclosed memorandum. I have sent you under separate cover a set of the diplomatic correspondence between the United States and the belligerent governments as published to date.

I have [etc.]

FRANK L. POLK

[Enclosure]

### MEMORANDUM<sup>1</sup>

#### 1. *Submission to censorship of the mails*

With reference to this matter, the following statement was prepared by the Department of State and submitted to Senator William J. Stone, Chairman of the Committee on Foreign Relations of the Senate, in a letter dated January 20, 1915, which has been published as Senate Document No. 716, 63d Congress, 3d Session:

As to the censorship of mails, Germany as well as Great Britain has pursued this course in regard to private letters falling into their hands. The unquestioned right to adopt a measure of this sort makes objection to it inadvisable.

It has been asserted that American mail on board of Dutch steamers has been repeatedly destroyed. No evidence to this effect has been filed with the Government, and therefore no representations have been made. Until such a case is presented in concrete form, this Government would not be justified in presenting the matter to the offending belligerent. Complaints have come to the Department that mail on board neutral steamers has been opened and detained, but there seem to be but few cases where the mail from neutral countries has not been finally delivered. When mail is sent to belligerent countries open and is of a neutral and private character it has not been molested, so far as the Department is advised.

While it has been charged that the British Government began holding up the mails as early as August 1914, and that complaints were received in Washington in large numbers at that time, this is incorrect. As shown in the above quotation from the letter to Senator Stone, dated January 20, 1915, no case had been presented up to that time upon which representations to the offending belligerent would have been warranted. Later, however, upon cases being presented in concrete form of mails having been removed by British authorities from the Dutch vessel *Noorderdijk* on December 20, and from the Dutch steamer *Nieuw Amsterdam* on December 23, 1915, and other vessels, the

<sup>1</sup>The original text of this memorandum contained no heading No. 9.

Department promptly on January 4, 1916, instructed Ambassador Page "to lay this matter immediately before the British Government in a formal and vigorous protest and press for a discontinuance of these unwarranted interferences with inviolable mails. Impress upon Sir Edward Grey the necessity for prompt action in this matter." In this note the Department stated, with regard to these seizures of mail by the British Government:

The Department can not admit the right of British authorities to seize neutral vessels plying directly between American and neutral European ports without touching at British ports, to bring them into port, and, while there, to remove or censor mails carried by them.

On May 24, 1916, the United States again protested against continued interferences with letter mail by the British and French authorities, and stated:

The Government of the United States, in view of the improper methods employed by the British and French authorities in interrupting mails passing between the United States and the other neutral countries and between the United States and enemies of Great Britain, can no longer tolerate the wrongs which citizens of the United States have suffered and continue to suffer through these methods. To submit to a lawless practice of this character would open the door to repeated violations of international law by the belligerent powers on the ground of military necessity of which the violator would be the sole judge. . . . Only a radical change in the present British and French policy, restoring to the United States its full rights as a neutral, will satisfy this country.

2. *That the United States failed to take any action with regard to Great Britain's orders in council with regard to contraband and measures tending to blockade Germany*

As early as December 28 [26?], 1914, the United States protested vigorously to the British Government against the seizure and detention in English ports of various vessels laden with American goods destined to neutral ports in Europe.

In this connection I may point out that in a note dated February 16, 1915, the German Government refers to this protest and says:

It will not be necessary for the German Government to go into detail on this point, especially since the American note to the British Government dated December 28, 1914, which has been brought to their knowledge, has dealt with this point very aptly.

On March 5, 1915, the United States protested against the position taken by the British and French Governments, as set forth in the note of the British Ambassador of March 1, 1915, that the "British and French Governments will therefore hold themselves free to detain and take into ports ships carrying goods of presumed enemy destination, ownership, or origin."

On March 30, upon receipt of the notice of the order in council setting forth the new regulations to be applied by Great Britain and France to prevent all supplies reaching Germany, the United States vigorously protested the illegality of these acts, which if enforced would violate neutral rights. It was pointed out that the proposed measures could not be considered a legal blockade, and that, if enforced, many interferences with our legitimate trade would occur which would impose upon the British Government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas, and that this Government would expect of the British Government full reparation for every act which under the rules of international law constitutes a violation of neutral rights.

As stated in our note to Great Britain of October 22, 1914:

This Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London, and that this Government reserves to itself the right to enter protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with, by the authorities of the British Government.

and on July 14, 1915, we stated to the British Government that:

The United States must insist upon their rights under the principles and rules of international law as hitherto established, governing neutral trade in time of war, without limitation or impairment by orders in council or other municipal legislation by the British Government, and will not recognize the validity of prize court proceedings taken under restraints imposed by British municipal law in derogation of the rights of American citizens under international law.

In fact this Government has repeatedly stated that it would refuse to recognize the legality of the so-called blockade of Germany by Great Britain and her allies, and has consistently protested against the practice of Great Britain of bringing neutral vessels into her ports and there searching them for evidence of contraband character of cargo, or of an intention to evade the non-intercourse measures of Great Britain, when no proof of contraband or enemy destination was obtained at time of seizure.

On October 21, 1915, the United States protested in a note to Great Britain against violations of international law authorized by orders in council:

(1) The methods sought to be employed to obtain and use evidence of enemy destination of cargoes bound for neutral ports and to impose a contraband character upon such cargoes are without justification;

(2) That the blockade, upon which such methods are partially founded is ineffective, illegal, and indefensible;

(3) That the judicial procedure offered as a means of reparation for an international injury is inherently defective for the purpose;

(4) That in many cases jurisdiction is asserted in violation of the law of nations;

and insisted that the relations between the United States and Great Britain be governed not by a policy of expediency but by established rules of international law.

With reference to the British Trade with the Enemy Act, approved December 23, 1915, the apparent object of which was to prevent any person doing business in the United Kingdom from trading with enemies of Great Britain or persons having enemy association in any other part of the world, the Department on January 25, 1916, pointed out to the British Government that the act had been framed without proper regard for the right of persons domiciled in the United States, whether they be American subjects or subjects of countries at war with Great Britain, to carry on trade with persons in belligerent countries, and this Government reserved the "right to protest against the application of this act in so far as it affects the trade of the United States, and to contest the legality or rightfulness of imposing restrictions upon the freedom of American trade in this manner."

On July 26, 1916, upon the announcement by Great Britain that she had placed the names of certain persons, firms, and corporations in the United States upon a proscriptive "black list," and had forbidden all financial dealings between them and citizens of Great Britain, the United States protested in the most decided terms against this policy of arbitrary interference with neutral trade, and stated that it regarded the practice of the black list "as inconsistent with that true justice, sincere amity, and impartial fairness which should characterize the dealings of friendly governments with one another."

3. *That the United States took "no notice of the declaration by Great Britain on November 5, 1914, that the entire North Sea was to be considered as a military area, the British having laid mine fields"*

The illegal use of mines in the present war has not been confined to any one belligerent. Both sides have violated the rights of neutrals and have sown large areas of the high seas with mines, the result of which has been the destruction of a number of neutral vessels.

On August 7, 1914, the German Government notified all neutral countries that the trade routes to English ports would be closed by mines.

In a note dated August 11, 1914, the British Ambassador alleged that Germany had scattered contact mines indiscriminately about the North Sea, and informed this Government that in view of this fact the British Admiralty would adopt similar methods in self-defense.

On August 13 the Secretary of State protested against such action on the part of Great Britain, stating that even "if an enemy of His Majesty's Government has, as asserted, endangered neutral commerce by an act in violation of the Hague convention, which cannot be justified on the ground of military necessity," this country saw no reason for Great Britain adopting a similar course which would add further to the dangers to peaceful navigation of the high seas by vessels of neutral powers.

On November 3, 1914, Great Britain, alleging that during the past week the German Government had scattered mines indiscriminately in the open seas and on main trade routes from America to Liverpool via the north of Ireland, that peaceful merchant ships have already been blown up, and that the mines were laid by some merchant vessels flying neutral flags, declared the North Sea a military area, and that all ships that did not follow an indicated course would be in grave danger from the mines it had been necessary to lay.

On February 4, 1915, Germany in retaliation for various alleged illegal acts on the part of Great Britain, notified neutral nations that "the waters surrounding Great Britain and Ireland, including the whole English Channel, are hereby declared a war zone." It was indicated at the same time that they would ignore the rule of international law requiring visit and search and would sink merchantmen without first ascertaining whether they were neutral or enemy ships and without making provisions for the safety of passengers and crew.

To this proclamation the United States on February 10, 1915, protested, and pointed out that such action on the part of Germany would endanger the lives and property of citizens of neutral and friendly nations, and would violate the principles of international law. In its note the United States stated that:

The Government of the United States has not consented to or acquiesced in any measures which may have been taken by the other belligerent nations in the present war which operate to restrain neutral trade, but has, on the contrary, taken in all such matters a position which warrants it in holding those governments responsible in the proper way for any unlawful effects upon American shipping which the accepted principles of international law do not justify, and that it therefore regards itself as free in the present instance to take, with a clear conscience and upon accepted principles, the position indicated in this note.

On February 20, 1915, the United States in the interest of neutral commerce, sent identic notes to Germany and Great Britain in which the hope was expressed that these two belligerents "may through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur on the high seas adjacent to the coasts of the belligerents," and outlined a course of action with regard to the sowing of mines and the importation of foodstuffs into Germany, to which it was hoped they would agree. Unfortunately it was not possible to secure the consent of the two Governments to the proposal.

4. *That the United States has been unneutral in enforcing a censorship of wireless, but permitting freedom of communication by submarine cables*

The reason that wireless messages and cable messages require a different treatment by a neutral government is as follows: Communications by wireless cannot be interrupted by a belligerent. With a submarine cable it is otherwise. The possibility of cutting cables exists. If a belligerent possesses naval superiority, the cable is cut, as was the German cable near the Azores by one of Germany's enemies and as was the British cable near Fanning Island by a German naval force. Since a cable is subject to hostile attack, the responsibility falls upon the belligerent and not upon the neutral to prevent cable communication.

A more important reason, however, at least from the point of view of a neutral government, is that messages sent out from a wireless station in neutral territory may be received by belligerent warships on the high seas. If these messages, whether plain or in cipher, direct the movements of warships or convey to them information as to the location of an enemy's public or private vessels, the neutral territory becomes a base of naval operations, to permit which would be essentially unneutral.



As a wireless message can be received by all stations and vessels within a given radius, every message in cipher, whatever its intended destination, must be censored; otherwise military information may be sent to warships off the coast of a neutral. It is manifest that a submarine cable is incapable of becoming a means of direct communication with a warship on the high seas. Hence its use can not, as a rule, make neutral territory a base for the direction of naval operations.

5. *That the United States has failed to prosecute agents of belligerent governments for recruiting in the United States in violation of our neutrality and penal laws*

The prosecution of persons alleged to have violated the laws of the United States is entrusted to the Department of Justice. All complaints received by the State Department with regard to violations of our neutrality and penal laws by persons alleged to have recruited within the territory of the United States, for any of the belligerent countries, have been promptly referred to the Department of Justice for investigation and such action as the officials of that department might think proper. The State Department has not and cannot comment with regard to the conduct of these cases by another department of the Government. Application should be made to the Department of Justice for any information with regard to this matter.

6. *That the Department of Labor has issued instructions that a person shall not be deemed to have lost his American citizenship by enlisting in the military forces of one of the belligerents*

As this refers to instructions claimed to have been issued by another department, inquiry should be made of the Department of Labor for any information desired with regard to their construction and enforcement of the immigration laws.

As a matter of fact, however, it may be stated that apart from municipal legislation to the contrary, military service by a citizen of a neutral country in the armed forces of a belligerent has not been held by this Government, or by other nations, to expatriate the one so serving. This obviously applies to citizens of a neutral country serving in the ranks of a belligerent on either side of a conflict.

7. *That the agreement with the Republic of Panama with reference to the coaling of warships in the Panama Canal Zone was unneutral*

By proclamation of November 13, 1914, certain special restrictions were placed on the coaling of warships or their tenders or colliers in the Canal Zone. These regulations were framed through the collaboration of the State, Navy, and War Departments and without the slightest reference to favoritism to the belligerents. Before these regulations were proclaimed, war vessels could procure coal of the Panama Railway in the zone ports, but no belligerent vessels are known to have done so. Under the proclamation fuel may be taken on by belligerent warships only with the consent of the canal authorities and in such amounts as will enable them to reach the nearest accessible port; and the amount so taken on shall be deducted from the amount procurable in United States ports within three months thereafter.

Now it is charged that the United States has been partial because Great Britain and not Germany happens to have colonies in the near vicinity where British ships may coal, while Germany has no such coaling facilities. Thus, it is intimated the United States should balance the inequalities of geographical position by refusing to allow any warships of belligerents to coal in the canal until the war is over. Since at the time this complaint was first made, no German warships had sought to obtain coal in the Canal Zone, and since no German warships appear to be now upon the high seas, the charge of discrimination rests upon a possibility of warfare which has so far failed to materialize.

8. *That the State Department had issued a warning to Americans with German names against traveling in countries hostile to Germany*

The State Department has issued no such warning. Shortly after the outbreak of the present war the Department issued a printed circular entitled

*Notice to American Citizens who Contemplate Visiting Belligerent Countries*, which contained the following statements:

American citizens are advised to avoid visiting unnecessarily countries which are at war, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

This circular was afterwards slightly amended, and now appears under date of October 4, 1915. Subsequently, the Department decided that it was necessary to require each applicant for a passport to state definitely what countries he wished to visit and for what object, and to write upon the face of the passport a statement concerning these matters, in accordance with the statement of the applicant. The Department issues passports to persons who appear to be going to belligerent countries because of some reasonable necessity, but endeavors to avoid the issuance of passports to persons who desire to visit belligerent countries merely for curiosity or pleasure or for any object which appears to be improper. These rules are applied equally to persons going to the belligerent countries on either side. In connection with this matter it may be observed that the Embassy at Berlin reported to the Department some months ago that German regulations required persons desiring to enter Germany to show some urgent necessity for doing so. The Department has not declined to issue passports to American citizens merely because they bear names indicating German or Austrian origin or descent. It is quite true that the Department has been informed that French diplomatic and consular officers have received general instructions not to visa passports of any persons who were born in Germany or Austria, or whose fathers were born in either of those countries, and the Department has informed inquirers to that effect. The Department has not, however, refused to issue passports to American citizens merely because they appeared to be of German birth or descent, even though they wished to visit France or the Allies.

The Department has endeavored, so far as possible, to inform American citizens regarding the regulations of the belligerent countries in regard to entry and travel therein, and the necessity of having their passports visaed.

It is doubtless true that in the early months of the war bearers of American passports were arrested in all of the countries at war. In every case of apparent illegal arrest the United States Government entered vigorous protests with request for release. As stated in the letter of the Department, dated January 20, 1915, to Senator Stone, Chairman of the Senate Committee on Foreign Relations:

There have come to the Department's notice authentic cases in which American passports have been fraudulently obtained and used by certain German subjects. There are indications that a systematic plan has been devised to obtain American passports through fraud for German officers and reservists desiring to return to Germany. Such fraudulent use of passports by Germans themselves can have no other effect than to cast suspicion upon American passports in general.

#### 10. *Change of policy in regard to loans to belligerents*

War loans in this country were disapproved because deemed inconsistent with the spirit of neutrality. At the very beginning of the present war this Government announced that in its judgment loans by American bankers to any foreign nation which is at war is inconsistent with the true spirit of neutrality and refused in any way to facilitate such loans.

While expressing its position with regard to these loans, there was no way in which the Government could prevent private loans being made to the belligerents since such loans were in violation of no law of the United States and there was no way in which those making the loans could be prosecuted. The Government has in no way facilitated or encouraged any loans that may have been made.

The State Department has from time to time received information, directly or indirectly, to the effect that belligerent nations had arranged with banks in the United States for credits for various sums. While loans to belligerents have been disapproved, this Government has not felt that it was justified in interposing objection to the credit arrangements which have been brought to its

attention. It has neither approved these credits nor disapproved. It has simply taken no action in the premises and expressed no opinion.

11. *That the Department of State has refused to issue definite statement as to whether a certain report that no official proof of German atrocities in Belgium had ever been discovered, was on file in the State Department*

The Department has denied in the press and also in answer to inquiries that there is any such report as that referred to above on file in the Department. So recently as March 1916, the Department advised Representative Jacob E. Meeker, in response to his request of March 13, 1916, for copies of documents which he had been informed "were on file in the Department exonerating Germany from the charge of having committed atrocities in Belgium," that a search of the files of the Department had "failed to reveal any official records of the nature referred to."

12. *That this Government has been unneutral in its conduct and unfriendly in its attitude towards Germany and Austria*

If any American citizens, partisans of Germany and Austria-Hungary, feel that this administration is acting in a way injurious to the cause of those countries, this feeling results from the fact that on the high seas the German and Austro-Hungarian naval power has from the commencement of the present war been inferior to the British. It is the business of a belligerent operating on the high seas, not the duty of a neutral, to prevent contraband from reaching an enemy. Those in this country who sympathize with Germany and Austria-Hungary appear to assume that some obligation rests upon this Government in the performance of its neutral duty to prevent all trade in contraband, and thus to equalize the difference due to the relative naval strength of the belligerents. No such obligation exists. It would be an unneutral act on the part of this Government to adopt such a policy if the Executive had the power to do so. If Germany and Austria-Hungary cannot import contraband from this country, it is not, because of that fact, the duty of the United States to close its markets to the Allies. The markets of this country are open upon equal terms to all the world, to every nation, belligerent or neutral.

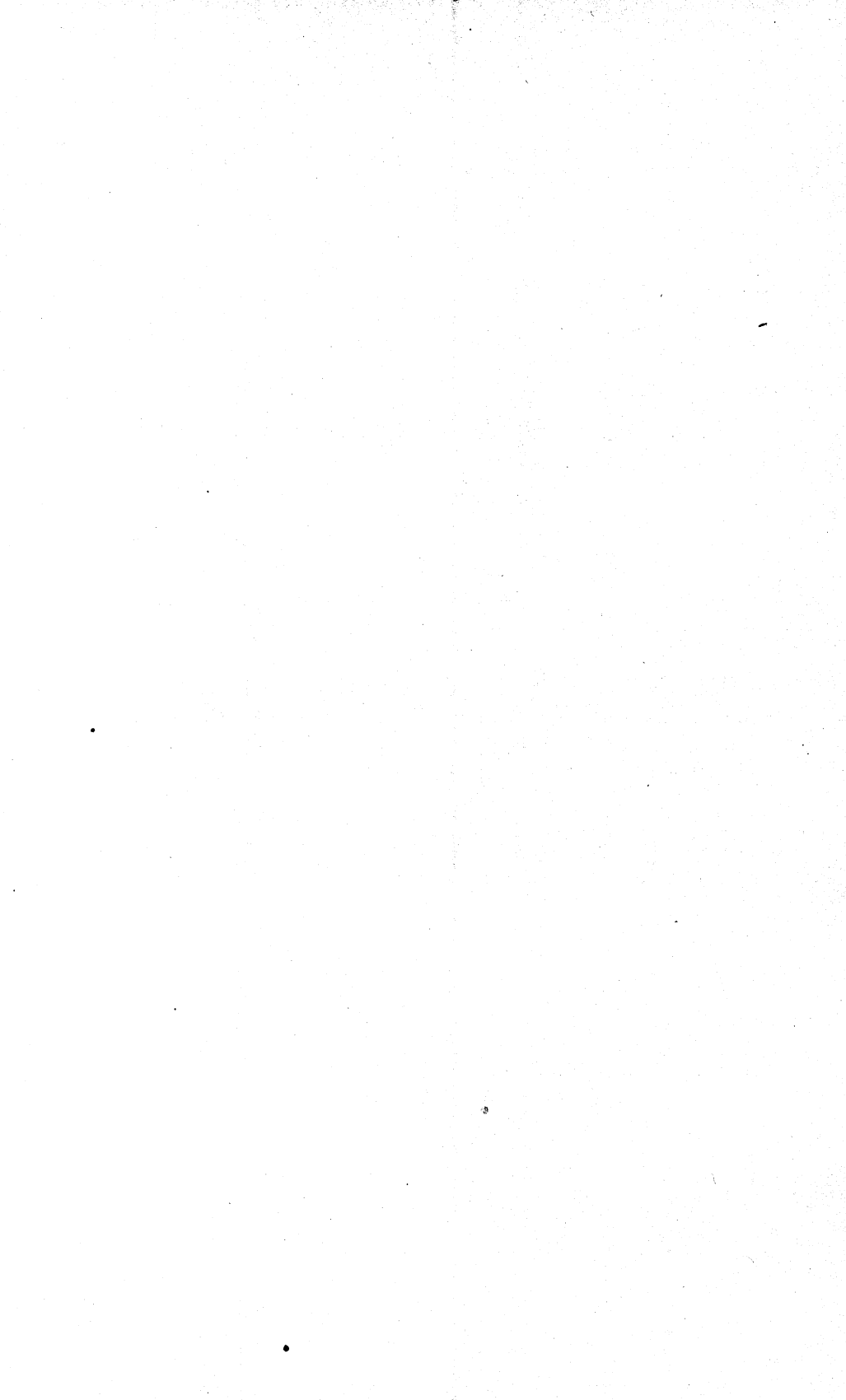
There is no power in the Executive to prevent the sales of munitions of war to the belligerents. The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or municipal statute. It has never been the policy of this Government to prevent the shipment of arms or ammunition into belligerent territory, except in the case of neighboring American republics, and then only when civil strife prevailed. Even to this extent the belligerents in the present conflict, when they were neutrals, have never, so far as the records disclose, limited the sale of munitions of war. It is only necessary to point to the enormous quantities of arms and ammunition furnished by manufacturers in Germany to the belligerents in the Russo-Japanese war and the recent Balkan wars to establish the general recognition of the propriety of the trade by a neutral nation.

It may be added that on the 15th of December, 1914, the German Ambassador, by direction of his Government, presented a copy of a memorandum of the Imperial German Government which, among other things, set forth the attitude of that Government toward traffic in contraband of war by citizens of neutral countries. The Imperial Government stated that "under the general principles of international law, no exception can be taken to neutral states letting war material go to Germany's enemies from or through neutral territory."



PART I

THE CONTINUATION AND FURTHER SPREAD  
OF THE WAR—EFFORTS TOWARD PEACE



## PART I

### THE CONTINUATION AND FURTHER SPREAD OF THE WAR—EFFORTS TOWARD PEACE

DEVELOPMENTS IN THE BALKAN COUNTRIES—PORTUGAL'S EN-  
TRANCE INTO THE WAR, MARCH 9, 1916—STATEMENTS MADE  
IN BELLIGERENT COUNTRIES REGARDING THE PROSPECTS AND  
TERMS OF PEACE

File No. 763.72/2330

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, January 1, 1916.

[Received 1.30 p. m.]

521. Press reports declaration war against Austria and Bulgaria  
by Essad Pasha's *de facto* government, Albania.

AMERICAN EMBASSY

File No. 763.72/2335

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 5, 1916, 1 p. m.

[Received January 6, 8 a. m.]

3311. Think arrangement has been made by which Greece will  
permit Central powers to attack Allies in Saloniki.

GERARD

File No. 763.72111/3315

*The Minister in Roumania<sup>1</sup> (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, January 6, 1916, 2 p. m.

[Received January 7, 11 p. m.]

210. I learn from reliable source that the Roumanian Govern-  
ment has received from Entente powers a considerable loan, pre-  
sumably from Great Britain through Russia. However, no imme-  
diate action by Roumania is to be expected, although its feelings  
toward the Entente are warmer.

VOPICKA

<sup>1</sup> Mr. Vopicka remained accredited as Minister also to the Serbian and Bulgarian Governments, but after Bulgaria's entrance into the war and the occupation of Serbia by the armies of the Central powers his contact with those countries was slight, becoming practically cut off later in the year, with Roumania's entrance into the war. Special agents stationed in Sofia and Corfu were officially attached to his Legation, but practically independent. The use of his triple title is, therefore, discontinued as misleading throughout the Supplement for 1916.

File No. 871.6131

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, *January 13, 1916, 7 p. m.*

[Received January 18, 8.30 a. m.]

212. Governments of England and of France have bought up to the present time 80,000 cars of grain (from Roumania?).

VOPICKA

File No. 871.6131/1

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, *February 2, 1916, 1 a. m.*

[Received February 3, 1.30 p. m.]

220. As a result of recent Entente purchase of 80,000 cars grain, since confirmed to be wheat, the Central empires threatened Roumania and there was a danger that the present ministry would be changed and a Germanophile ministry with Marghiloman at head placed in power. To avert this the present ministry conferred with and sold Central powers 100,000 cars of different kinds of grain. Financial arrangements not yet concluded.

VOPICKA

File No. 763.72/2388

*The Ambassador in France (Sharp) to the Secretary of State*

No. 1912

PARIS, *January 21, 1916.*

[Received February 7.]

SIR: As fairly expressive of the views of the President of the Republic, Mr. Raymond Poincaré, as to the attitude of France upon the question of prosecuting the war, I have the honor to enclose a translation of his recent address to the French Army issued by the *Bulletin des Armées*. Having heard this distinguished gentleman speak on a number of occasions, and having formed an early impression of some of his characteristics, I believe the sentiments therein expressed are fairly typical of his real convictions.

President Poincaré has frequently made short excursion trips to many places at the front, and seems to have kept himself closely in touch with the men who are doing the actual fighting.

The perusal of this address has been of interest to me, as I feel sure it will be to you.

I have [etc.]

WM. G. SHARP

[Enclosure—Translation]

*Message of the President of the French Republic (Poincaré) to the Officers and Soldiers of France*

As you, my noble friends, I have perused with emotion, in the *Bulletin des Armées*, the messages that have been addressed to you, on the eve of the New Year, by the mayors of our large cities. The same language, hardly varied by



some slight difference in tone, has been spoken to you by all the French cities, and it is easy for me, to-day, to extract from these numerous attestations the unanimous thought of the country.

Everywhere, you have seen the sacred union that established itself spontaneously seventeen months ago kept up without effort, under the enemy's threat.

How could the civilian population not follow the example of concord and harmony that is set by you?

In the trenches and on the battle fields you do not think, do you, of reviewing your mutual political opinions? The troublesome memory of civil discords does not come and mar the fellowship in arms that binds you to each other in a feeling of common danger and a consciousness of the same duty.

You have your eyes fixed on an ideal that constantly diverts your attention from any secondary objects, and you know that your patriotic mission suffers no division. While you are thus sacrificing yourselves so wholly to the safety of the nation, is it not natural that the Frenchmen whose age, health, or functions prevent from facing, by your sides, the fatigues and perils of the war, should at least endeavor to drive away the evil suggestions of hatred and preserve jealously the public peace?

The mayors of France have told you of some of the charitable works that have risen from that happy reconciliation of hearts. Most of those institutions are destined to help you and your aged parents, and your children, and your wives, and your brothers, either wounded or prisoners. In the towns the farthest removed from the front, you are thus continually present in the minds of all and concentrate, if needed, on the tragical realities of the moment the thoughts of those who would be inclined to forget them. The bereavements that have darkened so many homes impose, besides, to [upon] the families that have the privilege of being less cruelly stricken a pious obligation of meditation and gravity. All Frenchmen now reconciled commune in the same trials, and there is not one that does not listen with respect to the manly lesson of the dead. Lesson of courage, patience, and will; a lesson of calm, confidence, and serenity.

You have seen pass before you the long procession of the departments and of the towns. You have heard their acclamations; not one discordant voice was heard. It is everywhere the same resolution, cold and reflected, to hold firm, to endure and conquer.

Everyone understands that the war stake is formidable, and that not only our dignity is called in question, but also our life. Shall we be to-morrow the resigned vassals of a foreign empire? Shall our industry, our commerce, our agriculture, become the tributaries of a power that flatters herself openly to aspire to universal domination? Or shall we safeguard our economical independence and our national self-government? A terrible problem that cannot be solved by compromise.

Any peace that would come to us in a suspicious figure or in equivocal terms, any peace that would offer suspicious transactions and bastard combinations, would only bring us, under deceiving appearances, disgrace, ruin, and slavery. The free and pure genius of our race, our most venerable traditions, our most dear ideas, our most delicate tastes, the interests of our fellow citizens, the fortune of our country, the soul of our native land, all that our ancestors have left us, all that belongs to us, all that makes us ourselves, would be a prey to German brutality. Who would like, by impatience or by fatigue, to sell thus to Germany both the past and the future of France?

Yes, certainly, the war lasts long, and it is hard and bloody. But how many future sufferings will be spared to us by the present sufferings. This war—not one Frenchman desired it, not one would have committed the crime to desire. All the governments that have succeeded each other in France since 1871 have striven to avoid it. Now that, in spite of us, it has been declared, we must carry it on, with out [our] faithful allies, until victory, until the utter destruction of Prussian militarism, and until the total reconstitution of France. If we yielded to a momentary weakness, we should be ungrateful to our dead and betray posterity.

Is not the obstinate perseverance in the will to conquer the surest way to chain down victory? In the war that you are keeping up so valiantly in France, in Belgium, and in the east, the part of the destructive engines has taken an essential importance, and the imperious duty of the public powers is to provide you, every day, with more powerful material and more abundant

munitions. But moral strength is also an essential condition of the final success. The vanquished country will not be necessarily the one that will have endured the most losses; it will not be the one that will have endured the most miseries; it will be the one that will grow tired the first.

We will not grow tired. France has confidence because you are there. How many times have I heard your officers repeat: "Never, in any time, have we had a finer army; never have the men been better trained, braver, more heroic." Whenever I see you, I feel a thrill of admiration and hope. You must conquer. The year that begins will bring you, my friends, the pride of ending with the defeat of the enemy, the joy of going back to your homes and welcoming victory with those you love.

RAYMOND POINCARÉ

File No. 763.72/2404

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, February 14, 1916, 5 p. m.

[Received 3.40 p. m.]

564. (The?) visit of Briand here wholly successful, even though Italy does not declare war against Germany, because Allies henceforth will act unitedly—politically, diplomatically, and in field. Head of Allies' commission will be French, and Italian Minister for Foreign Affairs and General Cadorna go to Paris in March. Former assures me unofficially that in agreement united action towards neutrals has not been included.

AMERICAN EMBASSY

File No. 763.72/2409

*The Chargé<sup>1</sup> in Bulgaria (Einstein) to the Secretary of State*

No. 54

SOFIA, January 19, 1916.

[Received February 16.]

SIR: I have the honor to convey to your notice that, so far as I have been able to learn, the civil administration of Serbian territory is divided into two regions; the one, embracing everything on the west of the Morava and extending southward as far as Pristina and Prizren, is under Austrian administration, while east of the Morava and Macedonia the jurisdiction is Bulgarian. The entire country is, however, under the general government of Field Marshall Mackensen whose headquarters are at Nish, and whose special authorization is necessary for anyone who wishes to enter Serbia.

Although the administration of one half of Serbia is supposedly Bulgarian, this is more nominal than effective. Bulgarian civilian administration no more than that of any other Balkan state has been conspicuous for its efficiency, and the present war, probably owing to the pressure of the military departments, the assumption by the military of all powers of the state, and the mobilization of well-nigh the entire male population, has produced a condition here bordering on administrative anarchy. The result has been even worse in the occupied territories, and whether by force of circumstances or intentionally, the Germans have virtually taken over the

<sup>1</sup> Correspondence concerning the use of this title is printed in *Foreign Relations, 1915, Supplement*, pp. 914-16.

entire administration there. A Bulgarian commandant exists in every town, but the real authority is wielded by the Germans who have charge of the railways, have built their own telegraph lines and organized sanitation and hospitals everywhere.

The very success of their efforts in such direction has not been without exciting apprehension here. Many Bulgarians fear Germany as too powerful and too close an ally. They know that the banks and the commerce of this country are already in German or in Austrian hands. They now see the German military firmly installed at Nish, where the Emperor has lately been, at Uskub [Skoplje] and at Monastir. Especially the latter place is a sore point here, for the insistence of the Germans to participate even nominally in the entry into that town is regarded by Bulgarians with no slight misgiving as leading possibly toward an eventual cession to Greece.

Numerous reports of friction between Germans and Bulgars have for some time been in circulation. I am personally not disposed to attach any great importance to such rumors, however well founded. But they cannot be altogether dismissed. The extension taken by this war is by no means popular in the country. It was one thing "to free" Macedonia. It is quite another to attack at Saloniki the English and the French against whom no animosity popularly exists. The Bulgarian officers who are imbued with the German prestige and example are undoubtedly glad to proceed in a campaign, the difficulties of which they probably undervalue. But in a peasant army like this the men are eager to return to their homes. It is said that they are now worked at high pressure to avoid any repetition of the demoralization which set in with the Bulgarian Army between the first and the second Balkan wars. But if the success anticipated in the attack on Saloniki is not met with, there may be some interesting developments here in the near future.

I trust that no publicity be given to the contents of this despatch.

I have [etc.]

LEWIS EINSTEIN

File No. 862.85/12

*The Chargé in Portugal (Bailey) to the Secretary of State*

[Telegram]

LISBON, *February 24, 1916, 11 a. m.*

[*Received February 25, 11.20 a. m.*]

33. Portuguese Government forcibly took possession last night 36 German merchant vessels interned at Lisbon.

BAILEY

File No. 763.72119/131

*The Consul at Havre (Osborne) to the Secretary of State*

No. 314

HAVRE, *February 17, 1916.*

[*Received March 1.*]

SIR: I have the honor to report that the daily newspapers of Havre in their issues of February 17, 1916, contain a communication made to them by the Belgian Ministry of Foreign Affairs at Sainte-Adresse in relation to an important declaration made on February 14, 1916,

to the Belgian Minister of Foreign Affairs concerning the participation of the Belgian Government in the peace negotiations at the close of the present war.

I have the honor to give below a translation of the communication in question, which is in the French language:

On Monday, February 14, the Ministers of France, Great Britain, and Russia, accredited to the King of the Belgians, visited the Ministry of Foreign Affairs of Belgium at Sainte-Adresse, and Prince Koudacheff, speaking on behalf of his colleagues, addressed the Minister of Foreign Affairs as follows:

**EXCELLENCY:** The Allied powers, signatories to the treaties guaranteeing the independence and the neutrality of Belgium, have decided to renew to-day, by a solemn pact, the engagements which they assumed toward your country, heroically faithful to its international obligations.

Consequently, we, the Ministers of France, Great Britain, and Russia, duly authorized by our Governments, have the honor to make the following declaration:

The Allied powers and guarantors declare that, when the time comes, the Belgian Government shall be invited to participate in the negotiations of peace and that they will not terminate hostilities until Belgium shall be reestablished in her political and economic independence, and liberally indemnified for the losses which she has sustained. They will extend their aid to Belgium in order to insure her commercial and financial restoration.

Baron Beyens replied as follows:

The Government of the King is profoundly grateful to the governments of the three powers that have guaranteed the independence of Belgium, of which you are the representatives accredited to it, for the generous initiative which they have taken in making to it to-day this declaration. I express to you its warm thanks. Your words will have a vibrant echo in the hearts of the Belgians, whether they be fighting at the front, suffering in the invaded country, or awaiting in exile the hour of deliverance, all with an equal courage. The new assurances which you have just given me will confirm their unshaken conviction that Belgium will be raised from her ruins and restored to her complete political and economic independence. I am certain that I interpret their sentiments when I say to you that you must have full confidence in us, just as we have confidence in our loyal guarantors, for we are all resolved to fight energetically with them until the triumph of right, in the defense of which we have sacrificed ourselves without hesitation, after the unjustified violation of our beloved Fatherland.

The Minister of Italy, speaking on behalf of his Government, announced to Baron Beyens that Italy, although not among the powers guaranteeing the independence and the neutrality of Belgium, made it known that she had no objection to the making of the foregoing declaration by her allies.

For its part, the Japanese Government made an identic communication.

I have [etc.]

JOHN BALL OSBORNE

File No. 763.72/2480

*The Minister in Portugal (Birch) to the Secretary of State*

[Telegram]

LISBON, *March 9, 1916, 11 p. m.*

[*Received March 10, 8 a. m.*]

34. German Minister, charged by his Government, declared to Minister Foreign Affairs late this afternoon that the German Government considers itself at war with Portugal. Minister leaving to-morrow. Spanish Legation in charge.

BIRCH

File No. 763.72/2499

*The Minister in Portugal (Birch) to the Secretary of State*

[Telegram]

LISBON, *March 16, 1916, 11 a. m.*

[Received 5 p. m.]

36. Diplomatic relations broken off between Portugal and Austria-Hungary. No declaration of war. Austro-Hungarian Minister leaving to-day.

BIRCH

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[For statements regarding peace terms and the possibility of mediation made by the Chancellor in a conversation with the Ambassador, see telegram No. 3640, March 18, 1916, received March 19, from the Ambassador in Germany, *post*, page 207.]

File No. 763.72/2513

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, *March 20, 1916, 9 a. m.*

[Received 5 p. m.]

604. Government sustained last night vote nearly 7 to 1; probably means two or more new members ministry representing democratic bloc, one minister of munitions.

Declaration of war with Germany before long seems indicated, but it substantially exists now.

AMERICAN EMBASSY

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[For the text of a resolution introduced in the Reichstag by the Socialist Party, calling on the Government to "do everything in its power to bring about an early peace," see telegram No. 3654, March 22, 1916, received March 23, from the Ambassador in Germany, *post*, page 210.]

File No. 763.72/2526

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

[Telegram]

SOFIA, *March 18, 1916, noon.*

[Received March 24, 8 a. m.]

63. Bulgarian operations against Saloniki apparently at a standstill. Present indications point instead to attack against Roumania as not unlikely. Such a war would be popular here. Troops are being sent toward the Roumanian frontier and on both sides concentrations are being effected.

EINSTEIN

File No. 763.72119/137

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, *March 25, 1916, noon.*

[Received March 26, 9 a. m.]

340. Indications in diplomatic circles here suggest that Turkey is desirous of making separate peace with Allies.

STOVALL

File No. 763.72/2530

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 25, 1916, 3 p. m.*

[Received March 26, 8.15 p. m.]

3664. A Socialist named Haase made a speech in the Reichstag yesterday, attacking the Government for continuing the war and stating that it was hopeless to think of overcoming the enemy; that there will be neither victor nor vanquished in the war; that Europe was only going bankrupt and that there was no sense or reason in fighting any longer. He was repudiated by the majority of the Socialist Party and as a result he and 17 followers have founded a new party called the Socialist Labor Party which is ridiculed by practically the whole press as a revolutionary party which has forsaken the Fatherland in time of need and places socialistic theories of internationalism above patriotism.

GERARD

File No. 763.72/2532

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 26, 1916, 1 p. m.*

[Received March 27, 10 a. m.]

3666. My 3640, March 18, 3 p. m.<sup>1</sup> gave you summary of my interview with Chancellor. London *Times*, March 23, states New York *Evening Post* prints account of this interview. Chancellor much annoyed by publication of this garbled version. How do you expect me to be of any value here if my confidential conversations are given out by some one in Department? I have already once had to complain of this. I must request that a denial be given out stating that no peace propositions or feelers of any kind have come from Chancellor. As Von Jagow told me yesterday, how can the President expect to be asked to be mediator if every confidential conversation is to be given out in America.

GERARD

<sup>1</sup> *Post*, p. 207.

File No. 763.72/2532

*The Secretary of State to the Ambassador in Germany (Gerard).*

[Telegram]

WASHINGTON, March 28, 1916, 7 p. m.

2858. Your 3666, March 26. Department convinced *Evening Post* article was not based on your report, as details given were absolutely inaccurate and article did not refer in any way to other interesting details in your report. Article stated that this Government had been asked to mediate and that you were remaining on account of possibility of peace negotiations. No such statement in your report. On the contrary, Chancellor seemed to indicate that he doubted if this Government could be asked to act. Peace terms in *Post* article were practically same terms that have been published for many months. Careful investigation convinces me that basis of story did not come from Executive Office or this Department. Have reason to believe that it was cabled from Berlin and let pass by British censor or came from London direct, or that story was sent here by mail to be released when your conference was reported in press. White House and Department issued statements denying absolutely truth of story published, and stated that no peace suggestions of any kind had come from German Government through you; that there was no indication of any move towards peace, and that you were not delaying your vacation because of possibilities of negotiations. Regret incident but convinced beyond question from careful investigation that your cable was not basis of newspaper article.

LANSING

File No. 862.85/16

*The Chargé in Portugal (Bailey) to the Secretary of State*

No. 141

LISBON, February 24, 1916.

[Received March 28.]

SIR: I have the honor to refer to this Legation's despatch No. 138, dated the 14th instant,<sup>1</sup> and to further inform the Department that yesterday afternoon and last night the naval authorities of the Portuguese Government went aboard the thirty-five German merchant ships which were interned in the port of Lisbon at the commencement of the present European war, hauled down their respective flags, hoisted instead the Portuguese flag, and took forcible possession of the ships in the name of the Portuguese Government.

I enclose herewith copy and translation of a decree by the Portuguese Government, published in a supplement to the *Diario do Governo* dated yesterday, setting forth the reasons for this action and the regulations governing the mode of procedure, including provisions for the disposition of articles of merchandise found on the ships and the eventual return of the vessels to their original owners.

This decree was published in a supplement to the *Diario do Governo*, dated the 23d instant, but was enclosed in to-day's publication of that organ. This course was adopted with the ostensible

<sup>1</sup> Not printed.

purpose of avoiding excitement or disorder by taking possession of the vessels before the public was aware of the procedure. Even the German Minister accredited to Portugal did not know in advance of the proposed action.

I question the good faith of the Portuguese Government in its declared object in taking these ships, or in its declaration as to their final disposition, or proposed monetary payment to their respective owners for their damage or use.

In case the Portuguese Government becomes fully convinced that the Entente powers will be the victors in the present European war, it is my opinion that on some pretext a declaration of war by the Portuguese Government will be made against Germany with a view of finding an excuse, if possible, for retaining these ships without payment.

While it is difficult to cite concrete, positive evidence in the matter, there is every plausible reason for believing that the Portuguese Government took possession of these German merchant ships with the full knowledge and approval of the British Government, and that whatever course may be followed as to their final disposition will also have the approval of the British Government.

I have [etc.]

JAMES G. BAILEY

[Enclosure—Extract—Translation]

*Decree published in Supplement to "Diario do Governo," February 23, 1916*

WHEREAS, considering the interest of national economy with regard to the maritime means of transportation, which are becoming more and more difficult and expensive, one of the causes of this difficulty being the want of ships for this purpose; and

WHEREAS, such a matter bears directly on the present problem of subsistence, which is for the public salvation, and for this reason demands urgent and adequate measures for the pressing needs of the country; and, in accordance with the regulations on clause 10 of law No. 480, dated February 7, 1916:

I hereby decree in harmony with this law and by proposal of the Government the following:

ARTICLE 1. The requisition of means of maritime transport, authorized by law No. 480, of February 7, 1916, will be made by order of the Minister of Marine, or by his representatives, by the maritime authorities, at the place where the ship is to be found.

ARTICLE 3. The requisition made, steps shall be taken at once for the taking of an inventory of the cargo and any other articles which may be considered as belonging to the ship.

§ 3. The cargo and other articles which are referred to in this article should be disembarked and taken, at the expense and the risk of the owners, to the offices of the customhouse in Lisbon or the port of this city, and, at other ports of the mainland or colonies, to the place which shall be decided upon by the competent customs authorities.

ARTICLE 5. A committee is hereby formed by the Ministry of Marine which has for its end the following:

- (1) The valuation of the ship and all that belongs to it.
- (2) Deciding on the amount to be paid in retribution for the use of the ship.
- (3) Deciding on the indemnity due for accidents or any injury which may not be caused by the use for which the ship was originally intended.
- (4) Deciding on the indemnity for any modification made in the vessel which diminishes its value.
- (5) Deciding upon all questions relating to the food and salaries of the crews now employed and while they remain on Portuguese territory, if not sent back home.



§ 1. The retribution mentioned in clause 2 shall be paid every half year, and shall at once be deposited in the general fund, the same being done to the amounts corresponding to the indemnities mentioned in clauses 3 and 4.

§ 2. The amounts deposited in the terms of the above paragraph may be reclaimed by those who have the right, after the redelivery of the vessel.

File No. 763.72/2554

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

[Telegram]

SOFIA, April 1, 1916, 6 p. m.

[Received April 4, 1 p. m.]

74. Situation respecting Roumania appears to have eased. Interior conditions are troublesome. Scarcity of food causes some dissatisfaction. Arrest of Genadieff and other prominent politicians taken place.

EINSTEIN

File No. 763.72/2562

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 5, 1916, 7 p. m.

[Received April 7, 12.15 a. m.]

3712. The Chancellor to-day addressed the Reichstag. After alluding to Germany's favorable military and economic situation he said that no calm neutral could demand that Germany should not resist England's starvation campaign, enforced in defiance of all international law. Germany was forced to defend herself; she recognized the just interests of the neutrals in the trade and commerce of the world but expected them to understand the consideration paid them and recognize her right and her duty to wreak retaliation with all the means in her power against the starvation policy which was a mockery of international law and humanity.

Speaking of peace terms, he said that it was impossible to discuss the English demand that so-called Prussian militarism must be utterly destroyed. The Polish question would be settled by Germany and Austria. History knew of no such thing as a *status quo ante* after such tremendous upheavals. Germany had freed from Russian bondage the peoples from the Baltic to Volhynian Lakes and would never give them back to reactionary Russia. The occupied territory in the west would not be given up without firm guarantees that Germany would be secure from attack and that Belgium would not be a vassal of England and France or a military and economic bulwark against Germany. There was no room for a *status quo ante* here either. The Flemish people would be supported in their just aspirations. There would have to be a different Europe after the war—a Europe of peaceable labor—and peace must bring the seeds of definite and final peaceful arrangement of European affairs.

The next speaker was a clerical who said that Belgium must be practically annexed.

The Socialist Ebert said that his party was absolutely opposed to any plans of conquest and would never consent to the retention of Belgium as demanded by the preceding speaker. He said the Socialists had only voted for the submarine resolution of the budget committee on the express understanding that as a matter of course the just rights of neutrals would be most scrupulously respected; that his party would (not in any?) circumstances consent to relentless submarine warfare. A better weapon against England's starvation campaign was better and stricter organization of Germany's food supply and the relentless enforcement of the necessary laws. He later spoke of electoral reform in Prussia; of the necessity of caring for the soldiers returning from the trenches; that they would return with the feeling that hereafter there must be equality in Prussia, and that the era of the reign of the favored few had finally passed, and that they would know how to break any reactionary resistance of the demand of the times, namely, that the spirit of the trenches must command recognition and the new race of the trench fighters find freedom and equality. The day of peace must be at the same time the day of civic equality.

GERARD

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[For the text of a resolution introduced in the Reichstag by the Socialist Party, voicing an expectation "that the Chancellor will very soon endeavor to bring about an understanding between the nations by initiating peace negotiations," see telegram No. 3715, April 6, 1916, received April 7, from the Ambassador in Germany, *post*, page 224.]

For a summary of the discussion of peace terms in the Reichstag and the press, see telegram No. 3720, April 7, 1916, received April 8, from the Ambassador in Germany, *post*, page 226.]

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File No. 662.7131

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 14, 1916, 11 a. m.

[Received April 15, 3 p. m.]

3747. Confirmation day before yesterday in *Nord Deutsche Allgemeine Zeitung* of Bucharest report that trade agreement between Roumania and Germany was signed in Berlin April 7, its object being to facilitate exchange of goods. Both Governments agree to allow exportation of their products for requirements of the other country so far as domestic requirements permit, without demanding equivalents, but with restrictions as regards war material. The agreement furthermore permits in principle that goods originating in third countries shall be allowed transit to both countries respectively.

GERARD

File No. 871.111/13

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, April 14, 1916, 4 p. m.

[Received April 16, 6 p. m.]

250. I have the honor to report that the Roumanian Government has adopted new regulations concerning passports of foreigners. All such passports must be deposited with the local military authorities for [omission]. All foreigners between ages of 18 and 46 not protected by passports or having lost their citizenship through prolonged residence abroad or desertion from their native countries must present themselves for Roumanian military service. Up to the present time about 16,000 men have been added to the Roumanian Army in this way.

Although contrary to law, the Roumanians have largely sold abroad by contraband their cattle and sheep into Hungary; hence ensues a severe shortage of meat.

Roumania has now finished her preparation for possible war. A general informs me there are sufficient military supplies for three or four months; more are expected daily, and every day makes Roumania stronger.

VOPICKA

File No. 763.72/2580

*The Consul General at Budapest (Coffin) to the Secretary of State*

No. 573

BUDAPEST, March 25, 1916.

[Received April 18.]

SIR: I have the honor to report certain information concerning the relations of Great Britain, France, and Germany just prior to the war, which has been communicated to me by Mr. S. S. McClure and which was obtained by him since his arrival in Europe with the party of Mr. Henry Ford.

Mr. McClure, who is now editor in chief of the *Evening Mail* of New York, has a wide European acquaintance and is well known in Germany. After leaving the Ford party he went to Germany where he talked with many men prominent in political and professional circles. He went through Belgium under German auspices and visited the German front in Russia. He arrived in Budapest on March 20, on his way from Constantinople to Berlin. Here he is interviewing Count Tisza and Count Albert Apponyi.

Mr. McClure's connections in Germany seem to have procured him special facilities for observation, and his views on the situation in Belgium, Germany, and Turkey are extremely interesting and, coming from a man of his ability, important. Although the editorial head of a paper which is disposed to favor the cause of the Central powers, Mr. McClure is unmistakably pro-Ally. He states that he has been particularly interested in tracing the explanation of what he terms the unexplained hitch in the diplomatic negotiations of the great powers immediately before the outbreak of the war and in

testing the sentiments of prominent men in the Central powers towards peace negotiations.

Mr. McClure said nothing to me which indicated any success in tracing the aforesaid "unexplained hitch," but he did make two statements which, even if they have no more important significance, are worth reporting to the Department as interesting rumors.

Mr. McClure states that in the month of June 1914, England, France, and Germany had arrived at an agreement which practically settled their political differences. This agreement, which had been approved by the respective foreign offices, and may or may not have been put into treaty form for signature, contained the following provisions:

- (1) Germany was to have complete control of the Bagdad Railway, with the exception that its Persian Gulf terminus, the town of Basra, was to be under the joint control of Great Britain and Germany.
- (2) Great Britain was to control Koweit.
- (3) The interests of France in the Bagdad Railway were to be purchased by Germany.
- (4) The navigation of the Euphrates was to be given to a company composed of 60 per cent British and 40 per cent German capital.
- (5) Great Britain was to have a certain share in the development of the resources of Asia Minor.
- (6) Syria was to be given to France.
- (7) Germany and Great Britain were to share the economic development of the Portuguese colonies in Africa.

Mr. McClure states that he was told of the existence of this agreement by Doctor Jaekch, former secretary of the late Prime Minister Kiderlen-Waechter and by Count Metternich, the present German Ambassador at Constantinople. Both Count Metternich and Doctor Jaekch spoke of the agreement as if they considered its existence and its provisions to be known to Germans interested in public affairs. Neither gave Mr. McClure the impression that they were revealing anything confidential.

Mr. McClure was also told that Russia, having learned of the existence of this agreement, which would isolate her, took immediate steps to force an issue and, by intrigues in the Balkans, produced a situation which got beyond the control of Germany, France, and England.

Mr. McClure spoke also with Herr Zimmermann of the Berlin Foreign Office and with Dr. Siegfried Heckscher, one of the spokesmen of the Wilhelmstrasse in the Reichstag. Both of these gentlemen, although they did not specifically mention the agreement above described, did dwell particularly upon the fact that just prior to the outbreak of the war the relations of Germany and England had greatly improved and their political differences were on the point of being settled.

Mr. McClure traveled from Berlin to Constantinople with Doctor Jaekch, who said that his knowledge of the agreement was first hand, as he had assisted in drafting it.

Doctor Jaekh also informed Mr. McClure that in the year 1912 Russia and Bulgaria had made a secret treaty by which Bulgaria, after organizing a league of the Balkan states, was, with Russia, to attack Austria-Hungary. This was prevented by the outbreak of the Balkan war, which took a different direction from that anticipated and desired by Russia.

Mr. McClure states that he hopes to be able to obtain copies of both agreements and intends, if possible, to verify in France and England the existence of the agreement between those countries and Germany. He of course contemplates the publication of this material in the United States provided he can secure sufficient evidence of its authenticity.

The foregoing is transmitted for the information of the Department as Mr. McClure's activities in European political circles may not have been reported to it from other sources.

I have [etc.]

WM. COFFIN

File No. 763.72119/10423

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 2, 1916, 8 p. m.

[Received May 3, 11.45 a. m.]

3834. Have best reason to believe Germany will welcome mediation of presentments [President?] and any steps he may take looking to peace. Colonel House will be very welcome here.

GERARD

[For the Chancellor's statement of his desire that the President should take up the question of peace, made after a conversation between the Ambassador and the Emperor, see telegram No. 3839, May 3, 1916, received May 4, from the Ambassador in Germany, *post*, page 255.]

File No. 763.72/2668

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

No. 105

SOFIA, April 8, 1916.

[Received May 8.]

SIR: With further reference to my telegraphic despatches regarding the strained relations between Bulgaria and Roumania, I have the honor to state that the danger of a rupture appears for the present to have disappeared. At the time of my confidential wire No. 63 of March 18<sup>1</sup> and from what has since transpired it would seem as if the intention had undoubtedly existed here of attacking Roumania. Troops were being rushed to the frontier, the orders had been given to close the Danube, and sixteen cipher telegrams sent by the Roumanian Legation here to Bucharest were all stopped.

<sup>1</sup> *Ante*, p. 19.

There is reason to think that the veto of Germany has been responsible for the change of plan. At the time when the preparations were made, there were supposed to be between fifty and sixty thousand German troops strung along the Danube, and it was doubtless expected to utilize them. But I understand that many have now been withdrawn, presumably to the western front, and that Germany has advised Bulgaria that she desires peace in the Balkans and no extension of her front. If Bulgaria chose to attack Roumania she would have to do so at her risk and without counting on German aid. On the Roumanian side I hear that prompt measures were at once taken to meet the menace; while a note of apology just received by the Roumanian Legation here for the stoppage of telegrams is a somewhat significant indication of the more pacific trend of Bulgarian policy in respect to her northern neighbor.

I have [etc.]

LEWIS EINSTEIN

**SPANISH PROPOSAL FOR JOINT GOOD OFFICES, MAY 11, 1916—EFFORTS IN BEHALF OF PEACE IN EUROPEAN NEUTRAL COUNTRIES—ATTITUDE OF THE BELLIGERENT COUNTRIES TOWARD POSSIBLE AMERICAN MEDIATION—FURTHER DEVELOPMENTS IN THE BALKAN COUNTRIES**

File No. 763.72119/10494

*The Ambassador in Spain (Willard) to the Secretary of State*

[Telegram]

MADRID, *May 11, 1916, noon.*

[Received 12.50 p. m.]

240. His Majesty sent for me this afternoon and asked that I telegraph immediately to the President as follows:

From information just received from the Spanish Ambassador, Berlin, His Majesty feels that the German forces are now willing to consider peace and that His Majesty is ready to cooperate with the President toward securing arbitration protocol.

In the course of an hour's further conversation His Majesty stated that he had the assurance of the Pope's full cooperation. His Majesty feels that while his own influence on Austria and Germany may be stronger than the President's and that he could take the initiative with these Governments yet [cipher badly garbled but inference is apparently made that the President's influence is greater with France and England]; that France was nearing the end of her resources and would really welcome peace, that Italy and Turkey were desperately tired; that Russia, though possessed of more available military forces for the ranks, was almost without officers and was encountering great difficulty in organizing her fresh forces; that by inference Austria would follow Germany's lead; [that], though England might be perhaps opposed to any movement looking to peace as proposed by [Germany], yet she could not resist the influence of the United States, sovereignty [Spain?], and the Vatican, supported by the sentiment of the civilized countries; and that from a military point of view the belligerents were quite harm-

less [hopelessly deadlocked?]. The King expressed himself interested solely on the ground of humanity and on account of the irreparable loss that his [country] and other neutral powers were sustaining in the continuance of the war. (He concluded?) by asking that I secure as soon as possible an expression of the President's wishes.

WILLARD

[For a discussion of the peace proposals in an account of a conversation with the Chancellor see telegram No. 3880, May 11, 1916, received May 12, from the Ambassador in Germany, *post*, page 267.]

File No. 763.72119/140

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, May 16, 1916.

[Received 10.30 a. m.]

1398. In a speech delivered at Nancy May 14, President [of] French Republic expressed himself textually as follows:

Neither directly nor indirectly have our enemies offered us peace. But we do not wish that they should offer it to us, we wish that they should ask for it; we do not wish to submit to their conditions, we wish to impose ours; we do not desire a peace which would leave imperial Germany mistress to recommence the war, which would suspend over Europe an eternal menace; we desire a peace which would receive serious guarantees of equilibrium and stability by the reestablishment of right.

SHARP

File No. 763.72119/143

*The Minister in Sweden (Morris) to the Secretary of State*

No. 609

STOCKHOLM, March 30, 1916.

[Received May 17.]

SIR: I have the honor to report that a bill has been introduced by Mr. Lindhagen in the lower house of the Swedish Parliament, proposing that a communication be sent to the King requesting him to consider whether an official peace conference of neutral countries may be called together, on the initiative of Sweden or the Scandinavian Governments, to use such measures as are in their power to bring about peace.

I have [etc.]

IRA N. MORRIS

File No. 763.72/2709

*The Consul at Havre (Osborne) to the Secretary of State*

No. 358

HAVRE, May 4, 1916.

[Received May 23.]

SIR: I have the honor to report that *Le XXe Siècle*, a Belgian journal published in Havre, contains in its number of May 2, 1916, an account of an important declaration made on April 29, 1916, by Mr. Klobukowski, the French Minister to Belgium, to the Minister

of Foreign Affairs of Belgium at Sainte-Adresse. The following is a translation of this article:

THE ALLIES AND THE BELGIAN CONGO

AN IMPORTANT DECLARATION FOR THE FUTURE OF OUR COLONY

On April 29 his excellency Mr. Klobukowski, Minister of the French Republic to the Belgian Government, delivered to the Minister of Foreign Affairs of Belgium a declaration couched in the following terms:

Referring on the one hand to the Franco-Belgian agreements of April 23-24, 1884, February 5, 1895, and December 23, 1908, and on the other hand to the adhesion which it gave to the note delivered on September 19, 1914, to the Belgian Government by the Minister of Great Britain on the subject of the Congo, as well as to the declaration of the guarantor powers of the independence and of the neutrality of Belgium under date of February 14, 1916, the Government of the French Republic desires to declare that it will give its aid to the Royal Government during the negotiations of peace with a view to maintaining the Belgian Congo in its present territorial state and to securing for that colony a special indemnity for the losses sustained in the course of the war.

On the same day, his excellency, Sir Francis Hyde Villiers, Minister of Great Britain, and Mr. de Hoeck, Chargé d'Affaires of Russia, informed the Minister of Foreign Affairs of the adhesion of their Governments to this declaration. His excellency, Mr. Carignani, Minister of Italy, and Mr. Chiyuki Yamanaka, Chargé d'Affaires of Japan, have also advised him that their Governments took note of it.

Baron Beyens expressed to the representatives of the Allied powers the hearty thanks of the Belgian Government for this new testimony of friendship and solidarity.

I have [etc.]

JOHN BALL OSBORNE

File No. 763.72119/146

*The Minister in Norway (Schmedeman) to the Secretary of State*

No. 203

CHRISTIANIA, May 4, 1916.

[Received May 25.]

SIR: I have the honor to inform the Department that, at a meeting of the Storting on April 14 last, a petition of the Ford Peace Conference to the effect that the governments of neutral nations should be called upon to take the initiative for the calling of an official conference of these nations for the purpose of bringing about peace, was presented by one of the members of the Storting. The reading of the petition was granted, but, as there was no quorum, it was postponed until May 2. After the reading, a motion was made by the president of the Storting, Mr. Mowinkel, that the petition be laid on the table. This motion was carried against 13 votes.

I have [etc.]

A. G. SCHEDEMAN

File No. 763.72119/147

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, May 26, 1916, 12 noon.

[Received May 28, 9.30 a. m.]

1279. Local press with varying attitudes devotes much editorial space to President's Charlotte speech.



*Freie Presse* attributes alteration of President's attitude to enormous force of German Chancellor's words and public opinion in the United States; also to fact that assents [attempts?] would not be made did he not think them acceptable to Great Britain. Idea of international conference cannot appeal to Austria as basis peace negotiations since memory of London Conference of Ambassadors has not faded. In another editorial *Freie Presse* states that it should be borne in mind that President is decidedly pro-British and is seeking reelection. Draws attention to difference at international law between mediation and good offices.

*Pester Lloyd* attaches particular importance to President's declaration, calling it turning point of incalculable effect and pointing particularly to recent speeches of Grey and German Chancellor. Further that Central powers have frequently declared readiness to commence peace negotiations, but fear that Entente powers, still talking of victories, are not yet ready to recognize victories already gained by adversaries; therefore will evince no readiness for peace.

*Tageblatt* wonders whether Entente powers will be pleased with Wilson's proposals and concludes by saying, "We are prepared for peace without sheathing sword of victory. We quietly await decision of our enemies and their reply to Wilson."

*Zeit* recalls that in November 1914 Wilson, by means of Associated Press, declared that America would not offer its mediation until one or more of belligerents betray willingness to accept such an offer for Triple Alliance, and asks whether this has really happened. Supposition is excluded in view of last announcements Briand, Poincaré, Asquith, and Grey. German Chancellor, in expressing readiness to consider peace tenders, never mentioned desire for neutral mediation. Since 1914 Wilson has forfeited rôle of peace mediator by becoming partisan and possible participant in war.

*Arbeiter Zeitung* takes President's intervention most seriously and hails it with delight.

*Reichspost* is convinced President's efforts for peace are due to fear of America's own possible complications with Japan, and that unless peace is reestablished soon his America might find no ally there in case of such contingency.

Semiofficial *Fremdenblatt* offers no comment.

PENFIELD

File No. 662.7131/1

*The Minister in Roumania (Vopicka) to the Secretary of State*

Roumanian Series No. 483

BUCHAREST, May 2, 1916.

[Received May 29.]

SIR: Referring to current political events in Roumania, I have the honor to report that upon investigation I learn that the newly concluded commercial treaty between Roumania and Germany is in general as follows:

The conditions of the treaty are not obligatory on either side, but the executions of the said conditions are expressed as to be carried out so far as may be possible; in fact, it is a treaty of possibilities rather than of obligations. Roumania shall be supplied, by purchases made in Germany so far as may be possible, with whatever raw

material for manufacturing or finished products may be needed. These raw materials (*premières matières*) are notably soda, sulphuric acid, iron, steel, and unmanufactured pharmaceutical substances. Finished products are fewer and are chiefly cloth, thread, and pharmaceutical preparations.

While certain countries of the Entente look upon this treaty as having political significance, the Roumanians are taking pains to explain that it is only a treaty of necessity, and that these exchanges with Germany are absolutely necessary, since investigation on the part of their Government has proved that there is practically no possibility of making sufficient importations via Russia.

Consequently the export of these cereals, over and above the previous transactions reported upon to the Department, is only a method of payment and cannot be understood to have any political significance.

In addition to the exportation of cereals made from time to time by sales to Germany and Austria-Hungary and sales made to the Entente powers—notably to England—by which latter cereals are to remain in the country until after the conclusion of the war, it may be of interest to the Department to know that in the negotiations carried out during the last ten days with Roumanian millers on behalf of Turkey looking to considerable exports of flour to the latter country—where a shortage of foodstuffs is much felt—there seems to be a struggle proceeding in which the Entente powers appear to be gaining in their efforts to prevent such transactions. The representative of the Entente powers considers this successful effort on their part is of much value, inasmuch as a continued and increasing distress on the part of the Turkish empire is counted upon to have a strong effect towards inducing the Turkish Government to conclude a separate peace with the Entente.

I have [etc.]

CHARLES J. VOPICKA

File No. 763.72119/148

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 30, 1916, 7 p. m.

[Received May 31, 10.05 a. m.]

3939. The Pan-Germanistic press will not listen to any talk of mediation by America. *Kreuz Zeitung* surmises that English influences are back of the present peace movement and that the President will propose terms acceptable to the Allies, but which Germany will be bound to reject, the result being that all the blame will fall on Germany. *Cologne Gazette* thinks that the President's speeches are without any practical basis and are only to be considered in the light of internal politics.

Georg Bernhard in *Vossische Zeitung* writes that he does not expect the President to take any immediate action, but that peace will come when the German harvest is gathered in and England and France are forced to acknowledge that the pedagogism of reducing Germany by starvation cannot be realized; the fruits of toil, [of] battle, of victory, will ripen with the fruits of the field.

GERARD

File No. 763.72119/149

*The Counselor of Embassy in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, May 31, 1916, 7 p. m.

[Received 9 p. m.]

1421. Ambassador's condition considerably improved but I am still unable to see or consult with him. Paris press has recently commented very adversely on speeches made by President before Washington Press Club and League to Enforce Peace. Especial exception is taken to reported statements in former speech that the combatants cannot be held to ordinary standards of responsibility and that rest of the world is mad, and in latter that United States is not concerned with causes or objects of this war. Translations and summaries of editorials are being forwarded by pouch. In legislative circles and among public in general unfavorable impression has been created by extracts published of these speeches.

BLISS

File No. 763.72119/151

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 31, 1916, 1 p. m.

[Received June 1, 7.30 p. m.]

3941. Delegate Stresemann of the National Liberal Party was applauded in the Reichstag yesterday by all parties except Socialists for saying that his party rejected the hand of Wilson as a mediator.<sup>1</sup> He criticised a socialist for saying the German people would welcome American mediation and maintained that if a vote were taken only a small minority of the German people would be found in favor of the protector of the American sale of arms and ammunition and England's starvation warfare. He said that mediation of a really neutral country, perhaps Switzerland, would be welcome. His party still advocates relentless submarine warfare.

GERARD

File No. 763.72/2724

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, June 3, 1916, 3 p. m.

[Received 8 p. m.]

French military authorities declared martial law this morning. Telegraph, post office, railway station, customhouse occupied without resistance. City fairly quiet.

AMERICAN CONSUL

<sup>1</sup> For Von Jagow's statement that he hoped the President and the Secretary of State would not be affected by this declaration, see the Ambassador's telegram No. 3978, June 9 (received June 10), *post*, p. 272.

File No. 763.72119/152a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 6, 1916, 2 p. m.

3062. Berlin press dispatch dated May 26 quotes you as having given interview with Munich newspaper on favorable prospects of peace. Berlin dispatch dated June 3 reports interview with evening *National Zeitung* on same subject. Department assumes that these reports are mere inventions, but would be glad to have some statement from you to this effect in order that interviews may be officially denied here.

LANSING

File No. 763.72119/153

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, June 7, 1916, 6 p. m.

[Received June 8, 10.20 a. m.]

369. For the President and Secretary of State: Responding to a question before the Commission of Neutrality, Federal Counselor Hoffmann, Swiss Minister for Foreign Affairs, answered that the Swiss Government considered that the pressure in favor of peace was quite premature. The neutral powers decline to participate in the movement at this time, he stated. Swiss Minister for Foreign Affairs declared this afternoon that it would not be advisable for Switzerland to act now.

STOVALL

File No. 763.72112/2616

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, June 8, 1916, noon.

[Received June 9, 8 a. m.]

124. General blockade of Greek ports has been commenced by the French. No notice given to Greek Government and legations here deny all knowledge.

Presume that purpose is to force government to resign and to procure formation of a new government after election, but the greatest uncertainty prevails here as to purpose and scope of blockade.

DROPPERS

File No. 763.72119/154

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 8, 1916, 1 p. m.

[Received June 9, 12.30 p. m.]

3972. Your 3062, June 6, 2 p. m. Interview with Munich paper correct and made very good impression here. This interview was

wanted by authorities who wish to keep peace with America and contained nothing but the merest generalities. Interview with evening *National Zeitung* pure invention and already publicly denied in prominent newspaper here. Paris *Journal* of June 4 contained New York dispatch copied from *Daily Express*, presumably English paper, stating that Grew has stated to the Department, "If the harvest is unfavorable there will be serious riots and the demand for peace, which is growing at this moment, will become insistent." Hope you will authorize me to state that Department gave out no such statement.

GERARD

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*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 13, 1916, 4 p. m.

3085. Your 3972, June 8. You are authorized to say that the Department has given no statement whatsoever in regard to the internal economic conditions of Germany.

LANSING

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File No. 763.72/2746

*The Consul at Trebizond (Heizer) to the Secretary of State*

No. 41

TREBIZOND, TURKEY, April 29, 1916.

[Received June 16.]

SIR: I have the honor to report that the city of Trebizond was occupied by the Russian forces on Tuesday, April 18, without opposition by the Turks. On Sunday, April 16, the Turkish Governor General left the city, having authorized the Greek Archbishop to enroll the police to maintain order. Monday evening the last Turkish official, a gendarmery officer, departed. I called upon him just before he left and inquired about the arrangements for maintaining order after his departure. He stated that arrangements had been made to have the city patrolled by Greek *gendarmes* and there was no occasion for anxiety. The force, however, was quite insufficient and without arms. I slept at the Consulate that night and the following morning arose at 6 o'clock and went out with two kavasses to inspect the city. I soon discovered people carrying bolts of new cloth on their backs, and as they were all coming from the direction of the customhouse, I hurried thither and found the customs warehouse open and several hundred men, women, and children breaking open bales and boxes and helping themselves to the contents. As it was impossible to make any impression upon them in any other manner, I drew a revolver and began firing, whereupon most of the crowd dropped their booty and fled. Those who attempted to carry anything away were stopped by the kavasses. A great deal of stuff had been carried away, however, before our arrival, as the looting had been going on during the night. After leaving a kavass on guard, I returned to the Consulate.

At about 9 o'clock two Russian torpedo boats began to bombard the city from the east. As there were no Turkish forces in the city, it seemed best to try to inform the Russians and thus save the city from further bombardment so I rode out on horseback, accompanied by a kavass and a representative of the Greek Archbishop carrying a large white flag. After we rode over the crest of the low hills to the east of the city, the firing ceased and we soon met a Russian officer on horseback to whom the situation was explained. We were then taken to the commanding officer, General Liakhoff, and the same evening (Tuesday) he sent in a large force of soldiers to occupy the place and maintain order.

Although I had received a telegram from the Embassy on April 3, authorizing me to depart for Constantinople to be attached to the Consulate General, when I got ready to leave on April 12 the situation was so critical and the interests entrusted to the Consulate were so important, especially the Russian interests, that it did not seem proper to leave until after the Russians had entered the city. I have now applied through General Liakhoff for permission to travel via Batum, Odessa, and Bucharest, to Constantinople, and if a permit is obtained, will turn over the office to Mr. Montesanto, the Vice Consul, and proceed to Constantinople.

I have [etc.]

OSCAR S. HEIZER

File No. 763.72/2757

*The Greek Minister of Foreign Affairs (Skouloudis) to Greek Diplomatic Officers in Neutral Countries*

[Translation]

ATHENS, June 15, 1916.

[Left at the Department of State by the  
Greek Chargé, June 19.]

The Royal Hellenic Government deems it its duty to denounce to the governments of the neutral states the treatment to which the maritime commerce of Greece is subjected by the Entente powers in disregard of the traditional principles of law and equity observed in international relations. Since May 24/June 6, 1916, the Greek coasts are actually in a state of partial blockade; all vessels under the Hellenic flag met by Allied ships cruising in Greek waters have been stopped, detained in one of the naval bases arbitrarily established in Greece by the belligerents, and then released for the most part with the sole liberty of resuming mere coastwise trade. At the same time all vessels under the Hellenic flag which in the course of regular voyages were found in ports of England, France, Italy, and Egypt were authoritatively prevented from leaving. Lastly a number of large-sized Greek ships thus seized by Allied cruisers were compelled to go to Bizerta with a view to being used as transports for the Allies.

Surprised at these summary as well as arbitrary proceedings, the Royal Government lost no time in calling on the Entente powers for the cause thereof, but to its great amazement was unable officially

to draw from them any plausible explanation. The fact nevertheless remains that it is confronting an extensive plan of blockade, embargo, and impressment—forcible measures agreed upon and carried out without any previous notice and without any indication of the ultimate purpose. Thus Greece witnesses the sudden stopping, paralyzing of her maritime commerce, the essential basis of her national economics and the sole source of her supplies, without even an opportunity, in her ignorance of the motives for such a treatment, to consider practical means of bringing that condition to an end. The Royal Government fails to find in its acts as much as a semblance of a breach of the law which alone might afford a semblance of an explanation for the harsh reprisals that are brought to bear on Greece. It avers that the Entente powers have proceeded in contravention of the practice sanctioned for centuries in international relations by mere good sense, without having resorted to the formulas of representations or exhausted the other means of restoring the juridical order which they should at least claim to have been violated by Greece.

Facing a situation that is so extraordinarily irregular, the Royal Government has no other resort than that of lodging with the governments of the other neutral states, equally interested in the respect of law, the protests which it owes to itself to formulate against the violations from which it is made to suffer.

SKOULODIS

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File No. 763.72/2766

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, June 22, 1916, noon.

[Received 6.45 p. m.]

133. Entente powers presented note to Greek Government yesterday demanding complete demobilization service, Government dissolution of Chamber of Deputies, new elections, and police reforms. Demands accepted and Zaimis will probably form favorable answer. Blockade not yet raised.

DROPPERS

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File No. 862.00/32

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 29, 1916, 1 p. m.

[Received June 30, 12.40 p. m.]

4071. Liebknecht sentenced to penitentiary for 2 years, 6 months, 3 days, by court martial. Small disturbances in Berlin. Reported that workers in several ammunition factories on strike. Streets filled with police.

GERARD

File No. 763.72/2757

*The Acting Secretary of State to the Greek Chargé (Vouros)*

The Acting Secretary of State presents his compliments to the Chargé d'Affaires of Greece and has the honor to acknowledge the receipt, through the Legation of Greece at Washington, of a communication from the Royal Hellenic Government, dated Athens, June 15, 1916, protesting against the treatment to which the maritime commerce of Greece is subjected by the Entente powers.

WASHINGTON, July 13, 1916.

File No. 763.72/2782

*The Consul at Saloniki (Kehl) to the Secretary of State*

No. 270

SALONIKI, June 5, 1916.

[Received July 14.]

SIR: With reference to enclosed confirmation copy of my cipher cable dated the 3d instant,<sup>1</sup> I have the honor to report the following supplementary information:

Characterized as a military necessity for the greater safety of the Allied armies in Macedonia, a state of siege was proclaimed on Saturday, June 3d, by General Sarrail of the French Army, Commander in Chief of the Entente forces in Greece. The announcement of the action taken, served on General Moschopoulos, Commander the Third Greek Army Corps, and Mr. Jean Athenogenes, Prefect of Saloniki, read as follows:

I have the honor to bring to your attention that I have declared a state of siege for the whole of Macedonia dating from to-day.

SALONIKI, June 3, 1916.

SARRAIL

Within three hours after the presentation of this notification, the prefecture, the customhouse, the port, the post office, the telegraph office, the wireless office, police headquarters, and the headquarters of the commander of the Greek *gendarmerie*, were occupied by the armed forces of the Allies—French, British, and Serbian. At the post office there was a passive display of resistance. Immediately detachments of French infantry and cavalry surrounded the building. Shortly after, however, a formal order was received by the Greek guard from their own commandant, and they retired, leaving the post and telegraph office in the hands of the French *gendarmerie*. In connection with the seizure of the telegraph office, as well as the wireless station, the French military authorities cut all wires with a view to keeping Athens in the dark for a day or so regarding the activities of the Entente military authorities in Saloniki. While the French authorities were thus engaged, however, the director of the Greek telegraph service managed to send a launch to the Greek wireless station at Ekaterina [Katerini?], south of Saloniki, in advance of the Entente authorities, and the Greek Government was advised of the action of the Entente military authorities in occupying the city.

Colonel Troupakis, commander of the Greek *gendarmerie*, Major Nikdroites, chief of police, and M. Loussis, chief inspector of post and

<sup>1</sup> *Ante*, p. 33.



telegraphs, were immediately relieved from their functions and were replaced by French army officers.

Although this move was not wholly unexpected, particularly since the occupation of Fort Rupel by the Bulgars, there is considerable criticism that the name day of the King of Greece, one of the most popular of fête days, should have been chosen for the event. The city was gayly decorated; a *Te Deum*, military parade, concert, and torchlight parade were scheduled. The *Te Deum* and festivities were canceled by the Greek authorities as soon as they were aware of the activities of the Entente military authorities.

On May 26 last, German and Bulgarian soldiers occupied Fort Rupel, a Greek fortification north of Demir-Hissar, without resistance on the part of the Greeks. The Greek forces retired to Demir-Hissar during the same day. This incident was bitterly resented by the Allies and may be accepted as the prime factor in hastening the inevitable formal occupation of Greek Macedonia by the Entente military authorities.

During the early morning of June 3, numerous French, British, and Serbian patrols were distributed throughout the city. On the outskirts of the town, cavalry and artillery were in readiness. In fact the greater part of the forces of the Allies garrisoned in and around Saloniki were under marching orders. Shortly before noon, twelve armored motor cars were distributed through the principal parts of the city.

It is more than likely that the Allies will tighten their grip on Macedonia and will eventually release every Greek official in charge of an important office. Although the "zone of operation of the Allies" has been clearly defined, its boundaries have long since been violated, and the operations of the Allies now extend over the whole of Macedonia.

I have [etc.]

JOHN E. KEHL

File No. 763.72111/3870

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, July 18, 1916, noon.

[Received July 21, 8.35 a. m.]

275. A certain number of Roumanians feel that Roumania should now join the Quadruple Entente providing Russia continues a successful offensive, but the King and Prime Minister from necessary caution are not in haste to take this step although all possible preparation for war is being made and soldiers have been notified to be [ready] at a moment's notice. Accordingly I believe that if Russia is successful during the next four weeks, Roumania will enter the war on the side of the Quadruple Entente. If Roumania decides not to enter the war on this opportunity, I believe she will remain neutral. The Entente powers and their Roumanian sympathizers would consider such continuance of neutrality as favoritism towards the Central powers.

VOPICKA

File No. 763.72111/3880

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, July 22, 1916, noon.

[Received July 24, 10 p. m.]

279. Roumania has received from Russia 60 cars of ammunition and prominent Roumanian general informs me will receive within 10 days 100 cars more. This seems positively to indicate an agreement between Russia and Roumania. Will keep Department informed as to further developments.

VOPICKA

File No. 871.6131/2

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, August 10, 1916.

[Received August 11, 12 noon.]

4214. New agreement between Roumania and Central powers concluded regarding sale approximately 2,000 railway carloads peas at 5,600 lei each and 6,000 carloads barley for brewing purposes at 4,500 lei each.

GERARD

File No. 763.72/2801

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, August 14, 1916, 6 p. m.

[Received August 15, 6 p. m.]

688. I believe it is now thought Germany will not declare war and that Italy may feel compelled to take the initiative before long, as her allies are urging it.

NELSON PAGE

**MEMORANDA OF THE AMBASSADOR IN GREAT BRITAIN OF CONVERSATIONS WITH BRITISH STATESMEN, JULY 27-AUGUST 1, 1916**

File No. 763.72/13493

*Memorandum of the Ambassador in Great Britain (Page) of a conversation with the British Secretary of State for Foreign Affairs (Grey), July 27, 1916*

[Received August (17?), 1916.]

(1) Sir Edward reminded me that in most of the controversies with the United States his Government and the French Government now act in concert. He implied (rather than said) that he feared

there was a tendency at Washington to regard the British Government as taking actions and pursuing policies alone, although the French Government shared these actions and policies. He remarked, in parenthesis and with a smile, that the French Government often outran his Government in vigor of construction and in earnestness of action. What he clearly had in view was that he wished me to remind the President and the Department of the Anglo-French joint action and joint responsibility, and he expressed the hope that the American public as well as the American Government would bear this joint action in mind.

(2) He expressed sympathy with the President because the political campaign inevitably causes more frequent and more severe criticism abroad of every action taken by him in his foreign policy. He did not know how it was in America, but he presumed that the rule held there as in England (indeed in all countries where public opinion is free) that more people would say, during a political campaign than at any other time, "Oh, the President wrote that or did that for political effect at home." He regretted to notice this tendency in England. He suggested that this sort of criticism might, to an extent at least, be forestalled in England if all notes from the State Department made it clear to the man who runs that the aim of the notes was to contend for this or that international law or custom, citing even, when possible, chapter and verse of such law or custom. This was said in the friendliest spirit, out of sympathy for the President, on account of the peculiar tendency that men have, at such a time as this, to ascribe partisan motives for everything that they do not approve of. The British Government, including Sir Edward personally, receives such volumes of criticism of this sort that kindred sorrows make him sympathetic—that was his motive, as well as what I think I may call his genuine appreciation of the President and of his difficulties.

(3) Then he went on to say quite frankly that two thoughts expressed in a speech by the President some months ago had had a very serious influence on British opinion. One thought was that the causes or objects of the war were of no concern to him, and the other was his (at least implied) endorsement of the "freedom of the seas," which the President did not define.

Concerning the first thought, he understood of course that a neutral president could not say that he favored one side or the other: everybody understood that and nobody expected him to take sides. But when the President said that the objects of the war did not concern him, that was taken by British public opinion as meaning a condemnation of the British cause, and it produced deep feeling.

Concerning the "freedom of the seas," he believed that the first use of the phrase was made by Colonel House (on his return from one of his visits to Berlin), but the public now regarded it as a German invention, and it meant to the British mind a policy which would render British supremacy at sea of little value in time of war; and public opinion resented this. He knew perfectly well that at a convenient time new rules must be made governing the conduct of war at sea and on the land, too. But the German idea of the freedom of the seas ("freedom" was needed on land also) is repulsive to the British mind.

He mentioned these things because they had produced in many minds an unwillingness, he feared, to use the good offices of the President whenever any mediatorial service might be done by a neutral. The tendency of these remarks was certainly in that direction. Yet Sir Edward carefully abstained from expressing such an unwillingness on his own part; and the inference from his tone and manner, as well as from his habitual attitude, is that he feels no unwillingness to use the President's good offices, if occasion should arise.

I asked what he meant by "mediatorial"—the President's offering his services or good offices on his own initiative? He said—No, not that. But the Germans might express to the President their willingness, or even their definite wish to have an armistice, on certain terms, to discuss conditions of peace, coupled with an intimation that he might sound the Allies. He did not expect the President to act on his own initiative, but at the request, or at least at the suggestion of the German Government, he might conceivably sound the Allies—especially, he added, "since I am informed that the notion is widespread in America that the war will end inconclusively—as a draw." He smiled and remarked, as an aside, that he didn't think that this notion was held by any considerable group of people in any other country—certainly not in Great Britain.

In further talk on this subject he said that none of the Allies could mention peace or discuss peace till France should express such a wish; for it is the very vitals of France that have received and are receiving the shock of such an assault as was never before launched against any nation. Unless France was ready to quit, none of France's allies could mention peace, and France showed no mood to quit. Least of all could the English make or receive any such suggestion, at least till her new great army had done its best; for until lately the severest fighting had not been done by the British, whose army had practically been held in reserve. There had for a long time been a perfect understanding between Joffre and Haig—that the English would wait to begin their offensive till the moment arrived when it best suited the French.

The impression that I got from this part of the conversation was that Sir Edward hoped that I might convey to the President (as, of course, he could not) Sir Edward's idea of the effect of these parts of the President's speech on feeling in England towards him. Nowhere in the conversation did he make any request of me. Anyone, overhearing it, might have supposed it to be a conversation between two men, with no object beyond expressing their views. But, of course, he hoped and meant that I should, in my own way, make known to the President what he said. He did not say that the President's good offices, when the time should come, would be unwelcome to him or to his Government; and he meant, I am sure, to convey only the fear that by these assertions the President had planted an objection to his good offices in a large section of British opinion.

(4) Among the conditions of peace that Sir Edward himself personally would like to see imposed (he had not yet discussed the subject with any of his colleagues in the Government) was this—that the German Government should agree to submit to an impartial (neutral) commission or court the question, Who began the war and

who is responsible for it? The German Chancellor and other high German officials have put it about and continue to put it about that England is responsible, and doubtless the German people at least believe it. All the governments concerned must (this is his idea) submit to the tribunal all their documents and other evidence bearing on the subject; and of course the finding of the tribunal must be published.

(5) Then he talked a good deal about the idea that lies behind the League for Enforcing Peace—in a sympathetic mood. He went on to point out how such a league, with force behind it, would at any one of three stages have prevented this war: (1) When England proposed a conference to France, Germany, Italy, and Russia, all agreed to it but Germany. Germany alone prevented a discussion. If the League to Enforce Peace had included England, France, Italy, and Russia, there would have been no war, for Germany would have seen at once that they would all be against her. (2) Later, when the Czar sent the Kaiser a personal telegram proposing to submit their differences to some tribunal, a League to Enforce Peace would have prevented a war. (3) When the question of the invasion of Belgium came up, every signatory to treaty guaranteeing Belgium's integrity gave assurance of keeping the treaty but Germany, and Germany gave an evasive answer. A League would again have prevented a war, or put all the military force of all its members against Germany.

Throughout the conversation, which lasted about an hour, Sir Edward said more than once, as he has often said to me, that he hoped we should be able to keep the friction between our Governments at the minimum. He would regard it as the greatest calamity if the ill feeling that various events have stirred up in sections of public opinion on each side should increase or should become permanent. His constant wish and effort were to lessen and, if possible, to remove all misunderstandings.

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File No. 763.72/13494

*Memorandum of the Ambassador in Great Britain (Page) of a conversation with Lord Bryce, July 31, 1916*

[Received August (17?), 1916.]

Lord Bryce spoke of the President's declaration that we were not concerned with the causes or objects of the war and he said that that remark had caused much talk—all, as he thought, on a misunderstanding of Mr. Wilson's meaning. "He meant, I take it, only that he did not propose at that time to discuss the causes or the objects of the war; and it is a pity that his sentence was capable of being interpreted to mean something else; and the sentence was published and discussed here apart from its context—a most unfair proceeding. I can imagine that the President and his friends may be much annoyed by this improper interpretation."

I remarked that the body of the speech in which this remark occurred might have been written in Downing Street, so friendly was it to the Allies. "Quite, quite," said he.

This was at dinner, Lady Bryce and Mrs. Page and he and I only being present.

When he and I went into the library, he talked more than an hour. The British Government had made a mistake, he said, in taking first-class mails from neutral ships on the high seas, or in forcing neutral ships into British ports to examine such mails. "How is that regarded in the United States?" I replied, "As an irritating and inexcusable blunder." "I am not surprised," said he.

"And what about this black list?" I told him. He had been in France for a week and did not know just what had been done. He said that that also seemed to him a mistake. "The Government doesn't know America; neither does the British public. Neither does the American Government (no American government) know the British. Hence your Government writes too many notes. All governments are likely to write too many notes. Everybody gets tired of seeing them and they lose their effect."

He mentioned the blockade and said that it had become quite effective—wonderfully effective, in fact; and he implied that he did not see why we now failed to recognize it. Our refusal to recognize it had caused and doubtless is now causing such ill feeling as exists in England.

Then he talked long about peace and how it would probably be arranged. He judged, from letters that he receives from the United States as well as from Americans who come over here, that there was an expectation in America that the President would be called in at the peace settlement and that some persons even expected him to offer mediation. He did not see how that could be. He knew no precedent for such a proceeding. The President might, of course, on the definite request of either side make a definite inquiry of the other side; but such a course would be, in effect, merely the transmission of an inquiry.

But after peace was made and the time came to set up a league for enforcing peace, or some such machinery, of course the United States would be and would have to be a party to that if it were to succeed. He reminded me that a little group of men here, of which he was one, early in the war sketched substantially the same plan that the American League to Enforce Peace has worked out. It had not seemed advisable to have any general public discussion of it in England till the war should end: nobody had time now to give to it.

As he knew no precedent for belligerents to call in a third party when they met to end a war, so he knew no precedent for any outside government to protest against the invasion of a country by a power that had signed a treaty to guarantee the integrity of the invaded country—no precedent, that is to say, for the United States to protest against the invasion of Belgium. "That precedent," I said, "was found in hysteria."

Lord Bryce, who had just returned from a visit to the British headquarters in France, hardly dared hope for the end of the war till next year; and the intervening time between now and the end would be a time, he feared, of renewed atrocities and increasing hatred. He cited the killing of Captain Fryatt of the *Brussels* and the forcible deportation of young women from Lille and other towns in the provinces of France occupied by the Germans.

The most definite idea that he had touching American-British relations was the fear that the anti-British feeling in the United States would become stronger and would outlast the war. "It is organized," he said. "The disaffected Germans and the disaffected Irish are interested in keeping it up." He asked what effect I thought the presidential campaign would have on this feeling. He seemed to have a fear that somehow the campaign would give an occasion for stirring it up even more.

Lord Bryce spoke of the pressure brought to bear on the Foreign Office and on the Government in general by the military and naval people—"the fighting people and their friends." The easy inference from his remarks is that he does not regard "the fighting people" as always well-informed or judicious. Of this pressure and of the accuracy of this judgment my own experience with the Government has given abundant evidence.

"Goodbye. Give my regards to all my American friends; and I'm proud to say there are a good many of them."

File No. 763.72/13495

*Memorandum of the Ambassador in Great Britain (Page) of a conversation with the British Prime Minister (Asquith), August 1, 1916*

[Extract]

[Received August (17?), 1916.]

On August 1, I lunched with Mr. Asquith. One does not usually bring away much from his conversations, and he did not say much to-day worth recording. But he showed a very eager interest in the presidential campaign, and he confessed that he felt some anxiety about the anti-British feeling in the United States. This led him to tell me that he could not in good conscience interfere with Casement's execution, in spite of the shoals of telegrams that he was receiving from the United States. This man, said he, visited Irish prisoners in German camps and tried to seduce them to take up arms against Great Britain—their own country. When they refused, the Germans removed them to the worst places in their Empire and, as a result, some of them died. Then Casement came to Ireland in a German man-of-war (a submarine) accompanied by a ship loaded with guns. He spoke also of the unmentionable Casement diary, which shows a degree of perversion and depravity without parallel in modern times. "In all good conscience to my country and to my responsibilities I cannot interfere." He hoped that thoughtful opinion in the United States would see this whole matter in a fair and just way.

I asked him about the anti-American feeling in Great Britain. He said: "Do not let that unduly disturb you. At bottom we understand you. At bottom the two peoples surely understand one another and have unbreakable bonds of sympathy. No serious breach is conceivable." He went on quite earnestly: "Mr. Page, after any policy or plan is thought out on its merits my next thought always is how it may affect our relations with the United States. That is always a fundamental consideration."

I ventured to say that if he would keep our relations smooth on the surface, I'd guarantee their stability at the bottom. It's the surface that rolls high at times, and the danger is there. Keep the surface smooth and the bottom will take care of itself.

Then he asked about Mexico, as he usually has when I have talked with him. I gave him as good a report as I could, reminding him of the great change in the attitude of all Latin-America caused by the President's patient policy with Mexico. When he said, "Mexico is a bad problem," I couldn't resist the impulse to reply: "When Mexico troubles you, think of—Ireland. As there are persons in England who concern themselves with Mexico, so there are persons in the United States who concern themselves about Ireland. Ireland and Mexico have each given trouble for two centuries. Yet these people talk about them as if they could remove all trouble in a month."

"Quite true," he said, and smiled himself into silence.

**REJECTION OF THE SPANISH PROPOSAL FOR JOINT GOOD OFFICES, AUGUST 23, 1916—ROUMANIA'S ENTRANCE INTO THE WAR, AUGUST 27, 1916—ITALY'S DECLARATION OF WAR AGAINST GERMANY, AUGUST 28, 1916**

File No. 763.72/2812

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, August 18, 1916, 5 p. m.

[Received August 19, 10.30 p. m.]

293. On very reliable authority am informed that Roumania will enter the war, joining Entente powers, during the next month. In that case please inform me if it is the wish of Department that I should stay here and postpone my leave of absence until after the war is proclaimed and hostilities started.

VOPICKA

File No. 763.72119/10494

*The Secretary of State to the Ambassador in Spain (Willard)*

[Telegram]

WASHINGTON, August 23, 1916, 10 a. m.

172. Your 240, May 11.<sup>1</sup> At the time of the receipt of your telegram our confidential advices were that it would be unacceptable to the Allied Governments to receive from a neutral any suggestion looking toward the restoration of peace, for the reason that until there was a change in the military situation overtures for peace would be rejected by the Entente Allies. Furthermore the refusal to consider peace proposals would cause the Allies embarrassment because it would appear to cast upon them the responsibility for continuance of the war. They would, therefore, view a suggestion to that end as inconsiderate and inopportune.

The President felt, in view of this information as to the attitude of the Allied Governments, that it would be unwise to approach

<sup>1</sup> *Ante*, p. 28.



them at that time either independently or jointly with other neutral powers. The President, however, being, like the King, animated by the humane desire to see an end of the terrible conflict which is ravaging the great nations of Europe, delayed replying to your telegram in the hope that at a later time the suggestion by a neutral power to consider terms of peace would be less objectionable to the enemies of Germany. He took this course rather than refuse to unite with any disinterested power in the laudable endeavor to bring the war to an end, since such refusal might be misconstrued.

From the advices which have now been received from the capitals of the Allies the President does not feel that the Governments of the Entente have up to the present time changed their attitude in regard to proposals by neutrals looking towards peace, and that to make proposals, with knowledge that they would certainly be rejected and would in all probability cause irritation toward the government or governments making them, would jeopardize the future usefulness of the proposers as agents in peace negotiations when an opportune time comes to offer friendly offices to the warring nations.

You may confidentially and informally convey the foregoing to the King, and state to him that, appreciating the lofty motives which inspired his communication, these considerations have prevented and still prevent the President from either accepting or rejecting his suggestion, earnestly as he hopes for the restoration of peace in Europe.

LANSING

File No. 763.72/2826

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, August 27, 1916, 8 p. m.

[Received August 28, 9.50 a. m.]

695. To-night's late editions evening papers announce officially Italian Government has sent through Swiss Government declaration war against Germany effective from to-morrow, August 28.

AMERICAN EMBASSY

File No. 704.6271

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, August 27, 1916.

[Received August 29, 8.20 a. m.]

297. German Minister asked me this day to take charge of German interests in Roumania, as Roumania is expected to go to war within a day or two joining Entente powers. Have promised to comply with his request subject to the approval of Department.

A special conference was held at the Palace between the King, the Prime Minister and his colleagues, representatives of all political parties and their ex-ministers, and following this conference martial law has been proclaimed throughout Roumania.

Please inform my wife, 3251 Washington Boulevard, Chicago, that owing to conditions now prevailing here my leave of absence has been postponed.

VOPICKA

File No. 704.7163

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, August 27, 1916, 6 p. m.

[Received August 29, 9.25 a. m.]

274 [298]. Roumanian Minister for Foreign Affairs asked me just now to ask the Department to take charge of Roumanian [interests] in Austria at once, and also in Germany if the war between Roumania and Germany should be started.

VOPICKA

File No. 763.72/2831

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, August 28, 1916, 5 p. m.

[Received August 29, 1.50 p. m.]

299. Have been informed by Minister for Foreign Affairs that the Roumanian Minister Plenipotentiary to Austria-Hungary communicated to the Austro-Hungarian Government that beginning from the 27th current at 9 o'clock in the evening Roumania would consider herself at war with Austria-Hungary.

German Minister informed me that the allies of Austria-Hungary would also consider this as a declaration of war. Ministers of Central powers will leave Bucharest to-night or to-morrow morning, route not yet known, by special train.

Telegram numbered 279 [274?] should be 278 [298?]

VOPICKA

File No. 763.72/2861

*The Italian Ambassador (Macchi di Cellere) to the Secretary of State*

[Translation]

BEVERLY FARMS, MASS., August 28, 1916.

[Received August 29.]

MR. SECRETARY OF STATE: I have the honor to address the following communication to your excellency in the name of the King's Government:

Systematically hostile acts on the part of the German Government to the detriment of Italy have succeeded one another with increasing frequency, consisting in both an actual warlike participation and economic measures of every kind.

With regard to the former, it will suffice to mention the reiterated supplies of arms and of instruments of war, terrestrial and maritime,

furnished by Germany to Austria-Hungary, and the uninterrupted participation of German officers, soldiers, and seamen in the various operations of war directed against Italy. In fact, it is only thanks to the assistance afforded her by Germany in the most varied forms that Austria-Hungary has recently been able to concentrate her most extensive effort against Italy. It is also worth while to recall the transmission, by the German Government to Austria-Hungary, of the Italian prisoners who had escaped from the Austro-Hungarian concentration camps and taken refuge in German territory.

Among the measures of an economic character which were hostile to Italy it will be sufficient to cite the invitation which, at the instance of the Imperial Department of Foreign Affairs, was directed to German credit institutions and bankers to consider every Italian citizen as a hostile foreigner and to suspend payments due him; also the suspension of payment to Italian laborers of the pensions due them by virtue of the formal provisions of the German law.

The Government of His Majesty the King did not think that it could longer tolerate such a state of things, which aggravates, to the exclusive detriment of Italy, the sharp contrast between the *de facto* and the *de jure* situation already arising from the fact of the alliance of Italy and of Germany with two groups of nations at war among one another.

For these reasons the Royal Government has, in the name of His Majesty the King, notified the German Government through the Swiss Government that, as from to-day, August 28, Italy considers herself in a state of war with Germany.

Please accept [etc.]

MACCHI DI CELLERE

File No. 868.00/77

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, August 31, 1916.

[Received September 1, 9.05 a. m.]

Following revolutionary demonstration yesterday Greek revolutionists and soldiers joined French Army except one regiment whose barracks surrounded at about 4 this morning by revolutionists demanding surrender. Was refused. Opened fire. Casualties each side. Large French force arrived at about 6 demanding surrender. Before noon Greek regiment surrendered without resistance.

AMERICAN CONSUL

File No. 763.72/2843

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, August 30, 1916, 6 p. m.

[Received September 2, 7 p. m.]

2053. Ottoman Council of Ministers yesterday adopted decision subsequently sanctioned by Imperial decree by which Turkey in common action with Germany and Bulgaria declares war on Roumania.

PHILIP

File No. 763.72/2844a

*The Secretary of State to the Minister in Roumania (Vopicka)*

[Telegram]

WASHINGTON, *September 6, 1916, 4 p. m.*

304. Has war against Roumania been declared by Germany and Bulgaria or *vice versa*? Cable.

LIANSING

File No. 763.72/2868

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, *September 5, 1916.*[Received *September 15, 8.18 a. m.*]

310 [?]. Answer to unnumbered telegram [304] from Department. I am informed that the Roumanian Minister at Berlin has reported to his Government in behalf of the Imperial German Government that Roumania having declared war on Austria-Hungary, ally of Germany, the Imperial German Government considered itself to be also in a state of war with Roumania. Bulgaria opened hostilities on Roumania without declaration of war.

VOPICKA

File No. 763.72/2876

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, *September 24, 1916, 8 p. m.*[Received *September 25, 8 a. m.*]

158. Venizelos leaves to-night to begin a movement to have Greece join the Allies and will invite King to join. Undoubtedly beginning of revolution.

DROPPERS

File No. 763.72/2929

*The Minister in Roumania (Vopicka) to the Secretary of State*

Roumanian Series No. 541

BUCHAREST, *September 8, 1916.*[Received *October 11.*]

SIR: I have the honor to refer to my two telegrams Nos. 275 and 279 dated July 20 [18] and 22, respectively, and also to my telegram of August 13 [14], 1916, and to Department's replies Nos. 288 and 297.<sup>1</sup>

With reference to the information contained in my above-mentioned telegrams, I beg to point out that everything that I predicted there has been proved to be true, namely, that the Russians had an

<sup>1</sup> For No. 275, see *ante*, p. 39; No. 279, *ante*, p. 40. The last three telegrams mentioned are not printed.

agreement with Roumania in accordance with which the ammunition for Roumania was allowed to pass into Roumania from Russia and under which the Roumanians agreed to allow the Russians to march through Roumania about August 18, old style, 1st of September, new style.

The Ministers of the Central powers, more especially the German Minister, told me that they all depended on the word of the King and of the Prime Minister and expected that the country would remain neutral. They therefore assured their people up to the very last moment, that is to say Saturday, August 26, that nothing would happen in Roumania. Contrary to this opinion, on Sunday, August 27, a Crown council was held as per my telegram No. 297, and as soon as the council was over general mobilization was ordered. This was at 3 o'clock in the afternoon of Sunday, August 27, and at 9 o'clock on the same evening Mr. Mavrocordato, the Roumanian Minister to Vienna, presented the declaration of war from Roumania against Austria-Hungary. (A copy of this declaration is enclosed herewith.)

The same evening there was a great demonstration of the people in Bucharest at which it would seem all the classes took part, more especially the younger generation. Thousands of people paraded the streets everywhere, and although as a rule the Roumanians are quiet on this occasion there was much shouting and crying out "Long live the King," etc.

The public lights were [are?] dimmed in all private houses and at 9 o'clock they must be extinguished. If the windows are heavily curtained candles are used in the interior of houses, but in general there are no lights at all and darkness is prevalent nearly everywhere.

During the night of Monday, August 28, aeroplanes and "parsifals" belonging to the Central powers flew over Bucharest and threw several bombs without causing much damage.

The raids up to date have been as follows:

Monday, August 28  
 Tuesday, August 29  
 Sunday, September 3  
 Monday, September 4  
 Wednesday, September 5 [6]

It would seem that these aeroplanes are endeavoring to destroy the powder factory at Dudești, which is a few kilometers outside of Bucharest. On Monday, September 4, the attack was particularly violent. Aeroplanes flew over Bucharest dropping bombs on the residential portions of the city, and I therefore sent my telegram No. 310<sup>1</sup> asking the Department to strongly protest against such bombardments.

On Tuesday afternoon, September 5, I visited the places where damage had been caused by bombs. One bomb fell just behind the Royal Palace, destroying a printer's shop, another fell in the vicinity of the General Staff headquarters, destroying completely a police station, another fell just opposite the residence of the Russian mili-

<sup>1</sup> Evident error in number; probably No. 82 (not printed; see File No. 763.72116/375).

tary attaché and damaged completely a dwelling house, two bombs fell close to the residence of Mr. Take Ionesco, and the British Legation, only about a thousand yards from our Legation.

On Sunday, August 27, the German Minister came and asked whether our Government would represent the interests of Germany, and on August 30 the Ottoman Minister asked whether our Government would also represent Ottoman interests. Having received the authorization from the Department to comply with their requests, I notified the Roumanian Government that the Government of the United States had been asked to represent German and Ottoman interests in Roumania and that I was authorized to take charge of these interests providing such action were agreeable to the Royal Roumanian Government. The Government has consented to this arrangement and we are at present very busy looking after these interests.

From the time of the order of mobilization until the departure of the ministers belonging to the Central powers from Roumania, the Roumanian Government adopted a rule that all these ministers, as well as the diplomatic corps and consular officials, should be kept in their respective legation buildings and not permitted to circulate on the streets, giving as a reason for this measure that it was taken from [*for*] their personal safety. Food was supplied to them by one of the assistants of the Foreign Office which was to be paid for by the legations.

In the meantime each legation prepared a list of people they wished to take with them on the special train which the Foreign Office put at their disposal. The Germans had a large number of persons whom they wished to take with them, as there were a number of German subjects in Roumania who had been buying grain for the German Government. The German Minister wished to take all these people on the special train. Many of them were arrested the first day of mobilization, Sunday, August 27, and it took a great deal of work to get these people free so that they could leave by the special train.

The German Legation left, in addition to our present office staff, several employees to assist in attending to German interests in Roumania. I am enclosing herewith the names of these persons together with the salaries the German Minister, Mr. von dem Bussche-Haddenhausen, asked that they should be paid.

The Ottoman Legation left only two men in charge, G. Avian Effendi, clerk; and Youssouf, as doorkeeper.

I beg to state that the declaration of war on Austria-Hungary has made the Roumanian people happy. In general they feel that their country has joined the right side and that now they are about to realize their national dream of uniting Roumanians under one kingdom by getting Transylvania from Hungary.

The Roumanian Government asked me to suspend sending cipher messages for about four days, as the telegraph office is not in order. They also asked me to send my telegrams in the French language. I have complied with their request, but I have sent a note to the Foreign Office stating that my attitude in the transmission of cipher telegrams must not be considered as in any way compromising the policy of the Government of the United States in consistently re-

claiming the privilege of uninterrupted cipher communication between itself and its missions abroad and between the several missions themselves, and I expressed the hope that the period of interruption of such telegraphic communications was ended. No reply has as yet been received to this note.

Owing to this war it is reported that the Roumanian Government will confiscate money deposited in banks by belligerent subjects as well as business firms. There are some American firms who have money deposited in German banks and also have outstanding claims against German firms. In this connection I would cite the International Harvester Corporation of Chicago, Illinois, who have money deposited in German banks and also have money due to them from some German firms. I have written to the Foreign Office regarding this matter and will keep the Department informed concerning same.

On Monday, August 28, the Government had notices inserted in the newspapers and also notices posted on all street corners ordering an [all] German, Turkish, Bulgarian, and Austro-Hungarian male subjects, from the age of 16 years upwards to proceed to Ialomița, near Calarași, by trains indicated, for internment. I understand that there are approximately fifty thousand men of belligerent countries at present interned there. Their wives and children had the option of accompanying them or remaining in their homes. I have asked permission from the Foreign Office to visit this camp in order to ascertain the conditions pertaining therein.

Americans and their property are unmolested and will be adequately protected. I beg to inform the Department that I have been treated with the utmost courtesy and cordiality at the Roumanian Foreign Office and nearly all my requests have been granted.

I have [etc.]

CHARLES J. VOFICKA

[Enclosure—Translation]

*The Roumanian Ministry of Foreign Affairs to the American Legation*

BUCHAREST, August 15/28, 1916.

The Royal Department of Foreign Affairs has the honor to send annexed to the Legation of the United States of America copy of the text of the communication made by the Roumanian Minister at Vienna on the 14/27 August at 9 p. m. in the name of the Royal Government to the Imperial and Royal Minister of Foreign Affairs of Austria-Hungary.

[Subenclosure—Translation]

*The Roumanian Minister in Austria-Hungary (Mavrocordato) to the Austro-Hungarian Minister of Foreign Affairs (Burian)*

The alliance concluded between Germany, Austria-Hungary, and Italy, according to the declarations of the Governments themselves, was only of an essentially conservative and defensive character. Its principal object was to guarantee the allied countries against every attack from without and to consolidate the state of affairs created by previous treaties. It was with the desire to accord its policy with these pacific tendencies that Roumania joined this alliance.

Devoted to the work of its internal reconstitution and faithful to its firm resolution of remaining an element of order and of equilibrium in the region of the lower Danube, Roumania has never ceased to contribute to or to maintain peace in the Balkans. The last Balkan wars, by destroying the *status quo*, have imposed on it a new line of conduct. Its intervention hastened peace and reestablished the equilibrium; for itself it was contented with a rectification of frontier which gave it more security against aggression and which at the same time repaired the injustice committed against it at the Congress of Berlin.

But in the pursuit of this purpose, Roumania was deceived in not finding on the part of the cabinet at Vienna that attitude which it had a right to expect.

As soon as the present war broke out, Roumania, as Italy had done, declined to associate itself with the declaration of war of Austria-Hungary, of which it had not been forewarned by the cabinet of Vienna. In the spring of 1915, Italy declared war on Austria-Hungary; the Triple Alliance no longer existed. The reasons which had determined the adhesion of Roumania to this political system disappeared at the same time. Instead of a grouping of states trying by common efforts to work in agreement to secure peace and to preserve the actual and lawful situations created by treaties, we found ourselves in the presence of powers who were making war precisely for the purpose of changing from bottom to top the ancient order of things which served as a basis for their treaty of alliance. These profound changes were for Roumania a proof positive that the purpose which it had in view in joining the Triple Alliance could no longer be attained and that it must direct its attention and its efforts in new directions; the more so as the work undertaken by Austria-Hungary was developing a character menacing to the essential interests of Roumania as well as to its most legitimate national aspirations.

In the presence of such a radical modification of the situation created between the Austro-Hungarian Monarchy and Roumania, the latter has retaken its liberty of action.

The neutrality which the Royal Government imposed upon itself in consequence of a declaration of war made against its wish and contrary to its interests had been adopted in the first place in consequence of the assurances given at the beginning by the Imperial and Royal Government that the Monarchy, in declaring war on Serbia, was not inspired by a spirit of conquest, and that it was by no means in pursuit of territorial acquisitions. These assurances have not been carried out.

To-day we find ourselves in face of a situation whence may flow great territorial transformations and political changes of such a nature as to constitute a grave menace to the security and future of Roumania. The work of peace which Roumania, faithful to the spirit of the Triple Alliance, had tried to accomplish, was thus rendered sterile by the very people who were called to support and defend it.

By joining in 1883 the group of Central powers, Roumania, far from forgetting the ties of blood which united the peoples of the Kingdom with the Roumanian subjects of the Austro-Hungarian Monarchy, saw in the friendly relations and alliance which had been established between the three great powers a precious guaranty for its internal tranquillity as well as for the improvement of the lot of the Roumanians in Austria-Hungary. As a matter of fact, Germany and Italy, which had reconstituted their states on the basis of the principle of nationality, could not but recognize the legitimacy of the foundation on which rested their own existence. As to Austria-Hungary, it had in the amicable relations which had been established between it and the Kingdom of Roumania assurances for its tranquillity both internally and on the common frontiers; because it could not be without knowing how the discontent of the Roumanian population was affecting us and menacing each moment the good relations between the two States.

The hope from this point of view which we had founded on our adhesion to the Triple Alliance has been falsified. During a period of more than thirty years the Roumanians of the Monarchy have not only never seen the introduction of a reform of a nature to give them the semblance of satisfaction; they have on the contrary been treated as an inferior race and condemned to suffer the oppression of a foreign element which only constituted a minority among the various nationalities which constitute the Austro-Hungarian State. All the injustices which our brothers have had to suffer have maintained between our country and the Monarchy a continual state of animosity which the governments of the Kingdom have only appeased at the price of great difficulties and numerous sacrifices.

As soon as the present war broke out, it was hoped that the Austro-Hungarian Government, at any rate at the last hour, would at last be convinced of the urgent necessity of making to cease this injustice which not only put in danger our amicable relations but also the normal relations which should exist between neighboring states.

Two years of war, during which Roumania has preserved its neutrality, has proved that Austria-Hungary, hostile to all internal reforms that might



ameliorate the life of the peoples which it governed, has proved it as ready to sacrifice them, as powerless to defend them against external attacks.

The war in which nearly all Europe is taking part has brought under discussion the gravest problems touching the national development and even the existence of states; Roumania, moved with the desire to hasten the end of the conflict and under the necessity of safeguarding its race interests, has been obliged to come into line alongside those who are able to assure to it the realization of its national unity.

For these reasons it considers itself from this moment in a state of war with Austria-Hungary.

**GERMANY'S REQUEST OF SEPTEMBER 25, 1916, FOR THE GOOD OFFICES OF THE UNITED STATES—THE OCTOBER REVOLUTION IN GREECE**

File No. 763.72119/172

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, September 25, 1916, 7 p. m.

[Received September 26, 1.20 p. m.]

4375. Germany anxious to make peace. I can state on best authority that if the President will make offer of good offices in general terms, somewhat in terms of despatch of June 8, 1905 to Russia and Japan,<sup>1</sup> that Germany will accept in general terms immediately and state readiness to send delegates to proposed peace conference. Today or to-morrow Von Jagow will ask me to get cipher cablegram to you for Bernstorff. This cablegram he says will refer to this message and matter. Of course utmost secrecy desirable as, if any hint augurs that suggestion comes from here and not as spontaneous act of the President, whole matter will fail and be denied. Please let me know whether you have delivered cipher to Bernstorff or not. Please notify Colonel House.

GERARD

File No. 763.72119/174

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, September 23, 1916, 6 p. m.

[Received September 29, 8.30 a. m.]

418. To the President and Secretary of State. In answer to various peace petitions presented to the Swiss Federal Council, that body has reported to the Swiss Parliament, now in session in Berne, "We can only repeat what we have already said. So long as in the belligerent states themselves public opinion shall not be modified and a currying of public opinion in favor of peace shall not prevail to prepare the way for a pacific intervention of neutral nations, it would be vain and even dangerous to take the initiative in calling a conference of neutrals. The failure of such a concerted attempt would do

<sup>1</sup> See *Foreign Relations*, 1905, pp. 807, 808.

more harm to the cause of peace than the failure of one of [or] the other of the neutral states and would give a setback to the whole idea of peace."

STOVALL

File No. 763.72/2884

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, September 28, 1916, 7 p. m.

[Received September 29, 3.05 p. m.]

4401. The Chancellor addressed the Reichstag to-day at 3 o'clock at its reassembly. His speech, in which there was no mention of America, aroused no enthusiasm nor were there any of the rumored demonstrations against the Chancellor by the Conservatives and National Liberals. The climax of the speech and the only portion which was heartily cheered both from the galleries and the floor of the House was an attack against England as the most selfish and unscrupulous of Germany's enemies ending with the assertion that any statesman who neglected to use all possible practical and serviceable means of defense against such an enemy, "either from motives of forbearance or from ancient ideas of mutual understanding, deserved to be hanged." He then spoke bitterly of the secret attacks which had been made recently against him on the score that he was a statesman of the kind described. The first part of the speech dealt entirely with Italy's declaration of war against Germany and the entry [of Roumania. He said the causes of the war] were French desire for revenge, Russian lust for conquest, and England's "policy of encirclement" and desire for supreme world power. He insisted on Germany's readiness for peace; quoted Briand's recent speech that France wished guarantees for the future and a peace which would make possible international agreements and stated that Germany wanted these also. In conclusion he spoke in general terms about more extensive participation by the people as a whole in the conduct of the Government more in accordance with the manner in which the whole people had assisted in the defense of the country. He said that though Germany had had serious losses in men and materials on the west front and that it was expected that a few other villages would be lost, the Allies would never break through.

Following the Chancellor's speech a motion of the Center (both the same) Party to postpone the discussion, in full session, of the speech and the foreign policy to Thursday, and to discuss certain aspects of both in secret committees, was adopted by a large majority receiving the support of the regular wing of the Socialists. The Socialist Labor wing moved that the discussion take place at once, but received no support from the rest of the House.

In his opening address the President of the Reichstag laid great stress upon the importance of the arrival in America of the submarine ships of commerce *Deutschland* and *Bremen*.

GREW

[For a statement that the Chancellor and his opponents had agreed to drop the submarine issue for the present in order "to avoid embarrassing the President, should he desire to act on the matter dealt with in the Ambassador's highly confidential telegram 4375,<sup>1</sup> September 23, 5 p. m. [25, 7 p. m.]," see telegram No. 4439, October 7, 1916, received October 8, from the Chargé in Germany, *post*, page 293.]

File No. 763.72119/175

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 11, 1916, 7 p. m.

[Received October 12, 8.30 a. m.]

5001. The following is confidential for the Secretary and the President only:

I gather from the feeling about German peace proposals [impression?] coinciding with my verbal report to you. Lloyd George interview is a restrained expression of governmental and public opinion.

Howard of United Press has shown me his telegram to his associates in New York which they were instructed to show to House. His opinion is that Germans do not expect peace yet, but they are willing that President should be rebuffed by British and they wish it to appear to neutral opinion that prolongation of war is caused wholly by British.

Hoover was recently approached by a man in Brussels who has close relations with German Government with request to convey a peace feeler to British Government. Hoover declined.

A prominent German who is an adopted citizen of Belgium was then approached by a close friend of the German Chancellor with Chancellor's request that he visit King of Belgium and induce him to approach Allied Governments. This request was finally got to the King through the Belgian Minister here.

The recent visit of Spanish Minister in Belgium to King of Spain on same errand and King's refusal has now been published in newspapers here. All these facts, and I am informed more of similar kind, are known to British Government who regard them not as sincere effort to bring peace but as material for Germans to use at home and in propaganda in neutral countries to throw onus of continuing war on the Allies.

I venture suggestion that before President presents any German request he have British Government informally answer through routine channels whether they will receive it. If British decline, he can report that fact to Germans. Thus any inquiry can be made without offense to either side.

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<sup>1</sup> *Ante*, p. 55.

File No. 763.72119/176

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *October 11, 1916, 11 a. m.*[Received *October 12, 7 p. m.*]

4458. For Ambassador Gerard: Following is close paraphrase of message which Dr. William Bayard Hale asks me to send you:

I have just seen the gentleman who dined with you recently and an audience has been granted me by an even higher authority. A thorough canvass of the whole situation by these highest personages places me in a position (to say?) that the situation has undergone no change except in a direction altogether favorable to the ideas which you had in mind when you left Berlin.

For the present the Government will easily maintain itself against all attacks. The danger to be feared is that delay will discourage the friends of peace with Anglo-Saxons and deliver them into the hands of the Russian party.

Little concern has been caused by Lloyd George's attack which has been widely reported here. Lloyd George is only one minister. It was probably the growth of peace sentiment in England that provoked his irresponsible outburst. The Chancellor is considering a reply in the Reichstag in which he would probably describe Lloyd George's interview as an insult both in phraseology and content to the President of the United States, the Pope, and the neutral nations of Europe represented by the King of Spain.

Through my wife's connections with the Czar and the Grand Duke of Hessen, I have the strongest private ground for believing that the suggestion which you convey will be favorably entertained by the highest possible authority in Russia. The Czar Nicholas will positively refuse to disown his child. The Hague convention of 1907, Article 3, Title 2, declared "the exercise of this right can never be considered by either of the parties in litigation as an unfriendly act." Such a possibility will be welcomed by Russian officials, especially in view of the recent German successes in Roumania which, according to the War Office, will be greatly enhanced by reports to be made public shortly.

It is believed here that France would gladly follow Russia's lead. I, myself, believe this but can adduce no quotable authority.

I request with very special reason indeed, which it is unnecessary to cable, that the President be shown the exact language of the memoranda submitted by me.

All the authorities here disclaim the slightest sense of discouragement and express a determination to fight to the end. It is the simple fact that I have dragged these concessions out of [Germany?]. Psychological moment is the present. If it passes unseized, I fear that we shall all be involved in this tragedy. By seizing it, Mr. Wilson and you would earn an immortal place in history.

The contents of this dispatch are totally unknown to any soul in Germany.

BAYARD HALE

GREW

File No. 763.72/2941

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *October 12, 1916.*[Received *October 14, 8.15 a. m.*]

4471. In yesterday's open sitting Reichstag lengthened present session to January 1917. Verbal report of budget committee stated topics discussed which included Roumania, Greece, and particularly

submarine question, in which it was stated unity had not been reached and recommendation adopted that discussion in open Reichstag should not take place, by vote of 24 to 4 of which, I learn, 3 were Conservative and 1 Socialist Labor. Speaker of Catholics confirmed words of Chancellor that England was bitterest enemy and left it to Chancellor to furnish further information in submarine question whenever he thought best.

Socialist representative spoke against annexations and said coming peace must be based on principle that what was Belgian and French must remain so, and what was German must remain German. Military government and censorship had fully broken down and were unfairly used. Fear of new bearings (*neu Orientierung*) in politics was real reason for attacks against the Chancellor, time for middle course was past, and a government was wanted which would organize all defensive forces and work continually for peace, the people must be confirmed in its trust, that it is fighting for its own and for nothing else; such a government would assure Germany an early and honorable peace; therefore a responsible ministry for the Empire and security of principle that Chancellor must be in agreement with Reichstag was wanted. By such a people's government foreign countries would recognize that German people ready to conclude honorable peace, but also to defend former position with last drop of blood.

National Liberal speaker referred to Skagerrak battle as sign of spirit of Tirpitz; submarines had now crossed the ocean but would be bound by instructions; Germany's declarations of readiness for peace taken only as sign of weakness; peace only obtainable from a beaten enemy; destruction of Germany is England's war goal and words of Chancellor that all methods for really shortening the war [must be retained?] is also opinion of National Liberals; question of annexations not gone into but speaker referred to words of Chancellor of May 1915, regarding safeguards and guarantees; his party against attacks on Chancellor but wishes to call attention attacks on Tirpitz; censorship should be raised.

Speaker of People's Progressive Party said commercial unity of Central powers would not be [to] detriment of outside world; desire for peace in all peoples now same as in former wars; question of internal reforms could be left until after war, since they would then be absolutely certain and idea unthinkable that people would return from trenches prepared to go back to former conditions.

Conservative speaker said that Conservative Party had been convinced by developments that their belief was correct that introduction of unlimited submarine warfare absolutely necessary but in public interest he would refrain from giving reasons, also said Germany must hold all land won so long as might be necessary; he said people more and more certain that England the chief enemy and then defended Tirpitz against attacks; expressed fears that new Liberal movement was blow at Monarchy.

Socialist Labor speaker declared against reckless submarine warfare, and said rules of international law held for submarines, and that remains of international law must be preserved, and that examination of all available material had shown reckless submarine warfare

would lengthen rather than shorten war. A second socialistic speaker said question of use of methods in war a practical one and that reckless use of submarine would lengthen war; coming peace must maintain Germany's political position and assure commercial development; "new political bearings" demand at least measure of constitutionality existing in Scandinavian countries as against absolute or half-absolute monarchy desired by Conservatives; men from trenches must be treated differently than before the war.

Debate on foreign affairs was ended, and discussion of motion to have budget commission consider foreign affairs when Reichstag not in session to be taken up to-day.

GREW

File No. 763.72/2943

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, October 13, 1916, 1 p. m.

[Received October 14, 12 noon.]

Revolutionists now in complete control of every public office in Saloniki. Belligerent consuls visited Provisional President. If Provisional Government remains here it is presumed that the Consulate may deal with it informally and unofficially when necessary, pending further instructions.

AMERICAN CONSUL

*The Acting Secretary of State to the Consul at Saloniki (Kehl)*

[Telegram]

WASHINGTON, October 21, 1916, 5 p. m.

You may deal informally and unofficially with Provisional authorities if it becomes necessary. Press reports indicate that Provisional authorities claim that you have recognized their government. In view of this statement greatest care and discretion imperative in official and private intercourse with them.

POLK

File No. 763.72/2981

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, October 24, 1916, 5 p. m.

[Received October 25, 12.30 p. m.]

Your October 21, 5 p. m. Shall act in accordance with my telegram of October 13, 1 p. m. Minister of Finance Provisional authorities has written that he considered Consulate's relations informal and unofficial, and expressed intention of asking Government of United States for official recognition in near future.

AMERICAN CONSUL

File No. 862.00/34

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4349

BERLIN, October 17, 1916.

[Received November 6.]

SIR: I have the honor to submit to you herewith, as of possible interest, a report on the recent progress in Germany of what is called the *neu Orientierung*, a movement tending towards greater liberalism in the internal affairs of the country and in the Government.

There is no very adequate English translation of the phrase *neu Orientierung*. As it is used in current discussion it means "new political bearings." By process of association it indicates greater liberalism in Germany. It was used several years ago when an attempt was made to change the three-class voting system in Prussia, which is the bulwark behind which the Conservatives retain their control of the Prussian Landtag and without which they would sink to the minority position they represent in the Reichstag. That attempt at liberalization failed, after a bitter party fight, and with it failed the most serious attempt, previous to the war, at attaining anything which may be included in the rather vague term *neu Orientierung*.

Since the outbreak of the war, particularly in the last few months, there has been a steadily growing agitation in the liberal press of Germany for greater popular power after the war. The Socialist papers, which have always demanded radical changes, have continued to do so, and they have now been joined by influential papers of moderate and liberal hue. Chief among these is the *Berliner Tageblatt* which prints almost daily attacks against the Conservatives for their stolidity in the face of changed conditions and for their fear of the coming *neu Orientierung* which the *Tageblatt* demands as the right of a people which has shown itself worthy of greater power by its behavior in the face of the national enemy. The *Frankfurter Zeitung* and also the *Kölnische Zeitung*—two of the best, most widely read, and most important newspapers in Germany—are also influential supporters of the *neu Orientierung*.

Under the changes which the *neu Orientierung* will mean, there are one or two which are taken for granted on all sides. These are:

(1) A radical change in the Prussian electoral laws, away from the three-class voting system and in the direction of, if not quite including, universal suffrage.

(2) A redistribution of the electoral districts for the Reichstag, which have not been changed since they were created in 1871, and which favor the country districts at the expense of the urban districts and result in a far larger Conservative and National Liberal representation and a far smaller radical and Socialist representation than would exist with a fair distribution of seats. (It has even been estimated that the Socialists would have won a clear majority in the Reichstag at the last—1912—elections, if the electoral districts were distributed on an equal basis, according to population.)

(3) Better treatment of the Poles, Danes, and Alsations within the German Empire, with consideration for their national feelings.

(4) Greater chances of free education for the poorer classes.

(5) Removal of certain disabilities from certain groups of classes, such as that a Socialist cannot acquire the title of "Professor" or become an officer in the army or navy; and that a Jew cannot become an officer. (During the present war hundreds of Jews and several Socialists have already become officers.) Under this same head may be classed the demand that all higher positions under the Government be made easier of attainment to the meritorious, instead of being open only to those of certain social classes.

Aside from these generally understood results of a *neu Orientierung*, the Socialists believe that it must include a parliamentary government with a chancellor responsible to the Reichstag—and this belief is no longer confined to the Socialist and Progressive groups. In general, the promise of greater liberalism, in the internal arrangements of the Empire, is without a definite program, and the extent and degree of enthusiasm for the *neu Orientierung* depends largely upon each individual.

The exact attitude of the Chancellor and of the rest of the German Government in the matter is unknown. In his speech in the Reichstag, on September 28, Bethmann-Hollweg made reference to the *neu Orientierung* when he said that, after the war, there must be *freie Bahn für alle Tüchtigen* (a free path for all the capable) and this was the subject of much discussion in the great debate of October 11, in plenum, following the report on the proceedings in the budget committee; and in the utterances to which it gave rise—for all the speakers dwelt upon it—a large part of the Chancellor's victory lay. Before the opening of the debate it was known that the budget committee had recommended, by a vote of 24 to 4, that the U-boat question should not be discussed (compare my despatch No. 4322 of today's date<sup>1</sup>); it was, accordingly, considered as temporarily shelved—wherein lay also a tentative victory for the Chancellor—in spite of the statement of the Conservative and Socialist Labor representatives in the budget committee that their speakers would not be bound by the recommendation. In the debate, therefore, the issue of internal reforms was discussed at greater length than the submarine issue; the Chancellor had given his vague endorsement to the *neu Orientierung* (which I have quoted above) and, with reference to this, every speaker except the Conservative stated the more or less enthusiastic adhesion of his party to the idea; even the Conservative raised no protest, merely voicing the fears of his party lest any coming changes might endanger the monarchical principle.

The Catholic speaker was satisfied with quoting the Chancellor's somewhat cryptic utterance, and reminded him that Catholics also had a right to greater consideration than they had received.

The Socialist, Scheidemann, after demanding a parliamentary form of government and the rule of the people with a chancellor responsible to the Reichstag, ended his speech with the words: "What we demand as representatives of the people is only our duty; we live in the time of great decisions and of deep-cutting changes; therefore let not prayer of to-day become the accusation of to-morrow. One people, one goal; peace and freedom."

<sup>1</sup>The despatch referred to was dated October 16. See *post*, p. 300.



Even the National Liberal speaker said he agreed with Scheidemann in regard to the *neu Orientierung* and "that those who do not wish it should fight it with vizors open"; and that this party desired it in many things and "the German people after the war will demand, with justice, the removal of certain former barriers."

The Progressive People's Party stood for parliamentary institutions previous to the war, but Naumann's speech on behalf of that party had a remarkable undercurrent of popular feeling which found response in the intensity of his audience's attention when he said that though the *neu Orientierung* could not come during the war, "When the war is over it must come of itself; no one believes that when the millions return everything will remain exactly as it was formerly. He who has served at the front cannot be degraded in his national rights."

The speaker of the "German Fraction" said: "My friends are also of the opinion that the severe wounds which the Fatherland has suffered in the World War can only be healed if a free path is assured to all who are capable."

The Socialistic Labor representative demanded immediate radical reforms for the benefit of the people, and Doctor David, a second Socialist speaker, said that at least the same amount of constitutionalism must be demanded as the Scandinavian countries enjoyed. "This war has shown," he said, "that such wars cannot be carried on without a highly developed industrial laboring class to which it dare not be said, 'You have done gallantly, now you may go.' That might well lead to catastrophe."

The evident spirit of real popular enthusiasm inspiring the speeches of Naumann, Scheidemann, and David was the undercurrent of the whole sitting, and the Conservatives were plainly discomforted by it and out of their element. There is a well-defined belief in some circles that the Conservatives are using the issue of ruthless submarineism only in order to make propaganda against the Chancellor of whom they want to be rid, as being too liberal at heart and in favor of the *neu Orientierung*, which would do much to end their influence in the Empire, particularly in Prussia. If this theory is true, the measure of the fear with which the Conservatives regard the coming order of things is indicated by the desperate means they are willing to adopt to bring about Bethmann-Hollweg's fall—wherein they see their only chance of retaining their influence.

And there is heresy within their ranks. The same group of moderates which has supported the Chancellor in his submarine policy and which is against a Russian peace is also for the *neu Orientierung*, and this group includes many Conservatives of influence, among them Prof. Hans Delbrück, Clemens Delbrück, formerly Vice Chancellor, ex-Secretary for the Colonies, Dernburg, and others. Professor Delbrück was against the change in Prussian electoral laws, a change which he now openly favors in addition to a parliamentary régime. Within this group Conservatives, National Liberals, and Socialists are working together for a real program of liberalism. These Conservatives are more the intellectuals as opposed to the agrarians or Junkers who, however, have nearly all the seats of the party in the Reichstag. But many of the intellectuals have great influence and they are now making this felt.

In this connection it is interesting to note that this party of moderates, which favors greater liberalism in internal affairs, favors also a *rapprochement* with England, generally speaking, and fears a separate peace with Russia. They have, perhaps, been disappointed that there has been no apparent echo in England to their endeavor to liberalize Germany and to conciliate England, and this makes their position within Germany weaker. Almost the same line divides those desiring the Chancellor's fall and the resumption of the reckless submarine warfare from those opposed, as divides those wishing a Russian peace and those favoring an English peace; and this same line separates the opponents of, and those favoring, the *neu Orientierung*.

I have [etc.]

J. C. GREW

File No. 763.72119/179

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 10, 1916, 10 p. m.

[Received November 12, 9.45 p. m.]

4889. The Chancellor before the Reichstag budget committee yesterday took up Grey's statement that too much stress could not be laid on the origin of the war as influencing peace negotiations. He stated that Germany was fighting a defensive war because Russia mobilized first, supporting this statement by a careful survey of official and unofficial diplomatic documents and negotiations, one of which has not been published previously. In this connection he asserted: "We have no reason to fear a tribunal."

He also lays some of the blame on England for stiffening the backs of France and Russia at the critical moment.

With regard to an international league for the preservation of peace he said: "Germany is at all times prepared to join a union of peoples to hold disturbers of peace in check."

He also said that the intentions of Germany's enemies in regard to certain annexations after the war is incompatible with a workable international league of peace, whereas he, in discussing Germany's aims, had never indicated that the annexation of Belgium had been the Government's aim.

GREW

File No. 763.72119/181

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 17, 1916, midnight.

[Received November 18, 5 p. m.]

4614. Importance is to be attached to peace interview with Chancellor cabled by William Bayard Hale to New York *American*, as he informs me it has been sanctioned by highest authority. Please inform Mr. Gerard. I learn in strictest confidence that recent Austrian deputation to Berlin expressed Austria's desire to avoid peace suggestions until Roumania shall have been defeated, but that German Govern-

ment is not in accord with this wish. The Chancellor's interview with Hale is said to be in the nature of an informal suggestion to the President, whose response is awaited with eagerness. There has recently been a marked increase of peace talk and sentiment in Berlin extending to practically all parties.

GREW

File No. 763.72119/8291

*Memorandum dictated by the Counselor of the British Embassy (Barclay) in the Office of the Assistant Secretary of State (Osborne)*

WASHINGTON, November 19, 1916.

Since early in October hints have been thrown out by the Austrian Minister at The Hague, through third parties, that Austria would be prepared to negotiate peace on the following terms:

1. Northern France and Belgium to be evacuated;
2. Serbia to be restored to her condition prior to 1912, and possibly to receive other divisions;
3. Formation of General Peace League founded on disarmament;
4. Questions relating to Italy, Russia, and Alsace-Lorraine to be discussed subsequently.

Hitherto these advances, which were invariably made through unofficial channels, were ignored by the British Government, but some days ago the British Minister at The Hague learned that the proposals of the Austrian Government, such as they were, would only hold good until November 20, after which date the Austrian Minister was to request further instructions.

The British Government, in the belief that this would appear to indicate that the Austrian Government regarded their own attitude as something more than a feeler, have accordingly sent the following instruction to the British Minister at The Hague:

In case you should consider serious the advances of the Austrian Minister, you may have conveyed to him similar reply to that given to German advances made through Madrid: that if the Austro-Hungarian Government wishes to make any communication to the British Government as regards peace, the latter will be prepared to receive it and to discuss it with their allies.

[File copy not signed]

File No. 763.72119/182

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, November 20, 1916, 12 noon.

[Received 6 p. m.]

435. *Basler National Zeitung* publishes leading article to the effect that it is informed from trustworthy diplomatic source that the United States Government is about to take steps to bring about peace. The first step would be a call for conference of belligerent and neutral powers, to be held in the United States or in one of the

neutral countries of Europe. The article states that Germany is willing to evacuate northern France and all of occupied Belgium on condition that group of neutral powers guarantee Belgium's future neutrality. This article is much commented on here and has caused a recrudescence of peace articles in the Swiss press.

Article is undoubtedly inspired by German propaganda here and is intended as *ballon d'essai*. Swiss Political Department informs me that it has no knowledge of neutral peace move, but that Sweden had proposed joint action by neutrals to enforce certain neutral rights including protection of neutral vessels from illegal submarine attacks and unwarranted interference with mails between neutral countries.

STOVALL

File No. 763.72119/183

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, November 20, 1916, 4 p. m.

[Received November 21, 11.05 a. m.]

1539. Vienna press commenting extensively on telegraphic press reports that the President contemplates inviting at early date representatives of belligerent powers to a preliminary peace conference where all parties shall present minimum demands to lay foundation for final peace conference, but no cessation of hostilities during preliminary conference. Press giving prominence to discussions of this report but maintaining position reserve. Governmental attitude not indicated.

Following summary of *Neue Freie Presse*:

*Seventeenth*

If the United States, in view of possible difficulties with Japan and Mexico, needs peace in Europe, England's wishes cannot be so potent as to cause the President to forego an effort to [satisfy] American aims. America desires peace in Europe, not on Europe's account but in her own interest. America can impose her wishes on London, since munitions and loans are indispensable to England.

*Eighteenth*

The peace plan of President Wilson occupies public opinion in Budapest. Member of Hungarian Parliament states that the initiative of Wilson will be greeted joyfully by every one here, for we certainly desire an honorable peace. It can surely not be supposed that Wilson's project will be shattered by the Central powers, which have given so many proofs of their wish to avoid further purposeless shedding of blood.

A member of Hungarian delegation states that America had the duty to offer its good offices to effect an understanding between the belligerents. It was pleased, however, to reap financial profit and maintain a one-sided neutrality. If the present report proves true, we must rejoice, for even if it should not bring peace or an armistice, it would at least encourage the hope that the United States might at least assume a position of honest and unbiased neutrality.

Following from *Arbeiter Zeitung*, eliminated by censor 17th, but published 19th:

Each belligerent nation can accept Wilson's invitation without appearing to be at end of its resources. We greatly desire that Wilson may not be dismayed by the difficulty of his task, that conscious of the longing of humanity he may attack the work courageously.

PENFIELD

File No. 763.72119/184

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 20, 1916, 7 p. m.

[Received November 21, 4.50 p. m.]

4626. Referring to my telegram 4614,<sup>1</sup> November 17. Hale's cablegram has been unexpectedly delayed owing to the Chancellor's departure for General Headquarters but he expects to be able to send it within a few days.

GREW

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 22, 1916, 8 p. m.

3606. Your 4626, November 20, 7 p. m. Make every endeavor to secure and telegraph Chancellor's statement to Hale. German Embassy endeavoring to prevent publication here, and Hale cablegram may now be held up by German censor.

LANSING

File No. 124.683/5

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, November 23, 1916, 8 a. m.

[Received 9.30 a. m.]

186. Austro-Hungarian Minister, Bulgarian, and Turkish left today. Have assumed charge their national interests in Greece. Referring to my telegram 185,<sup>2</sup> after examination work accountant probably not needed, but capable stenographer-typewriter urgently requested.

DROPPERS

File No. 763.72/3026

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 23, 1916, 2 p. m.

[Received November 24, 4.30 p. m.]

4639. Press summary. The retirement of Von Jagow has evoked a great deal of criticism, for the most part unkind, of his activities. The consensus of opinion is that although he was an excellent Ambassador, he lacked most of the necessary qualifications of a minister of foreign affairs. It is intimated that conflicts with other departments

<sup>1</sup> Ante, p. 64.<sup>2</sup> Not printed.

of the Government hastened his resignation. The promotion of Zimmermann is generally welcomed. Count Reventlow expects a great deal of this forceful personality.

GREW

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File No. 763.72115/2573

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *November 22, 1916, 10 p. m.*

[*Received November 24, 10 p. m.*]

4636. Referring to my 4635, November 22, 7 p. m.<sup>1</sup> In my interview with the Chancellor this afternoon regarding Belgian enforced labor, which lasted for nearly an hour, he first listened to my informal representations, taking notes of the various suggested points of amelioration, which he promised to answer within a few days, and then gave a general statement of the reasons which had caused the adoption of the policy, namely, that there were 600,000 unemployed in Belgium who were a source of concern to the German authorities, and that since England had prevented the importation of raw material, there was no sufficient industry to occupy these unemployed, in their own country. He stated that his attitude coincided in principle with that of Governor General von Bissing, as expressed in the latter's interview with the correspondent of the *New York Times* cabled to that paper about November 14.

After expressing his appreciation of American relief work in Belgium, the Chancellor immediately turned the conversation towards the question of peace, first emphasizing informal and unobjectionable [?] nature of his remarks. He said that this question of Belgian enforced labor would never have arisen if his suggestions that Germany desired peace, expressed in the Reichstag last December, almost a year ago, and repeated since then to Mr. Gerard, Colonel House, and in various speeches and interviews, had been taken up abroad. England and France had replied that this was no time to talk of peace. He said that it was not true, as stated in England and France, that he had made conditions. If his suggestions that Germany wanted peace should be continually ignored, Germany would be forced in self-defense to adopt hard measures, but this would not be Germany's fault. Germany had been ready for peace for a year and was therefore not guilty of the continued slaughter. This he repeated several times in different words. He said: "What do these difficulties in Belgium matter compared to the hecatomb of lives lost on the Somme since last July?"

He then asked me about sentiment in America and told me that thinking men in Germany were pleased at President Wilson's reelection. I spoke about the concern that the submarine warfare was causing in the United States, to which he replied emphatically that no change of policy was contemplated by the German Government, that the Admiralty had no intention whatever of violating the as-

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<sup>1</sup> *Post*, p. 866.

surances given to our Government last spring, and that the strictest possible orders had been issued by the Emperor himself that these assurances should be respected. On my mentioning the case of the *Marina* and other cases of apparently illegitimate sinkings, he said that the very nature of war must necessarily involve occasional exceptions and accidents, but he touched only on the case of the *Arabia*, which he said he understood was carrying troops, to which I said I had been informed that there were women and children passengers on board. In this connection he spoke with bitterness of the useless slaughter of women and children by bombs from French aeroplanes dropped in Karlsruhe, Munich, and other unfortified places, which slaughter the French themselves had doubtless not wished or intended. He then went on to speak of the opposition of jingo newspapers and politicians with which he had to contend in Germany.

During all of this talk I avoided argument. The Chancellor gave an impression of great weariness and sadness and discouragement at the failure of his peace suggestions to bear fruit, and I could not fail to feel, although not directly expressed, his clearly intimated disappointment that the United States had not taken steps leading towards peace.

GREW

File No. 763.72119/185

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 25, 1916, 3 p. m.

[Received November 27, 8.15 a. m.]

4652. Department's 3606, November 22.<sup>1</sup> Hale informs me that in view of recent developments such as the death of the Austrian Emperor, the changes in the Foreign Office, and the establishment of the auxiliary Government service, the Chancellor has now decided that it would be preferable to base the interview primarily on those developments, and thus avoid approaching the subject of peace directly, though bringing it into the interview indirectly. Hale states that he placed the new draft in the Chancellor's hands yesterday for approval. I am in possession of the text of the original interview, but in view of the new developments in the matter and as the original interview cannot now be regarded as authentic or as the Chancellor's own utterance, I presume that the Department will desire me to cable only the revised text if and when it shall have been approved by the Chancellor. Please inform me whether it is desired that I use the special code in cabling the revised interview, and whether it should be paraphrased.

For the Department's information I quote below a few disconnected excerpts from the more significant portions of the unrevised text of the original interview, which, as I say, cannot now be regarded as definitely approved.

Do you think, Mr. Hale, it is possible that your countrymen think that the German people alone remain untouched by the electric vibrations of the idea

<sup>1</sup> *Ante*, p. 67.

of peace which throb in the air, surcharged with the agonies of 30 months of bloody conflict?

Surely no one who knows anything of the German character, of German history, or of German ideals, can doubt the sincerity with which, on purely unselfish grounds, we desire to see brought to an end this conflict so disastrous to all western civilization.

The mandate which continues Mr. Wilson in the high office which he has discharged through four most difficult years seems to be interpreted by some, at least, of your public men as a proposal of the initiation of a program of peace.

We Germans neither invite it nor should we resent it.

The question of peace lies with the enemies of the allied Central powers of Europe, whose only desire and firm determination is to defeat the conspiracy which would crush their national existence.

If you ask me the definite question of Belgium, I will remind you that in no utterance of mine have you ever read that the retention of Belgium was a principle of German policy.

If you inquire our views respecting a world tribunal to enforce peace, I answer that world peace is and has ever been a German ideal and that we should hail with joy any practical plan that would reasonably promise to insure it.

If I say these things it is not because of any doubt, indecision, or weakness.

While the will of the German people grows even more resolute to carry the struggle on to any length necessary to the complete vindication of our national integrity and destiny, it has ever been and is now our desire to resume the amicable [exertions] of peace as soon as we are allowed to do so.

I beg that these disconnected excerpts may be regarded by the Department as strictly confidential and not given out either textually or in substance for publication, as the memorandum was given me in confidence and as it does not represent the official position of the Chancellor, since he has recalled the original interview with Hale.

GREW

File No. 763.72/3031

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, November 24, 1916, 7 p. m.

[Received November 29, 8.10 a. m.]

The Provisional Government of Greece, Saloniki, declares war on Bulgaria and Germany as from to-day.

AMERICAN CONSUL

**INTIMATION TO GERMANY, NOVEMBER 29, 1916, OF THE PRESIDENT'S WILLINGNESS TO EXTEND GOOD OFFICES IF SUBMARINE SINKINGS AND BELGIAN DEPORTATIONS CEASE—THE CONTEST IN GREECE**

File No. 763.72115/3101A

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 29, 1916, 3 p. m.

3621. You are instructed to obtain as soon as possible an interview with the Chancellor and repeat verbatim to him the following:



The Government of the United States has learned with the greatest concern and regret of the policy of the German Government to deport from Belgium a portion of the civilian population for the purpose of forcing them to labor in Germany, and is constrained to protest in a friendly spirit, but most solemnly, against this action, which is in contravention of all precedent and of those humane principles of international practice which have long been accepted and followed by civilized nations in their treatment of non-combatants in conquered territory. Furthermore the Government of the United States is convinced that the effect of this policy, if pursued, will in all probability be fatal to the Belgian relief work, so humanely planned and so successfully carried out, a result which would be generally deplored and which, it is assumed, would seriously embarrass the German Government.

You will also leave a copy in writing of the foregoing with the Chancellor.

You will please represent to the Chancellor, confidentially and very earnestly, the very serious unfavorable reaction in the public opinion of this country caused by the Belgian deportations at a time when that opinion was more nearly approaching a balance of judgments as to the issues of the war than ever before; and also, and more particularly, the great embarrassment which that reaction has caused the President in regard to taking steps looking towards peace. You are authorized to say that the President is watching the whole situation with the utmost solicitude, having the desire and definite purpose to be of service in that great matter at the earliest possible moment, and has been repeatedly distressed to have his hopes frustrated and his occasion destroyed by such unhappy incidents as the sinking of the *Marina* and the *Arabia* and the Belgian deportations. You are also authorized to say that the President has noted with the deepest interest your report in a recent despatch of the evident distress and disappointment of the Chancellor that nothing had come of his intimations about peace, and that what the President is now earnestly desiring is practical cooperation on the part of the German authorities in creating a favorable opportunity for some affirmative action by him in the interest of an early restoration of peace.

LANSING

File No. 763.72119/187

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 28, 1916, 6 p. m.

[Received November 30, 11.10 a. m.]

4662. Referring [to] my 4652,<sup>1</sup> November 25, to which a reply has not yet been received from the Department, I have now obtained from Hale the revised text of his interview with the Chancellor which he informed me was finally approved by the Chancellor this afternoon, after having been revised five times, and now definitely released for telegraphing to the United States. Hale informs me he believes that the interview has passed the censor and will be forwarded to-day, but as I cannot make sure of this, and in view of the information contained in the Department's 3606, November 22,<sup>2</sup> it seems to me unsafe to send it in the blue code, and in the absence

<sup>1</sup> *Ante*, p. 69.

<sup>2</sup> *Ante*, p. 67.

of advice from the Department I am therefore cabling it in the green code as below, after having slightly paraphrased the text. The sense or essential parts have not been altered.

To-day I had the honor of being received by the Imperial Chancellor. It was an external picture of the sternness of life that met my eyes when I looked out of the garden windows of the historic palace in the Wilhelmstrasse, the bare branches of the elms outlined against the bleak November sky, but everything was cheer, confidence, and courage inside this workshop of the chief executive of His Majesty the German Emperor and the German people who celebrate his sixtieth birthday to-morrow. The gigantic frame of Herr von Bethmann-Hollweg moved about the room, and his alert and swiftly glancing eye, quietly grasping each new turn of events and controlling Germany's interests in all their endlessly diversified ramifications, was a symbol of the German Fatherland's ever-present watchfulness and unconquerable vitality.

The outside world's wintry aspect was responsive to the topic which at the moment was naturally uppermost in the Chancellor's mind—the death of Emperor Franz Joseph of Austria. Musingly, it seemed, Mr. von Bethmann-Hollweg remarked with deliberation:

The departure from earth of the illustrious and historic personage whose life has exceeded, and whose rule over the destinies of the peoples of Austria-Hungary has nearly spanned the biblical three score years and ten, seems like a mighty change fallen upon the consciousness of Europe.

There is scarcely a parallel in history for the extraordinary career of this monarch whose rule extended from the eventful year 1848 to the present hour of tragedy. He was occupied in receiving despatches up to the middle of the afternoon of the eve of his death, and it was not until he had ordered that he be called at his accustomed hour of 3 o'clock in the morning, retired to rest. Such devotion to high duty has rarely been equaled in human history for the emulation of mankind. Possibly you may match somewhere among the documents and monuments which record the rule of the sovereignties of the earth the story of this great and dearly beloved monarch, but I hardly know where this would be.

The passage to the successor who now ascends to the thrones of Austria-Hungary nevertheless means merely the handing over to younger hands of the identical firmness of purpose and determination with which our friends and faithful allies have been imbued since the outbreak of the war under the glorious reign of Franz Joseph. The people of Austria-Hungary form a unit, firm in purpose and will, determined, actuated by one common impulse to vindicate their destiny of empire, and under their new leadership, as under the old, they will stand shoulder to shoulder with the German people and our gallant and faithful Turkish allies, everywhere steadfast.

The Chancellor remarked, in reply to my suggestion that the retirement of Mr. von Jagow and the succession of Mr. Zimmermann to the office of Secretary of State for Foreign Affairs would of course attract attention in the United States:

The loss of the services of the devoted, talented, and distinguished Von Jagow is contemplated by us with sincere sorrow. You know yourself that on account of the acuteness of his ailment he has for some months been anxious to retire so that his health may be restored. He is entitled to the relief which his health imperatively demands by his long and signal services to his country. It is only natural that Mr. Zimmermann should succeed him; he has been the close and constant associate of the Secretary for the past three years and a half; the meaning of his promotion is that his indomitable energy, his proven sagacity, and his clearness of vision will be applied to the carrying on of the identical policies with which his predecessor was occupied.

Here it should be explained that the Secretary is the executive of the Chancellor who himself is the German Minister of Foreign Affairs.

I said: "It is too bad that the historic speech of your excellency on November 9 apparently has not been reported as it should have been in the United States; all available newspaper space having been taken up on account of the uncertainty then surrounding the result of the presidential elections."

The fact that a document of such importance had not been published in full in the United States caused the Chancellor to show some surprise. He asked: "For what reason is it your opinion that the American people would have evinced any particular interest in anything I said at that time?"

"My belief is, indeed, that my countrymen would attach the greatest possible interest to your declarations, particularly the acceptance by you of the idea of a world tribunal to enforce peace."

The Chancellor stepped over to his desk under a great window, and selecting a number of sheets from a file of documents said: "These are the words I used. But perhaps it would be better for me to read to you declarations made by the responsible heads of three great powers—the United States, Germany, and England—instead of quoting my own declaration by itself. Here is the first of them," and the Chancellor read:

(1) When with the close of the war the dreadful destruction of manhood and property comes home to human consciousness, mankind will cry out for peace arrangements and understandings which so far as lies within human power will make impossible a repetition of this lamentable catastrophe. This cry will be so loud and so just that it must lead to some result. My country will honestly cooperate in any endeavor in the study of any plan promising a practical solution. We are prepared at any time to join a league of nations such as might hold in check all disturbers of the world's peace.

With this declaration you might associate these which I will read to you:

(2) The prize which the world will purchase, and surely hold in the years to come, will be protection for the weak, supremacy of right over force, and free development under equal conditions, and each in accordance with its own genius, of all the states great or small that make up the family of civilized mankind. And

(3) When the war comes to an end, we shall be concerned to see peace assume an aspect of permanence, give promise of days from which the anxiety of uncertainty shall be lifted. Only when the great nations of the world have reached some sort of agreement as to what they hold to be fundamental to their common interest, and as to some feasible method of acting in concert when any nation or group of nations seeks to disturb those fundamental things, can we feel that civilization is at last in the way of justifying its existence. The nations of the world must in some way bind themselves together to see that right prevails as against any sort of selfish aggression.

Of these utterances one is from a speech by President Wilson, another is from a speech by Mr. Asquith, the British Premier, and the third is from one of my speeches before the Reichstag. I am curious to know whether anyone not acquainted with the documents could tell which one of us said which. You try it.

Once I was successful in answering the old examination question at Oxford, "Who pursued whom around the walls of what how many times?" but the Chancellor's puzzle was too much for me.

I brought some of the comment on the Chancellor's speech, made by the English press, to his attention. The Chancellor remarked:

It would almost appear from my first glance at these comments that an intimation had been directed to them to misinterpret deliberately my words concerning Germany's readiness to join in, even to put herself at the head of, a league of peace, as if those words of mine concealed some reprehensible and wicked political aspiration. Now what do you suppose is at the bottom of this curiously unanimous chorus of English misinterpretation and disparagement against what obviously was nothing but a sincere and enthusiastic declaration of Germany's readiness to cooperate in the preservation of the peace of the world?

The subject of the epoch-making measure which is to be introduced in the Reichstag to-morrow, incorporating the entire strength of the manhood of Germany between the ages of 17 and 60 into the direct service of the country was then taken up by us. The Chancellor remarked:

I suppose there never has been a mobilization of national energy on so great a scale. You see, the German people are absolutely determined to carry this war through, and in this resolve we are summoning the whole power of a united people.

However gigantic the scope and certain the result of this resolution, it nevertheless should not be interpreted as a repudiation in any sense of my words of November 9, or of the sentiments which during more than a year I have been expressing in the name of the German Government and people. We have declared again and again our willingness to enter into negotiations of peace. Our expressions have never been responded to. They have even been represented in some quarters as dictated by weakness and fear. The events of the past year surely suffice to demonstrate that we did not a year ago speak out of weakness or fear, just as the events of the twelve months to come will demonstrate that we are obeying the simple dictates of humanity and not of apprehension, if we still adhere to our willingness to consider a cessation of the struggle.

I speak utterly without concern over the ultimate issue of the struggle, however prolonged it may be, but under a solemn consciousness of the sanctity of the flame of life, lit from on high, and not lightly to be extinguished by human misunderstandings, to discontinue which common counsel might avail.

Mr. von Bethmann-Hollweg continued, shrugging his great shoulders:

But of course if our enemies are obdurate and elect to continue their hopeless endeavor, we can only continue to make them pay the bitter price of their folly. Resolute and undaunted is the German soul. The billows of attack break in vain against our firm far-reaching lines. There is nothing to affright us in any quarter. We embark to-morrow upon an epoch of defense, the magnitude of which is staggering. And yet, while the will of the German people grows even more determined to carry the struggle on to any length which may be necessary to the complete vindication of our national integrity and destiny, our desire now is, and has ever been, to resume the amicable exertions of peace as soon as we are allowed to do this.

BAYARD HALE

GREW

File No. 124.71/4

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, November 25, 1916, 9 a. m.

[Received November 30, 11.15 a. m.]

384. The diplomatic corps, as well as Roumanian Court and Government officials, are leaving for Jassy this evening where the seat of Roumanian Government has been removed. I am remaining in Bucharest and sending Secretary Andrews to Jassy as per Department's telegram dated September 23, 4 p. m.<sup>1</sup> The Bulgarian and German armies have crossed the Danube, and it is expected that they will enter Bucharest within a few days. Conditions are serious and city is in a panic. People leaving by all kinds of conveyances.

Have been requested by British, Russian, Italian, Serbian Ministers to take charge of their interests, and have accepted subject to the approval of Department. Please send third secretary as soon as possible. Please inform my wife my health is fairly good.

VOPICKA

<sup>1</sup> Not printed.

File No. 867.48/476

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, November 28, 1916, 10 a. m.

[Received December 1, 5.30 p. m.]

2288. In conformity with usage here, on 23d instant I presented new military attaché to Sultan, who received us very cordially. During audience His Majesty said he was greatly pleased to learn through papers that American Government was considering taking steps to bring about peace. I replied American people who enjoyed benefits of peace wished to see its conclusion for the sake of humanity. He expressed great admiration for American humanitarian feelings. This gave me opportunity to inform him of the American desire to help sufferers in belligerent countries and the mission of United States ship *Caesar*, so I requested him to give permission and order extension of facilities to Americans who wished to distribute supplies or money to sufferers in Turkey irrespective of race or creed. His Majesty said he quite appreciated humanitarian desires and intentions of Americans.

ELKUS

File No. 763.72119/183

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 30, 1916, 10 a. m.

[Received December 1, 7.30 p. m.]

4670. In sitting of the Reichstag yesterday to discuss national auxiliary service, the Chancellor urged a speedy acceptance of the measure which he said would furnish new strength and so lead to victory and peace. He also spoke of Germany's clear conscience because "we were and are the first and the only ones ready to end the war by a peace assuring our existence and our future" but that "our enemies do not wish peace."

GREW

File No. 763.72111/4297

*The Greek Minister of Foreign Affairs (Zalocostas) to the American Minister in Greece (Droppers)*

[Translation]

ATHENS, November 30, 1916.

[Left at the Department of State by the  
Greek Chargé, December 2.]

MR. MINISTER: From the beginning of the European war, the Hellenic Government, conscious of its duties as a defender of national interests and of its responsibility to the country, had, upon thorough examination of the situation, concluded that Greece should not take part in the sanguinary struggle in which nearly all Europe had just

engaged. The Hellenic Government, while remaining neutral, always had it in view to depart from that policy should it at any time gain the conviction that, no matter how great the sacrifices and dangers, a war would best subserve our national aspirations.

We have unfortunately found it impossible up to this day to obtain the guarantees necessary to save Greece, if she should join in the European conflict, from unavoidable destruction. In remaining neutral, the Hellenic Government had in mind Hellenic interests only, and not, as insistent attempts have been made to represent it, sympathies with one of the two belligerent groups. The geographical situation of Greece, which puts her in more direct contact with one of the two groups of belligerent powers, makes it very difficult strictly to observe her policy, that being the reason why she had to submit to the occupation of her Macedonian provinces by foreign armies and allow the belligerents to use her islands, ports, public buildings, and works of art. Roads and railways have been forcibly occupied; at other places bridges and tunnels worth many millions have been utterly destroyed. At the time when the present Hellenic Government took up the power, an imposing fleet blockaded the entrance to the Salamis Straits, the anchorage of the Greek fleet, and, in spite of our protests and emphatic refusals, we were compelled to order our crews off the ships of the light squadron so as to spare them the grief of surrendering the ships on which, not long ago, they took part in two victorious wars. For about a month the Greek people have been witnessing, in legitimate anguish, the operation of nearly all their public departments, land communications, posts, telegraphs and telephones under foreign supervision. The Greek merchant marine is hampered in its activities by repeated searches and all sorts of restrictions; for a long time past Greece has been permitted to import from abroad only what she strictly needs for food, illumination, and the supply of necessary motive power to her land and sea trade. Quite recently the traditional hospitality of the Greek people was subjected to an encroachment which was deeply resented.

The right of the stronger has been constantly maintained against the legitimate protests of Greece, yet she has heretofore borne everything, exhibiting the perseverance and dignity which small nations possess in the highest degree. But the last demand of the admiral in command of the Entente naval forces in the Mediterranean, calling upon the Hellenic Government to surrender the war material acquired at tremendous sacrifice, and which to the mind of the Greek people can only be used for the defense of national interest, that demand, I say, is one of those which the people, their constitutional chiefs, the army and navy unanimously reject. The Hellenic Government, strong in support of the whole nation, has rejected and will reject that last demand which deeply wounded the Greek soul and is a serious invasion of the sovereign rights of the country. Greece cannot part with her arms and forego future defense against possible danger.

I have deemed it my duty to lay before you, Mr. Minister, a very frank statement of the very trying situation in which Greece is now placed in order to enable you to enlighten your Government and public opinion in your country on the subject. The Hellenic Government wishes the neutral nations to realize that the spirit of concilia-

tion and equity it has exhibited has not availed to spare the Hellenic people the grave vicissitudes their country is now experiencing. We are not strong enough to escape them, for they are the inevitable result of Greece's geographic situation and of the conflicting interests of the belligerent great powers. Nevertheless, Greece, fortified by the righteousness of her cause, is not dispirited but is confident, in spite of all, that she will emerge from the present crisis weakened but unscathed, and ready to reconstitute her forces for the consummation of her duty to Hellenism.

I do not doubt, Mr. Minister, that you will under these trying circumstances extend to me the support I beseech of you. I am convinced of the sympathetic interest you take in the affairs of our country and I may assure you that this is an invaluable conviction for the Hellenic Government and the Greek people in the midst of the ordeals they are undergoing.

Be pleased [etc.]

ZALOCOSTAS

File No. 763.72119/190

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 1, 1916, 10 p. m.

[Received December 2, 10.40 p. m.]

4671. Actuated by the allusions to peace contained in the Chancellor's interviews with Hale and myself and in the Reichstag Wednesday, already reported to the Department, I have drawn the following impressions of the general situation here:

Germany as a whole, with the exception of a certain element in the Army and Navy and certain politicians of the Reventlow type, would appear ready to welcome steps toward peace as the food situation, while by no means critical, is becoming more and more difficult, and as there is a general weariness of war. As it is not generally believed here that peace can yet be effected, owing principally to the (resources of?) England and the growing doubt that Russia can be induced to make a separate peace, the Empire is gathering all of its potential resources with a view to augmenting the supply of trained soldiers, ammunition, and guns in order to meet and, if possible, to exceed the enemy's increasing output. The three principal steps taken in this (significant?) and large scale movement are the organization of the government auxiliary service and the impressment of laborers in Belgium and Poland which will release a large number of men to the front and provide a great increase in the number of available munition workers. By this method it is hoped that Germany will be able to conduct a successful offensive against Russia next spring or earlier, and to check a similar offensive on the part of the Allies. For this reason the army leaders are probably averse to present steps toward peace, as they appear to believe that they can secure more favorable terms after their spring offensive than now. The Navy, as I have already reported, will never feel that its trump card has been played until the indis-

criminate submarine warfare against British commerce shall have been reopened.

The Chancellor, however, is to all appearances sincerely in favor of any steps which might lead to peace, and I am of the opinion that Zimmermann, although a more determined man than Von Jagow, shares the Chancellor's sentiments in this respect. They feel, as far as I am able to judge, that the war can now only result in a draw, that the continued loss of life is and will be futile, and that although Germany is able to maintain the present situation indefinitely, if not (to the end?), humanity calls for an end.

To what extent the Chancellor would encounter opposition here, should his repeated peace suggestions be acted upon, I am not yet able to say. Whatever criticism might be evoked, however, would, as far as I am able to gauge the situation, be based upon the fear of a confession of weakness rather than upon any lack of desire for peace among the people, officials, and politicians of Germany as a whole.

I may add that I have shown the above statement to the military attaché of the Embassy who informs me that his views and impressions coincide with my own.

GREW

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File No. 868.00/82

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 2, 1916, 12 noon.

[Received December 3, 10 a. m.]

189. Desultory fighting in and about Athens yesterday. Numerous British, French troops killed and wounded. According to Greek Government, Entente representatives demand war material reduced to portion of light batteries. Entente control very slight in Athens at present. As Venizelists being pursued by Government patrols, much firing. Situation very critical. Suggest as soon as possible cruiser *Des Moines* be temporarily stationed here.

DROPPERS

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*The Secretary of State to the Minister in Greece (Droppers)*

[Telegram]

WASHINGTON, December 4, 1916, 2 p. m.

154. Your 189, December 2. Navy Department and this Department agree inadvisable send *Des Moines* to Athens. Are you in imminent danger?

LANSING

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[For a description of the situation in Germany with respect to food supply, etc., see despatch No. 4530, November 7, received December 4, from the Chargé in Germany, *post*, page 314.]



File No. 704.0068/2

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 4, 1916, 4 p. m.

[Received December 5, 8.15 a. m.]

190. Serious [fighting] has entirely ceased Athens, but grave apprehensions felt as to Piraeus. British, French subjects leaving Athens. Entente legation staffs packing. Have been requested in case of emergency to take charge of English and French Legations. Every member American Legation worked utmost limit. Automobile indispensable. Have rented one. No stenographer in sight. Must emphasize desirability cruiser *Des Moines*' presence here.

DROPPERS

File No. 868.00/83

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 4, 1916, 6 p. m.

[Received December 5, 8.15 a. m.]

191. Neutral ministers Spain, Holland, have joined me in delivering written protest against reckless and lawless methods countenanced by Greek Government in suppressing Venizelists.

DROPPERS

File No. 768.72115/3101a

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, December 5, 1916, 5 p. m.

3644. Our 3621, November 29.<sup>1</sup> Please report if message received and what action taken.

LANSING

File No. 704.6168

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 5, 1916, 7 p. m.

[Received December 6, 8.15 a. m.]

192. Relations between Greece [and] Entente still very uncertain. Russian Minister has telegraphed his Government requesting that American Legation take over Russian interests in case of emergency.

DROPPERS

<sup>1</sup> Ante, p. 70.

File No. 868.00/85

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 6, 1916, 10 p. m.

[Received December 7, 8 a. m.]

194. Your 154.<sup>1</sup> All Legation staff safe; situation unaltered since yesterday. Systematic quiet persecution Venizelists continues.

DROPPERS

File No. 763.72112/3197

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 7, 1916, 6 p. m.

[Received December 8, 8.15 a. m.]

194[195?]. Entente blockade declared to take effect December 8, 8 a. m., though already in force some days. Have received official request French Minister by order of his Government to take charge of French interests.

Satisfaction to be exacted Greece apparently not yet decided. Am informed that divergence [in] views of Italy, Russia from Great Britain, France, which has for some time been noticeable, responsible for this uncertainty, Italy considering Venizelist movement a possible obstacle to her territorial aspirations, Russia lenient to Royalty.

DROPPERS

File No. 763.72112/3203

*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, December 7, 1916.

[Received December 8.]

MR. SECRETARY OF STATE: My Government has just informed me by telegraph that the Allies have decided upon a blockade of Greece. It is declared to be in effect on and after the 8th of December at 8 a. m. It extends over the coasts of Greece and the coast islands lying between the point at 39° 20' N. and 20° 20' E. of Greenwich and the point at 39° 50' N. and 22° 50' E. It includes the other islands still under the Royal Hellenic authority.

A period of 48 hours is allowed to vessels of third powers to depart from Greek harbors.

By order of my Government I have the honor to bring those measures to the knowledge of your excellency.

Be pleased [etc.]

JUSSERAND

<sup>1</sup> Ante, p. 78.

File No. 868.00/83

*The Secretary of State to the Minister in Greece (Droppers)*

[Telegram]

WASHINGTON, December 8, 1916, 6 p. m.

160. Your 191, December 4, 6 p. m.<sup>1</sup> Cable Department immediately full information nature protest, your reason for delivering it, and character methods used by Greek Government in suppressing Venizelists. Legation has left Department in ignorance on these questions.

LANSING

File No. 763.72119/191

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 7, 1916, 3 p. m.

[Received December 8, 9.15 p. m.]

4700. Department's 3644, December 5, 5 p. m.<sup>1</sup> Message was received on December 2 and action reported in my 4688 [4689], December 5, 3 p. m.<sup>2</sup>

I applied for an interview with the Chancellor on the day the message arrived, and was received by him on December 5.

When presenting the Ambassador's congratulations to Zimmermann yesterday, he told me in informal conversation that the Chancellor had already discussed with him the Department's attitude towards the question of taking steps looking towards peace and he said that the Chancellor's reply would be "favorable and friendly." I am informed that the Chancellor is leaving to-night for General Headquarters.

The taking of Bucharest has made a very strong impression in Berlin.

The Chancellor sent for me this evening and said that the reply of the German Government to the representations regarding the Belgian deportations contained in the Department's 3621, November 29, 3 p. m.<sup>3</sup> would be made to me by Zimmermann shortly. He, however, wished to reply immediately himself, before leaving for General Headquarters to-night, to the statement regarding the President's attitude toward the question of taking steps looking towards peace, and he proceeded to make to me the following confidential oral communication:

The German Government, desirous of maintaining amicable relations with the United States, has given proof of its willingness to settle incidents arising between the two nations in a friendly spirit by the reply recently transmitted to the American Government in the *Marina* and *Arabia* cases. It is with great satisfaction that I have noted that the President of the United States offers to open *pourparlers* for peace. Negotiations have so far not met with favorable response from the other side. I hope the time will come when Germany's enemies will be more willing to lend an ear to the voice of reason. I am

<sup>1</sup>Ante, p. 79.<sup>2</sup>Post, p. 868.<sup>3</sup>Ante, p. 70.

extremely gratified to see from the message you were good enough to deliver to me that in this eventuality I can count upon the sincere and practical cooperation of the President in the restoration of peace as much as the President can count on the practical cooperation of the German authorities.

The Chancellor then conversed with me informally for a time, alluding to Mr. Gerard's return and the fact that he would be held up in Kirkwall, as he smilingly asked whether it pleased the United States to have its citizens subjected to search by the British authorities in that port, as had recently happened to the son of Carl Schurz on his way from America to Denmark. He remarked, still smilingly, that he felt that the United States could put a stop to such procedure if it wished.

GREW

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File No. 763.72112/3205

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 8, 1916.

[Received December 9, 8 a. m.]

196. Conditions blockade as notified by French Admiral. Blockade effective from December 8, 8 a. m., applies Greek coasts including islands Eubœa, Zante, Santa Maura from point situated 39° 20' north latitude, 20° 20' east longitude, Greenwich, to point situated 39° 50' north latitude, 22° 50' east longitude, Greenwich, and also to islands in occupation Royal Greek Government.

DROPPERS

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File No. 763.72119/192

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 8, 1916, 6 p. m.

[Received December 10, 9 a. m.]

4707. To my great astonishment the correspondent of the Associated Press informed me to-day that a certain official in the Foreign Office had just given out to him the nature of my interview with the Chancellor on December 5 regarding the attitude of the President towards taking steps looking towards peace. He said that he was going to send a telegram on the subject to the Associated Press in United States this afternoon. I immediately went to Foreign Office and told them with emphasis that my communication to the Chancellor had been confidential, that I had so stated when delivering it, and that it was my duty to call their attention to this fact before the telegram was released. Foreign Office acknowledged that a mistake had been made and stated that they would suppress the telegram at the censor's office.

In this connection I desire to record that no word regarding my interview with the Chancellor has been divulged by this Embassy.

GREW

File No. 763.72/3051

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 9, 1916, 8 p. m.

[Received December 10, 8.30 p. m.]

198. Was received by King in audience this morning. He affirmed that he was very desirous of peace, though would fight if necessary. At present, however, he considered himself in a false position, as Entente had blockaded ports and had officially given him no explanation. He informed me casually complete demobilization, also reparation demanded.

Situation of affairs ominous.

DROPPERS

File No. 763.72119/193

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 10, 1916, 7 p. m.

[Received December 11, 7 p. m.]

4712. The Reichstag suddenly and unexpectedly called to meet on Tuesday next. The Chancellor and Zimmermann returned from General Headquarters this morning. I learn on good but not official authority that the Chancellor will probably say in the Reichstag that Germany has already demonstrated her ability to win the war and that now is the time for peace, and that he will have to give a general outline of the terms which would be acceptable. It is not felt that this will bring any immediate result, but it is intended to strengthen the hands of the peace parties in Russia, England, and France.

GREW

File No. 763.72/3059

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 11, 1916, 10 a. m.

[Received December 12, 9 a. m.]

199. Greek Minister for Foreign Affairs, in protest against blockade to neutral legations as contrary to international law, draws attention to peaceful relations subsisting between Greece and Allies and their failure to allege motive.

DROPPERS

File No. 868.00/86

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 11, 1916, 11 a. m.

[Received December 12, 9 a. m.]

200. Your 160,<sup>1</sup> December 8, 6 p. m. Protest neutral ministers recites friendship for Greece and unwillingness mix in internal

<sup>1</sup>Ante, p. 81.

affairs, but insists upon importance restoration of order by legal means. Allusion thereupon made to actions officers and soldiery who, evidently disregarding superior orders, entered and sacked domiciles, even of foreigners; fired recklessly in streets; and perpetrated cruelties peaceful persons.

Specific cases mentioned verbally: firing upon the hotel where our military attaché resides; upon the house occupied by Dutch Legation clerk; looting office of Spanish society; also numerous indiscriminate volleys in front of Legation building apparently in the hope of drawing fire from Venizelos' house, and brutalities perpetrated upon persons arrested which are confirmed [by] various reliable sources. Pretext suppression Venizelists found in plot for armed rising Athens, which is believed or not according to party sympathies. Under cover of this allegation wholesale arrests, terrorism of Venizelists here. Though constitution guarantees liberty press, no paper that party has appeared since December 1.

DROPPERS

File No. 763.72/3078

*The Greek Ministry of Foreign Affairs to the Greek Chargé in the United States (Vovros)*

[Telegram]

[Left at the Department of State  
by the Chargé, December 12, 1916.]

The repression of the Venizelist insurrection in the city of Athens during the days of the 1st and 2d of December had cost the troops as follows:

Military killed 13, wounded 24;

Civilians who had assisted the authorities, killed 6, wounded 6;

Civilians killed accidentally by the insurgents 5, of which 3 women;

Wounded accidentally by the insurgents 6, of which 4 women.

The insurgents had only 3 killed and 2 wounded. This inequality between the losses of the troops and the insurgents is explained by the fact that the latter were barricaded in their houses and ready beforehand for an attack against the troops.

In this case the attitude of the troops, who during 48 hours had to sustain the firing from windows, was beyond any praise. Our soldiers, indeed, following strict orders, only fired salvos in the air so as to intimidate the insurgents and circumscribe, as much as possible, bloodshed which positively would have happened if the insurgents had come down in the streets.

It is under the impression of these salvos in the air that the foreign correspondents drew their first cablegrams which complaisantly were sent through the censure [*censor*] of the Allies still in Athens during the first day.

A great quantity of arms and bombs was discovered in houses of insurgents. The repressive measures taken by the Government were the less [*least*] stern possible.

The troops had a very hard time in restraining the frenzy of the indignant throng, and only three or four cases of ill treatment by the mob have been reported.

No matter where else, an insurrection of the same kind and under similar circumstances would have provoked a brutal repression. This was not the case in Athens. No act of plundering was reported.

The matter of conspiracy has been handed over to the justice authorities who are trying to sort number of documents compromising several followers of Venizelos.

Order has been reestablished. Since December 3d perfect quietness is prevailing, and the Capital has assumed again its usual appearance.

[File copy not signed]

**THE CENTRAL POWERS' INVITATION OF DECEMBER 12, 1916, TO  
THE ALLIED POWERS TO DISCUSS PEACE**

File No. 763.72119/194

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of  
State*

[Telegram]

VIENNA, December 11, 1916, 4 p. m.

[Received December 13, 8.25 a. m.]

1572. To Secretary and President: Minister for Foreign Affairs sent for me this morning to give me advance information that to-morrow there will issue from Vienna, Berlin, Sofia, and Constantinople an identic appeal to Entente powers to arrange a conference for discussion of terms of peace. For two months Baron Burian has worked on project and measure is wholly his own. He stated that it must be apparent that Central powers can not be defeated; hence why continue a struggle ruinous in blood and money. Baron Burian pointed to Roumania as object lesson in punishment for fighting Central powers. He says his measure will be powerful appeal to humanity and will gain converts among people in Entente countries, even if failing to bring early peace.

Minister for Foreign Affairs gives me first information because American Government in Entente countries aside from Italy is charged with Austro-Hungarian interests. He promises to give me at 11 a. m. to-morrow full text of document. It comes in French and plans are made for speedy translation and encoding for transmission to Washington.

PENFIELD

File No. 763.72119/195

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram—Extract]

BERLIN, December 12, 1916, noon.

[Received December 13, 10.10 p. m.]

4722. The Chancellor has just sent for the Spanish Ambassador, the Swiss Minister, and myself, as representatives of the powers protecting German interests in the enemy countries, and delivered to us separately a communication offering to enter into peace negotiations which he requested us to transmit through our respective governments to the governments of the various enemy powers. The

Government of the United States is asked to transmit the communication to the Governments of France, Great Britain, Japan, Roumania, Russia, and Serbia. Spain is asked to do the same to Belgium and Portugal, and Switzerland to Italy. I understand that a special note has also been sent to the Pope. It is said that the Chancellor will inform the Reichstag of this step at the special session this afternoon. An English translation of the communication which the Chancellor handed to me both in German and French, and which he said would be given out similarly by Austria-Hungary, Turkey, and Bulgaria to-day, follows:<sup>1</sup> . . .

GREW

File No. 763.72119/196

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 12, 1916, 6 p. m.

[Received December 13, 7.20 p. m.]

4724. Referring to my 4722, December 12, noon. The Spanish Ambassador called on me shortly after we had seen the Chancellor separately this morning, and said in the course of informal conversation that the Chancellor's offer to enter into peace negotiations had come as a surprise to him and that when he was summoned to the Chancellor he thought it likely that the latter was going to announce a resumption of the indiscriminate submarine warfare. He said that he thought it improbable that the enemy governments would accept the Chancellor's offer to enter into peace negotiations, and in that case he believed that there would be a radical change in German policy involving a reopening of the ruthless submarine activity in the near future.

GREW

File No. 763.72119/200

*The Chargé in Bulgaria (Warfield) to the Secretary of State*

[Telegram]

SOFIA, December 12, 1916.

[Received December 13, 10.45 p. m.]

111. Prime Minister, in note presented personally this noon pointing out strong position of Central powers, proposes enter into negotiations for peace, and in similar note requests this proposition communicated British Government.<sup>2</sup>

WARFIELD

<sup>1</sup>The Embassy's translation is not printed, as the English version finally transmitted to the Allied Governments was a new translation made in the Department of State from the French text given out by the German Foreign Office, which was later telegraphed by the Embassy. The French text is printed *post*, p. 90, and the translation, p. 94.

<sup>2</sup>The translation of the Bulgarian note is printed as enclosure to the Chargé's despatch No. 184, December 15, in the publications referred to in footnote 1 to telegram No. 4726 from the Chargé in Germany, *post*, p. 90.



File No. 763.72119/199

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 12, 1916, 7 p. m.

[Received December 13, 11.55 p. m.]

4725. Referring to my 4722,<sup>1</sup> December 12, 12 noon. In handing to me to-day the offer of the German Government to enter into negotiations for peace, the Chancellor made approximately the following remarks which he requests may be regarded as confidential and not given out for publication:

It is in order to hand you this note in person and request you to be good enough to transmit it to your Government that I have asked you to come and see me. By special order of His Majesty the Emperor, my August Sovereign, the note has been issued. From its contents you will gather that the Imperial German Government declare their readiness to enter into peace negotiations, and request the good offices of the United States to the end that the Governments of France, [Great Britain, Japan, Roumania, Russia,] and Serbia may be informed thereof.

It is known to me how lively an interest is taken by the President of the United States, who is desirous to see peace restored to the world, in anything that might lead to that end. What the world is longing for, peace alone will be able to give it; the possibility of each nation to grow and develop towards a higher civilization in the interest of humanity. However, the further separation of nations by still larger streams of blood will not bring about lasting peace; nothing but the common endeavor of all nations, to the end that mutual respect and the recognition of their several rights shall take the place of sanguinary strife, will accomplish this.

Germany's aim was just this at the time when she drew her sword to defend her right to exist, just as at the present moment of her armies' successes. As I repeatedly stated in my speeches when I declared that we were ready to make peace, we never aimed at the destruction of our enemies. I believe that mutual respect and good will between the nations is likewise the lofty aim of the President of the United States, whose recent message, in which he asked for the cooperation of the German authorities to bring about a situation enabling him to take early action in this direction, you were kind enough to deliver to me on December 5. It is my sincere hope that this formal and solemn offer to enter immediately into peace negotiations made by Germany and her allies will coincide with the wishes of the President of the United States.

GREW

File No. 763.72119/197

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 12, 1916.

[Received December 14, 8.50 a. m.]

4723. The Chancellor addressed the Reichstag to-day as follows:

GENTLEMEN: The hope for new favorable events in the field at an early date was the reason why the Reichstag was not adjourned for a considerable period, but it was left to your President to fix a day for the next session. This hope has been fulfilled with a rapidity almost beyond expectation. I shall be brief.

Roumania's entrance into the war was to roll up our position and that of our allies in the east at the same time the great offensive on the Somme was to break through our western front, and that and new Italian attacks were to

<sup>1</sup> *Ante*, p. 85.

paralyze Austria-Hungary. The situation was serious. With God's help our glorious troops have created a situation which affords us full security greater than ever before. The western front stands. It not only stands but in spite of the Roumanian campaign it is better equipped with reserves of men and material than ever before. Very emphatic care has been taken of all Italian efforts, and while the cannons are thundering on the Somme and the Karst and the Russians are storming against our east front in Transylvania, Field Marshal Hindenburg has broken through the front of our enemies and captured the enemy's capital in a command unequalled for genius and with troops which have accomplished the impossible in battles and marches in rivalry with their allies. And Hindenburg never rests. The military operations go on simultaneously. With the blows of the sword our economic system has been placed on a firmer foundation; great supplies of food, grain, oil, etc., have fallen into our hands in Roumania. In spite of all the shortage, we would have gotten along with our own means, but now our economic security is beyond all question. And with the deeds on land are aligned in equal station the heroic deeds of our submarines. The specter of hunger which our enemies wanted to invoke against us they themselves cannot get rid of. When His Majesty the Emperor addressed himself to the German people after the expiration of the first year of the war in an official proclamation, he spoke the words, "The greatness of experience compels reverence and firmness of heart." Never have our Emperor and people been of a different mind. The genius of the command and the accomplishments of our troops of unheard-of heroism have created unalterable facts. The weariness of the war in the interior was also a false conclusion of our enemies. In the midst of the surging of the battles outside, the Reichstag has helped to create a new army of defense in the law relative to the patriot auxiliary service. Behind the fighting army stand the working people; the gigantic forces of the whole nation are made effective towards the one common object. Our enemies do not find an invested fortress as they imagine, but a tremendous and firmly organized military camp with inexhaustible resources; that is the German Empire which remains faithfully and firmly allied with its battle-proven brothers in arms under Austrian, Turkish, and Bulgarian colors, undisturbed by the speeches of our enemies who impute to us in one moment plans of world conquest and in the next moment desperate, agonized cries for peace. We shall continue to march on the course hitherto followed, ever ready to defend ourselves and to fight for the existence of our people, for its firm and secure future, but also ready to proffer our hand for peace at this price, for our strength does not make us blind to our responsibilities before God, our own people, and humanity. The declaration of our readiness for peace has repeatedly been disregarded by our enemies. Now we have taken a step farther.

According to the Constitution, His Majesty the Emperor, was burdened on August 1, 1914, personally with a decision of such gravity as no German was ever before called upon to make, the order of mobilization which was wrested from us by the Russian mobilization. During the long and the severe years of war His Majesty has been imbued solely with the thought how peace could again be prepared for Germany, firmly secured after victorious battle. None can better testify to this than I who bear the responsibility for all acts of government. His Majesty the Emperor is of the conviction that the suitable time has now come for an official peace action with the full concurrence of the rulers allied with him and jointly with them. His Majesty the Emperor has made the resolve to propose to our enemies to enter into peace negotiations.

This morning I handed to the representatives of those powers who have charge of our rights in the enemy countries—the representatives of Spain, the United States of America, and Switzerland—a note addressed to our enemies in this sense with the request for its transmission. The same thing is being done to-day in Vienna, Constantinople, and Sofia. The other neutrals and His Holiness, the Pope, are being informed of our steps. I will read the note to you.

In August 1914, our adversaries unrolled the question of might of the World War. Now we are putting the humanity question of peace. We shall await the reply with the calmness which our internal and external strength and our clear conscience lend us. If the enemies decline, if they want to assume the world's heavy burden of the terrible things which will then come, then every German heart, even in the smallest cottage, will again flare up in sacred wrath against enemies who, for the sake of intentions of destruction and conquest, are still unwilling to call a halt to the slaughter of human beings.

In a fatal hour we have made a fateful resolve. It is saturated with the blood of hundreds of thousands of our sons and brothers who have given up their lives for their country in this struggle of nations which has disclosed all the horrors of earthly life, but, at the same time, all the greatness of human courage and human will in a manner never seen before. The wits and the hands of human beings cannot endure to the last. God will judge. Fearlessly and upright we shall continue on our way, resolved for battle, ready for peace.

GREW

File No. 763.72119/201

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, December 12, 1916, 2 p. m.

[Received December 14, 11 a. m.]

1573. Note No. 5915, dated December 12, 1916, from Austro-Hungarian Ministry of Foreign Affairs just received.<sup>1</sup>

PENFIELD

File No. 763.72119/202

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 13, 1916, 6 p. m.

[Received December 14, 6.15 p. m.]

4733. Referring to my 4724, December 12, 6 p. m. The Danish Minister called on me to-day and in informal conversation intimated the same opinion expressed by the Spanish Ambassador yesterday. He said, "If the Allies refuse the German peace offer, we shall have to look out for our ships." I find that this opinion prevails more or less generally and that if the peace offer should fail, as is generally expected, the Chancellor would be subjected to greater pressure than ever before to reopen the ruthless submarine campaign.

GREW

File No. 763.72119/203

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 12, 1916.

[Received December 14, 10.30 p. m.]

4726. Referring [to] my 4722, December 12. Following is the official French translation of the peace communication handed to

<sup>1</sup> See footnote to telegram No. 4722, December 12, from the Chargé in Germany, *ante*, p. 86. The translation sent by the Embassy in Austria-Hungary is printed, as enclosure to despatch No. 2308, in the publications cited in footnote 1 to telegram No. 4726 from the Chargé in Germany, *post*, p. 90.

me by the Chancellor this morning, which I am now able to telegraph *en clair* as the exact text has now been published.<sup>1</sup>

BERLIN, le 12 décembre, 1916.

MONSIEUR LE CHARGÉ D'AFFAIRES: La guerre la plus formidable que l'histoire ait connue ravage depuis deux ans et demi une grande partie du monde. Cette catastrophe, que les liens d'une civilisation commune et plus que millénaire n'ont pu arrêter, frappe l'humanité dans son patrimoine le plus précieux: elle menace d'ensevelir sous ses ruines le progrès moral et matériel dont l'Europe s'enorgueillissait à l'aube du vingtième siècle.

Dans cette lutte, l'Allemagne et ses alliés, l'Autriche-Hongrie, la Bulgarie, et la Turquie, ont fait preuve de leur force indestructible en remportant des succès considérables [sur des adversaires supérieurs en nombre et en matériel<sup>2</sup>] de guerre. Leurs lignes inébranlables résistent aux attaques incessantes des armées de leurs ennemis. La récente diversion dans les Balkans a été rapidement et victorieusement contrecarrée. Les derniers événements ont démontré que la continuation de la guerre ne saurait briser leur force de résistance. La situation générale les autorise bien plutôt à espérer de nouveaux succès.

C'est pour défendre leur existence et la liberté de leur développement national que les quatre Puissances alliées ont été contraintes à prendre les armes. Les exploits de leurs armées n'y ont rien changé. Pas un seul instant elles ne se sont départies de la conviction que le respect des droits des autres nations n'est nullement incompatible avec leurs propres droits et intérêts légitimes. Elles ne cherchent pas à écraser ou à anéantir leurs adversaires.

Conscientes de leur force militaire et économique et prêtes, s'il le faut, à continuer jusqu'au bout la lutte qui leur est imposée, mais animées en même temps du désir d'arrêter le flot de sang et de mettre fin aux horreurs de la guerre, les quatre Puissances alliées proposent d'entrer, dès à présent, en négociations de paix. Elles sont persuadées que les propositions qu'elles y apporteraient et qui viseraient à assurer l'existence, l'honneur et le libre développement de leurs peuples, seraient propres à servir de base au rétablissement d'une paix durable.

Si, malgré cette offre de paix et de conciliation, la lutte devait continuer, les quatre Puissances alliées sont déterminées à la conduire jusqu'à une fin victorieuse, en déclarant solennellement toute responsabilité devant l'humanité et l'histoire.

Le Gouvernement Impérial a l'honneur de prier par votre obligeante entremise le Gouvernement des Etats-Unis d'Amérique de vouloir bien transmettre la présente communication au Gouvernement de la République Française, au Gouvernement Royal de Grande Bretagne, au Gouvernement Impérial du Japon, au Gouvernement Royal de Roumanie, au Gouvernement Impérial de Russie et au Gouvernement Royal de Serbie.<sup>3</sup>

Je saisis cette occasion [etc.]

VON BETHMANN-HOLLWEG

GREW

<sup>1</sup> In the version of this telegram included in the publication of the Department of State issued May 18, 1918, *European War No. 4: Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties*, pp. 305-6, and reprinted in the *American Journal of International Law*, vol. 11, Special Supplement, pp. 272-73, the English translation made in the Department from the above French text is substituted for the text itself. That translation, as it was transmitted to American diplomatic officers in the Allied countries by the circular telegram of December 16, 1916, is printed *post*, p. 94.

<sup>2</sup> These words, appearing in the text as later received by pouch, were omitted from the telegram; they are not found in the translation referred to in the foregoing footnote, although they were rendered in the translations received from the Embassies in Germany, Austria-Hungary, and Turkey.

<sup>3</sup> The governments named are those of countries in which representation of the German Government had been taken over by American diplomatic officers. The communications received from the governments of Germany's allies varied from this in that transmission was requested, in each case, to the governments of the enemy countries in which American diplomatic officers were acting for them.

File No. 763.72/3068

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *December 13, 1916, 3 p. m.*

[Received December 14, 12 p. m.]

4728. Press summary. The reception of Germany's peace offer in the press is in general favorable. There is considerable pessimism as to the prospects of peace resulting from the offer, but it is pointed out that the Allies cannot possibly afford to reject the note without discussion since they would then bear the responsibility for the pitiless continuation of the war with all available engines of destruction which would be bound to follow. Pan-Germanist papers express misgivings because no precise statement of the peace terms of the Central powers is made, but other papers point out the wisdom of withholding specific peace terms in order that the Allies may be induced to inquire as to them. It is generally conceded that this is an opportune moment for the peace offer since the strength of Germany's position disarms any allegation that she is begging for peace and forces admission of the fact that the invitation of the Chancellor is an appeal to reason and conscience. Excerpts from the press follow *en clair*.

Comment on the exchange of notes relative to the deportation of Belgian unemployed is in agreement that Germany is absolutely within her rights in this matter. Count Reventlow writes that the Belgian Relief Commission is not necessary for Belgium, but is only kept in order that America may have a hand in Belgian affairs in her own interest and that of England.

GREW

File No. 763.72119/206

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram—Extract]

CONSTANTINOPLE, *December 12, 1916, 1 p. m.*

[Received December 15, 9 a. m.]

2327. Halil Bey, Minister for Foreign Affairs, this morning read and delivered to me a note of which there follows a translation, requesting that I transmit the same to you and to the Governments of Great Britain, France, Russia, Italy, Belgium, and Serbia.

After this note was read to me, I asked the Minister what, if any, were the conditions of peace which his Government desired to propose. Minister replied that he could not now name any but that if the enemy powers declared that they were willing to negotiate a peace satisfactory to their own honor, the conditions would then be named. I then inquired, presuming the enemy governments stated they were willing to agree to a peace satisfactory to their honor and defense, what would be the next procedure; would a conference of representatives be requested or what other step would in the opinion of Turkey and her allies be taken. The Minister replied that he was not as yet prepared to say. The Minister told me that identic notes

were being delivered to our representatives in Berlin, Vienna, and Sofia.<sup>1</sup> . . .

ELKUS

File No. 763.72/3070

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 14, 1916, 6 p. m.

[Received December 15, 9 a. m.]

203. British Minister informs me to-day has presented to the Minister of Foreign Affairs first ultimatum of Allied powers, the demand being removal of Greek Army to Peloponnesus. Answer must be made within 24 hours with an extension of 24 more in certain events. British Minister immediately afterwards embarked on British war vessel. In his opinion ultimatum would be accepted.

DROPPERS

File No. 763.72/3071

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 14, 1916, 3 p. m.

[Received December 15, 6.45 p. m.]

4735. Press summary. The Conservative and the National Liberal Parties have issued statements expressing disapproval of the failure of the Government to make known its concrete peace terms before making the peace offer and of its taking the whole matter out of the hands of the Reichstag, which was not even permitted to discuss a matter of such gravity. The Conservative statement adds that the Emperor's order to his military and naval forces strengthens the party in its conviction that the fight will be continued with the full use of all weapons on land and sea.

*Tägliche Rundschau* refers to the case of the *Caledonia* which tried to ram a German submarine, and to the reports that England is to augment the armament of her merchantmen, and inquires if America is going to hesitate any longer to take steps against the illegal armament and conduct of English merchant vessels; if America continues to stand aside she will lose all right to protest against the merciless destruction of such vessels regardless of whether they have American guardian angels on board or not.

GREW

File No. 763.72119/254

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 15, 1916.

[Received 8.40 p. m.]

5320. Concerning the German proposal to hold a peace conference, responsible men here of course are waiting to see what terms will

<sup>1</sup> See footnote to telegram No. 4722, December 12, 1916, from the Chargé in Germany, *ante*, p. 86. The translation sent by the Embassy in Turkey is printed in the publications cited in footnote 1 to telegram No. 4726 from the Chargé in Germany, *ante*, p. 90.

be proposed. But the undoubted overwhelming feeling in and out of official life is opposed to the acceptance or even to serious consideration of any proposal unless definite and favorable terms are put forward by the German Government. Nobody believes that such terms will be authoritatively put forth. The language and the tone of the proposal are considered insulting because of its boastfulness and its threat. The proposal itself is regarded as an indication of severe economic strain and of greater weakness than the English had suspected. The purposes of it are considered to be to hearten the German people and to affect neutral opinion favorably toward Germany, especially pacifist opinion, and, if possible, to break the solidarity of the Allies. There is also a suggestion of feeling that the German declaration is made to prepare an excuse for further deliberate frightfulness. It is believed here that the Germans are proposing separate secret considerations to such of the Allies as they hope to detach from the others. One instance such as follows:

I have it from a wholly reliable source that Villalobar, Spanish Minister [at] Brussels . . . recently wrote to the Belgian Minister of War at Havre stating that he had been authorized, either by the German Emperor or the German Government in Belgium, to approach the Minister of War with regard to the possibility of peace. He had been empowered to say that if the Belgians would make peace now, Germany would evacuate his country, pay them a full indemnity, and assist in their financial rehabilitation, but that if they refused, the Germans would see to it that when the Belgians recovered control of their country, if they ever did, not one stick would stand upon another in any city or town in Belgium—that every [village?] would be razed to the ground. Under the circumstances Villalobar added that he thought the Belgian Government's course was clear and that they should consent to peace at once.

The only immediate result expected here of this latest German maneuver is a grimmer renewal of hostilities in France as soon as the weather permits; and the [Allied] military commanders confidently expect success since they will then for the first time have sufficient munitions for indefinite continuous use.

The British Government have bought all the exportable food in the Scandinavian States, Iceland, and Holland, and this purchase will still further lessen the supply that leaks to Germany. The British Government, having an enormous oversupply of fish, is now selling so many Dutch herring in New York that the Canadian maritime provinces have complained to the British Government of this invasion of their market.

For all these complaints, the British Government do not seem likely to give favorable attention to any proposal which would seem to leave the German military power unbroken, especially since the newly formed government here, which was chosen for a more vigorous prosecution of the war, has not had time to try itself at the task.

File No. 763.72119/212a

*The Secretary of State to Diplomatic Representatives in Great Britain, France, Russia, Italy, Japan, Roumania and Serbia, and to the Consul at Havre for transmission to the Belgian Government*

[Telegram]

WASHINGTON, December 16, 1916, 5 p. m.

The American Missions at Berlin, Vienna, Constantinople, and Sofia have received from the Governments of Germany, Austria-Hungary, Turkey, and Bulgaria, respectively, identic notes for transmission to the Entente powers. The note from the German Government, which has been received in the English language, reads as follows:

BERLIN, December 12, 1916.

MR. CHARGÉ D'AFFAIRES: The most formidable war known to history has been ravaging for two and a half years a great part of the world. That catastrophe that the bonds of a common civilization more than a thousand years old could not stop strikes mankind in its most precious patrimony; it threatens to bury under its ruins the moral and physical progress on which Europe prided itself at the dawn of the twentieth century. In that strife Germany and her allies, Austria-Hungary, Bulgaria, and Turkey, have given proof of their indestructible strength in winning considerable successes at war.<sup>1</sup> Their unshakable lines resist ceaseless attacks of their enemies' arms. The recent diversion in the Balkans was speedily and victoriously thwarted. The latest events have demonstrated that a continuation of the war can not break their resisting power. The general situation much rather justifies their hope of fresh successes. It was for the defense of their existence and freedom of their national development that the four allied powers were constrained to take up arms. The exploits of their armies have brought no change therein. Not for an instant have they swerved from the conviction that the respect of the rights of the other nations is not in any degree incompatible with their own rights and legitimate interests. They do not seek to crush or annihilate their adversaries. Conscious of their military and economic strength and ready to carry on to the end, if they must, the struggle that is forced upon them, but animated at the same time by the desire to stem the flood of blood and to bring the horrors of war to an end, the four allied powers propose to enter even now into peace negotiations. They feel sure that the propositions which they would bring forward and which would aim to assure the existence, honor, and free development of their peoples, would be such as to serve as a basis for the restoration of a lasting peace.

If notwithstanding this offer of peace and conciliation the struggle should continue, the four allied powers are resolved to carry it on to a victorious end while solemnly disclaiming any responsibility before mankind and history.

The Imperial Government has the honor to ask through your obliging medium, the Government of the United States, to be pleased to transmit the present communication to the Government of the French Republic, to the Royal Government of Great Britain, to the Imperial Government of Japan, to the Royal Government of Roumania, to the Imperial Government of Russia, and to the Royal Government of Serbia.

I take this opportunity to renew to you, Mr. Chargé d'Affaires, the assurance of my high consideration.

VON BETHMANN-HOLLWEG

To Mr. JOSEPH CLARK GREW,  
*Chargé d'Affaires of the United States of America.*

The original texts of these notes will be forwarded as soon as received by this Government.

In bringing this note to the attention of the Foreign Office, as requested, intimate quite explicitly that, while you are submitting it on behalf of the respective Governments only, and in no sense as the

<sup>1</sup> See footnote 2 to telegram No. 4726 from the Chargé in Germany, *ante*, p. 90.



representative of the Government of the United States, this Government is deeply interested in the result of these unexpected overtures, would deeply appreciate a confidential intimation of the character and purpose of the response that will be made, and will itself presently have certain very earnest representations to make on behalf of the manifest interests of neutral nations and of humanity itself to which it will ask that very serious consideration be given. It does not make these representations now because it does not wish to connect them with the proposed overtures or have them construed in any way as an attempt at mediation, notwithstanding the fact that these overtures afford an admirable occasion for their consideration. The Government of the United States had it in mind to make them entirely on its own initiative and before it had any knowledge of the present attitude or suggestions of the Central Governments. It will make the same representations to the Governments of the Central powers and wishes to make them almost immediately, if necessary, but not as associated with the overtures of either group of belligerents. The present overtures have created an unexpected opportunity for looking at the world's case as a whole, but the United States would have itself created the occasion had it fallen out otherwise.

LANSING

File No. 763.72119/211

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 16, 1916.

[Received 9.40 p. m.]

1745. In pouch sent yesterday I forwarded a translation of a few paragraphs of the speech which M. Briand, President of the Council, made in the Chamber of Deputies on the 13th instant when announcing the formation of the new cabinet. The following paragraph seems to me to possess sufficient significance to warrant cabling you the text.

After referring to the speech by Mr. von Bethmann-Hollweg on the German proposition of peace Monsieur Briand said:

"It is impossible for me to give you my views upon this speech of which I have not yet received the authentic text. I cannot express to you an official opinion. No government has, moreover, been approached up to the present time with these pretended proposals and it is doubtful whether those whose mediation is asked, at the present moment, under the present conditions, could accept such a delicate task, which might disturb many consciences."

He continued by referring to the vagueness of the German proposal, shrouded in solemn phrases, meant to trouble the minds and consciences of the Allies and to influence neutrals, and that it was his duty to put the country on guard against what might produce in it a demoralization; that such a document when presented must be studied to see what it represented at the moment when it was sent out into the world and to what ultimate end it led.

SHARP

File No. 763.72119/212

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, December 16, 1916, noon.

[Received December 17, 9.20 a. m.]

449. Referring to my telegram No. 446, December 14.<sup>1</sup> An interview at the Political Department fails to bring out any new policy or definite idea about peace. Naturally Switzerland would like to have peace, as it is surrounded by a wall of fire and confronted by belligerents on every side. But Switzerland answers that since no definite propositions have been submitted, the chances of peace are rather remote. The representatives of the Central powers here are so far without advices as to the specific intentions of Germany. No official notice has been taken of the propositions in the Swiss National Council, now in session, but [it awaits indication of] the attitude of the American Government. The rumor which is again published in a Swiss newspaper that Japan will make a separate peace is not credited here. The newly appointed Japanese Minister for Foreign Affairs was Ambassador at Petrograd when the hard and fast alliance with Russia was perfected. Neither Russian Chargé d'Affaires nor any of the representatives of the Allies knows of any dissatisfaction of Japan. The Japanese Minister here denies that Japan is desirous of making a separate peace.

STOVALL

File No. 763.72119/215

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 18, 1916, noon.

[Received 2.40 p. m.]

5335. Your circular telegram of December 16, 5 p. m. The text of the German note was delivered personally by me at 11.30 to-day to Lord Robert Cecil in charge of Foreign Office during temporary absence of Mr. Balfour. I handed him a copy of it. I read to him the rest of your telegram but left no copy of that in the absence of explicit instructions to do so. He informed me that before he could give an intimation of the answer that will be made to the Central powers the cabinet must be consulted, and he promised to give me the intimation you ask for at the earliest possible moment. He did intimate that the answer would be a single answer signed by all the Allied Governments, and not a separate reply by each.

It is generally expected here that the Prime Minister will indicate in his speech to-morrow in the House of Commons, on the general policy of the new government, the nature of the response that the Allied Governments will make to the Central powers.

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<sup>1</sup> Not printed.

File No. 763.72/3077

*Note of the Greek Government in reply to the ultimatum of the Entente powers*

[Translation]

*[Left at the Department of State by the Greek Chargé, December 18, 1916.]*

Desirous of giving once more manifest evidence of the sentiments of sincere friendship which have ever animated it toward the powers, the Royal Government accedes to the two demands contained in their note of yesterday. It has already issued orders for the transfer of troops and war material, indicated in the technical note, Annex A, to the ultimatum of the powers, to begin this very day and be carried on as rapidly as possible in accordance with the said technical note. No troops have been moved northward. All shipments of war material in that direction will be stopped forthwith.

As for the question of reparation for the unfortunate incidents which unexpectedly took place between the Allied troops and the Greek forces, while referring to the declarations formulated in its memorandum of day before yesterday's date which already bear witness to its utmost willingness to proceed toward every legitimate satisfaction, the Royal Government expresses the hope that the Entente powers will reconsider their decision to continue the blockade of the Greek coasts and islands, which weighs heavily on the relations between the Allied Governments and Greece and affects public opinion in the country, and convince themselves that the safest guaranty for the removal of any future misunderstanding is secured by the earnest and most sincere desire of the Royal Government and Greek people to witness at the earliest possible date a confirmation of the traditional excellent relations with the four powers and of a close friendship based on confidence in one another.

[File copy not signed]

**THE PRESIDENT'S SUGGESTION OF DECEMBER 18, 1916, THAT THE BELLIGERENT GOVERNMENTS COMMUNICATE THEIR TERMS OF PEACE—LLOYD GEORGE'S SPEECH OF DECEMBER 19, 1916**

File No. 763.72119/230a

*The Secretary of State to the Ambassadors and Ministers in Belligerent Countries*<sup>1</sup>

[Circular telegram]

WASHINGTON, December 18, 1916, 9.30 p. m.

The President directs me to send you the following communication to be presented immediately to the Minister of Foreign Affairs of

<sup>1</sup>The entire telegram as follows to diplomatic officers in Great Britain, France (for transmission also to the Belgian Government through the Consul at Havre), Russia, Italy, Portugal, Japan, Roumania, and Greece (for transmission to the Serbian and Montenegrin Governments). The same, with the alteration described in the following footnote, to officers in Germany, Austria-Hungary, Turkey, and Bulgaria (File No. 763.72119/230b). The "communication" and alternative sentences to officers in neutral countries for their information (File No. 763.72119/230c). On December 20, 1916, officers in neutral countries were instructed to deliver copies to the governments (File No. 763.72119/230f), and copies were sent to all representatives of foreign governments in the United States (File No. 763.72119/256a).

the government to which you are accredited, and he requests that you present it with the utmost earnestness of support. He wishes the impression clearly conveyed that it would be very hard for the Government of the United States to understand a negative reply. After yourself reading it to the Minister of Foreign Affairs and making the oral representations suggested, please leave a copy of this paper with him:

The President of the United States has instructed me to suggest to (substitute name of government to which you are accredited) a course of action with regard to the present war which he hopes that the (substitute name of government to which you are accredited) will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

The suggestion which I am instructed to make the President has long had in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by the recent overtures of the Central powers. It is in fact in no way associated with them in its origin, and the President would have delayed offering it until those overtures had been answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view.<sup>1</sup> The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.

The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them. He is indifferent as to the means taken to accomplish this. He would be happy himself to serve or even to take the initiative in its accomplishment in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

He takes the liberty of calling attention to the fact that the objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. Each side desires to make the rights and privileges of weak peoples and small states as secure against aggression or denial in the future as the rights and privileges of the great and powerful states now at war. Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this and against aggression or selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly

<sup>1</sup>The foregoing two sentences, in the communication for the Central powers, are changed to read as follows: "He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by a desire to play a part in connection with the recent overtures of the Central powers. It has in fact been in no way suggested by them in its origin and the President would have delayed offering it until those overtures had been independently answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view."

interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command. But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its conclusion, lest the situation of neutral nations, now exceedingly hard to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

The President, therefore, feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations, as well as those at war, are ready to play their full responsible part. If the contest must continue to proceed towards undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle.

The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

The leaders of the several belligerents have, as has been said, stated those objects in general terms. But, stated in general terms, they seem the same on both sides. Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guaranties, what political or territorial changes or readjustments, what stage of military success even would bring the war to an end.

It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world.

LANSING

File No. 763.72119/219

*The Counselor of the Embassy in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, December 18, 1916, 11 p. m.

[Received December 19, 11.50 a. m.]

1750. Your circular telegram December 16, 5 p. m.<sup>1</sup> With the Ambassador's approval, in his temporary absence, I handed communication to Monsieur Cambon at Foreign Office this evening embody-

<sup>1</sup> Ante, p. 94.

ing text of note from German Government, and read the latter part of your telegram, leaving with him at his request copy thereof, calling his attention to your desire to receive confidential intimation as to the reply the French Government would make. He answered that he would be glad to comply as soon as possible although he could make no answer at this time. The inference was that the proposal of the Central powers would not be accepted. It is probable that the President of the Council will refer to the subject when presenting the new ministry to-morrow before the Senate, when he is expected to be strongly attacked by the opposition led by Monsieur Clemenceau, former President of the Council.

BLISS

File No. 763.72119/223

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, December 19, 1916, 5 p. m.

[Received 10.30 p. m.]

756. Minister for Foreign Affairs in speech to Chamber last night declared it inopportune to discuss now enemy notes, no propositions having been made therein, adding that should any be made hereafter, reply must first be concerted by all Allies and no separate terms be considered. His appeal for absolute support of Government brought forth an ovation from all but Socialists and was followed by vote of confidence 352 to 41 against him. Impression seems general that some propositions are expected to follow.

NELSON PAGE

File No. 763.72119/220

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 19, 1916, 6 p. m.

[Received December 20, 8.10 a. m.]

5343. Your circular December 16, 5 p. m.<sup>1</sup> Lord Robert Cecil has just informed me that the British Government will decline the German proposal to discuss peace because it contains no concrete terms with which such a discussion might begin and for other reasons; and that the Prime Minister will set forth the Government's position in full in the speech which he is now delivering in the House of Commons.

I will telegraph the text of what the Prime Minister says at the earliest hour possible.

Lord Robert informed me that the British Government had requested the French Government to draw up the reply of the Allies to the note of the Central powers.

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<sup>1</sup> *Ante*, p. 94.

File No. 763.72119/224

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, December 19, 1916, 11 p. m.

[Received December 20, 8.15 a. m.]

757. Department's telegram December 16, 5 p. m.<sup>1</sup> Was unable to get appointment with Minister of Foreign Affairs yesterday, he being occupied all day with address delivered in evening to Chamber Deputies on subject of German peace proposals, but I had interview with Undersecretary and presented informally points in telegraphic instructions accompanying English translation note. To-day presented note and substance instruction to Minister of Foreign Affairs and requested that he intimate confidentially character and purpose of response his Government will make. He replied that reply not yet concerted and when done, if he got it in time, he would inform me if possible, but expected it would be published almost immediately on being agreed upon. Reply will probably be formulated at Paris as central point. He mentioned that his tone in yesterday's speech was possibly a little calmer than reported speeches delivered in Duma and French chambers; he felt that to reject flatly German note would be to play into hands of enemy powers. He was evidently pleased at position taken in American communication not to connect with present peace move any representations which the President may make, and he evidently thinks it would be advisable to wait a little while, as it would be difficult, he said, to have any large thing such as he supposed the President might put forth follow immediately after Germany's step without its being connected in public mind with the step itself. He made no comments on suggestions in American communication, but I thought he accepted the situation with equanimity.

NELSON PAGE

File No. 763.72119/221½

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 19, 1916.

[Received December 20, 8.20 a. m.]

5344. The Prime Minister made the following statement in the House of Commons to-day:

The new government had hardly been formed when there came the declaration of the German Chancellor. I propose to deal with this at once. The statement made by the German Chancellor in the Reichstag has been followed by a note presented to us by the United States of America without any note or comment. The answer that will be given by the Government will be given in full accord with our brave Allies. Naturally there has been an interchange of views not upon the note, because it only recently arrived, but upon the spirit which propelled it, inasmuch as the note itself is practically only a reproduction of the speech.

The discussions have been informal but I am glad to say we have each of us separately and independently arrived at identical conclusions.

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<sup>1</sup> *Ante*, p. 94.

I am very glad the first answer to the statement of the German Chancellor was given by France and by Russia.

They have an unquestionable right to give the first answer to such an invitation—the enemy is still on their soil; their sacrifices have been greater. The answer they have given has already appeared in the papers, and I, on behalf of the Government, give a clear and definite support to the statements which have already been made.

Any man or set of men who abandoned the struggle without achieving the high purpose for which they had entered into the war would be guilty of the costliest act of foolery ever perpetrated by any statesman. I should like to quote the words of Abraham Lincoln under similar conditions: "We accepted this war for an object—a worthy object—and the war will end when that object is attained. Under God, I hope it will never end until that time."

Are we likely to achieve that object by accepting the invitation of the German Chancellor? That is the only question that we have to put to ourselves.

There has been some talk about proposals of peace. What are the proposals? There are none.

To enter on the invitation of Germany, proclaiming herself victorious, without any knowledge of the proposals she proposes to make, into a conference, is to put our heads into a noose with the rope in the hands of Germany—and this country is not altogether without experience in these matters.

It is not the first time we have fought against military despotism in Europe and it will not be the first time we have helped to overthrow such a despotism. We feel we ought to know before we give consideration to the offer of the German Chancellor that Germany is prepared for peace to be obtained and maintained in Europe, and these terms which have been stated by all the leading statesmen of the Allies are: complete restitution; full reparation; and effectual guaranties for the future.

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File No. 763.72119/222

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 19, 1916, 9 p. m.

[Received December 20, 8.30 a. m.]

1752. Am informed that the President of the Council stated before the Senate this afternoon that the French Government had yesterday received the German proposal for peace from this Embassy, not as the representative of the American Government but as transmitting the communication only; that this note was a veritable war ruse, and that the neutral governments had not allowed themselves to be deceived thereby; that the note had not been communicated to the Allies in the way which Germany would have liked to have seen it done; and that a concerted and meditated answer worthy of the country's dignity would be made to-morrow.

The Senate later went into secret session.

SHARP

File No. 763.72119/231a

*The Secretary of State to the Chargé in Spain (Wilson)*

[Telegram]

WASHINGTON, December 20, 1916, 7 p. m.

197. Following message to you from Ambassador Willard:

In relation to the communication which the President has sent to the belligerent nations, and of which a copy has been sent you for delivery to the Spanish



Government, I am directly authorized by the President to cable that you may say to His Majesty's Government that, having the same end in view, the time seems opportune for that Government to act, and, if willing, to support the position taken by this Government.

LANSING

File No. 763.72119/227

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 20, 1916, 6 p. m.

[Received 7 p. m.]

5352. Your circular 18th<sup>1</sup> presented to Lord Robert Cecil, Colonial [and Acting ?] Foreign Secretary, precisely as instructed. He remarked that obviously he could now make no comment; but his interest in it was great and I repeated and emphasized the disinterested earnestness of the President.

PAGE

File No. 763.72/3079

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 19, 1916, 2 p. m.

[Received December 20, 7 p. m.]

4749. Press summary. In an address at Crefeld Sunday last, Stresemann, a prominent National Liberal member of the Reichstag, stated that he had full confidence that the present foreign policy now happily in the hands of Zimmermann would do all it could to meet the arming of enemy merchantmen with the unrestricted use of the submarine regardless of any unauthorized protests of alleged neutrals. Cologne *Gazette* writes that Stresemann and Scheidemann, men of two extremes, have now expressed agreement that if Germany's peace offer is rejected the Germans will to the last man fight until the victory is gained. The new auxiliary service will make it absolutely sure that Germany has the superiority in artillery. And then out with the submarines. If there is a German left who still has leanings towards sentimentality after all Germany has experienced, he will set his teeth and be responsive to nothing but the calls of the Fatherland. No American shall then prevent us from forcing the peace which the enemy refused to arrange for by negotiation.

In the *Vossische Zeitung* Georg Bernhard writes that rejection of the peace offer cannot mean anything else but further battle, heedless and merciless battle; the faint hopes of the enemy are set on England's starvation plan; it is for Germany then to wield the weapon of starvation against England, and the supreme military command will decide when and how this is to be done. The Socialist *Vorwärts* deplores this agitation which only goes to show that

<sup>1</sup> *Ante*, p. 97.

certain circles in Germany think that the only value of the peace offer lies in its rejection; the premature discussion of its rejection connected with the demand for more severe warfare can produce only an unfavorable impression abroad. *Cologne Gazette* prints an inspired article:

Of course the foreign press is full of rumors as to Germany's peace terms, some favorable but others only calculated to sow the seeds of mistrust against the peace offer. Foreign public opinion must deal with these rumors as it sees fit, but for Germany the text of the note itself must be taken as a guide. It says that our own rights and just claims do not conflict with the rights of the other nations and that the proposals which we would bring with us for the negotiations would furnish a suitable basis for the establishment of a lasting peace. These are firm and plain guide posts; nothing more can be offered at the present stage.

*Frankfurter* has a long editorial advocating the limitation of armaments by universal agreement, to be supplemented by a revision of the laws of maritime warfare effectually insuring the freedom of the seas. Count Reventlow ridicules any such plans for paper treaties involving the surrender of Germany's power; Germany needs sea power to live, and it is indispensable [for] such sea power that she possess a high-seas fleet of sufficient strength and the coast of Flanders.

GREW

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File No. 763.72119/228

*The Ambassador in Russia (Francis) to the Secretary of State*

[Telegram]

PETROGRAD, December 20, 1916, 9 p. m.

[Received December 21, 8.20 a. m.]

939. Your circular 16th.<sup>1</sup> Delivered textually to-day in person and without written comment whatever to Minister of Foreign Affairs note of German Government. Followed orally and specifically your instructions. Could get no intimation concerning reply.

FRANCIS

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File No. 763.72119/232

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 21, 1916, 11 a. m.

[Received 3.10 p. m.]

1754. In accordance with your circular telegram of the 18th<sup>2</sup> I presented the President's communication yesterday evening between 8 and 9 o'clock to Monsieur Briand, President of the Council and Minister of Foreign Affairs, being the first opportunity offered me since its receipt and deciphering. Following your instructions, I sought to impress him with the earnest desire of the President to

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<sup>1</sup> *Ante*, p. 94.

<sup>2</sup> *Ante*, p. 97.

have the French Government give the most serious consideration to the suggestions contained in the communication, copy of which I left with him. I added that while the moment was not one which the President would have preferred for making it, yet the great object at stake warranted the step.

In the desire of better getting an expression of his views I took occasion to refer more specifically to certain paragraphs of the communication, my talk with him lasting about twenty minutes. His reception of the communication was very gracious and he assured me that he thoroughly appreciated the impulse which had prompted the President's action and that his suggestion would receive the fullest consideration and study to which it was justly entitled as emanating from the President of the United States, and also because of the great sympathy which France felt for the people of the United States; yet he quite frankly expressed the opinion that the nearly coincident occurrence with the proposal offered by the Central powers makes the President's communication unfortunately timed, and had it come at another moment and under other circumstances it would not have been embarrassing. He also reiterated the belief expressed in the Senate yesterday by him, and by Lloyd George in the British Parliament, that the proposal made by the Central powers was a mere ruse having an insidious purpose to discourage and demoralize the forces of the Allies, adding that there were no terms of any kind offered in that proposal. There seems to be no doubt that the French Government at the present time is hostile to giving a favorable consideration to the proposal of the Central powers, and in this determination it is sustained by practically a united press.

Copy of circular instructions was forwarded to Consul at Havre as directed.

SHARP

File No. 763.72112/3203

*The Secretary of State to the French Ambassador (Jusserand)*

No. 1796

WASHINGTON, December 21, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of December 7, 1916,<sup>1</sup> stating that you have been informed by your Government that the Entente powers have decided upon a blockade of Greece, effective on and after the 8th day of December at 8 a. m., a period of 48 hours being allowed to vessels of third powers to depart from Greek harbors.

I have the honor, with reference to this statement, to inform you that inasmuch as this Government has been informed by the Greek Government that peaceful relations subsist between Greece and the Allies, the Government of the United States adheres to its traditional position which has heretofore been set forth in relation to the Cretan blockade of 1897, and the Venezuelan blockade of 1902, that the United States does not concede the right of a foreign power to interfere with the commercial rights of uninterested countries by the establishment of a blockade in the absence of a state of war, and therefore reserves the consideration of all international rights and

<sup>1</sup> *Ante*, p. 80.

of any question which may in any way affect the commercial interests of the United States.

The United States, therefore, does not acquiesce in any extending of the doctrine of pacific blockade which may adversely affect the rights of states not parties to the controversy or discriminating against the commerce of neutral nations; and my Government reserves all of its rights in the premises.

Accept [etc.]

ROBERT LANSING

File No. 763.72119/257

*The Guatemalan Minister (Méndez) to the Secretary of State*

[Translation]

WASHINGTON, *December 21, 1916.*

HIGHLY ESTEEMED MR. SECRETARY: With sincere thanks I acknowledge receipt of your excellency's note of yesterday and the copies of the instructions sent by direction of His Excellency the President on the 18th of this month to the diplomatic representatives accredited to the Entente and the Central powers, with the humane object that they shortly make known their respective points of view as to terms on which war could be brought to an end and satisfactory arrangements could be made for the future.

I hasten to call those very important documents to the notice of my Government which I am sure will duly appreciate, as I do now, the elevated and most praiseworthy sentiments which gave them birth and shape in the extraordinary circumstances the world is undergoing.

In the meanwhile, I beg leave to say that I am under special instructions of the President of Guatemala to cooperate in accord with the Government of the United States of America in anything that may be done for the restoration of peace, and nothing could give me greater pleasure than to be of service to your excellency in whatever way you may be pleased to use me to that end.

I am [etc.]

JOAQUIN MÉNDEZ

File No. 763.72119/261a

*The Secretary of State to the Ambassadors and Ministers in Belligerent Countries*

[Circular telegram]

WASHINGTON, *December 21, 1916, 8 p. m.*

The following statement appeared in the afternoon papers of to-day regarding President's note transmitted in Department's circular telegram December 18:<sup>1</sup>

It isn't our material interest we had in mind when the note was sent, but more and more our own rights are becoming involved by the belligerents on both sides, so that the situation is becoming increasingly critical.

<sup>1</sup> *Ante*, p. 97.

I mean by that, that we are drawing nearer the verge of war ourselves, and, therefore, we are entitled to know exactly what each belligerent seeks, in order that we may regulate our conduct in the future.

No nation has been sounded. No consideration of the German overtures or of the speech of Lloyd George was taken into account in the formulation of the document. The only thing the overtures did was to delay it a few days. It was not decided to send it until Monday. Of course, the difficulties that face the President were that it might be construed as a movement toward peace and in aid of the German overtures. He specifically denies that that was the fact in the document itself.

The sending of this note will indicate the possibility of our being forced into the war. That possibility ought to serve as a restraining and sobering force, safeguarding American rights. It may also serve to force an earlier conclusion of the war. Neither the President nor myself regards this note as a peace note; it is merely an effort to get the belligerents to define the end for which they are fighting.

In view of the wrong impression conveyed by this statement I gave out the following statement to the press this afternoon:

I have learned from several quarters that a wrong impression was made by the statement which I made this morning, and I wish to correct that impression. My intention was to suggest the very direct and necessary interest which this country, as one of the neutral nations, has in the possible terms which the belligerents may have in mind, and I did not intend to intimate that the Government was considering any change in its policy of neutrality which it has consistently pursued in the face of constantly increasing difficulties. I regret that my words were open to any other construction, as I now realize that they were. I think that the whole tone and language of the notes to the belligerents show the purpose without further comment on my part. It is needless to say that I am unreservedly in support of that purpose and hope to see it accomplished.

You may informally advise the government to which you are accredited of this latter statement in case it seems to you advisable.

LANSING

File No. 763.72119/233

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, December 21, 1916, 1 p. m.

[Received 9 p. m.]

759. I have communicated your circular instruction 18th<sup>1</sup> this morning to the Minister for Foreign Affairs, after reading it to him and supporting it earnestly. He said that he must confer with colleagues before making response. He appeared somewhat disturbed by its presentation at this moment, saying that it would be difficult to disconnect it in public mind from notes of Central powers; also said that notwithstanding disclaimer, your suggestion could hardly be distinguished from offer of mediation. I pointed out difference; also emphasized President's clear statement of his reasons for making his earnest representations. My impression from interview is that Minister for Foreign Affairs thinks war parties in Allied countries may consider step at present moment as possibly tending to influence unfavorably solidarity of Allies and that he thinks peace at this moment is no nearer than before German note.

NELSON PAGE

<sup>1</sup> *Ante*, p. 97.

File No. 763.72119/234

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 19, 1916, 9 p. m.

[Received December 22, 12.30 a. m.]

4753. Referring to my 4750, December 19, 6 p. m.<sup>1</sup> In an entirely informal conversation to-day Zimmermann told me that he wished to see removed such causes of friction between the United States and the Central powers as the refusal of the Turkish Government to permit the departure of Americans from Syria and the complaints regarding the Belgian deportations, and that he was doing his best to that end. He said that errors had been made in carrying out the Belgian deportation measures, but that steps were now being taken to bring these measures within the proper bounds. It was his sincere aim to keep the relations of the United States and Germany on a thoroughly satisfactory footing. He spoke of peace and said that while the Chancellor had indicated in his note the fact that Germany with her sincere desire for peace would adopt no basis which it would be impossible for the Entente to accept, the German Government had particularly avoided giving any intimation as to what their basis would be, as this, among other reasons, might have demoralized the troops in the field who would have believed that there was no further purpose in fighting. I report this merely as an informal and unofficial conversation and as the first comment on the subject of peace which has been made to me at the Foreign Office since the Chancellor handed me his note on December 12.<sup>2</sup>

GREW

File No. 763.72119/253

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 22, 1916, 11 a. m.

[Received December 23, 9 a. m.]

5363. Your circular 18th.<sup>3</sup> The dominant tone in public and private comment on the President's suggestion is surprise and sorrowful consternation, and all public comment so far is visibly restrained. The Foreign Office gave the British press a hint last night to maintain its comments cautiously and not to question the President's sincerity. Beneath open comment is a deep feeling of disappointment and in many quarters even of anger. The only section of opinion that is pleased is the small group of pacifists.

The President's suggestion itself would have provoked little or no criticism if it had been made at another time. But his remarks accompanying his suggestion are interpreted as placing the Allies and the Central powers on the same moral level. The *Westminster Gazette* this afternoon, alone among all the London dailies, explains

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 89.<sup>3</sup> *Ante*, p. 97.

that such an interpretation is not warranted by a careful reading of the note.

The opinion even in the least excitable and most friendly circles is that the note was a mistake because they judge it ill-timed and because they interpret it to show a misunderstanding of the aims of the Allies. The British feel that this is a holy and defensive war which must be fought to a decisive conclusion to save free government in the world from a military tyranny, and that even to suggest ending it indecisively is a blow at free government.

Bryce came to see me profoundly depressed. He has written the President a personal letter which I send in to-night's pouch.

Northcliffe tells me that his papers, the *Times* and the *Daily Mail*, are saying and will continue to say as little as possible, but that "the people are as mad as hell." I am told that Mr. Asquith when asked about the note replied sadly, "Don't talk to me about it. It is most disheartening." A luncheon guest at the palace yesterday informed me that the King wept while he expressed his surprise and depression.

It is perhaps too soon to venture an opinion about the permanent effect of the note on British feeling towards our Government; but there is reason to fear that it will for a long time cause a deep, even if silent, resentment because, as the British interpret it, it seems to them to mean that the President fails to understand the motives and high necessities, the aims and the sacrifices of the Allies who regard themselves as fighting, now with good hope, to save the world from a despotic inundation.

I presume the comments of the chief London newspapers have been telegraphed to the American press. The following sentences are from to-day's morning *Chronicle* which has always been sympathetic and friendly. The editorial from which they are taken is thought in newspaper circles to reflect the opinion of the Prime Minister. They are typical of the restrained comment thus far made:

As a liberal newspaper which has always made a special feature of endeavoring to bring Britain and America more closely together and has through evil report as well as good consistency [*consistently*] championed United States in this country, we may ask our friends across the Atlantic to believe us when we say that no American state paper within our generation has been calculated to cause so much pain, not merely to Englishmen but to liberal opinion throughout western and southern Europe, as the note from President Wilson communicated to our Foreign Office on December 20.

The President beyond all doubt whatever did not intend his words as an insult, but they are deeply insulting none the less, and none of the Allied peoples can be expected to relish them.

PAGE

File No. 763.72119/241

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, December 22, 1916, 6 p. m.

[Received December 23, 3.30 p. m.]

1593. Department's circular telegram December 18.<sup>1</sup> I strictly obeyed instruction to read to Minister for Foreign Affairs and leave

<sup>1</sup> *Ante*, p. 97.

with him. This I did at 4 o'clock to-day. It is interesting to report that reception of this communication closed Baron Burian's career in the Ministry of Foreign Affairs, as he is to be succeeded to-morrow by Count Ottokar Czernin, who had been Austro-Hungarian Minister at Bucharest until Roumania entered the war. This change of ministers is sensation of day and wholly unlooked for. Burian returns to Ministry for Bosnia and Herzegovina, position held by him for many years.

PENFIELD

File No. 763.72119/240

*The Chargé in Spain (Wilson) to the Secretary of State*

[Telegram]

MADRID, December 22, 1916, 8 p. m.

[Received December 23, 11.20 p. m.]

302. Minister of Fomento [Foreign Affairs?] has just sent for me and inquired whether message from President sent me by Ambassador Willard in Department's telegram 197,<sup>1</sup> December 20, 7 p. m., and transmitted to Minister for Foreign Affairs as reported in my telegram No. 301,<sup>2</sup> December 22, 2 p. m., was intended for Spanish Government alone or has been sent to other neutral powers. I answered that I was unable to give definite answer. Minister for Foreign Affairs asked me to make urgent and immediate inquiry as reply would affect Spain's attitude.

My personal opinion after two conferences to-day with Minister for Foreign Affairs is that Spain hopes to play joint and equal rôle with United States in urging peace, as the two most important neutral powers, and especially she does not desire to be treated as merely one among other neutrals. The President's proposals have created considerable excitement and interest in Spanish press, but as yet no opinion expressed as to likelihood of success. The embassies of the Allies show open annoyance at proposal of the President. News of note apparently first made public and given to press in somewhat garbled form by German Embassy. Have therefore at the request of the Minister for Foreign Affairs authorized him to give text to the press.

WILSON

File No. 763.72119/248

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 21, 1916, 6 p. m.

[Received December 23, 11.30 p. m.]

4764. Department's circular of 18th.<sup>3</sup> My 4760, December 21, 10 a. m.<sup>2</sup> I have just read to the Secretary of State for Foreign Affairs the President's communication regarding peace, and have left with him a copy of the text after making oral representations as directed, clearly conveying the impression that it would be very

<sup>1</sup> *Ante*, p. 102.<sup>2</sup> Not printed.<sup>3</sup> *Ante*, p. 97.



hard for the Government of the United States to understand a negative reply. Zimmermann listened to the reading of the communication with earnest attention and expressed great satisfaction at and appreciates the President's "wise and high-minded action." He added that he would have to discuss the matter with the Emperor and the Chancellor before replying, and that in any case he did not think that an answer could be given or action taken until the Entente powers had replied to the Chancellor's recent note. He said that he was quite sure Germany's peace terms were more moderate than those of the Entente but that Germany could not be the first to divulge them, first, because one party to a negotiation could not give its hand away at the start and, secondly, because of the unfavorable effect which this would have on the German public, part of whom would undoubtedly be dissatisfied. A mutual and simultaneous statement of terms he said might be considered, but this was his personal view and must not be taken officially. The word "soundings" struck him as peculiarly appropriate and he said he felt in any case that the President's action was a step nearer towards peace and that favorable results might ensue.

GREW

File No. 763.72/3081

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 22, 1916, 4 p. m.

[Received December 23, 11.50 p. m.]

4768. Press summary. The comment of the Liberal papers on Lloyd George's speech is moderate; although all resigned to a rejection of Germany's peace offer, which the Entente has deliberately misconstrued, they are certain that a great moral effect has been produced by the step and that the thought of peace has been mightily stimulated. It is pointed out that Lloyd George's conditions exclude negotiation since negotiation implies accommodation of interests and that the sole reason advanced by him for rejecting the peace offer is the fact that Germany wants to negotiate instead of surrendering unconditionally and doing penance.

*Frankfurter Zeitung* is inclined to believe that the formal note of the Allies will not be a denial but will contain conditions on which they would be willing to negotiate. If these conditions are such as would humiliate Germany if acceded to, then it will be apparent that the Entente does not honestly want peace at all and that the responsibility for the continuance of the war will fall upon the statesmen of the Entente. Germany will consider any possibility of negotiation which the note of the Allies may leave open, but she cannot see that they have the right to judge and Germany must pay the penalties, nor can she ever agree to action which would cast dishonor on her brave soldiers.

Count Reventlow writes that there is only one reply to Lloyd George, and that is to employ any and every means of warfare heedlessly and recklessly. The proud reference to the overcoming of Napoleon was all right but England must remember that Napoleon had no submarines.

GERARD

File No. 763.72119/10499a

*The Secretary of State to the Ambassadors and Ministers in Belligerent Countries*

[Circular telegram]

WASHINGTON, December 24, 1916.

In regard to the Department's circular of December 18,<sup>1</sup> containing the President's note, please say to the Minister for Foreign Affairs of the government to which you are accredited that the Government of the United States sincerely hopes that the note will be considered as carrying none of the implications which have been attributed to it in the press and elsewhere, and as meaning nothing but what it plainly and in entire frankness expresses. Intimate also that what this Government ventures to suggest is that whatever reply is made, if the request of the note complied with, be made, not publicly, but in strict confidence; it being understood that the Government of the United States may in its turn convey it in like confidence to the governments of the other group of the belligerents, in order that it may in that way be ascertained without publicity whether there is any present ground or basis to hope for negotiations or conferences of any kind.

LANSING

File No. 763.72119/242

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, December 23, 1916, 2 p. m.

[Received December 24, 7.50 p. m.]

109. Department's circular telegram December 20.<sup>2</sup> The Minister for Foreign Affairs requests me to extend to the President his sincere congratulations on his note to the belligerents and states that the Norwegian Government stands ready to cooperate with the President in any action he may take regarding peace proposals.

SCHMEDEMAN

File No. 763.72119/247

*The Minister in Switzerland (Stovall) to the Secretary of State*

[Telegram]

BERNE, December 23, 1916, 11 a. m.

[Received December 25, 9.20 a. m.]

455. Swiss Minister for Foreign Affairs, in giving me a copy of the note<sup>3</sup> which the Swiss Federal Council has presented to each of the belligerent powers, a copy of which has been forwarded to the President through the Swiss Minister at Washington, states that the Federal Council has decided to extend its most enthusiastic support

<sup>1</sup> *Ante*, p. 97.<sup>2</sup> See footnote 1 to circular telegram of December 18, 1916, *ante*, p. 97.<sup>3</sup> *Post*, p. 117.

to President Wilson's note regarding peace. The Federal Council has decided upon this action unanimously and the Minister added that in forwarding its note to the belligerents the Federal Council had not in mind a collective action or representation with the President. Its purpose is to show to the belligerent nations that the point of view of the oldest as well as of the greatest republic of the world in regard to peace is the same.

STOVALL

File No. 763.72/3084

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 23, 1916, 2 p. m.

[Received December 25, 9.20 a. m.]

4776. Press summary. The full text of the President's note was not published until this morning, although unfavorable English and American press comment thereon had been published in the meantime. The Pan-Germanistic press terms the note a diplomatic ruse, a threat against Germany; although the *Kreuz Zeitung* states that if America prevails upon the Allies to make known their peace conditions, Germany could have no objection to following their example. *Deutsche Tages Zeitung* and *Tägliche Rundschau* claim that the President is only interfering with his familiar threats to save England from sure destruction, and that in view of his past attitude he can only expect that everything he does will be looked upon in Germany with suspicion. In *Vossische Zeitung* Bernhard writes that the note is plainly part of a grand intrigue to protect England and cheat Germany out of her just desert; Germany must be elusive, cautious, although there is no reason for her to reject abruptly this unbidden mediation. With knowledge of the full text of the note, he writes this morning that it is more friendly attitude than appeared at first; the best test of the Pope's [President's?] mediation will be his action if the Allies reject all peace proposals. The *Berlin Tageblatt* and other Liberal papers welcome the note and agree that it must bring peace appreciably nearer. *Cologne Gazette* writes that reserve is necessary until it is made clear that the President does not mean to have the peace terms made public; claims do not conflict with those of other nations; and that her proposals will form a suitable basis for lasting peace, was as far as she could go. *Frankfurter* writes that the note must be acceptable to both sides and will induce them both to make known their terms, thus clearing the atmosphere and paving the way for the real peace negotiations. The *Vorwärts* welcomes the note as a second positive step on road to peace. The paper points out that the jingo press are using exactly the same argument, namely, that America is trying to protect the enemy from imminent destruction, and that such talk can never serve the interests of peace; the President's note, however, does eminent service in that it guarantees that the talk of peace can no longer be hushed but will gain ground and influence every day.

GERARD

File No. 763.72119/255

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, December 25, 1916, 6 p. m.

[Received December 26, 8.30 a. m.]

Press here strongly hostile to President's suggestion. Clerical press partly favorable, though a part refers to Pope as the true intermediary and reference has been made to United States and Switzerland as representing Protestantism. Pope in allocution yesterday referring to peace made no reference to President's move. British Ambassador left suddenly for England last night. My opinion is that President's plan will eventually be accepted substantially, even though first reply may appear to repudiate it. I hear that Swiss Minister told French Ambassador he considered peace move excellent and latter showed much irritation. Press tends to impress me with view that governments apprehend people may be carried away by peace idea and grow lax, but if the idea of a peace just and durable be pressed it will prevail.

NELSON PAGE

File No. 763.72119/252

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 2213

VIENNA, November 21, 1916.

[Received December 26.]

SIR: Since the appearance of the telegraphic reports of the President's intention to endeavor shortly to bring about a conference at Washington of delegates of the several belligerent powers, where the minimum demands of each as a ground for peace would be announced, the press throughout Austria-Hungary has contained daily comments on the subject, extracts from which were contained in my telegram No. 1539<sup>1</sup> of the 20th instant. While welcoming the idea of peace from whatever source, the comments have been cast in guarded form, which was to be expected since the Government, however urgent the necessity for a cessation of hostilities might be, would naturally not desire to appear in a too receptive mood for fear of prejudicing their chances of obtaining the maximum terms which might be proposed. Moreover, a reported passage from a speech by the President to the effect that every people had the inherent right to self-government gave umbrage to the ruling caste here in this nation made up of a congeries of peoples who for generations have been striving for the free expression of their national ambitions.

Even should the Central powers eventually emerge victorious from the war, Austria-Hungary will have to meet a heavy debt in repayment for the assistance received from Germany on all her battle fronts. The dream of many soldiers and statesmen at the present time is the crushing of Roumania; a separate peace with Russia,

<sup>1</sup> *Ante*, p. 66.

some going even to the extent of suggesting its purchase, if necessary, by the abandonment of Turkey to her fate with the consequent Russian occupation of Constantinople; and, while Austria-Hungary holds Italy, to concentrate the German forces on the west front in the hope of crushing not so much France as England, the archenemy. The British, having now so many men under arms who are receiving the training of actual service, become for the first time a serious menace to German military predominance on the Continent; and if a general peace is now brought about, that menace will be ever present, for it is not anticipated that Great Britain will ever return to her *ante bellum* policy of being content with a small volunteer army.

I have reason to believe that on several occasions Russia has been sounded relative to possible terms for a separate peace. It is not conceivable, however, that the abandonment of the Turks and the consequent dissipation of the German "Berlin to Bagdad" dream should be seriously considered by responsible persons either here or in Berlin unless they should find themselves threatened with total defeat, an eventuality which would not appear imminent.

I have [etc.]

FREDERIC C. PENFIELD

File No. 763.72119/263

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 26, 1916, 5 p. m.

[Received December 27, 8.15 a. m.]

5374. Your circular 24th,<sup>1</sup> received December 25, presented this morning to Cecil in charge of Foreign Office. I again explained first sentence to him at length.

To your suggestion that the Allies' reply to President's note, if it be favorable, be not made public, he said that he could give no definite or official answer. This subject would have to be referred to his Government and to the Governments of her allies.

This is all that he said to me officially.

But he talked at length personally, remarking several times that he was expressing only his individual views and that I must not understand them as the views of his Government. He informed me that he was deeply hurt by the President's note because it seemed to pass judgment on the Allied cause by putting it on the same moral level as the German cause and because one sentence (the sentence about the position of neutrals becoming intolerable) might be a veiled threat. I assured him that in my judgment no threat was intended. He was sure, too, that the British people were surprised and hurt. Since the President's note was promptly made public and British public feeling was deeply stirred, he for his own part saw difficulties in keeping the British reply secret. The public would demand publicity. Again he reminded me that this was only his personal opinion.

Then he remarked that there is nothing that the American Government or any other human power can do which would bring the

<sup>1</sup> *Ante*, p. 112.

war to a close before the Allies had spent their utmost force to secure victory. A failure to secure a victory would leave the world at the mercy of the most arrogant and the bloodiest tyranny that had ever been organized, and that it is better to die in an effort to defeat that tyranny than to perish under its success. He had always been almost a pacifist. No man hated war more than he. No man had believed more earnestly than he that great wars were impossible. But since European civilization had been thus murderously assaulted, there was nothing to do but to defeat its desperate enemy or to perish in the effort. He had hoped that the United States understood what is at stake. He went so far as to say that if the United States should come into the war it would decide which would win—freedom or organized tyranny. If the United States should help the Germans, civilization would perish and have again to be slowly rebuilt, if it should ever appear again. If the United States should help the Allies, civilization would triumph.

My inference from this long conversation, from the comments of the Allied press, and from my reading of British public opinion, is that the answer to the President's note will be courteous but very frank; that it will intimate or directly declare that no efforts by any neutral government, however well meant, can help towards peace; that unless and until the Allies have spent their whole force no compromise terms will be considered; that peace will be made by those who have fought and by nobody else; and that Allied public opinion will not permit a secret reply to the President's note. Comment here shows that the British would regard secret discussion now as a German wish and a German suggestion. Cecil, however, did not say this.

Cecil informed me that a reply to the German note would soon be ready and that a reply to the President's note would be got ready as soon as possible. The Allies are now in consultation about it.

I regret to report that I fear no explanation can remove from the British mind the conviction that the President's note put the two sides on the same moral level. It is this that public opinion resents. I have seen only one newspaper (the *Westminster Gazette*) which gave a more friendly construction; and I hear privately, but I think authoritatively, that its article was directly suggested by Asquith.

PAGE

File No. 763.72119/240

*The Secretary of State to the Chargé in Spain (Wilson)*

[Telegram]

WASHINGTON, *December 27, 1916, 3 p. m.*

200. Your 302, December 22, 8 p. m.<sup>1</sup> Department's 197, December 20, 7 p. m.,<sup>2</sup> was intended for Spanish Government alone, and has not been sent to other neutral powers.

LANSING

<sup>1</sup> *Ante*, p. 110.

<sup>2</sup> *Ante*, p. 102.

File No. 763.72119/262

*Note of the Swiss Federal Council, of December 23, 1916, addressed to all Belligerent Governments.*

[Translation]

[Transmitted to the Secretary  
of State by the Swiss Legation,  
December 27, 1916.]

The President of the United States of America, with whom the Swiss Federal Council, guided by its warm desire that the hostilities may soon come to an end, has, for a considerable time, been in touch, had the kindness to apprise the Federal Council of the peace note sent to the governments of the Central and Entente powers. In this note President Wilson discusses the great desirability of international agreements for the purpose of avoiding more effectively and permanently the occurrence of catastrophes such as the one under which the peoples are suffering to-day. In this connection he lays particular stress on the necessity for bringing about the end of the present war. Without making peace proposals himself or offering mediation, he confines himself to sounding as to whether mankind may hope to have approached the haven of peace.

The most meritorious personal initiative of President Wilson will find a mighty echo in Switzerland. True to the obligations arising from observing the strictest neutrality, united by the same friendship with the states of both warring groups of powers, situated like an island amidst the seething waves of the terrible world war, with its ideal and material interests most sensibly jeopardized and violated, our country is filled with a deep longing for peace, and ready to assist by its small means to stop the endless sufferings caused by the war and brought before its eyes by daily contact with the interned, the severely wounded and those expelled, and to establish the foundations for a beneficial cooperation of the peoples.

The Swiss Federal Council is therefore glad to seize the opportunity to support the efforts of the President of the United States. It would consider itself happy if it could act in any, no matter how modest a way, for the *rapprochement* of the peoples now engaged in the struggle, and for reaching a lasting peace.

**REPLIES OF THE CENTRAL POWERS OF DECEMBER 26, 1916, TO  
THE PRESIDENT'S SUGGESTION**

File No. 763.72119/265

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 26, 1916, 4 p. m.  
[Received December 27, 7 p. m.]

4782. • Referring to the Department's circular of December 18,<sup>1</sup> the following note was given to me by Zimmermann after lunching with me to-day:

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<sup>1</sup> *Ante*, p. 97.

FOREIGN OFFICE, BERLIN, *December 26, 1916.*

With reference to the esteemed communication of December 21, Foreign Office Nr. 15118, the undersigned has the honor to reply as follows:

TO HIS EXCELLENCY THE AMBASSADOR OF THE UNITED STATES OF AMERICA,  
MR. JAMES W. GERARD:

The Imperial Government has accepted and considered in the friendly spirit which is apparent in the communication of the President, noble initiative of the President looking to the creation of bases for the foundation of a lasting peace. The President discloses the aim which lies next to his heart and leaves the choice of the way open. A direct exchange of views appears to the Imperial Government as the most suitable way of arriving at the desired result. The Imperial Government has the honor, therefore, in the sense of its declaration of the 12th instant, which offered the hand for peace negotiations, to propose the speedy assembly, on neutral ground, of delegates of the warring states.

It is also the view of the Imperial Government that the great work for the prevention of future wars can first be taken up only after the ending of the present conflict of exhaustion. The Imperial Government is ready, when this point has been reached, to cooperate with the United States at this sublime task.

The undersigned, while permitting himself to have recourse to good offices of his excellency the Ambassador in connection with the transmission of the above reply to the President of the United States, avails himself of this opportunity to renew the assurances of his highest consideration.

ZIMMERMANN

GERARD

File No. 763.72119/268

*The Spanish Ambassador (Riaño) to the Secretary of State*

[Translation]

WASHINGTON, *December 27, 1916.*

[Received December 28.]

MR. SECRETARY: His Holiness the Pope, Benedict XV, has asked the Government of His Majesty the King of Spain, my August Sovereign, to felicitate, through me, the Most Excellent the President of the United States, on the peace note addressed to the belligerent nations.

My Government has just instructed me by cablegram received this day to perform the commission of His Holiness.

Confirming the telephone conversation I just had with your excellency, I beg you to have the goodness to ask the President of the Republic to designate the day and hour when he will receive me so that I may have the honor of discharging the above-mentioned pleasing mission.

I avail myself of this opportunity [etc.]

JUAN RIAÑO

File No. 763.72119/267

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, *December 26, 1916, 3 p. m.*

[Received December 28, 8.30 a. m.]

1599. Department's circular telegram 18th.<sup>1</sup> Following dated December 26 received to-day from Austro-Hungarian Ministry for Foreign Affairs:

<sup>1</sup>Ante, p. 97.



## AIDE MÉMOIRE

In reply to the *aide mémoire* communicated on the 22d instant by his excellency the American Ambassador, containing the proposals of the President of the United States of America for an exchange of views among the powers at present at war for the eventual establishment of peace, the Imperial and Royal Government desires particularly to point out that in considering the noble proposal of the President it is guided by the same spirit of amity and complaisance as finds expression therein.

The President desires to establish a basis for a lasting peace without wishing to indicate the ways and means. The Imperial and Royal Government considers a direct exchange of views among the belligerents to be the most suitable way of attaining this end. Adverting to its declaration of the 12th instant, in which it announced its readiness to enter into peace negotiations, it now has the honor to propose that representatives of the belligerent powers convene at an early date at some place on neutral ground.

The Imperial and Royal Government likewise concurs in the opinion of the President that only after the termination of the present war will it be possible to undertake the great and desirable work of the prevention of future wars. At an appropriate time it will be willing to cooperate with the United States of America for the realization of this noble aim.

PENFIELD

File No. 763.72119/274

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, December 24, 1916, 4 p. m.

[Received December 28, 8.30 a. m.]

2360. Your circular telegram December 18.<sup>1</sup> Yesterday I called upon the Minister for Foreign Affairs and fully carried out your instructions.

The Minister for Foreign Affairs who listened to my statements with great attention and interest expressed his thanks for the President's action. He said that this coincides with peace offer made by the Central powers who sought to provoke replies from the Allies which would bring about peace negotiations. The principles practically the same in another form which he appreciates. I explained the real nature of the President's message so that he fully understood it. He said that he believed there was a slight misunderstanding on one point. The Allies had clearly declared for what they fought. England had stated her aim was to crush Prussian militarism, which meant she wanted the destruction of the Prussian Army or of Germany. Russia fought for Constantinople, the Bosphorus, and the Dardanelles. These were concrete objects. On the other hand the Central powers had not stated they fought in defense of small peoples or states. In Turkey more than in any other country would efforts for peace be appreciated because she has been fighting for centuries and is now tired. He said that these statements should not be taken as a reply to the President's message. Definite reply will be given after their allies had [*have*] been consulted.

My interview lasted a whole hour and the cabinet officers were waiting in the office of the Grand Vizier to learn nature of the proposal. If Turkish Government is willing, may I give full text of communication to press?

ELKUS

<sup>1</sup> *Ante*, p. 97.

File No. 763.72119/275

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, December 26, 1916, 5 p. m.

[Received December 28, 8.30 a. m.]

2366. My 2360, December 24, 4 p. m. In reply to the President's message communicated to the Sublime Porte on the 23d instant, Minister for Foreign Affairs handed me to-day a note of which the following is a translation:

MR. AMBASSADOR: In reply to the note which your excellency was pleased to deliver to me under date of the 23d instant, No. 2107, containing certain suggestions of the President of the United States, I have the honor to communicate to your excellency the following:

The generous initiative of the President, tending to create bases for the reestablishment of peace, has been received and taken into consideration by the Imperial Ottoman Government in the same friendly spirit which manifests itself in the President's communication. The President indicates the object which he has at heart and leaves open the choice of that path leading to this object. The Imperial Government considers a direct exchange of ideas as the most efficacious means of attaining the desired result.

In conformity with its declaration of the 12th of this month, in which it stretched forth its hand for peace negotiations, the Imperial Government has the honor of proposing the immediate meeting, in a neutral country, of delegates of the belligerent powers.

The Imperial Government is likewise of opinion that the great work of preventing future wars can only be commenced after the end of the present struggle between the nations. When this moment shall have arrived, the Imperial Government will be pleased [to] collaborate with the United States of America and with the other neutral powers in this sublime task.

HALIL

ELKUS

File No. 763.72119/282

*The Ambassador in Japan (Guthrie) to the Secretary of State*

[Telegram]

TOKYO, December 28, 1916, 5 p. m.

[Received 3.45 p. m.]

The Minister for Foreign Affairs sent for me at 3 o'clock to inform me that the Allies had agreed on their answer to the German proposals and that it would be delivered by the French Government to the American Ambassador in Paris to be transmitted to Washington. Personally and confidentially he told me that the Imperial Government did not believe that the German overtures were made in good faith, in which opinion the Allies were all agreed, and further, that until Germany was really conscious of her weakness and inability to accomplish the object of world domination for which the war was waged by her, peace was impossible; that he did not believe she was yet conscious of her weakness, and that when she was, would seek another move than that adopted now. I asked him in what manner Germany should make her overtures to convince him of her good faith, but he said that he was not prepared to state beyond the fact that it should be in a different manner. He dwelled upon her assertion that she had been victorious up to this point as

evidence that she did not yet believe that she will be unable to wage the war to a victorious conclusion. Our personal conversation was long and frank. The Minister for Foreign Affairs reiterated his conviction of the President's high and honorable motives in the messages sent by him.

GUTHRIE

File No. 763.72119/281

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, December 27, 1916, 9 p. m.

[Received December 28, 5 p. m.]

763. Discussing with the Minister for Foreign Affairs to-day your circular December 24,<sup>1</sup> I expressed regret at hostile attitude of press towards President's note. He thinks I exaggerate effect, that tone was due largely to internal rivalries and is already becoming passive. I suggested something be said to point out that note was not susceptible of popular interpretation. He suggested that I do this myself. He thinks unlikely that this note sent immediately after German note will accomplish object sought. He spoke of great difficulty of defining object; also mentioned difficulty of confidential replies where so many governments are involved. During the conversation he said that, should another opportunity offer, as might any time, for President to move, it should be made without informing any other power beforehand and might have great effect. This referred to idea that Germany possibly learned of Switzerland's discussion with you and forestalled your step. I feel that he recognizes fully President's high motive. I believe note already showing great effect and look for it to achieve eventually desired result.

NELSON PAGE

File No. 763.72119/313

*The Norwegian Minister (Bryn) to the Secretary of State*<sup>2</sup>

WASHINGTON, December 29, 1916.

MY DEAR MR. SECRETARY OF STATE: I have pleasure in handing you enclosed copy of a note which my Government has to-day addressed to the governments of the belligerent nations.

Believe me [etc.]

H. BRYN

[Enclosure—Translation]

*Note addressed December 29, 1916 by the Norwegian Government to the Governments of Belligerent Countries*

It is with the keenest interest that the Norwegian Government has learned of the proposals just made by the President of the United States with a view to

<sup>1</sup> *Ante*, p. 112.<sup>2</sup> Communications transmitting copies of notes, identical with the enclosure, addressed to the belligerent governments by their own governments, were received from the Danish Minister, December 29, and from the Swedish Minister, December 30, 1916 (File Nos. 763.72119/312, 345).

facilitating measures tending to the establishment of lasting peace, while desiring to avoid any interference that might wound legitimate sensibilities. The Norwegian Government would consider itself remiss in its duty to its own people and the whole of mankind if it should fail to express its most profound sympathy with every effort that might contribute to bringing to an end the progressive accumulation of suffering and moral and physical losses. It indulges the hope that the initiative of President Wilson will end in a result worthy of the lofty spirit by which he was inspired.

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File No. 763.72119/274

*The Secretary of State to the Ambassador in Turkey (Elkus)*

[Telegram]

WASHINGTON, December 29, 1916, 3 p. m.

3225. Your 2360, December 24, 4 p. m. Note may be made public.

LANSING

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File No. 763.72119/281

*The Secretary of State to the Ambassador in Italy (Page)*

[Telegram]

WASHINGTON, December 29, 1916, 4 p. m.

690. Your 763, December 27, 9 p. m.<sup>1</sup> Neither the President nor the Department consulted any other power or conferred with the representatives of any other country before sending the President's note in Department's circular of December 18.<sup>2</sup> The matter was not mentioned in any discussion with representatives of Switzerland. You may state this to the Foreign Minister at an early opportunity.

LANSING

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File No. 763.72119/288

*The Chargé in Spain (Wilson) to the Secretary of State*

[Telegram]

MADRID, December 28, 1916, 8 p. m.

[Received December 30, 8.55 a. m.]

308. The Minister for Foreign Affairs has just handed me the following note, which he described as ambiguous, in reply to the President's peace proposals:

[Translation]

The Government of His Majesty has received through the Embassy under your worthy charge a copy of a note which the President of the United States has sent to the belligerent powers expressing the desire "that an early occasion be sought to call out from all the nations now at war a declaration of their respective views as to the terms upon which the war might be termi-

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<sup>1</sup>Ante, p. 121.

<sup>2</sup>Ante, p. 97.

nated." Accompanying this note was another note from you, dated December 22, 1916, in which the Embassy, in accordance with later instructions from its Government, stated in the name of the President that the moment appeared opportune for the cooperation of the Government of His Majesty and that it should support, if it seemed proper, the attitude adopted by the United States Government.

In view of the praiseworthy desire which the American Government manifests of being seconded in its proposal in favor of peace, the Government of His Majesty believes that, on account of the initiative taken by the President of the United States, and as the diverse impressions which it has produced are already known, the action which Spain is now invited to take by the United States would not be effective, and so much the more because the Central powers have already expressed their firm intention to discuss conditions of peace with the belligerent powers only.

The Government of His Majesty, appreciating that the noble desire of the President of the United States will always deserve the gratitude of all nations, has resolved not to hinder any negotiation or agreement whatsoever undertaken for the purpose of encouraging the humanitarian work which might end the present war, but will suspend its action, reserving it for such time as those forces which desire peace may be more useful and effective than now, if there should then be reasons for believing its initiative or intervention opportune.

Until this time arrives the Government of His Majesty believes it proper to declare that in everything having reference to an understanding between the neutral powers for the defense of their material interests injured by the war, it is disposed now, as it has been since the beginning of the present strife, to enter into negotiations looking towards an understanding capable of uniting all the non-belligerent powers which may consider themselves injured and in need of remedying or lessening their losses.

I avail myself [etc.]

AMALÍO GIMENO

The French Embassy knew the terms of the above note 24 hours before I received it, and I believe its substance was dictated by Allied embassies. French Embassy tells me confidentially that Norway, Denmark, and Argentina are only awaiting Spanish reply to make similar answer.

WILSON

**REPLY OF THE ALLIED POWERS OF DECEMBER 30, 1916, TO THE  
INVITATION OF THE CENTRAL POWERS TO DISCUSS PEACE**

File No. 763.72119/292

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 29, 1916, 12 p. m.

[Received December 30, 8.55 a. m.]

1770. I have received from the Foreign Office in strictest confidence copy of reply from Allied Governments to proposal of Central powers transmitted in your circular of December 16.<sup>1</sup> The answer will be handed to me officially to-morrow afternoon at 5 p. m. by Mr. Briand at the Foreign Office. The text is given me now in order that it may be known to the President at the earliest possible moment and before it appears in the newspapers, it being the intention of the French Government to publish it on Sunday morning, the 31st. Following is translation of the note:

<sup>1</sup> *Ante*, p. 94.

The Allied Governments of Belgium, France, Great Britain, Italy, Japan, Montenegro, Portugal, Roumania, Russia, and Serbia, unitedly in the defense of the liberty of nations and faithful to the engagement they have taken not to lay down arms separately, have resolved to answer collectively the so-called proposals of peace which have been addressed them on behalf of the enemy governments, through the intermediary of the United States, of Spain, of Switzerland, and of the Netherlands.

The Allied powers are constrained to preface their answer by protesting strongly against the two essential assertions in the note of the enemy powers, which attempts to throw upon the Allies the responsibility of the war and which proclaims the victory of the Central powers.

The Allies can not admit an assertion which is doubly inexact and which is sufficient to render barren any attempt at negotiation.

For 30 months the Allied powers have suffered a war which they had tried by every means to avoid. They have demonstrated their attachment to peace by their acts. This attachment is as strong to-day as it was in 1914; after the violation of her engagements, it is not upon the word of Germany that peace, broken by her, can be based.

A suggestion without any conditions for initiating negotiations is not an offer of peace. The so-called proposal, devoid of substance and of precision, circulated abroad by the Imperial Government, appears less as an offer of peace than as a maneuver of war.

It is based upon a systematic disregard of the nature of the struggle of the past, present, and future.

As to the past, the German note ignoring [*ignores*] all the facts, dates, and figures which prove that the war was desired, incited, and declared by Germany and Austria-Hungary. At The Hague it was the German delegate who rejected all suggestion of disarmament. In July 1914, it was Austria-Hungary who, after having addressed to Serbia an ultimatum, of which there exists no precedent, declared war on her despite the satisfaction immediately obtained. The Central Empires thereafter repulsed every attempt made by the Entente to bring about a pacific solution to what was a local conflict. England's offer of a conference, the French proposal of an international commission, the request for arbitration addressed by the Emperor of Russia to the Emperor of Germany, the understanding reached between Russia and Austria-Hungary on the eve of hostilities; all these endeavors were left by Germany without answer and without issue. Belgium was invaded by an empire which had guaranteed her neutrality and which itself unhesitatingly proclaimed that treaties are "mere scraps of paper" and that "necessity knows no law."

As regards the present, the so-styled offers of Germany are based upon a "war map" which covers Europe alone; which expresses only the exterior and transitory aspect of the situation, but not the real strength of the adversaries. To conclude a peace based on the above would be to the sole advantage of the aggressors, who, having believed they could attain their object in two months perceive after two years that it will never be attained.

For the future, the ruins caused by the Germans' declaration of war, the innumerable aggressions committed by Germany and her allies against the belligerents and against neutrals demand penalties, reparations, and guarantees; Germany eludes one and all.

In reality, the overture made by the Central powers is but an attempt calculated to work upon the evolution of the war and of finally imposing a German peace.

It has for its object the troubling of opinion in the Allied countries; this opinion, in spite of all the sacrifices endured, has already replied with an admirable firmness and has denounced the hollowness of the enemy declaration.

It desires to strengthen public opinion in Germany and amongst her allies already so gravely shaken by their losses, fatigued by the economic encirclement, and crushed by the supreme effort which is exacted from their peoples.

It seeks to deceive, to intimidate public opinion of neutral countries long ago satisfied as to the original responsibilities, enlightened as to the present responsibilities, and too farseeing to favor the designs of Germany by abandoning the defense of human liberties.

It strives finally to justify new crimes in advance before the eyes of the world: submarine warfare, deportations, forced labor and enlistment of nationals against their own country, violation of neutrality.

It is with a full realization of the gravity, but also of the necessities of this hour, that the Allied Governments closely united and in perfect communion

with their peoples refuse to entertain a proposal without sincerity and without import.

They affirm, once again, that no peace is possible as long as the reparation of violated rights and liberties, the acknowledgment of the principle of nationalities and of the free existence of small states shall not be assured; as long as there is no assurance of a settlement to suppress definitely the causes which for so long a time have menaced nations and to give the only efficacious guarantees for the security of the world.

The Allied powers, in termination, are constrained to expose the following considerations which bring into relief the particular situation in which Belgium finds herself after two and a half years of war. By virtue of international treaties signed by five of the great powers of Europe, amongst which figured Germany, Belgium profited by a special statute which rendered her territory inviolate, and placed the country itself under the guarantee of these powers, sheltered from European conflicts. Nevertheless Belgium, despite these treaties, was the first to suffer the aggression of Germany. It is why the Belgian Government deems it necessary to specify the purpose which Belgium has never ceased to pursue in fighting, beside the powers of the Entente for the cause of right and justice.

Belgium has always scrupulously observed the duties imposed upon her by neutrality. She took arms to defend her independence and her neutrality violated by Germany and to remain faithful to her international obligations. On the 4th of August at the Reichstag the Chancellor acknowledged that this aggression constituted an injustice contrary to the right of nations and agreed in the name of Germany to repair it.

After two and a half years this injustice has been cruelly aggravated by the practice of war and occupation which have exhausted the resources of the country, ruined its industries, devastated its cities and villages, multiplied the massacres, the executions, and imprisonments. And at the moment that Germany speaks to the world of peace and humanity she deports and reduces to servitude. Belgium before the war had no other wish than to live in concord with all her neighbors. Her King and her Government have only one purpose: the reestablishment of peace and of right. But they will only consider a peace which Belgian citizens by the thousand [demand and which?] assures to their country legitimate reparation, guarantees, and security for the future.

SHARP

File No. 763.72/3087

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 28, 1916, 6 p. m.

[Received December 30, 9.30 a. m.]

4796. Press summary. The German press approves in general of the German reply to the President's note and of the promptitude with which it was prepared. Count Reventlow, however, hopes that Germany will not submit to American or any other neutral interference, and insists that after all that Lloyd George and Briand have said about Germany, no German delegates can possibly sit down at the same table with English and French delegates unless suitable redress is given. *Vossische Zeitung* writes that America's interest in peace is purely selfish, and as such involves the protection of English interests, but that the German reply shows that Germany is aware of the danger of neutral intervention and is prepared to meet it. *Frankfurter Zeitung* writes that America and the other neutrals interested in the establishment of peace cannot but agree to the German reply, for it shows that the Central powers want to live in real peace with the other nations and refutes once for all the charges that Germany is ruled by military despotism; the Entente has only

to answer in the same spirit and peace is near. *Cologne Gazette* writes that the clearness and simplicity of the German reply show the world that a direct exchange of views is the only way to peace, and that the publication of peace conditions now would only confuse public opinion and make peace more remote. The reply of the Entente will show whether they want peace in good faith or are willing to assume the full responsibility for the prolongation of the war. At any rate Germany has the satisfaction of knowing that [she has, in common with] our great neutral countries, stated sincere desire to restore peace to the world and to terminate the great calamity to humanity. Munich *Neueste Nachrichten* writes that the reply furnishes fresh proof of Germany's willingness to cooperate in great task of bringing about a peace on the sure foundation of reality and right.

In an article in the Berlin *Tageblatt*, Herr Hoff, member of the Reichstag, writes that the shortage of potatoes has become alarming, the weekly rations having been reduced to three quarters of a pound, and that the balance must be made up by mill products which can only be done by utilizing the supplies found in Roumania to the fullest extent. If vigorous measures are immediately adopted—and they must be adopted if the German people is not to starve—a weekly ration of one pound of food can be made available until the next harvest.

GERARD

File No. 763.72119/289

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 29, 1916, 3 p. m.

[Received December 30, 12.30 p. m.]

1769. In a talk of some length with Mr. Cambon of the Foreign Office, during which I brought to his attention the subject matter of your circular in explanation of the statements attributed to you appearing in the American press, while expressing unofficially his belief that it was not likely any agreement could be reached at the present time through any negotiations looking to the ending of the war, he nevertheless quite emphatically gave it as his opinion that the war would be finished at the end of three months or at the longest six months. This view is significant to me because it seems incredible that those well informed of the true situation can believe that the forces of the Central powers can be conquered or even driven back to the Rhine on the west front in any such time. From my own talks with Mr. Cambon at other times, I think he must share in that opinion. It indicates to me rather that the Allied powers have great confidence on account of their tremendously increased preparations in men and ammunitions to be able in the early spring to achieve such successes and thereby demonstrate their power so as to enable them to force the Central powers to yield or give better terms. I am confirmed in this opinion in part, as it applies to the hope of their winning more pronounced successes, from the information which was given to me yesterday during the call at the Embassy of another



prominent member of the Government in the Foreign Office who told me that some time ago England and France had purchased from Norway its entire supply of sulphur amounting to 400,000 tons, a supply to which Germany has looked after being shut off from those of Spain and Italy, and of which product she had still remaining until recently quite a store. He pointed out further to me that in that fact he saw an explanation for the very destructive warfare which German submarines had carried on against Norwegian ships in particular. In addition he expressed the belief that from information given to them the questions of the food supply in Germany was much more critical than supposed to be. My own opinion, which has not been modified by any of the events of the past year but rather strengthened, is that by the use of trench warfare, which has been developed to a wonderful extent by both sides, it has become almost impossible to make any marked advances even at the expense of enormous quantities of material as well as the loss of great numbers of men. Only acute domestic conditions or some unlooked-for tragic event can change this outlook for many months to come. Editorial comments on the President's note in the French papers are in the main much more fair and temperate than those which have appeared in the London press. Only the local New York *Herald* continues its daily diatribes against any consideration being given to the suggestions contained in the note. These, together with contributions to its column from like-disposed Americans, occasionally find their way to the French papers. Forwarding in pouch copies of press comments.

SHARP

File No. 763.72119/287

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 30, 1916, 10 p. m.

[Received December 31, 9 a. m.]

1774. This afternoon in short interview with Mr. Briand at the Foreign Office he said that he hoped to be able to hand me within a few days the answer to the President's communication, and that he felt confident that Mr. Wilson would realize from its text that the Allied Governments had given all possible consideration to his suggestions.

SHARP

File No. 763.72/3091

*The Minister in Greece (Droppers) to the Secretary of State*

[Telegram]

ATHENS, December 30, 1916, 12 noon.

[Received December 31, 1 p. m.]

211. Entente will present following demands to-morrow: Removal of all troops and ammunition to Peloponnesus except those for police power; rigorous suppression of reserves' unions and their activities; prohibition against carrying arms and munitions of war; reestab-

lishment of Entente control but in least interfering form; degradation of Greek officer responsible for attack of December 1; salute to Entente flags and formal excuses; liberation of political prisoners since December 1 and indemnifications for injuries. Entente guarantees Provisional Government not to cross neutral zone. Blockade to continue until above-stated conditions are fulfilled. This note means either acceptance or war.

DROPPERS

File No. 763.72119/294

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 30, 1916.

[Received December 31, 11.10 p. m.]

4805. Press summary. Reported from Washington that the German reply was received on the 28th. Since much unfavorable American press comment thereon had already been published here on English authority, the German Liberal press surmises that such comment was based on a garbled version of the reply. *Cologne Gazette* writes that the President expressly stated that he was indifferent to the means so long as his great object was attained, so that the German proposal of a direct exchange of views cannot offend him. The assuming of New York papers that the belligerents must submit their terms to the President is unintelligible. To put such a construction on the President's note would deprive it of its pacific character altogether. Even Paris papers pointed out that public debate on peace terms is impossible.

Pan-Germanist papers are eager to take the theme of London papers that the real meaning of the President's note is that America will be compelled to take action if reckless submarine warfare follows the rejection of the peace offer by the Allies, and that the only purpose of the soundings which the President wishes to take is to find out on which side American weight is to be thrown. Count Reventlow claims that these threats only confirm what he preached right along, namely, that American influence will be used solely in favor of England and must therefore be considered utterly hostile to any German peace. An editorial of the *New York Times* is published, stating that the meaning of the President's note is to warn Germany that she must decide whether to submit peace terms acceptable to the Allies or to continue the war under the strong probability that America will join the Allies. *Frankfurter Zeitung* comments on the manifesto of the Czar that the hope of peace is dwindling because the Allies refuse to see the realities of the war and wish to dictate peace only. Russian claims to Constantinople at this time completely disregard the results of 29 months of fighting which have clearly solved the problems of the east and southeast in the sense that Russian plans of conquest must be finally given up. The renewed agitation for economic warfare after the war is another element of despair, for any such plans are utterly incompatible with a peace of understanding. *Cologne Gazette* writes that the world is anxiously awaiting the reply of the Entente. It must not be a renewal of the ridiculous asseverations that Germany must be de-

stroyed; the Allies' peace terms must recognize Germany's freedom of economic and cultural evolution. Germany was forced against her will to conquer French, Belgian, Serbian, Russian, and Roumanian territory but the small nations who do not undertake anything against Germany need never fear for the protection of their national freedom and independence. The peace must be the just result of the war furnishing no side advantages which it had failed to gain during its course.

Officially announced that 408,500 tons of enemy and neutral shipping were lost during November through the operations of the Central powers.

Erfurt *Allgemeiner Anzeiger* writes America figures as follows: Suppose the German submarine warfare is intensified to such an extent as to menace the American transports of war materials, then America will face a decision that will be devilishly inconvenient; a war against the Central powers with means at the disposal of America would be futile, but considerations of prestige would demand that the United States do not permit themselves to be defeated under all circumstances. The great business would be at an end and what the future may bring nobody knows, and therefore America suddenly discovers its humanity in order not to risk a bad speculation. In this way, however, it can help the English restrain the demands of the great German competitor, and the neutrals who desire a quick ending of the war are helping it in its endeavors.

GERARD

File No. 763.72119/1861

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4916

BERLIN, December 21, 1916.<sup>1</sup>

SIR: I have the honor to make to the Department the following report on the development of the peace propaganda in Germany during the period in which I have been in charge of the Embassy.

On October 7, in my telegram No. 4439,<sup>2</sup> reporting the agreement which was said to have been reached between the Chancellor and his political opponents that the submarine issue should be dropped for the present, I informed the Department that this agreement appeared to be based upon the desire of the German Government to avoid embarrassing the President should he desire to act on the matter dealt with in the Ambassador's highly confidential telegram No. 4375<sup>3</sup> of September 25 and to take steps looking towards peace. This information was received from a source which I regarded as trustworthy and well informed, but I was not at that time able to confirm it.

On November 17, in my telegram No. 4614,<sup>4</sup> I directed the Department's attention to the importance of an interview with the Imperial Chancellor which Mr. William Bayard Hale, the Berlin correspondent of the Hearst newspapers, was about to cable to the New York *American*. There had been during the last few weeks in Berlin a

<sup>1</sup> Date of receipt not recorded.

<sup>2</sup> *Post*, p. 293.

<sup>3</sup> *Ante*, p. 55.

<sup>4</sup> *Ante*, p. 64.

marked increase of peace talk and sentiment, which, so far as I could observe, extended practically to all parties, and when I learned of the Hale interview and was informed that it was in the nature of an informal suggestion to the President, whose response was awaited with interest, there seemed every reason to attach weight to it, particularly as Mr. Hale's relations with the German Government are closer than those of most of the other American correspondents, and as the Chancellor would not be likely to give an interview at this time without some particular purpose.

The Hale interview, however, was unexpectedly delayed after he had understood that it had been approved and passed, and had expected it to be published in New York on the morning of November 18 or 19. This I reported to the Department in my telegram No. 4626<sup>1</sup> of November 20.

In its telegram No. 3606<sup>1</sup> of November 22, the Department informed me that Count Bernstorff was trying to stop the publication of the interview in the United States and that it might now be held up by the German censor, and instructed me to endeavor to obtain the Chancellor's statement to Hale and to cable it to the Department. No intimation was given me as to whether the Department itself considered the publication of the interview as inadvisable.

I replied in my telegram No. 4652<sup>2</sup> of November 25 that Hale had now informed me that the Chancellor, in view of recent developments such as the death of the Austrian Emperor, the changes in the Foreign Office, and the establishment of the Government auxiliary service, had now decided that it would be preferable to base the interview primarily on those developments and thus to avoid approaching the subject of peace directly, while bringing it into the interview incidentally. I had, however, obtained a copy of the original interview, and although it had now been withdrawn and could not be regarded as authorized by the Chancellor himself, I cabled various excerpts in order to indicate its general nature and the tendency of the Chancellor's thoughts.

On November 28 Mr. Hale gave me a copy of the interview as finally approved and passed, after it had been revised five separate times, and in accordance with the Department's instructions I cabled it in full in my telegram No. 4662.<sup>3</sup> The great amount of padding in the interview and the fact that, so far as I was aware, it would be published in the United States, made me hesitate to cable it in full, but the Department had asked for the text and I feared that to omit any portion of it would be to confuse the relative importance of the subjects mentioned. The consensus of opinion of the Embassy staff was that it should be sent in full, which was accordingly done.

Meanwhile, on November 22, my first interview with the Chancellor regarding the Belgian deportations gave him an opportunity to turn to the subject of peace and to elaborate the theme at considerable length, knowing that what he said would be brought directly to the President's attention. I am not aware as to what he had previously said to Mr. Gerard and to Colonel House, but he approached the matter very directly and definitely and left no doubt as to his intentions in bringing up the subject. As soon as the Belgian matter

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<sup>1</sup>*Ante*, p. 67.

<sup>2</sup>*Ante*, p. 69.

<sup>3</sup>*Ante*, p. 71.

had been discussed, the Chancellor settled back in his chair and began to speak slowly and distinctly in German giving me the impression that he had carefully considered his words in advance. He said that these difficulties in Belgium would never have arisen if his suggestions that Germany desired peace, which he had expressed in the Reichstag last December, almost a year ago, and subsequently to Mr. Gerard and to Colonel House and in other speeches and interviews, had been acted upon abroad. England and France, he said, had replied that this was no time to talk of peace. It had been said in those countries that he had made conditions (*Bedingungen*); this was not true; he had made no conditions. If his intimations that Germany wanted peace should be continuously ignored, Germany would be forced in self-defense to adopt hard measures, but this would not be Germany's fault. Germany's readiness for peace absolved her from the guilt of this continued slaughter. It was utter craziness (*Wahnsinn*) to continue this useless and futile taking of human life. This he repeated several times in different words. "What do these difficulties in Belgium matter," he said, "compared to the hecatomb of lives which have been lost on the Somme since last July?"

As I reported to the Department in my telegram No. 4636<sup>1</sup> of November 22, 10 p. m., the Chancellor gave an impression of great weariness and sadness and discouragement at the failure of his peace suggestions to bear fruit. His mood may to a certain extent have been influenced by the day, which was Busstag, the German day of penitence: he had lost his wife and son since the beginning of the war and his thoughts would naturally have turned to them on that particular day of the year. But, as I reported to the Department, the Chancellor, quite apart from any consideration of mood or manner, gave me the distinct impression, although not directly expressed, of his disappointment that the United States had not taken steps leading towards peace.

On December 1, in my telegram No. 4671,<sup>2</sup> I communicated to the Department my impressions of the general situation in Germany regarding the issue of peace. I stated that with the exception of a certain element in the Army and the Navy and certain politicians of the Reventlow type, Germany as a whole would appear ready to welcome steps looking towards peace, as there was a general weariness of war and as the food situation, while not critical, was becoming more and more difficult from day to day. As it was not generally believed, however, that peace could yet be brought about, owing to the growing doubt of the possibility of inducing Russia to conclude a separate peace and the attitude of England, the German Empire was gathering all of its potential resources with a view to meeting and if possible to exceeding the enemy's output of trained soldiers, guns, and ammunition. Three principal steps were being taken in this significant and large-scale movement, namely, the organizing of the national auxiliary service, the impressment of laborers in Belgium, and the same or similar action in Poland. These steps would undoubtedly release a very large number of men to the front (it has been said a million and a half) and would effect a great increase in the number of available munition workers. It was hoped that by this method Germany would be in a position to conduct a successful

<sup>1</sup>Ante, p. 68.<sup>2</sup>Ante, p. 77.

offensive against Russia in the spring or sooner (probably a movement into Bessarabia and towards Odessa), and to check a similar offensive on the part of the Allies in the west. For this reason the Army leaders appeared to believe that they could secure more favorable terms after their spring offensive than now and were therefore probably averse to steps looking towards peace at the present moment. The attitude of the Navy was well known to the Department from my previous reports: the Navy would never feel that its trump card had been played until the ruthless and indiscriminate submarine warfare had been reopened and England starved out by the cutting off of all commerce approaching her shores.

The Chancellor, however, was to all appearances sincerely and heartily in favor of an early peace, and I believed these sentiments to be shared by Zimmermann, who, although a stronger and more determined man than Von Jagow, was in agreement with the Chancellor that the war could now only result in a draw, that the continued loss of life was and would be futile, and that, although Germany would be able to maintain her present position indefinitely, if not to advance, humanity called for an end.

It was not impossible that the Chancellor might encounter a certain amount of opposition from the German public should his repeated peace suggestions be acted upon, but so far as I was able to gauge the situation, any such opposition or criticism would be based upon the fear of a confession of weakness rather than upon any lack of desire for peace among the people, officials, and politicians of Germany as a whole.

The above telegram (here paraphrased) was sent only after repeated conferences with the various members of the Embassy staff, and it was altered until it met with the full approval of the military attaché and represented the consensus of opinion of the staff as a whole.

On November 29, in its telegram No. 3621,<sup>1</sup> the Department directed me to obtain as soon as possible a further interview with the Chancellor and after making a textual protest against the Belgian deportations on behalf of the Government of the United States, to represent to the Chancellor in confidence and with great earnestness the very serious unfavorable reaction which the Belgian deportations were exerting upon public opinion in the United States at a time when that opinion was more nearly approaching a balance of judgment as to the issues of the war than ever before. I was also, and more particularly, to point out the great embarrassment which the President had been caused by that reaction in regard to taking steps looking towards peace. I was authorized to say that the whole situation was being watched by the President with the utmost solicitude, as it was his wish and definite purpose to be of service at the earliest possible moment in that great aim and that it had repeatedly distressed him to find his hopes frustrated and his occasion destroyed by such unfortunate incidents as the Belgian deportations and the sinking of the *Marina* and the *Arabia*. Furthermore, authorization was given me to say that my report, in a recent despatch (telegram), of the evident distress and disappointment of the Chancellor that

<sup>1</sup> *Ante*, p. 70.

nothing had come of his intimations regarding peace, had been noted by the President with the deepest interest, and that what the President now earnestly desired was the creation of a favorable opportunity for some affirmative action by him in the interest of an early restoration of peace, this opportunity to be brought about through practical cooperation on the part of the German authorities. (Paraphrase.)

This telegram was not received at the Embassy until December 2. I immediately applied formally through the Foreign Office for an interview with the Chancellor and was received by him on the morning of December 5 after he had made two previous appointments with me for the day before and had been obliged to break them both, one on account of the funeral service for the Austrian Emperor and the other owing to an extended sitting with some committee. After making the formal representations with regard to the Belgian deportations and leaving a copy with the Chancellor in writing, I turned to the delivery of the President's communication.

The matter was one of some delicacy, owing to the fact, as I had reported to the Department, that the Chancellor had not directly expressed disappointment that the United States had taken no steps looking towards peace, but had given me that impression only by intimation. There was no question whatever as to his intention in having spoken to me as he did at my first interview, which was clearly indicated by his words, his manner, and his allusion to what he had previously said to Mr. Gerard and to Colonel House, but I could not run the possible risk of first delivering the President's communication and then of having the Chancellor, owing to some alteration of circumstances in the meantime, say that I had not clearly understood him. Accordingly I began by repeating carefully word for word, so far as it was possible to remember it, the Chancellor's remarks to me at the previous interview and then inquired if I had understood him clearly. On his reply that I had made no mistake, I proceeded to make the representations stated above. The Chancellor listened with full respect to the President's communication, but made no comment and said that he would send for me in a few days after he had talked the matter over with Zimmermann.

In an informal talk with Zimmermann on December 6, he expressed satisfaction at the President's communication and said that the Chancellor's reply would be "favorable and friendly." He also remarked that it was the desire of the German Government to smooth the President's way as much as possible in any steps which he might take looking towards peace.

On the following evening, December 7, the Chancellor sent for me and said that while the answer of the German Government to our representations regarding the Belgian deportations would be communicated to me in due course by Zimmermann, he wished to reply immediately himself, before leaving for General Headquarters that night, to the statement regarding the President's attitude towards the question of taking steps looking towards peace, and he proceeded to make to me the following confidential oral communication:

The German Government, desirous of maintaining amicable relations with the United States, has given proof of its willingness to settle incidents arising between the two nations in a friendly spirit by the replies recently transmitted to the American Government in the *Marina* and *Arabia* cases. It is with

great satisfaction that I have noted that the President of the United States so earnestly tries to be of service in the restoration of peace. Also my offers to open *pourparlers* for peace negotiations have so far not met with a favorable response from the other side. I hope the time will come when Germany's enemies will be more willing to lend an ear to the voice of reason. I am extremely grateful to see from the message you were good enough to deliver to me that in this event I can count on the practical cooperation of the President in the restoration of peace as much as the President can count on the practical cooperation of the German authorities.

This statement and an account of my conversation with the Chancellor were cabled to the Department in my No. 4700<sup>1</sup> of December 7.

The following day, to my surprise, Mr. Conger, the Associated Press correspondent in Berlin, showed me a telegram which he was about to send to the United States containing a more or less complete account of my interview with the Chancellor, both on the subject of the Belgian deportations and on peace. The information, he said, had been given out to him by a certain official in the Foreign Office with full permission to use it as news.

Endeavoring to look at the matter from every point of view, I could not see that the publication of this interview, so far as it related to peace, could do otherwise than embarrass the President. We did not know at that time that either the Chancellor or the President would shortly come out with a public communication on the subject, and it was my opinion, although no intimation of the Department's attitude had been given me, that if the President were contemplating taking action, his way would be rendered more difficult by the unfavorable reaction which the publication of my confidential interview with the Chancellor would have on public opinion in the countries of the Entente. Furthermore, if the President had no objection to the publication of the interview, the Department would presumably not have characterized the communication to the Chancellor as confidential, which was done in the Department's telegram No. 3621. It did not therefore lie with me to determine the advantages or disadvantages of its publication, and it was undoubtedly my duty to call the attention of the Foreign Office to the fact that my communication to the Chancellor had been confidential and that I had so stated when delivering it. This I did without delay. The Foreign Office averred that a mistake had been made, although I am now aware that the information had been given to Mr. Conger with the approval of a high official, and stated that they would suppress the telegram at the censor's office. This was done, for Mr. Conger came to me on the following day and said that, to his surprise, his telegram had been badly cut up by the censor, all allusion to peace having been eliminated. I reported this incident to the Department in my telegram No. 4707<sup>2</sup> of December 8.

On December 10, in my telegram No. 4712,<sup>3</sup> I cabled the Department that the Reichstag had suddenly and unexpectedly been called to meet on December 12 and that it was generally believed that the subject of peace would be openly broached, possibly with a general statement of terms. During those few days Berlin was full of the

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<sup>1</sup>Ante, p. 81.

<sup>2</sup>Ante, p. 82.

<sup>3</sup>Ante, p. 83.



wildest remorse [*rumors*] as to the meaning of the convocation of the Reichstag, and it was not easy to sift the well-founded rumors from mere gossip, so I telegraphed the Department with considerable reserve.

On the morning of December 12 I was unexpectedly called to the Chancellor at 11.30, the Spanish Ambassador having been received at 11 and the Swiss Minister at 11.15. The Swiss Minister was coming out as I entered and whispered to me as he left: "An offer of peace," which was the first intimation I had had as to the reason for the Chancellor's summons. The Spanish Ambassador had been equally in the dark, and calling on me afterwards, he stated that when invited to the Chancellor, he thought it not unlikely that the latter was about to announce a resumption of the indiscriminate submarine warfare. This I reported in my telegram No. 4724<sup>1</sup> of December 12, 6 p. m. I therefore unfortunately had no opportunity of informing the Department in advance as to the proposed step of the German Government.

The Chancellor lost no time in preliminaries, but seating me beside him at a small table, he immediately told me in a few words the reason why he had sent for me and then proceeded to read a statement, a close paraphrase of which was cabled to the Department in my telegram No. 4725<sup>2</sup> of December 12 and a copy of which was transmitted in my despatch No. 4820<sup>3</sup> of the same date. He then delivered to me the note containing the German Government's offer of peace, the signed original being in the German language and accompanied by an official French translation. An English translation of the note was cabled to the Department at the earliest possible moment in my No. 4722,<sup>4</sup> the French version following shortly afterwards *en clair* in my No. 4726.<sup>5</sup> As the translating and encoding of the note occupied but a few hours, it did not seem to me possible that a preliminary telegram, such as was apparently received from Vienna, according to the Department's telegram No. 3670 of December 13, 4 p. m.,<sup>3</sup> could reach Washington sooner than the note itself. I am aware that the Legation at Copenhagen remains open until 11 p. m. daily for the transmission of telegrams, and as our telegram containing the text of the note itself was dispatched on the afternoon of the 12th, it seemed to me that it must reach the Department early on the morning of the 13th. I now learn from the press that it did not arrive until the night of the 13th, and fear that it must have been delayed by the congestion in the telegraph offices on that day. As stated in my telegram No. 4738 of December 15,<sup>3</sup> however, it could not have been more urgently expedited by the Embassy. I fully realized the great importance of haste.

Immediately after the Chancellor had received me, I left the note at the Embassy to be translated and encoded and proceeded at once to the Reichstag, where the Chancellor spoke at 1.45 immediately after the meeting had been called to order. His remarks were cabled to the Department in my No. 4723<sup>2</sup> of December 12. His speech, which was quietly delivered, called forth no great enthusiasm, although his remarks were frequently punctuated by "Bravos" from

<sup>1</sup>Ante, p. 86.

<sup>2</sup>Ante, p. 87.

<sup>3</sup>Not printed.

<sup>4</sup>Ante, p. 85.

<sup>5</sup>Ante, p. 89.

the house. Afterwards the leaders of the Central, Conservative, and Socialist Parties spoke, but at no great length. The representative of the Center Party moved to adjourn, leaving it in the discretion of the President to fix the day of the next meeting. Herr Bassermann of the National Liberal Party took the position that a measure of such moment as the peace proposal required dignified discussion by the Reichstag and moved that such discussion be entered upon immediately. Count Westarp, of the Conservatives, and Herr Ledebour of the Socialist Labor wing supported Herr Bassermann's motion for open discussion by the Reichstag. Upon vote being taken the motion to adjourn was passed by a large majority.

On December 13 I cabled to the Department, in my Nos. 4728<sup>1</sup> and 4729,<sup>2</sup> full comment and excerpts from the press.

In an informal conversation with me on December 19, Zimmermann mentioned the subject of peace and said that while the Chancellor in his note of December 12 had clearly indicated that Germany, with her sincere desire for peace, would adopt no basis which it would be impossible for the Entente to accept, the German Government had particularly avoided giving any intimation as to what this basis would be, as this, among other reasons, might have demoralized the troops in the field who would have believed that there was no further purpose in fighting. This conversation was reported in my telegram No. 4753<sup>3</sup> of December 19 and was the first occasion on which the subject of peace had been commented upon at the Foreign Office since the Chancellor handed me his note on December 12.

On the morning of December 21 I received the Department's circular telegram of December 18, containing the President's communication for the Secretary of State for Foreign Affairs, which I read to Zimmermann at about 5 p. m., after the telegram had been decoded, the note prepared, and an appointment made at the Foreign Office. I presented the matter with the utmost earnestness and clearly conveyed the impression, as directed, that it would be very hard for the Government of the United States to understand a negative reply. Zimmermann listened to the reading of the communication, a copy of which I left with him, with earnest attention and expressed great satisfaction at and appreciation of the President's "wise and high-minded action." He said he would have to discuss the matter with the Emperor and the Chancellor before replying, and that in any case he did not think that an answer could be given or action taken until the Entente powers had replied to the Chancellor's note of December 12. He said he was quite sure that Germany's peace terms were more moderate than those of the Entente, but that Germany could not be the first to divulge them, first, because one party to a negotiation could not give its hand away at the start, and second, because of the unfavorable effect which this would have on the German public, part of whom would undoubtedly be dissatisfied with the terms offered by Germany. I remarked that if Germany could not be the first to divulge her terms and if, as was probable, the Entente powers would be similarly reticent, the process of elimination would leave a mutual and simultaneous statement of terms as the only alternative, which he said might be considered.

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<sup>1</sup> *Ante*, p. 91.

<sup>2</sup> Not printed

<sup>3</sup> *Ante*, p. 108

The word "soundings," he said, struck him as peculiarly appropriate and he believed that in any case the action of the President was a step nearer towards peace and that favorable results might possibly be expected.

I informed the Department of the receipt of the President's communication in my telegram No. 4760 of December 21, 10 a. m.,<sup>1</sup> reporting at the same time that section 2 of the Department's circular for Vienna and Sofia had been sent to Berlin by an error of the telegraph authorities and that I had forwarded it immediately. My conversation with Zimmermann was reported in the Embassy's telegram No. 4764<sup>2</sup> of December 21, 6 p. m. I would add that in leaving with Zimmermann the President's communication in writing, I adopted the form of a note as had been done by the Ambassador in previous cases under identical instructions (*vide* the various *Lusitania* notes from the Embassy to the Foreign Office).

The Ambassador returned to Berlin at 10.30 p. m. on December 21.

In summing up, I venture to remark that in my opinion this peace propaganda is a direct outcome of the food situation in Germany, which is steadily becoming more difficult. The German masses are suffering from undernourishment, which is already affecting adults, but particularly young children, and there will probably be several months to come, before the next crops are ripe, when the supply of food available for rationing human beings and animals will be sensibly less than at present. If it becomes necessary to go through this period in a state of war, it may be expected that it can be done, though with great and widespread hardship. The fighting could then be prolonged for a considerable period, but under these circumstances, even if victorious in a military sense, Germany would probably be so far exhausted as to render a victory barren of results. It is, therefore, necessary for Germany to make great sacrifices at the present time in order to try to secure a peace. The attempts to detach Russia from the Alliance having proved abortive, the sacrifices to be offered appear at present to be directed towards France and England.

As a basis for discussion, something of the following nature is talked about among well-informed Germans: Belgium and northern France to be given up; France to be compensated with a part of Alsace and Lorraine; England to be compensated with certain colonial possessions. On the other hand, Germany to be allowed to follow her development of the Bagdad Road and Mesopotamia; to have an influential position in the Balkans; and the independent Kingdom of Poland to be continued as a buffer state. It is significant that in 1915 it would not have been possible to find a German voice to speak of the ceding of a square foot of Alsace-Lorraine.

The morale of the masses is low. The successes in Roumania and the peace propaganda have given them new spirit for the moment and the Chancellor's action on December 12 was received with unconcealed joy; but this frame of mind cannot be expected to last if the peace offer fails.

The year 1916 has seen a definite step in the growth of liberal ideas in Germany. The ideas so freely expressed by the ruling classes at

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 110.

the beginning of the war and throughout 1915, that Germany by virtue of her leadership in the arts of civilization and the moral superiority of her people must spread her power and methods throughout the world, are now generally relegated to obscurity.

Nevertheless the full regeneration of the country can only come from within. When it is brought home to the people that the building up of vast armaments for conquest and expansion and the fostering of that spirit of force which is militarism has led them to failure and suffering, the time will be ripe for new forms of government in Germany and for a stable condition in Europe.

It would appear from the statements made in the countries at war with Germany that they recognize this condition and are not prepared to accept terms unless they impose upon Germany definite losses and hardships which will bring home to her people the futility of future wars of expansion.

I have [etc.]

J. C. GREW

File No. 763.72119/302

*The Consul General at Sofia (Murphy) to the Secretary of State*

[Telegram]

SOFIA, December 30, 1916.

[Received January 2, 1917, 5 p. m.]

Referring circular 18th.<sup>1</sup> Bulgarian Foreign Minister responds following:

I have had the honor to receive the letter you were pleased to address to me on the 28th of this month to acquaint me with the step taken by Mr. President Wilson in favor of peace, and I hasten to communicate to you the following answer of the Bulgarian Government:

The generous initiative of the President of the United States, tending to create bases for the restoration of peace, was cordially received and taken into consideration by the Royal Government in the same friendly spirit which is evidenced by the presidential communication. The President indicates the object he has at heart and leaves open the choice of the way leading to that object. The Royal Government considers a direct exchange of views to be the most efficacious way to attain the desired end. In accordance with its declaration of the 12th of December instant, which extends a hand for peace negotiations, it has the honor to propose an immediate meeting at one place of delegates of the belligerent powers. The Royal Government shares the view that the great undertaking which consists in preventing future war can only be initiated after the close of present conflict of nations. When that time comes, the Royal Government will be glad to cooperate with the United States of America and other neutral nations in that sublime endeavor.

Be pleased [etc.]

DOCTOR RADOSLAVOFF

Chargé d'Affaires left December 24. In his absence felt it my duty present note embodying circular 18th carrying out instructions. Someone should be empowered to act, Department's telegram to War-field only instructing archives be turned over.

MURPHY

<sup>1</sup>Ante, p. 97.

File No. 763.72119/292

*The Secretary of State to the Ambassadors in Germany, Austria-Hungary, and Turkey, and the Consul General at Sofia*

[Telegram]

WASHINGTON, *January 2, 1917, 7.35 p. m.*

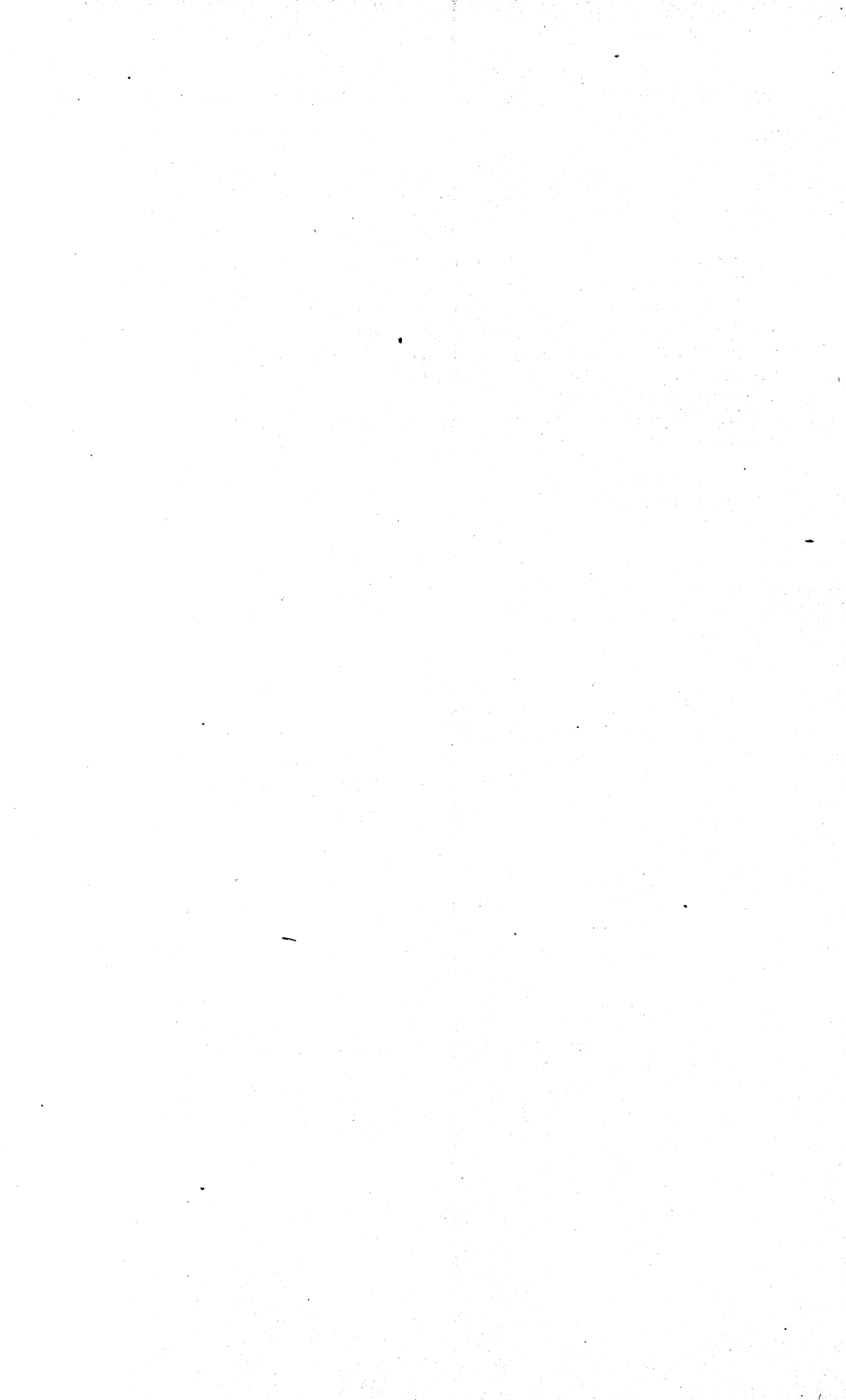
This Government has received the following translation of the note of the Entente powers replying to the overtures of the Central powers. Please deliver this note to the government to which you are accredited, with the statement that the French text is being forwarded directly to you by the American Embassy, Paris, and that it will be delivered upon receipt.

[Here follows the Entente note in Number 1770, December 29, 12 midnight, from Paris.<sup>1</sup>]

LANSING

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<sup>1</sup>*Ante*, p. 123.



PART II  
NEUTRAL RIGHTS





## PART II

### NEUTRAL RIGHTS

NEUTRAL RIGHTS AS AFFECTED BY THE SUBMARINE OPERATIONS OF GERMANY AND HER ALLIES—THE QUESTION OF ARMED MERCHANT VESSELS—THE IMPERILING AND DESTRUCTION OF AMERICAN LIVES AND PROPERTY—AMERICAN DEMANDS AND GERMAN PLEDGES—RELATIONS OF THE UNITED STATES WITH GERMANY AND HER ALLIES<sup>1</sup>

THE CONTINUANCE OF NEGOTIATIONS CONCERNING THE "LUSITANIA" AND THE "ANCONA"—THE SINKING OF THE "PERSIA"

File No. 841.857P43

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, January 1, 1916.

[Received 9 a. m.]

P. & O. liner *Persia* reported sunk, submarine, while approaching Alexandria. Robert N. McNeely, American Consul, Aden, going to post, left London as passenger. Nearly all on board perished.

SKINNER

File No. 841.857P43/14a

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, January 3, 1916, 10 a. m.

1066. Having just received the reply of the Austro-Hungarian Government in the matter of the *Ancona* and having formed a most favorable impression of the friendly and reasonable attitude of the Government and of the probability of an amicable and satisfactory settlement, we are the more deeply disturbed by the news that reaches us of the destruction of the S. S. *Persia*. Please make immediate inquiry at the Foreign Office concerning the facts, express the grave solicitude of this Government, and seek assurances of

<sup>1</sup>Affidavits and other evidence bearing on particular cases dealt with in this correspondence are printed in the publications of the Department of State entitled *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties (European War Nos. 3 and 4)*, and reprinted in the Special Supplements to the *American Journal of International Law*, vols. 10 and 11. See the Preface to *Foreign Relations*, 1914, Supplement.

early and very serious action on the part of the Austro-Hungarian Government in the case, in the spirit and upon the principles so frankly set forth in its last note to us concerning the *Ancona*.

LANSING

File No. 763.72/2342

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 27/16

WASHINGTON, January 3, 1916.

MY DEAR MR. SECRETARY: With reference to our conversation of Friday morning, I beg to inform you that, to my great regret, I cannot continue our discussion of the *Lusitania* case because the most important part of my instructions has not arrived. According to the numbers which the telegrams I received through Mr. Gerard bear, one telegram is missing. It must have been lost or detained by our enemies. As you know, my Government has expressed the hope that these missing instructions would make a friendly agreement on the *Lusitania* case possible. Since they have not arrived, I feel bound to send one more telegram to Berlin, explaining the situation as I see it after our conversation and urging that the instructions be sent immediately. I should, therefore, be very much obliged if you would kindly transmit the enclosed cipher telegram to the German Foreign Office through Mr. Gerard.

I remain [etc.]

J. BERNSTORFF

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, January 3, 1916.

MY DEAR MR. AMBASSADOR: In accordance with the request in your note of the 3d instant, I have forwarded to Mr. Gerard the cipher message from you to the German Foreign Office which you enclosed for that purpose.

I am [etc.]

ROBERT LANSING

File No. 763.72/2337

*The German Ambassador (Bernstorff) to the Secretary of State*

WASHINGTON, undated.

[*Handed to the Secretary by the  
Ambassador, January 7, 1916.*]

(1) German submarines in the Mediterranean had, from the beginning, orders to conduct cruiser warfare against enemy merchant vessels only in accordance with general principles of international law, and in particular, measures of reprisal, as applied in the war zone around the British Isles, were to be excluded.

(2) German submarines are therefore permitted to destroy enemy merchant vessels in the Mediterranean, i. e., passenger as well as freight ships as far as they do not try to escape or offer resistance, only after passengers and crews have been accorded safety.

(3) All cases of destruction of enemy merchant ships in the Mediterranean in which German submarines are concerned are made the subject of official investigation, and besides, submitted to regular prize court proceedings. In so far as American interests are concerned, the German Government will communicate the result to the American Government. Thus also in the *Persia* case if the circumstances should call for it.

(4) If commanders of German submarines should not have obeyed the orders given to them, they will be punished; furthermore, the German Government will make reparation for damage caused by death of or injuries to American citizens.

[File copy not signed]

File No. 841.857P43/47

*The Austro-Hungarian Minister of Foreign Affairs (Burian) to the Austro-Hungarian Chargé at Washington (Zwiedinek)*

[Telegram]

VIENNA, January 12, 1916.

[Handed to the Secretary of State  
by the Chargé, January 12.]

In answer to Mr. Penfield's note of the 5th, we informed him that, having received no information with regard to the sinking of the *Persia*, we could not assume any responsibility for this action. In a case which would involve our responsibility we should naturally be guided by the principles we agreed to in the *Ancona* controversy.

BURIAN

File No. 763.72/2344

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 17, 1916, 11 p. m.

[Received January 18, 1 p. m.]

3361. I have never been informed about your negotiations about *Lusitania*, but (?) if there is delay, it is owing to the fact that Germany is unwilling to admit obligation to pay indemnity, while possibly willing to pay indemnity in this case. I have gathered this in informal conversation with members of Foreign Office.

GERARD

File No. 841.857P43/22

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 17, 1916, 10 p. m.

[Received January 18, 2 p. m.]

3360. Undersecretary Zimmermann informed me to-day that reports are now in from all German submarines and that sinking of *Persia* was not caused by a German submarine.

GERARD

THE AMERICAN PROPOSAL OF JANUARY 18, 1916, OF A MODUS VIVENDI FOR THE OBSERVANCE OF RULES OF INTERNATIONAL LAW AND PRINCIPLES OF HUMANITY BY SUBMARINES AND THE DISCONTINUANCE OF ARMAMENT OF MERCHANT SHIPS—FURTHER NEGOTIATIONS CONCERNING THE "LUSITANIA"—THE CASE OF THE "PETROLITE"—REPORTS OF OFFENSIVE OPERATIONS BY ARMED MERCHANT SHIPS

File No. 763.72/2357a

*The Secretary of State to the British Ambassador (Spring Rice)*<sup>1</sup>

WASHINGTON, *January 18, 1916.*

MY DEAR MR. AMBASSADOR: It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers to life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or are members of the crew, in the exercise of their recognized rights as neutrals. I assume that your excellency's Government are equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on a merchant vessel through those portions of the high seas in which undersea craft of their enemy are operating.

While I am fully alive to the appalling loss of life among non-combatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the interruption of enemy commerce since those instruments of war have proven their effectiveness in this particular branch of warfare on the high seas.

In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying its efficiency in the destruction of commerce, I believe that a formula may be found which, though it may require slight modifications of the practice generally followed by nations prior to the employment of submarines, will appeal to the sense of justice and fairness of all the belligerents in the present war.

Your excellency will understand that in seeking a formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of all non-combatants on merchant vessels of belligerent nationality.

My comments on this subject are predicated on the following propositions:

1. A non-combatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag and to rely upon the observance of the rules of international law and principles of

<sup>1</sup> The same, *mutatis mutandis*, on the same date, to the French and Russian Ambassadors and the Belgian Minister, on January 19 to the Italian Ambassador, and on January 24 to the Japanese Ambassador.

humanity if the vessel is approached by a naval vessel of another belligerent.

2. A merchant vessel of enemy nationality should not be attacked without being ordered to stop.

3. An enemy merchant vessel, when ordered to do so by a belligerent submarine, should immediately stop.

4. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist, and in case it ceases to flee or resist, the attack should discontinue.

5. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

In complying with the foregoing propositions which, in my opinion, embody the principal rules, the strict observance of which will insure the life of a non-combatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. Under these conditions international law appeared to permit a merchant vessel to carry an armament for defensive purposes without losing its character as a private commercial vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantman against the generally inferior armament of piratical ships and privateers.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small caliber gun would be able to use it effectively for offense against a submarine. Moreover, pirates and sea rovers have been swept from the main trade channels of the seas, and privateering has been abolished. Consequently, the placing of guns on merchantmen at the present day of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas and, in case it is found that she is of enemy character and that conditions necessitate her destruction, to remove to a place of safety all persons on board, it would not seem just or reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

It would, therefore, appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the

crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited and prevented from carrying any armament whatsoever.

In presenting this formula as a basis for conditional declarations by the belligerent governments, I do so in the full conviction that your Government will consider primarily the humane purpose of saving the lives of innocent people rather than the insistence upon a doubtful legal right which may be denied on account of new conditions.

I would be pleased if you would be good enough to bring this suggestion to the attention of your Government and inform me of their views upon the subject and whether they would be willing to make such a declaration conditioned upon their enemies' making a similar declaration.

A communication similar to this one has been addressed to the Ambassadors of France, Russia, and Italy and the Minister of Belgium at this capital.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent government, and is seriously considering instructing its officials accordingly.

I am [etc.]

ROBERT LANSING

File No. 763.72/2351

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *January 21, 1916, 1 p. m.*

[Received *January 22, 1.15 p. m.*]

3375. It may have escaped your notice but I am utterly without information as to your negotiations on *Lusitania* case. If such negotiations are pending I can perhaps be of some assistance from this end, but unless I know what is going on and what you desire to accomplish I can be of little service in this matter. I expect Colonel House 25th.

GERARD

File No. 841.857P43/25

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, *January 22, 1916, 12 noon.*

[Received *January 23, 9 a. m.*]

1103. Am in receipt of a note from the Austro-Hungarian Minister for Foreign Affairs, dated 21st instant, stating that since his

communication of the 5th, all Austro-Hungarian submarines have returned from their cruise and it has been ascertained that none of them was concerned in the sinking of the *Persia*.

PENFIELD :

File No. 763.72/2358

*The French Ambassador (Jusserand) to the Secretary of State*

WASHINGTON, January 22, 1916.

[Received January 24.]

MY DEAR MR. SECRETARY: I am cabling to my Government a summary of your letter of the 18th, received yesterday, and I shall send them a copy by mail.

The question is not an easy one. No one, as you may readily believe, is more disposed than my compatriots to adopt any practical means to diminish the inhumanity which has been the chief characteristic of the German submarine warfare. We were indeed the first to be made aware of it by our enemies' torpedoing, to our surprise and indignation, our ship *Amiral Ganteaume* loaded with Belgian and French refugees. The indignation remains, though the surprise has long disappeared, so frequent has been the recurrence of similar deeds.

The chief difficulty will be: what guarantee shall we have that the contemplated agreements, which are simply a reenactment of old established rules, will henceforth be observed? Shall we have yours? If so, well and good, but I doubt you will undertake such a risky thing. The cases in which ships have been destroyed on sight have been too numerous, and no amount of remonstrance on your part has perceptibly altered the submarines' nefarious doings. The example of the *Arabic*, the *Ancona*, the *Ville de la Ciotat* and your own *Petrolite*, shot at on sight, and many others, are only too striking.

You call attention to the fact that the defensive armament on merchant ships had been previously admitted on account of pirates and sea rovers which have now been swept from the main trade channels of the seas. They have, but their place has been filled by those same submarines which, with much more cruel consequences, have exactly resumed the sea rovers' traditions, so that one might be tempted to say that a defensive armament has never been more necessary than now for merchant ships. If the *Ancona* had had some, it would not have been subjected to the heartless prolonged bombardment it sustained.

I say nothing of possible cases when a merchant ship may be anonymously sunk, no one confessing to the deed, as may very possibly be the case for the *Persia*, which we are asked to believe sank of its own accord, committing a kind of suicide. It can not be forgotten that sworn affidavits were presented to the Department of State by the official representative of Germany testifying that the *Lusitania* had been actually carrying guns "of good size," two mounted forward and two mounted aft.

The question of the place of safety is also a difficult one. Up to now the Germans have understood by this the packing of people

in small boats abandoned in the open sea where they have died by the hundred, more than probably a cruel, lingering death, many of them. The German note concerning the *Frye* announces the abandonment of this particular part of the frightfulness system of that nation. But it is not clear what or whom this applies to. It seems as if only ships under the American flag were to benefit by it. If you could let me know how you interpret the promise, I should be very thankful and it might be of real use.

I see that Japan is not being consulted, but one of their biggest ships has been sunk in the Mediterranean, and their position seems to be the same as ours.

Believe me [etc.]

JUSSERAND

File No. 763.72/2351

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *January 24, 1916, 5 p. m.*

2634. Your 3375, January 21.<sup>1</sup> I have been holding confidential negotiations with Bernstorff which, however, have been as yet without any result. I do not feel that at the present moment you can be of material assistance in these negotiations. I shall not fail to advise you as soon as I have anything definite for you to act upon.

LANSING

File No. 763.72/13402b

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *January 26, 1916.*

2645. For the Ambassador and Colonel House: On the 22d the German Ambassador submitted two tentative drafts of a memorandum in the *Lusitania* case by which the German Government repeated its regret that Americans were killed by the justifiable retaliatory act of its submarine commander and offered, out of regard for the friendship of the two countries, to pay an indemnity.

On the 25th I had an interview with Count von Bernstorff and told him that both drafts were unsatisfactory; that the act of the submarine commander, being retaliatory, was admittedly illegal, and though it might be justified against an enemy, it could not be justified against neutrals. I told him that this Government would be satisfied with nothing less than an admission of the wrongful conduct of the submarine commander and an admission of liability for the lives of American citizens lost by his act. He replied that he was sure his Government could not go as far as that as they had denied liability. He asked me what would be our course in case Germany could not meet our demands. I replied that I saw no other course except to break off diplomatic relations, to which he answered that he thought it would go further than that in case we followed that course. I told

<sup>1</sup> *Ante*, p. 148.



him that was probably correct but that I had discussed the matter fully with the President and that we would not hesitate to assume responsibility for the consequences. He stated that he would think the matter over and see me again to-day.

At noon to-day the German Ambassador called, and after discussing the matter he submitted the following memorandum which he is sending to his Government for their approval.

[Here followed the memorandum.<sup>1</sup>]

If the German Government can agree to the above memorandum, I believe that the *Lusitania* case will be satisfactorily ended. The memorandum was read to the President and received his approval.

LANSING

File No. 763.72/2355½

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 25, 1916, 11 p. m.

[Received January 26, 7.30 a. m.]

3648. Sir Edward Grey sent for me this afternoon to talk about the Administration's proposals about submarine warfare and about forbidding any merchantman from carrying a gun astern for defensive use. I was obliged to tell him that I knew nothing about such proposals. He seemed disappointed [and] he showed me a telegram on the subject from Spring Rice, not omitting Sir Edward's telegram of to-day in reply.

I have only once before seen Sir Edward so grave and disappointed, and that was when he informed me that the British had sent the German Government an ultimatum. After he discovered that I had not been informed of the subject he seemed disposed to say little. He did say, however, that he indulged the hope that the Department had not foreseen the results of the proposal which was wholly in favor of the Germans theoretically and practically [and] wholly against the Allies. Then he asked me for House's address because, as I gathered, he had talked with him at my table so frankly and freely about the relations of our two Governments that he thought he ought to inform House that he [did not] then know that this proposal would come. He spoke as one speaks of a great calamity. He said that he would not mention the subject in his speech in the House of Commons to-morrow because the announcement that such a proposal had been made by the United States would cause a storm that would drive every other subject out of the mind of the House and of the country. He is the best friend that we have in the Government and his surprise and dismay are overwhelming.

Sir Edward is too courteous to expose himself, but the Government and British opinion will regard this change by us of an accepted practice made while the war is in progress as a complete German

<sup>1</sup>Memorandum not filed; its probable wording may be ascertained by inserting the two sentences quoted as unacceptable to the German Government in telegram No. 4007 from the Ambassador in Germany, January 29, 1916 [received January 31], *post*, p. 154, in place of the revised sentences in the new draft submitted by the German Ambassador, February 4, *post*, p. 157.

victory over us in the submarine controversy. [The] engendered bitterness against us will be intense in the Allied countries and such influence as we might have had with the Allied Governments will be lost. If this proposal be persisted in, the Administration will forfeit the confidence [and] good will of England and France. Can we gain enormously by it to offset this loss? [Hope you] will re-read my confidential telegram of the 22d instant.<sup>1</sup>

It has been rumored here in well-informed circles for several weeks, and I believe it is true, that the British Government have been constructing extra munition works in England and Canada which can on short notice be manned and used to make as many munitions as the United States now supplies. The reason given for this expensive preparation is the fear of Bernstorff's success in his efforts to cause the Administration to embarrass the Allies. If necessary, orders placed in the United States could now be stopped within a month without diminishing the total supply. If no merchantman may carry a defensive gun into an American port, [this] change may precipitate a cutting off of American orders, not from any wish to cut them off, but from fear that other embarrassing acts by us may follow.

PAGE

File No. 763.72/2355a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 26, 1916, 11.55 p. m.*

2786. Your 3610 January 20.<sup>2</sup> Press reports here state that S. S. *Kashgar* voluntarily opened fire on a submarine in the Mediterranean and that the second projectile apparently hit the submarine which disappeared and probably sank. Please endeavor to ascertain from the passengers and crew, if possible, the facts as to this report.

Likewise a report has been received that the *City of Marseilles* fired eight shots at a submarine in the Mediterranean, which probably took effect. Please report any information which you have in regard to this incident.

LANSING

File No. 763.72/2356

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 28, 1916, 6 p. m.*

[Received 6 p. m.]

3365. Your circular of January 26, 5 [4] p. m.<sup>3</sup> It is clear from further informal personal conversations with British officials that this proposal will cause a severer strain on Anglo-American relations than all the controversies of the war since our effort to have the Declaration of London adopted entire. I am told also that all

<sup>1</sup> Not located in the files of the Department.

<sup>2</sup> Not printed.

<sup>3</sup> Communicating to Ambassadors in Great Britain, France, Russia, Japan, and Italy the substance of the circular of January 18, *ante*, p. 146. (File No. 763.72/2355b.)

Allies will regard it, as the British Government does, as a yielding to German influences. The truth is that at this stage of the war it is doubtful if any agreement can be made on any subject between all the belligerents; and every such neutral effort will be regarded by one side or the other as inspired by the enemy and therefore as more or less unfriendly interference.

Should such a proposal be urged, it would probably provoke a sharp and perhaps angry reply from all the Allies, if I judge correctly from what I hear. If it should be made public with your comments, it would inflame British public opinion against us, and it therefore seems to me prudent, after my conversations with Grey, to advise strongly against pursuing your tentative suggestion and that you treat it as you did the proposal about the Declaration of London.

AMERICAN AMBASSADOR

File No. 763.72/2363

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 29, 1916, 7 p. m.

[Received January 30, 5.15 p. m.]

3406. Zimmermann here at lunch to-day. He had long talk with Colonel House. Before that he talked to me and said he had just received the *Lusitania* note proposed by Bernstorff; that Bernstorff himself had cabled that he knew the German Government would not accept it. Zimmermann further stated that if Germany had war with America they then could have an effective submarine blockade of England and could sink ships without warning, and that they had plenty of new submarines. He said that he was sure the Bernstorff proposition would not be accepted here on account of public opinion. I think that with modifications Bernstorff note would be accepted.

GERARD

File No. 763.72/2364

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 29, 1916, 10 p. m.

[Received January 30, 6.20 p. m.]

3408. Why not close the submarine incidents as follows: Give out a statement stating that Germany in the settlement of the *Arabic* case and in the *Frye* note had stated (quote from these notes); and that now, following this, and with reference to the *Lusitania* case the German Government had stated that it had commenced its submarine warfare in retaliation for the illegal acts of England; that the sinking of the *Lusitania*, in the carrying out of this retaliation, had affected neutral American rights which was contrary to the intention of the German Government; that the German Government has expressed profound regret that citizens

of the United States suffered by the sinking of the *Lusitania* and has offered to make reparation by the payment of a suitable indemnity and has given the instructions referred to in the above notes with reference to the placing of the passengers and crews in safety before the sinking of any ship.

The above embodies the form of note which I understand (from Zimmermann letter to Colonel House) the German Government is willing to send. Please inform the President that Colonel House hopes that some such arrangement may be arrived at.

GERARD

File No. 763.72/2365

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 29, 1916, 9 p. m.

[Received January 31, 8.15 a. m.]

4007. Colonel House has just received from Zimmermann following letter dated 29th instant:

MY DEAR COLONEL: With reference to the conversation I had with you this noon about the *Lusitania* matter, I am sorry to say that the latest proposal which has just been transmitted to us by Count Bernstorff is not acceptable for the Imperial Government. While we are perfectly willing to settle the incident in a way which seems acceptable to the United States Government, the latest proposal contains the following two sentences, to the underlined passages of which we could not possibly agree: "thereby the German retaliation affected neutrals which was not the intention, as retaliation becomes an illegal act if applied to other than enemy subjects," and "The Imperial Government, having subsequent to the event issued to its naval officers the new instructions which are now prevailing, expressing profound regret that citizens of the United States suffered by the sinking of the *Lusitania*, and recognizing the illegality of causing thereby danger, and admitting liabilities, therefore offers to make reparation for the life of the citizens of the United States who were lost by the payment of a suitable indemnity."

I am afraid that if the United States Government insists on this wording, a break will be unavoidable, which, I am sure, you would regret just as much as I would for the reasons we both recognized as most important for the future policy and the welfare of the white races.

After all the trouble which has been taken on both sides to smooth matters over, I am not yet willing to believe that things are quite as bad as they seem, and I think there ought to be a way out of it. But the proposed wording, which practically amounts to declaring submarine warfare illegal, could never be approved by the German Government and would besides not be tolerated by public opinion in Germany, which cannot be brushed aside entirely.

I should be much obliged to you, my dear Colonel, if you could see your way to bring the above to the knowledge of the President in the way you so kindly suggested.

Thanking you in advance for your kind offices and wishing you and Mrs. House *bon voyage* and a safe return, I am [etc.]

ZIMMERMANN

Colonel House leaving for Paris to-night and will cable from there. In the meantime Colonel House suggests no action.

GERARD

File No. 763.72/2366

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 30, 1916, 4 p. m.

[Received January 31, 11.10 a. m.]

3409. Forgot to state in my 3406 yesterday that Zimmermann also said that there was no longer any international law, and that anyway the coming of the submarine has made a change in international law necessary. I said that it was statements of that kind which made all other nations fear Germany; that as far as we were concerned Germany could not change the rules of international law during this war without our consent and merely to suit Germany's needs or convenience. He said that Bernstorff's proposed note made Germany give up submarine war. I said: "Not at all. You can continue to use submarines, but in notes already sent by you you have agreed to put passengers and crew in safety and not to sink merchant ships without warning."

GERARD

File No. 300.115/6986a

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, January 31, 1916, 4 p. m.

1107. Inform Department in case prize court proceedings are instituted in relation to steamers *Ancona*, *Lasakumi Maru*, and *Persia*. Do not communicate with Austro-Hungarian authorities regarding this matter.

LANSING

File No. 763.72/2370

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, January 31, 1916, 4 p. m.

[Received February 1, 1.15 p. m.]

3413. Of course I am doing nothing about *Lusitania* case except to listen to what Foreign Office people have to say when they bring up the subject and report to you. I think Zimmermann was to a great extent bluffing, and the fact that he wrote to Colonel House at all shows Germany does not want break of relations. From latest information think Germans and propogandists from now on will make great efforts to embroil us with Japan so break of relations may prevent greater calamity. Am dining with Von Jagow tonight, so may have something to report to-morrow. Inspired articles here in Government newspapers warn the people that *Lusitania* case is not settled.

GERARD

File No. 763.72/2375

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 1, 1916, 1 p. m.

[Received February 2, 1.15 p. m.]

3419. Saw Von Jagow last night at dinner at his house. He told me I would probably receive to-day a note embodying Germany's position in *Lusitania* case. He said this note would differ from Bernstorff's proposition in, as he put it, only one word. He said that Germany would admit liability the result of the sinking of the *Lusitania*, but would not admit that sinking was illegal. He said that the submarine was a new weapon and that international law had to be changed; that Germany would never admit that the sinking was illegal; had plenty of new submarines and would carry on an effective submarine war if a break came with America.

I think that without doubt Germany will stand by this position. I have heard lately that the influence of Von Tirpitz has been revived and that he and Von Holtzendorff have lately come together. It will, therefore, be for the United States to decide whether the expression of regret, admission of liability, promises heretofore made about method of conducting submarine warfare and payment indemnity, are not enough. My own opinion is worth nothing as I am out of touch with the United States, but I sincerely hope that we can keep out of this war, and I am convinced that a break of relations will mean war in a few months.

GERARD

File No. 841.857P43/34a

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, February 2, 1916, 3 p. m.

1786. Department is advised that December 30, 1915, about 300 miles northwest of Alexandria and about 40 miles southeast of Crete, the British steamer *Persia*, of the P. & O. Line, carrying a 4.7 [-inch] gun was sunk without warning by an explosion on the port side amidships caused by a torpedo, the wake of which was seen immediately before the ship was struck, and that the vessel sank in a few minutes so that only a small number of the ship's boats could be launched. As a result of the sinking of the vessel two or more American citizens (one an American consul *en route* to Aden) lost their lives.

Please bring this matter formally to attention of the Turkish Government with the request to be informed as to whether the *Persia* was sunk by a submarine carrying the Turkish flag or operating under the instructions of the Turkish Government.

The Department has been advised by Germany and Austria-Hungary that the reports from their submarines have been received and there is no record of their sinking any vessel corresponding to the description of the *Persia*, but Department believes that the vessel was torpedoed and sunk by a submarine.

LANSING

File No. 763.72/2379

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 3, 1916.

[Received 7.30 p. m.]

3703. Passengers and crew *Kashgar* already dispersed before receipt of your 2786,<sup>1</sup> January 26. Nothing known of reports concerning her or the *City of Marseilles*.

AMERICAN EMBASSY

File No. 763.72/2611

*The German Ambassador (Bernstorff) to the Secretary of State*

[Handed to the Secretary by the  
Ambassador, February 4, 1916, 4 p. m.]

The German submarine war against England's commerce at sea, as announced on February 4, 1915, is conducted in retaliation of England's inhuman war against Germany's commercial and industrial life. It is generally recognized as justifiable that retaliation may be employed against acts committed in contravention of the law of nations. Germany is enacting such retaliation, because it is England's endeavor to cut off all imports from Germany by preventing even legal commerce of the neutrals with her and thereby subjecting the German population to starvation. In answer to these acts Germany is making efforts to destroy England's commerce at sea, at least as far as it is carried on by enemy vessels. If Germany has notwithstanding limited her submarine warfare, this was done in view of her long-standing friendship with the United States and in view of the fact that the sinking of the *Lusitania* caused the death of citizens of the United States. Thereby the German retaliation affected neutrals which was not the intention, as retaliation must not aim at other than enemy subjects.

The Imperial German Government having subsequent to the event issued to its naval officers the new instructions which are now prevailing, expresses profound regret that citizens of the United States suffered by the sinking of the *Lusitania*, and assuming liability therefor, offers to make reparation for the life of the citizens of the United States who were lost by the payment of a suitable indemnity.

In the note of the American Government of July 21 concerning the *Lusitania* incident the Government of the United States invited the practical cooperation of the Imperial Government in contending for the principle of the freedom of the seas, and added that this great object could in some way be accomplished before the present war ends. The Imperial Government will at all times gladly cooperate with the Government of the United States for the purpose of accomplishing this common great object.

[File copy not signed]

<sup>1</sup> *Ante*, p. 152.

File No. 763.72/2400½

*The British Secretary of State for Foreign Affairs (Grey) to the  
British Ambassador at Washington (Spring Rice)*

[Telegram]

LONDON, February 3, 1916.  
[Left at the Department of State  
by the Ambassador, February 5.]

I think Secretary of State ought to realise the point of view from which question is naturally regarded here.

Germany, having sunk the *Frye* and Dutch ship *Maria* with food for civilian population of Great Britain, cynically declared submarine warfare on British and neutral merchant vessels in zone in alleged retaliation for Great Britain's interference with food supply of Germany.

For a year British merchant vessels, and in some cases neutral vessels, even when bound from one neutral port to another neutral port, have been sunk by German submarines without regard for safety of passengers or crew.

United States Government have taken up the case of passengers and have after months of controversy obtained, it is understood, promise not to sink passenger vessels without warning. It is not clear whether this gives complete protection to British passengers or applies to the so-called war zone, but it gives no protection to cargo boats.

United States Government now propose to deprive merchant vessels of defensive armament which was recognised as fair against armed cruisers [and] is still more necessary when used for defence, not only of vessel, but of lives of crew against submarine attack.

It appears that the United States Government contemplate altering their regulations as to defensive armament even before an undertaking is obtained from Germany to provide for the safety of crew or any definition of what safety means.

In short, after a year of submarine warfare British and Allied merchant vessels will be deprived of previously recognised chance of defence and nothing will have been obtained except uncertain and partial mitigation of attacks in the case of passenger vessels only. Net result will be that new development of warfare to suit submarines and ensure their effectiveness will have been recognised to suit Germany. Previously recognised means of defence for merchant vessels will have been taken away to great disadvantage of Great Britain and Allies. Any development of old principles of interfering with enemy commerce to suit modern conditions will have been refused Great Britain and Allies.

We shall have been deprived of or restricted in the exercise of old rights to enable new German methods to be effective.

Reference to the *Baralong* case is not relevant, as no attack was then made on submarine by a merchant vessel but only by an armed cruiser.

I should like Secretary of State to realise that this is how proposed alteration of regulations will appear to us and sense of grievance which we shall feel.



If, however, you think it inopportune to make this communication while the *Appam* case is occupying attention of State Department, you can defer it for a little.

[File copy not signed]

File No. 763.72/2382

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 4, 1916, 4 p. m.

[Received February 5, 1.10 p. m.]

3437. Informed by two German reporters, friends of mine, that soon a manifesto will be issued to all neutral nations saying that enemy merchant vessels will be sunk without notice; this being based on alleged orders from British Admiralty alleged to have been found on British merchant vessels instructing captains to fire on submarines at sight.

GERARD

File No. 763.72/2384

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 5, 1916, 3 p. m.

[Received February 6, 9 a. m.]

3445. Ambassador Morgenthau yesterday was introduced by me to Von Jagow and had long talk with him. He also had an interview with Zimmermann not arranged by me. His report may interest you. Morgenthau tells me that Zimmermann asked him if it was not a fact that the German-Americans in America would rise to rebellion in case of trouble between Germany and America. Von Jagow said that Germany had never agreed to give up their torpedoing vessels without notice, but had merely stated that orders had been given not to torpedo certain vessels without notice, and that Germany reserved the right to change these orders at any time.

GERARD

File No. 763.72/2389a

*The Secretary of State to the Minister in Sweden (Morris)*

[Telegram]

WASHINGTON, February 7, 1916, 4 p. m.

48. Please report in detail as to operations of British submarines in the Baltic, including the kind of warning given to merchant vessels, the care taken of passengers and crew, whether visit and search was carried out, etc.

LANSING

File No. 763.72/2379

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 7, 1916, 4.30 p. m.

2830. Your 3703,<sup>1</sup> 3d. Please investigate thoroughly cases of *Kashgar* and *City of Marseilles* and endeavor to obtain reliable information.

LANSING

File No. 763.72/2390

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 7, 1916, 9 p. m.

[Received February 8, 3.40 p. m.]

3458. Berlin press prints following interview given by Under-secretary of State for Foreign Affairs to Associated Press:

The Secretary expressed the hope that the new proposals already submitted to the United States would furnish the basis for a settlement. But he did not want to conceal seriousness of the situation. He said that Germany could not make any further concessions and would not ever acknowledge illegality of submarine operations in war zone. The German Government was ready to do everything in its power to meet the wishes of America and had already done this, but there were limits before which even friendship had to halt. He declared that he did not understand America's attitude. Bernstorff had thought that the differences on the submarine question were settled and the *Lusitania* case would be adjusted. Germany had consented to pay an indemnity but the Government of the United States had made absolutely new demands with which German Government could not possibly comply. America must not demand too much and try to humiliate German Government. He was unwilling to discuss these new demands or the instructions sent the Washington Ambassador, but he left no doubt that the whole crisis was attributable to America's demands that Germany should disavow the sinking of the *Lusitania* as an illegal act. Germany could not surrender the submarine weapon. He repeated that if the United States wanted a break, Germany could do nothing more to avoid it. The most deplorable part of the whole matter was that there was no real reason for a break. Germany and the United States had no conflicting interests. Germany even hoped for considerably increased trade between the two countries after the war. This hope would be shattered if it came to a break now, or developments in the desired direction would at any rate be greatly impeded, but Germany could not go any farther than she had already gone.

GERARD

File No. 300.115P44/8

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, February 9, 1916, 4 p. m.

1116. Captain, steamer *Petrolite*, owned by Standard Oil Company of New Jersey, states that on December 5, 1915, in longitude

<sup>1</sup> Ante, p. 157.

26° 8' east, latitude 32° 23' north, 6.30 a. m. during fair weather, ship was fired on by submarine coming up from stern. Headway of ship stopped immediately after second shot was fired 6.32 a. m., and ship was swung broadside to submarine until stopped. After ship was so placed, number of shots were fired; one went through ship, burst, and wounded a seaman in the leg. Shell did considerable damage to boiler and steam pipes. Captain of *Petrolite* went on board the submarine with ship's papers. Submarine flying Austrian flag on conning tower. Commander of submarine did not give his name or number of boat. Commander of submarine asked captain of *Petrolite* to sell him food. Captain refused to sell. Submarine commander demanded 50 or 60 pounds fresh beef, 50 or 60 eggs, and a ham. Told captain of *Petrolite* to return to ship and send over provisions, and that one of his men would be kept until provisions were delivered. Provisions delivered; no payment accepted. Submarine submerged and *Petrolite* proceeded on voyage. At the time *Petrolite* was fired on, she was flying American flag 6 feet by 10 from the signal-halyards about 30 feet above bridge, and smaller size American flag from flagstaff at stern about 12 feet above deck. *Petrolite* has a free board of about 26 feet.

Present the above statements to the Foreign Office and ask for an immediate explanation. If the facts are as reported, you may state that the conduct of the commander of the submarine is regarded by the Government of the United States as an insult to the United States flag and an invasion of the rights of American citizens for which the Government may properly expect an immediate apology from the Imperial and Royal Government, the prompt punishment of the commander of the submarine, and an assurance that compensation will be made for the damages to the ship and the injuries to members of the crew.

LANSING

File No. 763.72/2396

*Extracts from an interview with the German Chancellor (Bethmann-Hollweg) by Karl H. von Wiegand, published in the New York "World," February 9, 1916*

BERLIN, February 8. "What your Government asks is an impossible humiliation. I have gone far to maintain those cordially friendly relations with America which have existed between your country and Germany since the day when, more than 125 years ago, Prussia was the first nation to recognize America's independence in her war with England.

"You know that in this entire question I have shown a fair and conciliatory spirit toward your country and people. I have been and am willing to concede to America everything that Germany can concede within reason and fairness, within the principles of justice and honor.

"But I cannot concede a humiliation of Germany and the German people, or the wrenching of the submarine weapon from our hands, even to placate America and to insure the continuance of those cordial relations with your country which every true German values and sincerely desires, except at the price of national humiliation.

"It is not with a light heart that I tell you this, but in doing so I am conscious of the fact that I am voicing the sentiment of the united German peoples."

Thus spoke the Imperial Chancellor, Herr von Bethmann-Hollweg, to me upon my return from America. . . .

"We are battling for our very existence," said he. "The German people, in marvellous solidarity and unity and heroism, in unparalleled sacrifices, are giving their blood and treasures for their country. We are not at war with America, we do not want to be. Certainly no one can credit us with such madness.

"I have done and shall continue to do everything within my power to avoid it, but there are some things I cannot do. If that same spirit of upright sincerity in desire to reach an agreement with honor to both nations prevails in America that exists in the German Government and people, then there will be no break in the century and a quarter of friendly relations between the two countries."

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*Statement given to the press by the Secretary of State, February 10, 1916*

When Secretary Lansing's attention was called to the interview purporting to have been given by the German Chancellor to Mr. von Wiegand, which appeared in Wednesday's papers, he said that while he disliked to comment on press reports of this sort, its authoritative character seemed to require it in order that a wrong impression might be removed. He went on to say that he was at loss to understand what the Chancellor meant by the requirements of this Government being an "impossible humiliation." He said that nothing had been asked of Germany which was not reasonable and fair, and with which a nation could not comply without doing violence to its honor and dignity; that this Government's demands had not been increased since they were made in May last; that it had sought in every way, in the controversy, to show greatest consideration to the German Government and people, and though its efforts to this end have apparently been misinterpreted, it would continue to do so in order that this unfortunate dispute may, if possible, be honorably arranged out of a sincere wish to maintain the traditional friendly relations between the United States and Germany.

The Secretary added that reports of this sort coming at this critical time in the negotiations made the task more difficult, as they gave an impression that the German Government was attempting to force the issue rather than to avoid it.

GERMAN MEMORANDUM OF FEBRUARY 10, 1916, ANNOUNCING THAT  
ARMED MERCHANT SHIPS ARE TO BE TREATED AS BELLIGERENTS

File No. 763.72/2395

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 10, 1916, 1 p. m.

[Received 8.40 p. m.]

3473. Referring to my cable of 9th instant, 3467.<sup>1</sup> I have to-day received the memorandum from the German Government regarding the treatment of armed merchant vessels and shall cable it in full as soon as translated. The note accompanying it requests me to inform my Government that in the interest of neutrals already on armed merchant vessels the orders mentioned in Section IV, paragraph 1, will not go into force until February 29.

GERARD

File No. 763.72/2394

*The Minister in Sweden (Morris) to the Secretary of State*

[Telegram]

STOCKHOLM, February 10, 1916, 6 p. m.

[Received February 11, 8.15 a. m.]

90. Department's telegram 48,<sup>2</sup> February 7. Am informed that no passengers on boats sunk. Warning shot given, ships visited, papers taken, crews given ten minutes to take to boats. Some other boats captured and taken to port. Some chased and run aground.

MORRIS

File No. 763.72/2397

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 10, 1916, 10 p. m.

[Received February 11, 10 p. m.]

3474. The following is translation<sup>3</sup> of memorandum of the Imperial German Government on the treatment of armed merchantmen:

I

1. Even before the outbreak of the present war the British Government had given English shipping companies the opportunity to arm their merchant vessels with guns. On March 26, 1913, Winston Churchill, then First Lord of the Admiralty, made the declaration in the British Parliament (Exhibit 1) that the Admiralty had called upon the shipowners to arm a number of first-class liners for protection against danger menaced in certain cases by fast auxiliary cruisers

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 159.

<sup>3</sup> With slight verbal revision to conform to text as received later by post.

of other powers; the liners were not, however, to assume the character of auxiliary cruisers themselves. The Government desired to place at the disposal of the shipowners the necessary guns, sufficient ammunition, and suitable personnel for the training of the gun crews.

2. The English shipowners have readily responded to the call of the Admiralty. Thus Sir Owen Philipps, president of the Royal Mail Steam Packet Company, was able to inform the stockholders of his company in May 1913, that the larger steamers of the company were equipped with guns; furthermore, the British Admiralty published in January 1914 a list according to which 29 steamers of various English lines carried guns aft.

3. As a matter of fact, German cruisers ascertained soon after the outbreak of the war that English liners were armed. For example, the steamer *La Correntina*, of the Houlder Line of Liverpool, which was captured by the German auxiliary cruiser *Kronprinz Friedrich Wilhelm* on October 7, 1914, had two 4.7-inch guns aft. On February 1, 1915, a German submarine was shelled in the Channel by an English yacht.

## II

1. With regard to the legal character of armed merchantmen in international law, the British Government has taken the position in respect of its own merchantmen that such vessels retain the character of peaceable merchant vessels as long as they carry arms for defensive purposes only. In accordance with this, the British Ambassador at Washington, in a note dated August 25, 1914 (Exhibit 2), gave the American Government the fullest assurances that British merchant vessels were never armed for purposes of attack, but solely for defense, and that they consequently never fire unless first fired upon. On the other hand, the British Government set up the principle for armed vessels of other flags that they are to be treated as war vessels. No. 1 of Order 1 of the prize court rules, promulgated by the order in council of August 5, 1914, expressly provides "ship of war shall include armed ship."

2. The German Government has no doubt that a merchantman assumes a warlike character by armament with guns, regardless of whether the guns are intended to serve for defense or attack. It considers any warlike activity of an enemy merchantman contrary to international law, although it accords consideration to the opposite view by treating the crew of such a vessel not as pirates but as belligerents. The details of its position are set forth in the memorandum on the treatment of armed merchantmen in neutral ports (Exhibit 3) communicated to the American Government in October 1914, the contents of which were likewise communicated to other neutral powers.

3. Some of the neutral powers have accepted the position of the British Government and therefore permitted armed merchantmen of the belligerent powers to stay in their ports and shipyards without the restrictions which they had imposed on ships of war through their neutrality regulations. Some, however, have taken the contrary view and subjected armed merchantmen of belligerents to the neutrality rules applicable to ships of war.

## III

1. During the course of the war the armament of English merchantmen has been more and more generally carried out. From reports of the German naval forces numerous cases became known in which English merchantmen not only offered armed resistance to the German war vessels, but proceeded to attack them on their own initiative, and in so doing they frequently even made use of false flags. A list of such cases is found in Exhibit 4, which from the nature of the matter can include only a part of the attacks which were actually made. It is also shown by this list that the practice described is not limited to English merchantmen, but is imitated by the merchantmen of England's allies.

2. The explanation of the action of the armed English merchantmen described is contained in Exhibits 5 to 12, which are photographic reproductions of confidential instructions of the British Admiralty found by German naval forces on captured ships. These instructions regulate in detail artillery attack by English merchantmen on German submarines. They contain exact regulations touching the reception, treatment, activity, and control of the British gun crews taken on board merchantmen; for example, they are not to wear uniform in neutral ports and thus plainly belong to the British navy. Above all,

it is shown by these instructions that these armed vessels are not to await any action of maritime war on the part of the German submarines, but are to attack them forthwith. In this respect the following regulations are particularly instructive:

(a) The instructions for guidance in the use, care, and maintenance of armament in defensively armed merchant ships (Exhibits 5 and 6) provide in the section headed "Action," in paragraph 4: "It is not advisable to open fire at a range greater than 800 yards unless the enemy has already opened fire." From this it is the duty of the merchantman in principle to open fire without regard to the attitude of the submarine.

(b) The instructions regarding submarines applicable to vessels carrying a defensive armament (Exhibits 9 and 10) prescribe under No. 3: "If a submarine is obviously pursuing a ship by day and it is evident to the master that she has hostile intentions, the ship pursued should open fire in self-defense, notwithstanding the submarine may not have committed a definite hostile act such as firing a gun or torpedo." From this also the mere appearance of a submarine in the wake of the merchantman affords sufficient occasion for an armed attack.

In all these orders, which do not apply merely to the zone of maritime war around England, but are unrestricted as regards their validity (see Exhibit 12 for the Mediterranean), the greatest emphasis is laid on secrecy, plainly in order that the action of merchantmen, in absolute contradiction of international law and the British assurances (Exhibit 2), might remain concealed from the enemy as well as the neutrals.

3. It is thus made plain that the armed English merchantmen have official instructions to attack the German submarines treacherously wherever they come near them; that is, orders to conduct relentless warfare against them. Since England's rules of maritime war are adopted by her allies without question, the proof must be taken as demonstrated in respect of the armed merchantmen of the other enemy countries also.

#### IV

In the circumstances set forth above, enemy merchantmen armed with guns no longer have any right to be considered as peaceable vessels of commerce. Therefore the German naval forces will receive orders, within a short period, paying consideration to the interests of the neutrals, to treat such vessels as belligerents.

The German Government brings this state of things to the knowledge of the neutral powers in order that they may warn their nationals against continuing to entrust their persons or property to armed merchantmen of the powers at war with the German Empire.

BERLIN, February 8, 1916.

Following is list of exhibits:<sup>1</sup>

(1) Statement First Lord of the Admiralty in House of Commons March 26, 1913, *Parliamentary Debates*, vol. 1, p. 1776.

(2) British Ambassador to the Secretary of State August 25, 1914, printed in *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties* (European War No. 2), p. 41.

(3) Memorandum of the German Government relative to the treatment of armed merchantmen in neutral ports, dated October 13, 1914.

(4) List of cases where enemy merchantmen have fired upon German or Austrian submarines.

(5) Instructions for guidance in the use, care, and maintenance of armament in defensively armed merchant ships, confidential, footed, "Admiralty, 7th May, 1915," marked "Found on the English steamer *Woodfield*."

<sup>1</sup> See *post*, pp. 187-98.

(6) The same with correction and addenda, marked "Found on the English steamer *Woodfield*."

(7) Addenda to instructions for guidance in the use, care, and maintenance of armament in defensively armed merchant ships, footed, "Admiralty, 27th May, 1915," marked "Found on English steamer *Woodfield*."

(8) Title page of drill book for 12 P R, 2 F guns, issued to defensively armed merchant ships, footed, "Admiralty gunnery branch, May 1915," marked "Found on the *Woodfield*."

(9) Confidential instructions regarding submarines applicable to vessels carrying a defensive armament, of February 25, 1915, headed, "In no circumstances is this paper to be allowed to fall into the hands of the enemy." Marked "Found on the *Woodfield*."

(10) The same, April 1915, with addenda, "Found on the *Woodfield*."

(11) Secret memorandum for issue to masters of transports carrying troops. Use of rifle and machine-gun fire by troops on board transports against enemy submarines or torpedo craft. Footed, "Admiralty 31st May, 1915," marked "Found on the *Woodfield*."

(12) Instructions to British merchant vessels passing through the Mediterranean Sea, issued by Admiral Superintendent's Office, Malta, June 1915, marked "Found on the English steamer *Linkmoore*."

GERARD

File No. 763.72/2398

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, February 10, 1916.

[Received February 12, 12.05 a. m.]

1144. Austro-Hungarian Ministry Foreign Affairs requests that following, which appears in to-day's papers, be communicated you by telegraph:

[Translation]

CIRCULAR NOTE VERBALE

February 10, 1916.

The governments of the neutral powers are aware that in the course of the year 1913 the British Admiralty caused a number of large English merchant vessels to be armed. As was announced on the 26th of March, 1913, in the House of Commons by the First Lord of the Admiralty, the armament of the said steamers was to protect them against the dangers arising from enemy vessels transformed into auxiliary cruisers and at the same time to serve only for defense.

[The experiences gained during the course of the present war] show that a considerable number of British merchant steamers have made use of guns placed on board them against hostile war vessels, and that not only with the



intention of resisting the legitimate exercise of the right of capture but also of attacking and destroying hostile war vessels.

As appears from a memorandum transmitted by the Imperial German Government to the neutral powers under to-day's date, instructions have been found on board English steamers proving that the Royal British Government themselves have incited their merchant vessels to these illegal acts, and that in direct contradiction of the assurances given to the Department of State at Washington.

The example of Great Britain has been followed during the course of the hostilities by her allies, especially by France and by Italy.

Without desiring to enter into an investigation of the strange claim put forward by Royal British Government according to which the merchant vessels armed by the said Government preserved their inoffensive character, whereas a merchant vessel armed by an enemy is to be considered by the English naval forces as an auxiliary cruiser, the Imperial and Royal Government limit themselves to stating that all merchant ships armed with cannon, for whatever purpose, by this very fact lose the character of peaceable vessels.

Under these conditions orders have been given to the Austro-Hungarian naval forces to treat such ships as belligerent vessels, an order which, however, will not be put into execution until the 29th of February, 1916.

This delay is granted in the interest of the neutral powers to the end that they may preserve their nationals from the danger to which they expose themselves by entrusting their persons and goods to armed merchant vessels of the states at war with Austria-Hungary, and may also warn those of their nationals who find themselves already on board the vessels of the category indicated.

PENFIELD

File No. 763.72/2399

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *February 11, 1916, 6 p. m.*

[*Received February 12, 1 p. m.*]

3479. One of the two high officials in Foreign Office told friend of mine, with evident intention that conversation should be repeated to me, that if forced by United States, Germany would make an alliance with Russia and Japan against America. I send this for what it is worth.

GERARD

File No. 763.72/2402

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *February 12, 1916, 5 p. m.*

[*Received February 13, 4.30 p. m.*]

3482. Budget Committee of the Prussian House of Delegates passed resolution on 9th instant requesting president of the House to inform the Chancellor that the committee would consider it injurious to the interests of the country if the position taken by the

Imperial Government *vis-à-vis* America should result in any restriction of their freedom to take up at a suitable date unrestricted and therefore fully effective submarine warfare against England.

The German press fully approves of the memorandum of the Imperial Government relative to armed merchantmen. It is generally pointed out that only armed merchantmen are liable to destruction, but the rabid press maintains that all enemy merchantmen are to be treated as belligerents, armament being the rule and not the exception, since it is impossible for submarines to inspect each vessel on the chance that she might not be armed.

The *Frankfurter Zeitung*, in a leader quoted by the North German *Gazette*, writes that Germany's rights in the matter are unquestionable and that it has now been found opportune to make use of those rights. In the future even enemy liners which are armed with artillery may be sunk. America is now afforded an opportunity to cooperate in definitely regulating maritime warfare. The proposals of the Secretary of State reported in the press a short time ago are well worth considering. If the Secretary is really serious with his proposals and succeeds in establishing in London his pre-condition that the Allies undertake to disarm their merchantmen, then the wishes and intentions of Germans and Americans are along identical lines. The American Government will not have to follow up its words with action. The manner in which we are to conduct submarine warfare in the future will depend on what diplomatic success against our adversaries Mr. Lansing will have to show in the armament question.

GERARD

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File No. 763.72/2417a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *February 13, 1916, 8 p. m.*

2882. Draft of note as amended submitted by German Ambassador to his Government Wednesday. It states that it is recognized that retaliation is justifiable against acts committed in contravention of law. Germany began such retaliation against England for attempting to cut off all German commerce. Neutral lives were lost and that was not intention of Germany, as retaliation must not injure other than enemy subjects.

Germany expresses profound regret and accepts liability and agrees to pay indemnity. Points out Germany has already limited submarine warfare in view of friendship for the United States. This draft now under consideration by German Government.

In view of new orders of Germany in regard to armed merchant ships and interviews given out by German officials misstating position of this Government, we will move slowly in matter even if German reply is satisfactory. Please communicate this to House.

LANSING

File No. 763.72/2403

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, February 14, 1916, 4 p. m.

[Received 5.40 p. m.]

563. In informal conversations learn from British Ambassador and from Minister for Foreign Affairs that our note suggesting disarming merchant vessels considered wholly favorable to Germany on our part and acceptance by Allies most improbable. British Ambassador spoke of his Government's painful surprise. Minister for Foreign Affairs referred to new doctrine of legalizing sinking merchant vessels; thinks German-Austrian note regarding treating as war vessels, defensively armed merchant vessels, first result of American note; thinks America would be among first sufferers. He stated that if sinking unarmed merchant vessels should be held illegal, as heretofore, then disarming of merchant vessels might be debatable.

AMERICAN EMBASSY

File No. 763.72/2408

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 15, 1916, 7 p. m.

[Received February 16, 12.20 a. m.]

3785. Your 2830,<sup>1</sup> February 7. I have endeavored with the assistance of the Consul General at London and the Consul at Liverpool to obtain information regarding both ships, so far without result. The Board of Trade cannot or will not give information. The owners of the *Kashgar* will say nothing and the owners of the *City of Marseilles* referred the Consul at Liverpool to the Admiralty under instructions from that Department. I have been reduced to asking the Admiralty for such information as they are willing to give and shall telegraph anything I may ultimately receive.

I venture to suggest that hereafter telegrams dealing with such matters as those discussed in your 2786,<sup>2</sup> January 26, and 2830,<sup>1</sup> February 7, be sent in cipher. All open telegrams sent and received by me are regularly communicated to all interested government departments as soon as received in a telegraph office, and in the case of the two open telegrams referred to, gave the Admiralty an opportunity to close all sources of information.

AMERICAN EMBASSY

<sup>1</sup>Ante, p. 160.<sup>2</sup>Ante, p. 152.

File No. 763.72/2412b

*The Secretary of State to Diplomatic Officers in European Countries*

[Circular telegram]

WASHINGTON, February 16, 1916.

I said to the press men yesterday that the Government admitted that merchant vessels have legal right to arm for the sole purpose of defense; that as the Government is impressed with the reasonableness of the argument that a merchant vessel is presumptively armed for offensive purposes if it carries in these days an armament which makes it superior offensively to the submarine, which is now a recognized naval weapon, it feels that the present rule of international law permitting belligerent merchant vessels to arm ought to be changed; that nevertheless the Government does not feel that during the war it can change or disregard the established rule without the assent of the contending belligerents; that the proposal to the Entente powers of a *modus vivendi* for the protection of unarmed merchant vessels against attack without warning by submarines was made in the interest of obtaining for humanity's sake the assent of the warring powers to the removal of armament of any sort from merchant ships during the present war; that this proposal, which was made only to the Entente powers, was made informally and until accepted by them there is no intention to submit it to the Teutonic powers; that it is hoped that the Entente powers will find it possible in order to lessen the danger to life to accept the arrangement; that, if the Entente powers reject it, the Government will, of course, feel compelled to cease its efforts to have the *modus vivendi* accepted and will rely upon the present established rule of international law that merchant ships are entitled to armament for defensive purposes only; and that nevertheless the Government feels free to change its regulations in regard to the evidence as to armament on merchant vessels arriving in American ports which would indicate that it was defensive only.

I added that there was no present intention to warn Americans to refrain from traveling on belligerent merchantmen armed with guns solely for the purpose of defense; that, if Americans should lose their lives in attack by submarines without warning upon merchantmen so armed, it will be necessary to regard the offense as a breach of international law and the formal assurances given by the German Government, but each case will require investigation as to the facts before action is determined; and that, while no protests have as yet gone forward to the Teutonic powers in regard to their recent declaration regarding submarine warfare, the Government may make inquiries of those powers to ascertain how they purpose to distinguish between armed and unarmed merchant vessels.

LANSING

THE GERMAN AMBASSADOR'S NOTE OF FEBRUARY 16, 1916, ON THE "LUSITANIA" AND "ARABIC" CASES; HIS COMMUNICATION OF INSTRUCTIONS FOUND ON THE BRITISH ARMED MERCHANT SHIP "APPAM"—AUSTRIAN NOTE OF FEBRUARY 22, 1916, ON THE "PETROLITE" INCIDENT—ITALIAN NOTE OF FEBRUARY 19, 1916, ON THE MODUS VIVENDI PROPOSAL

File No. 763.72/2768

*The German Ambassador (Bernstorff) to the Secretary of State*<sup>1</sup>

J. Nr. A 1138

WASHINGTON, February 16, 1916.

MY DEAR MR. SECRETARY: With reference to my letters of September 1 and October 5, 1915,<sup>2</sup> concerning the *Lusitania* and *Arabic* cases, I beg to transmit to you the following instructions which I have received from my Government in answer to your official note of July 21, 1915.<sup>3</sup>

The German submarine war against England's commerce at sea, as announced on February 4, 1915, is conducted in retaliation of England's inhuman war against Germany's commercial and industrial life. It is generally recognized as justifiable that retaliation may be employed against acts committed in contravention of the law of nations. Germany is enacting such retaliation because it is England's endeavor to cut off all imports from Germany by preventing even legal commerce of the neutrals with her and thereby subjecting the German population to starvation. In answer to these acts Germany is making efforts to destroy England's commerce at sea, at least as far as it is carried on by enemy vessels. Germany has notwithstanding limited her submarine warfare, because of her long-standing friendship with the United States and because by the sinking of the *Lusitania*, which caused the death of citizens of the United States, the German retaliation affected neutrals which was not the intention, as retaliation should be confined to enemy subjects.

The Imperial German Government having subsequent to the sinking of the *Lusitania* issued to its naval officers the new instructions which are now prevailing, expresses profound regret that citizens of the United States suffered by that event and, recognizing its liability therefor, stands ready to make reparation for the life of the citizens of the United States who were lost, by the payment of a suitable indemnity.

In the note of the American Government of July 21, 1915, concerning the *Lusitania* incident, the Government of the United States invited the practical cooperation of the Imperial Government in contending for the principle of the freedom of the seas and added that this great object could in some way be

<sup>1</sup> Original not filed; the text here printed was received on June 26 as enclosure to the following letter from the German Ambassador:

Nr. A. 4308

RYE, N. Y., June 24, 1916.

MY DEAR MR. SECRETARY: I am in receipt of your letter of 22d instant concerning the publication of the documents dated September 4, 1915, January 7, and February 4, 1916, on the subject of restraint on commerce.

In reply I beg to draw your attention to the fact that the document of February 4 represents only one of the tentative draughts which we discussed in this matter, whereas the definite wording is contained in my letter of February 16, copy of which is enclosed herewith.

I am [etc.]

J. BERNSTORFF

<sup>2</sup> *Foreign Relations*, 1915, Supplement, pp. 530, 560.

<sup>3</sup> *Ibid.*, p. 480.

accomplished before the present war ends. The Imperial Government will at all times gladly cooperate with the Government of the United States for the purpose of accomplishing this common great object.

I remain [etc.]

J. BERNSTORFF

File No. 763.72/2411½

*Memorandum of the Secretary of State of a conversation with the German Ambassador (Bernstorff), February 17, 1916*

At my request the German Ambassador called upon me to-day and I told him that his letter of February 16, relative to the *Lusitania* case, I believed would be acceptable to this Government were it not for the fact that Germany had issued a new declaration of policy in regard to submarine warfare. I pointed out to him that there had been in the *Lusitania* controversy two questions—one as to the future conduct of submarine warfare, and the other as to proper amends for past conduct; that I had assumed the assurances which had been given by Germany in regard to the future conduct of her submarine commanders settled that branch of the controversy; that in our informal conversations we had only discussed what amends Germany should make for the sinking of the *Lusitania*; and that now, when the branch of the controversy which related to past conduct was substantially settled, this declaration of new policy appeared to open up again the part of the controversy which related to the future.

The Ambassador replied that he did not see how this directly affected the assurances which had been given, as the assurances related to liners. I told him that the declaration of principle as to submarine warfare in the Mediterranean was not limited in any way, nor was anything said about vessels being armed or unarmed; that that declaration was very comprehensive and would certainly be modified very materially if the present policy was put into effect.

The Ambassador asked me if I thought it would be advisable for Germany to postpone the time for a month at least before putting the new policy into operation. I told him that might temporarily relieve apprehension and make easier our future negotiations which he must realize would have to continue in view of this new departure on the part of his Government.

He asked me if he could say to his Government that otherwise than as to the future of submarine warfare his letter of the 16th was satisfactory. I said no, he could not say it was satisfactory, but that he might say in the circumstances that it was acceptable, although I should regret his putting it into formal shape before this other matter was decided.

He said he would communicate the substance of this conversation to his Government and hoped to obtain from them an interpretation or expression which would satisfy our fears as to the new policy.

ROBERT LANSING

File No. 763.72/2412a

*The Secretary of State to the Ambassador in Germany (Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, February 17, 1916, 5 p. m.

2716. Germany's recent proclamation setting forth future conduct towards enemy merchant ships comes at a moment when we were about to conclude a satisfactory settlement covering her past conduct. The decree has entirely upset the negotiations, with the result that the *Lusitania* case remains unsettled.

LANSING

File No. 763.72/2449

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 1082

WASHINGTON, February 19, 1916.

MR. SECRETARY OF STATE: Supplementing my communication of the 66th instant, A 1146,<sup>2</sup> I have the honor to transmit to your excellency a copy of the confidential instructions found on the *Appam*, which contain, among other things, the direction that any submarine approaching an English merchant vessel is to be treated as hostile.

Accept [etc.]

J. BERNSTORFF

[Enclosure—Telegram]

*The Governor of Sierra Leone (Merewether) to the Governor General of Nigeria at Lagos (Lugard)*

May 28, 1915.

Following telegram from Secretary of State:

May 27. My telegram February 17, Admiralty desires that following additional confidential instructions are to be given to British-born masters of all British ships before returning to home waters:

Any submarine approaching a merchant vessel may be treated as hostile. Gunfire from the latest submarines is effective in fine weather and at first close range. If chased by submarine armed with gun, first attempt to escape; if this proves impossible turn and steer straight for submarine before she gets close enough to use her gun effectively. It is believed that German submarine must get into position nearly end on in order to fire a torpedo. In submarine waters all ships should proceed at utmost speed, fast ships whose speed exceeds ten knots should zigzag, course being altered at short and irregular intervals unless proximity of other vessels makes this unsafe for navigation. Underwater speed of submarine is low and zigzagging makes it difficult for it to get into position to deliver surprise attack. Wireless warnings sent out from St. Just and Valencia at 3 and 9 a. m. and p. m. in MV Code will tell you where submarines are active, but should necessity arise, warnings may be sent at any time. German submarines are fitted with wireless. No wireless signals except in emergency are allowed within 100 miles from British coast. Most important to make landfall after dark, and when position is verified, give coast a wide berth. Submarines can operate as surface boats at night; all unnecessary lights therefore increase the danger. The presence of a ship may be disclosed to a submarine by the undue use of sirens.

MEREWETHER

<sup>1</sup>The same, "for your information" to the Ambassadors in Great Britain, France, Italy, and Austria-Hungary, February 19, 1916.

<sup>2</sup>Not printed.

File No. 763.72/2425

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, February 24, 1916, 6 p. m.

[Received February 25, 10 a. m.]

573. Your 486, 23d.<sup>1</sup> Following full text:<sup>2</sup>

The Royal Ministry for Foreign Affairs has become aware of the proposals of the Government of the United States upon the question of the armament of mercantile steam vessels for the purpose of defense.

The American communication contains not only an explicit recognition of the right of every war vessel to sink an enemy merchant ship, provided the passengers and crew be placed in safety, and provided further any circumstance whatever renders capture thereof impossible or dangerous; but to maintain unaltered the exercise of this privilege, would suggest the taking away from the merchant ships of a belligerent state those means of defense which the same American Government but a little while previously had consented that they might provide themselves with, consenting to-day instead, as would appear, to the German theory which would consider, without further argument in such case, the said ships as belligerent war vessels.

The Royal Government does not deny that existing international law admits, in certain cases, the right to sink war prizes; but esteems it highly dangerous and deplorable that it should be claimed as a normal exercise of this right of belligerents, just when the circumstances of the war and the character of the vessels used are such as practically to change into this ferocious right of destruction, that simple right of prize only which represented until now the extreme limit of sanctions, and when there is taken in consideration the slaughter and the damage such destruction can cause, as the recent bitter experience has shown, owing to the enormous development of ocean traffic, the progress in naval construction and in marine industry.

What other means of rescue, on the other hand, can be offered in the great majority of cases to persons on board other than to abandon them in frail boats on the high sea? Experience has demonstrated what an inadequate guarantee of safety such a method represents.

The principles suggested by the American Government would practically lead to this result: That every ship captain would be obliged to destroy his own lifeboats as soon as he sights an enemy submarine in order to deprive the latter of the right of sinking his ship, or to abandon his passengers and crew in those small boats.

In other words, to provide for the safety of persons in his care, a ship captain would be obliged to choose between a technical means of uncertain value and confidence equally uncertain in the observation on the part of his belligerent adversaries of the accepted rules of the international law.

These considerations it would seem ought to counsel very much more caution in the recognition, in the face of so many circumstances of fact and indeed of a right which, although deduced logically from the ancient principle which denies that private property shall be respected at the time of maritime warfare, represents the gravest and most dangerous attempt against the elementary demands of civilization and humanity.

With respect to the armament of merchant vessels the Royal Government, while willingly agreeing with the American Government that the ancient conditions of maritime warfare and of piracy constitute their historical justification, denies that the new circumstances of fact in this respect are such as to be obliged to-day to consider such armament in absolute contrast with the principles and the established rules of international rights. It can not be claimed that piracy has departed from all the seas. The hypothesis of the eventual superiority of a merchant vessel armed for defense over a warship which attempts to capture or to destroy it, a hypothesis which in the case of submarines can only partially come to pass as far as that goes, was admitted

<sup>1</sup> Not printed.<sup>2</sup> Note received by the Embassy from the Foreign Office February 21, 1916 dated February 19.



explicitly even before the present application of the submarines was known or foreseen. Our merchant marine law of 1877 after having prohibited merchant vessels from the exercise of any acts of war (Article 207) admits that in the event they should be "attacked by ships, even warships, they may defend themselves and capture such ships." It is as a matter of fact practically and logically almost impossible to distinguish in the struggle which every armed defense presupposes, the offensive or defensive character of the single acts by means of which one repulses, one prevents, or one paralyzes the offensive attacks of others, actual or imminent. The effective exercise of this privilege of resistance explicitly recognized in the internal rights of the principal maritime powers, admitted in fact by Germany itself on the eve of the present war (Appendix 22, 1914, of German regulations of war prizes, paragraph 2) and consented to expressly by the American Government during this same war, can scarcely deprive merchant vessels of prerogatives which the law of nations gives ships of this nature, as the Hague Conference itself, Convention 11 of 1907, Article 8, recognized the same rights; but to affirm that the simple virtual possibility of this resistance by the sole presence of arms on board was sufficient to deprive it of such legal protection, whether as regards a belligerent adversary, as Germany claims to-day, or as regards neutrals themselves, as the American Government seems to-day disposed to admit, is absolutely contrary to all existing rules. The Government of His Majesty would not be adverse to consenting (assuming the accord of the Allied Governments) that these rules might be modified, and it would renounce willingly on its own account the armament of its merchant vessels during the war as a means of mere defense whenever all the belligerents contemporaneously agree to prohibit the sinking of enemy merchant vessels except in the hypothesis of violation of blockade or resistance or flight in the moment in which these acts are being accomplished. This would be in perfect harmony, not only with the best fundamental principles of the rights of war of the present day, and of the progress of civilization; but moreover with those principles which inspired the old regulations of Declaration of Paris with regard to rights of neutrals, and with those principles which our representatives upheld at the Hague Conference and Conference of London, relative to the destruction of neutral prizes, and relative to the inviolability of enemy private property upon the sea. The American Government appeared then even more solicitous and broader than we are in the affirmation of such tendencies: we can not therefore but observe with surprise and regret the opposite character of its present suggestions, which, in the face of the introduction of new and terrible instruments of offense, confirm and accentuate in substance the right of destruction of enemy merchant vessels and would seem to desire, with a view to the safeguarding of these new instruments, that is to say, with a view to the free exercise of their belligerent power, to deprive such ships of those means of defense against the danger and the menace of being sunk, which was conceded to them in the past against a risk which at most was restricted to simple capture and confiscation.

NELSON PAGE

File No. 300.115P44/17

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, February 23, 1916, 5 p. m.

[Received February 25, 12.30 a. m.]

1164. Your 1116,<sup>1</sup> February 9, 4 p. m. I have received the following reply from Austro-Hungarian Ministry for Foreign Affairs to my note relative to *Petrolite* incident:

[Translation]

February 22, 1916.

[No. 807]

The undersigned did not fail to refer the very esteemed note 5001, of the 12th instant immediately upon receipt thereof to the Imperial and Royal

<sup>1</sup> *Ante*, p. 160.

naval authorities for the necessary further consideration, and now has the honor to make known to the Ambassador Extraordinary and Plenipotentiary of the United States of America, Frederic Courtland Penfield, the result of the searching inquiry in regard to the statements of the captain of the steamer *Petrolite* as follows:

On the morning of December 5, 1915, the steamer was ordered to stop first by a shot across the bow. The steamer neither carried a flag nor bore any neutral distinguishing mark. The U-boat displayed the signal, "Send a boat." After the shot the steamer raised the American flag and apparently stopped her engines, but then swung around in a course toward the U-boat.

A further warning shot was fired to bring the steamer to a standstill. She turned, nevertheless, still further, and approached the submarine.

Thereupon the latter had to open fire as it was possible that a false flag was being flown and therefore the danger of an attack and of being rammed existed. It was ascertained that the shot had struck. The steamer now turned away, stopped, and began to put out a boat. As soon as this was observed firing was discontinued.

The captain came on board with his crew. The commandant pointed out to him his wrong maneuver which had created the appearance of an attack, and further also to the lack of any neutral distinguishing mark.

By the shot which struck the steamer a sailor was wounded, but so slightly that the captain allowed him to row in his crew.

The extent of damage on board according to the statement of the captain was insignificant.

After the examination of the ship's papers the officers engaged themselves pleasantly for a while with the captain. The commandant then asked him whether he might receive fresh provisions from the steamer, whereupon the captain replied that on demand he must give provisions. It was indicated to him that no compulsion whatever would be exercised, but that rather he was only requested to deliver some provisions against payment and that it would be a "generosity" were he to comply with this [request]. The [captain] stated that [he] was then immediately ready to do so, and proceeded on board the steamer to issue the necessary instructions. He spiritedly declined the payment offered, emphasizing that it was the duty of every seaman to assist the other. The statements of the captain in regard to the quantity of provisions delivered will not be contested, as under the foregoing conditions no account thereof was kept.

At the request of the commandant one sailor remained on board the U-boat while the boat from their steamer fetched provisions. By this the commandant did not mean to exercise any compulsion so that the delivery of the provisions, which were given quite voluntarily, would be assured. He simply desired to ask the sailor, who spoke German, a few more questions, and that the captain himself should not be detained any longer.

In order to show his appreciation of the provisions the commandant of the U-boat by way of thanks sent the captain a bottle of champagne and a box of cigars. The crew of the steamer were given cigarettes. The American captain took his leave finally on the most friendly terms.

It may be recognized from the foregoing exposition of the facts that the statements contained in the very esteemed note do not prove correct in several important points and that the conduct of the commandant of the U-boat from the standpoint of international law must be characterized as free from all criticism. The undersigned desires particularly to draw the attention of his excellency, the Ambassador, to the following:

Under the circumstances set forth the U-boat could not avoid firing on the steamer. The shooting was due solely to the fact that at the warning shot from the U-boat the captain did not stop, and, moreover, by false maneuvering provoked the suspicion of hostile intentions.

So far as the demand for provisions is concerned, a requisition contrary to international law does not come into question because, as is apparent from the statement of the case, the delivery of provisions was simply requested, at which time it was expressly stated that it was beyond the intention of the commandant to exercise any compulsion. Moreover it appears certain that the captain delivered the provisions most readily.

It can also not be said that the sailor was detained on board the U-boat either against his own or the captain's will, all the less so since the willingness of the captain to supply the U-boat with provisions gave no occasion for such action.

In view of the usages and principles prevailing at sea, the commandant of U-boat appears to be entirely justified in having refused to answer the inquiry of captain relative to the number of the boat and the name of the commandant.

Finally, as far as the details supplied in the last passage of the report of the Imperial and Royal naval authorities are concerned, it is plainly shown that the captain felt himself in no way wronged or otherwise inconvenienced by the action of the U-boat.

The undersigned now has the honor most respectfully to refer the foregoing to his excellency, the Ambassador of the United States, for communication to the Federal Government, and avails himself [etc.]

BURIAN  
PENFIELD

THE PRESIDENT'S LETTER OF FEBRUARY 24, 1916, ASSERTING THE RIGHT OF AMERICAN CITIZENS TO TRAVEL ON ARMED MERCHANT SHIPS—GERMAN MEMORANDUM OF FEBRUARY 28, 1916, ASSERTING THAT THE PLEDGES OF SEPTEMBER 1 AND OCTOBER 5, 1915, DO NOT APPLY TO ARMED SHIPS

File No. 763.72/2431a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *February 25, 1916, 5 p. m.*

2740. The President made public last night the following letter to Senator Stone, Chairman of the Committee on Foreign Relations:

THE WHITE HOUSE,  
WASHINGTON, *February 24, 1916.*

MY DEAR SENATOR: I very warmly appreciate your kind and frank letter of to-day, and feel that it calls for an equally frank reply.

You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect. Through many anxious months I have striven for that object, amidst difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded. I do not doubt that I shall continue to succeed. The course which the Central European powers have announced their intention of following in the future with regard to undersea warfare seems for the moment to threaten insuperable obstacles, but its apparent meaning is so manifestly inconsistent with explicit assurances recently given us by those powers with regard to their treatment of merchant vessels on the high seas, that I must believe that explanations will presently ensue which will put a different aspect upon it. We have had no reason to question their good faith or their fidelity to their promises in the past, and I for one feel confident that we shall have none in the future.

But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should ever unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course should be.

For my own part, I cannot consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the nation is involved. We covet peace, and shall preserve it at any cost but the loss of honor. To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation indeed. It would be an implicit, all but an explicit, acquiescence in the violation of the rights of mankind everywhere, and of whatever nation or allegiance. It would be a deliberate abdication of our hitherto proud position as spokesmen, even amidst the tur-

moils of war, for the law and the right. It would make everything this Government has attempted, and everything that it has achieved during this terrible struggle of nations meaningless and futile.

It is important to reflect that if in this instance we allowed expediency to take the place of principle, the door would inevitably be opened to still further concessions. Once accept a single abatement of right, and many other humiliations would certainly follow, and the whole fine fabric of international law might crumble under our hands piece by piece. What we are contending for in this matter is of the very essence of the things that have made America a sovereign nation. She cannot yield then without conceding her own impotency as a nation, and making virtual surrender of her independent position among the nations of the world.

I am speaking, my dear Senator, in deep solemnity, without heat, with a clear consciousness of the high responsibilities of my office, and as your sincere and devoted friend. If we should unhappily differ, we shall differ as friends; but where issues so momentous as these are involved we must, just because we are friends, speak our minds without reservation.

Faithfully yours,

WOODROW WILSON

Above for your own information. Repeat to Vienna and Constantinople with similar instruction.

LANSING

File No. 763.72/2429

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 25, 1916, 11 a. m.

[Received February 26, 2.10 p. m.]

3528. Learn on good authority that Foreign Office here was informed that Baron Zwiedinek, Austro-Hungarian Chargé d'Affaires, had cabled his Government prior to issue of German memorandum about armed merchant vessels that you personally had informed him that declaration of that nature from Central powers would be welcomed by you.

GERARD

File No. 763.72/2431

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 25, 1916, 7 p. m.

[Received February 26, 5 p. m.]

3530. Press publishes report bill will be introduced in Congress to prohibit Americans from receiving passports for travel aboard armed liners, although President would veto such a bill if passed, having already stated he would insist on the right of Americans to travel on whatever vessels they choose, and would demand that ship armed for defense shall not be torpedoed without warning.

Various papers quote article in *Staats Zeitung* relative to the *Caserta*, an armed Italian steamer, stated to have armament manned by trained gun crew and whose captain is alleged to have stated he was after submarines.

*Frankfurter Zeitung* gives interview with high naval officer who sums up views of Von Tirpitz clique as to advantages and disadvantages of war with America. As against argument advanced by statesmen that war with America would mean loss of German merchant vessels in American ports, greatly increased financial support of enemy, greatly increased tendency to [supply] ammunition to them, and unfavorable effect upon Roumania and Greece, naval officers urge that if war comes they can sink without warning any vessels in sight and starve out England in two months; the neutrals would probably denounce Germany as barbarous but England has continually disregarded all neutral property, and Germany, in fighting for her life, need not pay any more heed to neutral protests than her enemy. The Yankees would not have any time to send more ammunition or money, for England would be completely blockaded and starved into submission. This would soon end the war and we could demand that England surrender her whole fleet, thus making Germany's fleet seven times as strong as America's. America would then be forced to give in and Germany could make it a condition that she should return all the German ships and pay all the war costs of Germany and her allies. Roumania and Greece would have no time to do anything. The statesmen answered that there was no guarantee that things would turn out in this way and that they could not assume the responsibility for any such *vabanque* game. The reply of the Navy was that they were sure of success for their part and could only take as their motto, "Nothing ventured nothing gained."

GERARD

File No. 763.72/2432

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 26, 1916, 2 p. m.

[Received February 27, 8 p. m.]

3531. Press prints London reports of dissension in Democratic Party, stating that Foreign Relations Committee of House refuses to support President in insisting on right of Americans to travel on armed enemy merchant vessels and demands that warning be issued against using such vessels. President's letter to Senator Stone also quoted. The London *Morning Post* is quoted as saying that the United States would not undertake anything until it was definitely known just what Germany intends to do. The German papers state that after the German memorandum and Von Jagow's interview, there can be no possible doubt as to Germany's intentions.

Leader in the *Frankfurter Zeitung* sums up the conflict of opinions as follows: America has declared that if the *modus vivendi* proposed by it is not accepted by the Allies, the present status of the armament of merchant vessels must be accepted, although it is not at all recognized by Germany. The American Government sees no reason for warning Americans against traveling aboard vessels armed for defense, and if Americans lose their lives as a consequence of submarine attack, Germany's action will be treated as a violation of international law and a breach of the promises given. Germany, on the

other hand, states that in consequence of the perfidious action of armed British merchantmen against submarines, enemy merchant vessels armed with guns will, after a brief interval, be treated as belligerents. Germany will not recede from this position. Against whom, then, are merchantmen armed if not against war vessels, now that there are no more pirates? The German Secretary of State declared, "We have furnished proof that the English Admiralty has given most explicit instructions that the armed merchant vessels are to proceed offensively against the submarines, and therefore we maintain with the fullest right that this so-called armament for what are alleged to be defensive purposes is nothing but a ruse, and these merchant vessels are merely auxiliary war cruisers and must be treated as such."

The editorial asserts that America has no right to demand a declaration from Germany and Austria-Hungary as to how they propose to distinguish between armed and unarmed steamers, since America plainly has no intention of objecting in any case to the cannons on the English merchantmen and liners. The American Secretary of State intimates that this confidential question would not be put until a ship with American passengers is torpedoed, which seems to indicate that the American Government will as heretofore seek to avoid an open rupture with Germany.

The paper repeats what it has already said about the seriousness of a conflict with America and rebukes those who clamor for ruthless application of the submarine weapon as poor patriots. Germany undoubtedly possesses the right to cut off England from all supplies, but whether such a course is advisable is another question, which only those high in authority can answer. It is now necessary for the besieged German people to preserve discipline and decorum at home as well as at the front, and each man and each woman must act as a true soldier.

GERARD

File No. 763.72/2433

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 27, 1916, 3 p. m.

[Received February 28, 1 p. m.]

3535. I think it is possible that Germany may soon issue a supplementary memorandum offering to abandon all reprisals against England in the nature of sinking any ships without notice, to be effective in case England agrees to disarm merchant vessels; the idea being that there will then be no logical excuse for the continued arming of merchant vessels. Pirates have disappeared, privateering has been done away with, and now Germany will extend the orders not to sink a passenger ship without first giving warning and putting crew in safety, to all merchant vessels of every kind. Submarine boats are recognized as legitimate weapons of war by all nations, and a merchant vessel armed with one small gun is as effective against a submarine as a warship. In case England refuses [to] disarm merchant vessels, then America will be in a good position to warn

Americans not to travel on such ships, as the English orders and articles published recently in London *Times* show conclusively that English armed merchant vessels make a practice of firing at sight at submarines and do not wait until attacked to use their armament. Above is German view of position gathered from various sources. This should be kept from publication, as, of course, this memorandum may not be sent. The question of sending it is still under discussion.

GERARD

File No. 763.72/2740

*The German Ambassador (Bernstorff) to the Secretary of State*

[*Handed to the Secretary by the  
Ambassador, February 28, 1916.*]

The Imperial Government reiterates the pledges given on September 1 and October 5, 1915,<sup>1</sup> and does not consider that these assurances have been modified by subsequent events. The negotiations conducted between the American and German Governments concerning the *Lusitania* incident never referred to armed merchantmen. In the contrary, the note of the American Government of May 13 spoke expressly of "unarmed merchantmen." Furthermore the formula agreed upon by both Governments on September 1 contained the proviso "provided that they do not offer resistance." The presence of an armament on board a merchant vessel creates the presumption that the vessel intends "to offer resistance." A submarine commander cannot possibly warn an enemy liner, if the liner has the right to fire upon the submarine. It is obvious that such resistance to the warning by a submarine cannot be the meaning of "armament for defensive purposes," even if it were universally recognized that defensive armament is permitted by international law. This point of view was adopted by the American Government, when it requested assurances from the Italian Ambassador that the armed Italian liners *Verdi* and *Verona*, which entered the port of New York, should not fire on submarines, when warned by them.

The Imperial Government issued its new orders to the German naval commanders after having seen by the secret orders of the British Admiralty that the armament of British merchantmen is to be used for the purpose of attack and that these ships are not merely peaceful traders "armed only for defense." British merchantmen have furthermore on several occasions attacked German or Austro-Hungarian submarines. They do, therefore, not conform with the assurances given by the British Government in the note of the British Embassy in Washington of August 25, 1914,<sup>2</sup> and can, even according to the legal point of view adopted by the American Government, not be regarded as peaceful traders.

In issuing the new orders to its naval commanders the Imperial Government believed to be entirely in accord with the American Government which expressed similar opinions in the proposals which it submitted to the Entente powers.

The orders issued to the German naval commanders are so formulated that enemy liners may not be destroyed on account of their

<sup>1</sup> *Foreign Relations*, 1915, Supplement, pp. 530, 560.

<sup>2</sup> *Ibid.*, 1914, Supplement, p. 604.

armament unless such armament is proved. It is, therefore, obvious that the Imperial Government does not intend to revoke the pledges given on September 1 and October 5, 1915.

The Imperial Government welcomes the intention of the American Government to bring about a *modus vivendi* between the belligerents with regard to the disarmament of merchantmen, but cannot see its way to change or postpone the new orders to its naval commanders, because the Imperial Government can no longer permit its submarines to be subjected to illegal attacks by armed enemy merchantmen.

A list is annexed of cases, in which British merchantmen attacked German or Austro-Hungarian submarines.<sup>1</sup>

WASHINGTON, *February 28, 1916.*

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File No. 763.72/2741

*The Austro-Hungarian Chargé (Zwiedinek) to the Secretary of State*

[*Read to the Secretary by the  
Chargé, February 28, 1916.*]

The Chargé d'Affaires of Austria-Hungary has been instructed to inform his excellency the Secretary of State that the Imperial and Royal Austro-Hungarian Government takes the same position in the question of the treatment of armed enemy merchantmen as the Imperial German Government.

WASHINGTON, *February 28, 1916.*

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File No. 763.72/2441

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[*Telegram*]

VIENNA, *February 28, 1916, 4 p. m.*

[*Received February 29, 2.20 p. m.*]

1168. I have been reliably informed that on Saturday, the 26th, Vienna press were advised by the Ministry of Foreign Affairs that the relations between Germany and the United States had reached critical stage and they were instructed to exercise the greatest reserve in commenting thereon.

PENFIELD

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File No. 763.72/2538

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 1427

WASHINGTON, *February 29, 1916.*

MY DEAR MR. SECRETARY: With reference to our conversation of yesterday I beg to state that, according to wireless information which

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<sup>1</sup> Not printed.



I received from my Government, English newspapers, amongst others the London *Times* and *Daily Graphic*, dealing with the question of armed merchantmen, openly declare that British merchantmen have no intention to conform even to the American viewpoint which permits arming of merchantmen for purposes of defense only.

The naval correspondent of the London *Times* in the edition of February 10 admits that steamers *Kashgar*, *City of Marseilles*, and the French steamer *Plata* opened fire on submarines after sighting them. The correspondent then, referring to the episode of the *Clan McTavish*, says that it did not meet deserved success but that it shows the readiness with which merchantmen can "attack."

Likewise *Daily Graphic* in an article of February 12 dealing with the same question says: "Let it be understood that we shall not limit our action to defensive measures." A similar utterance is reported about the *Daily Telegraph* of February 22.

On the other hand the semiofficial *North German Gazette* on February 26, referring to President Wilson's letter to Senator Stone as viewed by Reuter, publishes the following article:

The principles stated in the German memorandum are by no means opposed to international law, for secret orders of the British Admiralty published in the memorandum expressly instruct armed British merchantmen to not only defend themselves but to attack also. Numerous incidents quoted in the memorandum give further proof that the ships follow this instruction. Such vessels according to international law cease to be peaceful trading ships. On the other hand, the precedent taken by our enemies appears as gross breach of law of nations since they through merchantmen commit acts of warfare that only a real man-of-war is entitled to. If President Wilson in his letter to Senator Stone says that announced measures against armed enemy merchant ships are contrary to express assurances given by Germany and Austria-Hungary, this is apparently caused by misunderstanding, for these assurances referred only to peaceful liners and not to such ships whose armament is connected with aggressive purposes. These misunderstandings were apparently caused by the fact that the memorandum with annexes is not yet in the hands of the American Government, and that therefore the President is so far unable to examine both.

I am [etc.]

J. BERNSTORFF

File No. 763.72/2429

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *March 1, 1916, 1 p. m.*

2756. Your 3528,<sup>1</sup> February 25, 11 a. m. On January 26 Baron Zwiedinek telegraphed his Government the substance of a conversation with me to the effect, he said, that I would "welcome it" if the Central powers should come forward with a declaration that merchantmen with one or more guns will be treated as auxiliary cruisers.

By agreement the Department has been censoring wireless cipher messages of the German Embassy (which has also been sending cipher messages for the Austrian Embassy) for the sole purpose of determining whether they convey military information or whether they are of doubtful meaning. If the message is not objectionable

<sup>1</sup> *Ante*, p. 178.

in either of these respects, it is sent to the Navy Department for transmission, where the cipher and English text are compared to see if it has been correctly enciphered. If the message is objectionable in either of these respects, it is returned to the Embassy with an explanation. As to any statement of fact, or report of a conversation or other matter whatsoever, the Department treats the message as a confidential communication between the Embassy and its Government. Errors of statement have frequently been observed in messages passing through the Department, but adhering to its rule the Department has never stopped a message on that account and has not called it to the attention of the Ambassador unless it was later formally communicated to the Department. The Department does not consider itself bound by knowledge of confidential communications sent to a belligerent Government by one of its diplomatic officers, or in any way required to correct inaccurate statements or unwarranted expressions appearing in such communications.

In the course of transmission through the Department I saw the Zwiedinek message of January 26 and was aware of the misuse of the word "welcome," but permitted the despatch to go through in the ordinary course. Later, however, when the reply of the Austrian Government was shown me by Zwiedinek, I noted that it referred to me as welcoming the proposed German and Austrian declaration as to submarine warfare. I thereupon pointed out to Zwiedinek that I had not intended to convey any such meaning in our conversation, calling his attention to the misunderstanding which had arisen and to the false impression which was conveyed through the misuse of the word "welcome," and stating that I did not wish his Government to be deceived or to draw any impression of initiative on my part. This he in substance communicated to his Government on February 9. I also recalled to Zwiedinek's attention that, during the conversation, after some discussion of the use of the submarine and the *modus vivendi* proposed to the Entente powers, he said that the German and Austrian Governments held the view that they could not warn armed vessels and had in mind issuing a declaration to that effect. He asked me when I thought it would be well to do this. I replied that the sooner it was done the better—having in mind that the *Lusitania* case, which was on the point of settlement, should not be settled if such a declaration was to be made afterward, as it would directly affect and apparently nullify the assurances already given by the German Government. The Chargé said that I had had an opportunity to see the telegram as it passed through the Department. I said that I had noticed the error, but that allowing the message to be sent was in no sense an endorsement by the Department of the accuracy of the statements contained—the sole authority being the writer of the message.

There will probably be an attempt to show that the German declaration was initiated and approved by me, but this is entirely unwarranted. In case my reported use of the word "welcome" should be referred to by the Minister of Foreign Affairs in future negotiations on this subject, you may explain this matter to him and emphasize that I did not use the word "welcome" or even intimate such

an idea, only saying that if the German and Austrian Governments intended to issue a declaration, the sooner it was done the better.

Repeat Vienna as number 1149.

LANSING

File No. 763.72/2397

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *March 1, 1916, 2 p. m.*

2757. German memorandum and appendices regarding submarine policy and armed merchantmen not yet received. Just when may they be expected? Can you say on what steamship they were sent?

LANSING

DEFEAT IN CONGRESS OF THE RESOLUTION TO PREVENT AMERICANS FROM TRAVELING ON ARMED MERCHANT SHIPS—THE DECISION OF THE GERMAN GOVERNMENT AGAINST UNLIMITED SUBMARINE WARFARE—RESOLUTIONS IN THE REICHSTAG AGAINST RESTRICTIONS

File No. 763.72/2443

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *March 1, 1916, 9 p. m.*

2760. For your information, the Department quotes the following letter of the President, dated February 29, to Congressman Pou, acting Chairman of the Committee on Rules, House of Representatives:

Inasmuch as I learn that Mr. Henry, the Chairman of the Committee on Rules, is absent in Texas, I take the liberty of calling your attention, as ranking member of the committee, to a matter of grave concern to the country which can, I believe, be handled, under the rules of the House, only by that committee.

The report that there are divided counsels in Congress in regard to the foreign policy of the Government is being made industrious use of in foreign capitals. I believe that report to be false, but so long as it is anywhere credited, it cannot fail to do the greatest harm and expose the country to the most serious risks. I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about in order that there may be afforded an immediate opportunity for full public discussion and action upon them and that all doubts and conjectures may be swept away and our foreign relations once more cleared of damaging misunderstandings.

The matter is of so grave importance and lies so clearly within the field of executive initiative that I venture to hope that your committee will not think that I am taking unwarranted liberty in making this suggestion as to the business of the House, and I very earnestly commend it to their immediate attention.

Cordially and sincerely yours,

WOODBROW WILSON

Before the President's letter was written probably only 20 Senators were in favor of resolution to prevent Americans from sailing on armed merchant ships. Situation in House not so clear. Since President's letter situation in both Houses has unquestionably swung in favor of President's position.

Repeat to Vienna and Constantinople for their information.

LANSING

File No. 763.72/2450

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 2, 1916, 8 p. m.

[Received March 3, 11.55 a. m.]

3561. Informed fair authority Von Tirpitz now urging adoption of his plan to end war and blockade England by torpedoing every boat, whether neutral or not, approaching England, at sight. This now being considered by grand council of war at Charleville including Chancellor, Falkenhayn, etc. Alleged dissensions in American Congress have greatly encouraged Von Tirpitz party, and if he can convince council of success of his plan, probabilities are it will be adopted.

GERARD

File No. 763.72/2455

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 3, 1916, 1 p. m.

[Received March 4, 12 noon.]

3565. Have had absolute confirmation that council in Charleville is deciding yesterday and to-day whether Von Tirpitz' plan to torpedo without notice all ships within war territory in English waters, whether such ships are neutral or not, shall be adopted. Von Tirpitz, Falkenhayn, and military favor this plan. Chancellor and Foreign Office opposed. Decision lies with Emperor.

GERARD

File No. 763.72/2459a

*The Secretary of State to the Ambassadors in European Belligerent Countries*

[Circular telegram]

WASHINGTON, March 4, 1916, 9 p. m.

For your information. Gore resolution forbidding American citizens to travel on armed merchantmen brought for vote in Senate yesterday. In accordance with wishes of President it would have been tabled by majority of over two to one. Gore at last moment amended resolution to read in substance that it would be just cause of war if an American life was lost by sinking of armed merchantmen by German submarine. Vote to table this resolution and whole

matter then taken, carrying 68 affirmative, 14 negative. Supporters administration all voted table motion. Those opposed administration voted in negative. Although this was a deliberate attempt to avoid original issue, no question that action is favorable to position of administration. Vote to be taken in House Monday or Tuesday on resolution forbidding Americans to travel on armed merchantmen will undoubtedly be favorable to administration.

LANSING

File No. 763.72/2460

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 2451

BERLIN, February 14, 1916.

[Received March 6.]

SIR: I have the honor to transmit to you herewith three copies of the memorandum of the Imperial German Government on the treatment of armed merchantmen, dated February 8, 1915 [1916], which formed the subject of my telegrams No. 3467, of the 9th,<sup>1</sup> and No. 3474, of the 10th instant.<sup>2</sup> There are likewise enclosed a translation of the text of the memorandum and a copy and translation of the *note verbale* from the Imperial Foreign Office, dated February 10, 1916, with which the memorandum was transmitted to me.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

*The German Foreign Office to the American Embassy*

III a 1909/26921

NOTE VERBALE

The Foreign Office has the honor to transmit herewith to the Embassy of the United States of America three copies of a memorandum of the Imperial German Government on the treatment of armed merchantmen, with enclosures, and to request that the Embassy be good enough to bring the essential contents of the memorandum to the knowledge of its Government by telegraph, informing it at the time that the order to the German naval forces mentioned in Section IV, No. 1, of the memorandum will not be carried into effect until the 29th instant, in the interest of neutrals already on board armed merchant vessels.

BERLIN, February 10, 1916.

[A translation of the memorandum referred to in the foregoing *note verbale* was forwarded to the Secretary in the Ambassador's telegram No. 3474, of February 10 (see *ante*, pp. 163-65); the exhibits mentioned therein, with the exception of Exhibit 8, which is a Drill Book and therefore only of military interest, follow.]

[Exhibit 1]

DECLARATION OF THE FIRST LORD OF THE ADMIRALTY, WINSTON CHURCHILL, AT THE SESSION OF THE BRITISH LOWER HOUSE OF MARCH 26, 1913<sup>3</sup>

I turn to one aspect of trade protection which requires special reference. It was made clear at the second Hague Conference and the London Conference, that certain of the great powers have reserved to themselves the right to con-

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 163.<sup>3</sup> *The Parliamentary Debates, Official Report*, 1913 (50 H. C. Deb. 5 s.), p. 1776.

vert merchant steamers into cruisers, not merely in national harbours, but if necessary on the high seas. There is now good reason to believe that a considerable number of foreign merchant steamers may be rapidly converted into armed ships by the mounting of guns. The sea-borne trade of the world follows well-marked routes upon nearly all of which the tonnage of the British mercantile marine largely predominates. Our food-carrying liners and vessels carrying raw material following these trade routes would in certain contingencies meet foreign vessels armed and equipped in the manner described. If the British ships had no armament, they would be at the mercy of any foreign liner carrying one effective gun and a few rounds of ammunition. It would be obviously absurd to meet the contingency of considerable numbers of foreign armed merchant cruisers on the high seas by building an equal number of cruisers. That would expose this country to an expenditure of money to meet a particular danger, altogether disproportionate to the expense caused to any foreign power in creating that danger. Hostile cruisers, wherever they are found, will be covered and met by British ships of war, but the proper reply to an armed merchantman is another merchantman armed in her own defence.

This is the position to which the Admiralty have felt it necessary to draw the attention of leading shipowners. We have felt justified in pointing out to them the danger to life and property which would be incurred if their vessels were totally incapable of offering any defence to an attack. The shipowners have responded to the Admiralty invitation with cordiality, and substantial progress has been made in the direction of meeting it by preparing as a defensive measure to equip a number of first-class British liners to repel the attack of armed foreign merchant cruisers. Although these vessels have, of course, a wholly different status from that of the regularly commissioned merchant cruisers, such as those we obtain under the Cunard agreement, the Admiralty have felt that the greater part of the cost of the necessary equipment should not fall upon the owners, and we have decided, therefore, to lend the necessary guns, to supply ammunition, and to provide for the training of members of the ship's company to form the guns' crews. The owners on their part are paying the cost of the necessary structural conversion, which is not great. The British mercantile marine will, of course, have the protection of the Royal Navy under all possible circumstances, but it is obviously impossible to guarantee individual vessels from attack when they are scattered on their voyages all over the world. No one can pretend to view these measures without regret, or without hoping that the period of retrogression all over the world which has rendered them necessary, may be succeeded by days of broader international confidence and agreement than those through which we are now passing.

[Exhibit 2]

EXTRACT FROM THE OFFICIAL PUBLICATION OF THE STATE DEPARTMENT OF THE UNITED STATES OF AMERICA<sup>1</sup>

*The British Ambassador to the Secretary of State*

No. 289

BRITISH EMBASSY,  
WASHINGTON, August 25, 1914.

SIR: With reference to Mr. Barclay's notes Nos. 252 and 259 of the 4th and 9th of August, respectively, fully explaining the position taken up by His Majesty's Government in regard to the question of armed merchantmen, I have the honour, in view of the fact that a number of British armed merchantmen will now be visiting United States ports, to reiterate that the arming of British merchantmen is solely a precautionary measure adopted for the purpose of defence against attack from hostile craft.

I have at the same time been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to give the United States Government the fullest assurances that British merchant vessels will never be used for purposes of attack, that they are merely peaceful traders armed only for defence, that they will never fire unless first fired upon, and that they will never under any circumstances attack any vessel.

I have [etc.]

CECIL SPRING RICE

<sup>1</sup> *European War No. 2: Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties*, p. 41.

## [Exhibit 3—Translation]

## MEMORANDUM OF THE GERMAN GOVERNMENT OF OCTOBER 13, 1914, CONCERNING THE TREATMENT OF ARMED MERCHANT VESSELS IN NEUTRAL PORTS

An official notice appearing in the *Westminster Gazette* of September 21, 1914, states that the Department of State at Washington has ruled that ships of belligerent nations when equipped with ammunition and armament shall be treated nevertheless, while in American ports, as merchant ships, provided the armament serves for defensive purposes only. This ruling wholly fails to comply with the principles of neutrality. The equipment of British merchant vessels with artillery is for the purpose of making armed resistance against German cruisers. Resistance of this sort is contrary to international law, because in a military sense a merchant vessel is not permitted to defend itself against a war vessel, an act of resistance giving the warship the right to send the merchant ship to the bottom with crew and passengers. It is a question whether or not ships thus armed would be admitted into ports of a neutral country at all. Such ships, in any event, should not receive any better treatment in neutral ports than a regular warship, and should be subject at least to the rules issued by neutral nations restricting the stay of a warship. If the Government of the United States considers that it fulfils its duty as a neutral nation by confining the admission of armed merchant ships to such ships as are equipped for defensive purposes only, it is pointed out that so far as determining the warlike character of a ship is concerned, the distinction between the defensive and offensive is irrelevant. The destination of a ship for use of any kind in war is conclusive, and restrictions as to the extent of armament affords no guarantee that ships armed for defensive purposes only will not be used for offensive purposes under certain circumstances.

## [Exhibit 4—Translation]

## DIGEST OF CASES IN WHICH ENEMY MERCHANT SHIPS HAVE FIRED ON GERMAN OR AUSTRO-HUNGARIAN SUBMARINES

Date	Place	Nationality and name of the ship	Particulars of surrounding circumstances
1915 Apr. 11	South North Sea, near the Nordhinder lightship.	Unknown steamer----	Steamer without a flag. Steamer saw periscope; opened gunfire at about 3,000 meters and turned on U . . . Report of the shells could be heard near the boat (about 15 or 20 shots).
Apr. 28	North Sea, about 60 nautical miles NE. of the mouth of the Tyne.	Unknown steamer of medium size.	Steamer was sighted running onward, suddenly opened fire at about 3,000 meters without hoisting flag. On account of her head-on position it could not be seen whether she bore neutral marks. From the impact of the shots the guns were from 5 to 7 centimeters. U . . . escaped the well-directed fire by speedily submerging.
May 29	West entrance to the English Channel, near Ouessant (Ushant Island).	English S. S. <i>Demerrara</i> .	U . . . chased the steamer and tried when 4,500 meters off to bring her to a halt by firing warning guns. Steamer turned off and returned the fire.
June 3	West entrance to the English Channel, 50 nautical miles south of the Scilly Isles.	Unknown steamer----	U . . . tried to bring the steamer to a halt by firing warning shots with her artillery. The steamer returned the fire with a poop-gun.
June 14	West of the Hebrides (about 30 nautical miles off Lewis).	Two unknown steamers.	The two steamers were running close together—at about 4,000 meters—both opened fire on U . . . with small caliber poop-guns. Shots hit sideways very bad. Speedily submerging, running deep; so submarine attack hopeless.
Aug. 14	Irish Sea-----	Large English steamer of the Royal Mail Line.	U . . . was fired on suddenly by the steamer without provocation from a distance of 8,000 meters. Shots fell short. No attack was attempted on the steamer.
Aug. 18	Bristol Channel-----	Unknown steamer----	Tried to bring steamer to a halt by gunfire after warning. When steamer saw that U-boat was waiting, she suddenly opened fire with a gun from the promenade deck.

## DIGEST OF CASES IN WHICH ENEMY MERCHANT SHIPS HAVE FIRED ON GERMAN OR AUSTRO-HUNGARIAN SUBMARINES—Continued

Date	Place	Nationality and name of the ship	Particulars of surrounding circumstances
1915 Sept. 10	Western Mediterranean.	Unknown steamer....	A steamer was challenged to show her flag; she turned away without hoisting the flag and opened fire with a 10-centimeter poop-gun on the U-boat, which escaped the firing by speedily submerging.
Oct. 7	Middle Mediterranean.	French S. S. <i>Amiral Hamelin</i> .	U... signaled the steamer to stop; she turned away and ran on a zigzag course. The U-boat tried to bring the steamer to a halt by artillery fire; when about 3,000 meters distant she returned the fire. It was some time before the steamer stopped. She was sunk later.
Nov. 3	Western Mediterranean.	English transport steamer <i>Woodfield</i> .	The steamer did not stop at the warning gun. At a distance of 6,000 meters she returned the fire with a small gun. She was forced to stop by artillery fire and her crew list showed that the steamer carried gunners and enlisted men of the Navy as members of her crew.
Nov. 5	Western Mediterranean.	Unknown steamer....	A large steamer was chased by U... after being challenged in vain. The steamer returned the fire with a large gun. The chase had to be given up.
Nov. 6	Eastern Mediterranean.	English tank steamer <i>Lumina</i> .	The steamer was challenged to stop by a warning gun. She turned about, ran away, and returned the fire with a poop-gun. She was compelled to stop by artillery fire and later was sunk.
Nov. 11	Western Mediterranean.	English S. S. <i>City of Marseilles</i> .	U... after warning, tried to stop a large freight steamer by artillery fire. The steamer turned away and returned the fire with two guns of about 10 centimeters. The U-boat had to give up the chase; the steamer got away. A press telegram of January 1, 1916, from Bombay told the incident in detail; the steamer claimed she had sunk the U-boat.
Nov. 30	Middle Mediterranean.	Unknown steamer....	U... after a warning gun, tried to stop a large steamer by artillery fire. The steamer turned away and returned the fire with a small gun.
Dec. 8	Eastern Mediterranean.	-----do-----	The steamer was approached under water. She fired with a poop-gun on the periscope as soon as it emerged.
Dec. 13	Middle Mediterranean.	Unknown English steamer.	U... tried to stop by artillery fire a large steamer with poop-guns that showed no flag. The steamer hoisted the English flag and returned the fire with two guns.
Dec. 14	-----do-----	Unknown steamer....	U... approached the steamer, which stopped at sight of the boat, and ordered her to show her flag. The steamer speeded away, keeping up a brisk fire from a poop-gun.
1916 Jan. 17	-----do-----	-----do-----	U... ordered a steamer, apparently in ballast, that was sighted on a westerly coast, to stop. The steamer turned about, ran away, and fired with a poop-gun.
Jan. 17	-----do-----	English S. S. <i>Melanie</i> ..	U... signaled a flush-decked freight steamer, with raised fore-castle and cabin, of about 3,000 tons, sailing under the Dutch flag, to send a boat and have the ship's papers examined. This was done after awhile. As U... which for safety's sake had gone under, came to the surface about 1,000 meters away from the steamer near the ship's boat, the steamer opened fire with two guns of medium caliber and machine guns so briskly that the U... barely saved herself by speedily submerging. Throughout the action the steamer displayed the Dutch flag; she bore the name of <i>Melanie</i> , which is found not in the Dutch, but in the English marine list.



[Exhibit 5<sup>1</sup>]*Confidential*INSTRUCTIONS FOR GUIDANCE IN THE USE, CARE, AND MAINTENANCE OF ARMAMENT  
IN DEFENSIVELY ARMED MERCHANT SHIPS

## GENERAL

1. Ratings embarked as gun's crew will sign the ship's articles at the rate of pay communicated.

2. They are to obey the orders of the master and officers of the ship. If they think it necessary to make a complaint against any order, they are to obey the order and make their complaint in writing, asking that it may be forwarded to the proper authorities.

3. The ratings are not required for duties unconnected with the armament except in case of emergency, but they are to assist at all times in the welfare of the ship and look after the cleanliness of their berths.

4. They are to keep watch and watch at sea, and also when the ship is anchored in any place liable to attack by submarines.

5. They will receive their pay through the master of the ship. They will not mess with the crew, but in one of the officers' messes as the master may decide.

6. Uniform is not to be worn in neutral ports.

7. A brief report is to be rendered by the senior rating on the 1st of each month, countersigned by the master, and sent to:

The Director of Trade Division,  
Admiralty, Whitehall, S. W.

## DRILL AND MAINTENANCE OF GUN

8. The ratings embarked are entirely responsible for the efficiency in all respects of the gun and ammunition, which should be ready day and night.

9. The senior rating is to arrange with the master to detail the necessary additional men to complete the gun's crew up to the numbers required by the drill book.

10. One of the ratings is to act gunlayer and the other as breech worker. The remaining numbers should be told off to act as sightsetter, projectile loader, and cartridge loader, etc.

11. Arrangements are to be made with the master to detail a sufficient number of hands, over and above the gun's crew, to supply ammunition to the gun on going into action.

12. A ready supply of 10 complete rounds, with percussion tubes in the cartridges, is to be kept at the gun day and night. Care should be taken that a supply of one percussion tube to each cartridge is kept aside for action, and this supply of tubes is never to be encroached on for practice firing.

13. The senior rating should arrange with the master for the instruction of the ratings told off as gun's crew and ammunition supply party.

14. A drill book is supplied for information, but it is not necessary that the gun's crew should be burdened with details, provided that they understand what is required when the gun is to be fought.

15. Percussion firing should always be used, as it is the most certain means of discharging the gun; and therefore—

(a) Cartridges, in ready supply only, should be kept ready tubed with percussion tubes. Tubes not required for ready supply of cartridges should be retained in their sealed boxes to preserve them from damp.

(b) Aiming practice with a percussion lanyard should be carried out daily. It is not necessary to fire a tube in this practice, but the breech worker should be exercised at the same time in cocking the striker while the breech is open, and in hooking on the firing lanyard and passing it to the gunlayer.

NOTE: The present allowance of percussion tubes is one per cartridge. Electric firing mechanism and batteries are therefore to be kept efficient in every respect in case the supply of percussion tubes becomes insufficient, from damp or other causes.

<sup>1</sup> Found on the English steamer *Woodfield*.

16. Great attention is to be paid to the ready supply of ammunition, to keep it clean and dry. If tubes and cartridges are not kept dry there is considerable danger of hanging fire. The projectiles are to be lightly oiled. In case the cartridges are suspected to have become wet, they should be laid aside until return to harbour.

17. For the maintenance of the gun and mounting it is to be borne in mind that "lubrication is the secret of efficiency in gun machinery." All oil channels should be seen clear of vaseline and filled with oil. It is to be remembered that vaseline is a preservative only; oil is a lubricant.

Each morning and evening the bore is to [be] seen clear, recoil cylinders filled, striker protrusion gauged, and the gun trained and elevated to both extremes.

The gun is to be cleaned twice a day, gear being supplied by the master. Brickdust is *not* to be used on machined surfaces.

#### ACTION

The master is responsible for handling the ship and for opening and ceasing fire. He has been furnished with instructions which will enable him to do this to the best advantage. The duty of the gun's crew is to fight the gun under the general direction of the master, who will communicate to them so much of the instructions as he may consider necessary to enable them to fight the gun to the best advantage.

In action the following instructions should be carried out:

(1) When in submarine waters, everything should be in a state of readiness, but the gun should not be kept actually loaded.

(2) When the enemy is engaged—

(a) The point of aim should be the centre of the water line.

(b) It is to be remembered that "over" shots are useless. A short shot by causing a splash confuses the enemy. It may ricochet into the enemy. If the shell bursts on striking the water—as it usually does—some fragments are likely to hit the enemy. To get the best result, at least half of the shots fired should fall short.

(3) The master will probably keep the submarine astern so that little deflection will be necessary.

(4) It is not advisable to open fire at a range greater than 800 yards, unless the enemy has already opened fire, for the following reasons—

(a) The ammunition supply is limited.

(b) Accurate shooting under probable existing conditions can not be expected at greater ranges.

(5) When in action and a miss-fire occurs with a percussion tube, the following procedure is to be adopted—

(a) The B. M. lever is to be tapped to ensure it is closed.

(b) The striker is to be recocked.

If the gun does not then fire, the striker is to be taken out to ensure that the point is not broken. If unbroken the breech is to be opened and the cartridge is to be thrown overboard, it having been ascertained that the percussion tube has been inserted.

The gun is then to be reloaded.

#### INSTRUCTIONS FOR CARRYING OUT FIRING PRACTICE

1. In order to ensure that the gun is maintained in an efficient condition, one round is to be fired every two months.

2. In order to prevent false alarms it is essential that the firing referred to in paragraph 1 shall take place in clear weather and out of sight of land *and of other ships*.

3. If convenient a cask or other suitable object should be dropped as a target, and the gun should be fired when the range is about 800 yards.

4. The gun's crew and ammunition supply party should be exercised on the day previous to the practice, and also immediately before firing.

5. Before practice firing the following procedure is to be carried out:

- (a) Recoil cylinders and tanks are to be seen filled.
- (b) Bore is to be seen clear.
- (c) Moveable objects in the way of blast from the gun are to be removed.
- (d) The striker is to be examined to see—
  - (1) That sheath net is screwed up and keep pin in place and intact.
  - (2) That needle set and check-nuts are screwed up.
  - (3) That striker does not protrude with B. M. lever in open position.
  - (4) That striker does not move forward till marks on breech block and gun are in line.
  - (5) That safety stop is correct and keep-screw is in place.

ADMIRALTY, 7 May 1915.

[Exhibit 6.]

*Confidential*

INSTRUCTIONS FOR GUIDANCE IN THE USE, CARE, AND MAINTENANCE OF ARMAMENT  
IN DEFENSIVELY ARMED MERCHANT SHIPS

GENERAL

- Not applicable to ocean-going vessels permanently armed
1. Ratings embarked as gun's crew will sign the ship's articles at the rate of pay communicated.
  2. They are to obey the orders of the master and officers of the ship. If they think it necessary to make a complaint against any order they are to obey the order and make their complaint in writing, asking that it may be forwarded to the proper authorities.
  3. The ratings are not required for duties unconnected with the armament except in case of emergency, but they are to assist at all times in the welfare of the ship and look after the cleanliness of their berths.
  4. They are to keep watch and watch at sea, and also when the ship is anchored in any place liable to attack by submarines.
  5. They will receive their pay through the master of the ship. They will not mess with the crew, but as the master may decide.
  6. Uniform is not to be worn in neutral ports.
  7. A brief report is to be rendered by the senior rating on the 1st of each month, countersigned by the master, and sent to:  
The Director of Trade Division,  
Admiralty, Whitehall, S. W.

DRILL AND MAINTENANCE OF GUN

8. The ratings embarked are entirely responsible for the efficiency in all respects of the gun and ammunition, which should be ready day and night.
9. The senior rating is to arrange with the master to detail the necessary additional men to complete the gun's crew up to the numbers required by the drill book.
10. One of the ratings is to act as gunlayer and the other as breech worker. The remaining numbers should be told off to act as sightsetter, projectile loader, and cartridge loader, etc.
11. Arrangements are to be made with the master to detail a sufficient number of hands, over and above the gun's crew, to supply ammunition to the gun on going into action.
12. A ready supply of 10 complete rounds, with percussion tubes in the cartridges, is to be kept at the gun day and night. Care should be taken that a supply of one percussion tube to each cartridge is kept aside for action, and this supply of tubes is never to be encroached on for practice firing.
13. The senior rating should arrange with the master for the instruction of the ratings told off as gun's crew and ammunition supply party.
14. A drill book is supplied for information, but it is not necessary that the gun's crew should be burdened with details, provided that they understand what is required when the gun is to be fought.

<sup>1</sup> Found on the English steamer *Woodfield*.

15. Percussion firing should always be used, as it is the most certain means of discharging the gun; and therefore—

- (a) Cartridges, in ready supply only, should be kept ready tubed with percussion tubes. Tubes not required for ready supply of cartridges should be retained in their sealed boxes to preserve them from damp.
- (b) Aiming practice with a percussion lanyard should be carried out daily. It is not necessary to fire a tube in this practice, but the breech worker should be exercised at the same time in cocking the striker while the breech is open and in hooking on the firing lanyard and passing it to the gunlayer.

NOTE.—The present allowance of percussion tubes is one per cartridge. Electric firing mechanism and batteries are therefore to be kept efficient in every respect in case the supply of percussion tubes becomes insufficient from damp or other causes.

16. Great attention is to be paid to the ready supply of ammunition to keep it clean and dry. If tubes and cartridges are not kept dry, there is considerable danger of hanging fire. The projectiles are to be lightly oiled. In case the cartridges are suspected to have become wet, they should be laid aside until return to harbour.

17. For the maintenance of the gun and mounting it is to be borne in mind that "lubrication is the secret of efficiency in gun machinery." All oil channels should be seen clear of vaseline and filled with oil. It is to be remembered that vaseline is a preservative only; oil is a lubricant.

Each morning and evening the bore is to [be] seen clear, recoil cylinders filled, striker protrusion gauged, and the gun trained and elevated to both extremes.

The gun is to be cleaned twice a day, gear being supplied by the master. Brickdust is *not* to be used on machined surfaces.

#### ACTION

The master is responsible for handling the ship and for opening and ceasing fire. He has been furnished with instructions which will enable him to do this to the best advantage. The duty of the gun's crew is to fight the gun under the general direction of the master, who will communicate to them so much of the instructions as he may consider necessary to enable them to fight the gun to the best advantage.

In action the following instructions should be carried out:

(1) When in submarine waters, everything should be in a state of readiness, but the gun should not be kept actually loaded.

(2) When the enemy is engaged—

(a) The point of aim should be the centre of the water line.

(b) It is to be remembered that "over" shots are useless. A short shot by causing a splash confuses the enemy. It may ricochet into the enemy. If the shell bursts on striking the water—as it usually does—some fragments are likely to hit the enemy. To get the best result, at least half of the shots fired should fall short.

(3) The master will probably keep the submarine astern so that little deflection will be necessary.

(4) It is not advisable to open fire at a range greater than 800 yards, unless the enemy has already opened fire, for the following reasons:

(a) The ammunition supply is limited.

(b) Accurate shooting under probable existing conditions can not be expected at greater ranges.

(5) When in action and a miss-fire occurs with a percussion tube, the following procedure is to be adopted:

(a) The B. M. lever is to be tapped to ensure it is closed.

(b) The striker is to be recocked.

If the gun does not then fire, the striker is to be taken out to ensure that the point is not broken. If unbroken the breech is to be opened and the cartridge is to be thrown overboard, it having been ascertained that the percussion tube has been inserted.

The gun is then to be reloaded.

## INSTRUCTIONS FOR CARRYING OUT FIRING PRACTICE

1. In order to ensure that the gun is maintained in an efficient condition, one round is to be fired every two months.
2. In order to prevent false alarms it is essential that the firing referred to in paragraph 1 shall take place in clear weather and out of sight of land *and of other ships*.
3. If convenient a cask or other suitable object should be dropped as a target, and the gun should be fired when the range is about 800 yards.
4. The gun's crew and ammunition supply party should be exercised on the day previous to the practice, and also immediately before firing.
5. Before practice firing the following procedure is to be carried out:
  - (a) Recoil cylinders and tanks are to be seen filled.
  - (b) Bore is to be seen clear.
  - (c) Moveable objects in the way of blast from the gun are to be removed.
  - (d) The striker is to be examined to see—
    - (1) That sheath net is screwed up and keep pin in place and intact.
    - (2) That needle set and check-nuts are screwed up.
    - (3) That striker does not protrude with B. M. lever in open position.
    - (4) That striker does not move forward till marks on breech block and gun are in line.
    - (5) That safety stop is correct and keep-screw is in place.

ADMIRALTY, 7 May 1915.

- (6) In guns fitted with "A" breech mechanism, the mechanism is never to be taken apart.

Paragraphs (1), (2), and (5) do not apply, but the following should be seen to:

- (i) The nut retaining striker must be seen screwed up and keep-screw in place.
- (ii) The needle retaining-nut should be seen screwed up taut.

[Exhibit 7<sup>1</sup>]

*Confidential*

ADDENDA TO INSTRUCTIONS FOR GUIDANCE IN THE USE, CARE, AND MAINTENANCE OF ARMAMENT IN DEFENSIVELY ARMED MERCHANT SHIPS

1. The master should arrange wherever possible that the space in the immediate vicinity of the gun is railed off, and passengers and other unauthorised persons should not be allowed near the gun.
2. A notice to this effect should be posted up near the gun.
3. When the ship is in harbour, one of the two ratings is always to be on board to keep guard on the gun and ammunition, and the master is to use his discretion as to keeping both ratings on board, should he consider such a course to be desirable.
4. The gun is to be kept covered at all times when not in use.
5. Whenever the ships anchor in the vicinity of a man-of-war, a request should be made to the commanding officer of the man-of-war for an armourer to inspect the gun and mounting.

ADMIRALTY, 27 May 1915.

[Exhibit 9<sup>1</sup>]

*Confidential*

No. 45

IN NO CIRCUMSTANCES IS THIS PAPER TO BE ALLOWED TO FALL INTO THE HANDS OF THE ENEMY

This paper is for the master's personal information. It is not to be copied, and when not actually in use is to be kept in safety in a place where it can be destroyed at a moment's notice.

<sup>1</sup> Found on the English steamer *Woodfield*.

Such portions as call for immediate action may be communicated verbally to the officers concerned.

25 February 1915.

INSTRUCTIONS REGARDING SUBMARINES APPLICABLE TO VESSELS CARRYING A DEFENSIVE ARMAMENT

1. Defensively armed vessels should follow generally the instructions for ordinary merchant ships.
2. In submarine waters guns should be kept in instant readiness.
3. If a submarine is obviously pursuing a ship, by day, and it is evident to the master that she has hostile intentions, the ship pursued should open fire in self-defence, notwithstanding the submarine may not have committed a definite hostile act such as firing a gun or torpedo.
4. In view of the great difficulty in distinguishing a friend from an enemy at night, fire should not be opened after dark unless it is absolutely certain that the vessel fired at is hostile.
5. Before opening fire, the British colours should be hoisted. It is essential that fire should not be opened under neutral colours.

[Exhibit 10<sup>1</sup>]

*Confidential*

No. 291

IN NO CIRCUMSTANCES IS THIS PAPER TO BE ALLOWED TO FALL INTO THE HANDS OF THE ENEMY

This paper is for the master's personal information. It is not to be copied, and when not actually in use is to be kept in safety in a place where it can be destroyed at a moment's notice.

Such portions as call for immediate action may be communicated verbally to the officers concerned.

April 1915.

INSTRUCTIONS REGARDING SUBMARINES APPLICABLE TO VESSELS CARRYING A DEFENSIVE ARMAMENT

1. Defensively armed vessels should follow generally the instructions for ordinary merchant ships.
2. In submarine waters guns should be kept in instant readiness.
3. If a submarine is obviously pursuing a ship by day, and it is evident to the master that she has hostile intentions, the ship pursued should open fire in self-defence, notwithstanding the submarine may not have committed a definite hostile act, such as firing a gun or torpedo.
4. In view of the great difficulty in distinguishing a friend from an enemy at night, fire should not be opened after dark unless it is absolutely certain that the vessel fired at is hostile.
5. Before opening fire the British colours must be hoisted. It is essential that fire should not be opened under neutral colours.
6. If a defensively armed vessel is pursued by a submarine the master has two alternatives:
  - (a) To open fire at long range immediately it is certain that the submarine is really in pursuit.
  - (b) To retain fire until the submarine has closed to a range, say 800 yards, at which fire is likely to be effective.
 In view of the very great difficulty of distinguishing between friendly and hostile submarines at long range (one British submarine has already been fired at by a merchant vessel which erroneously supposed herself to be pursued by the submarine), it is strongly recommended that course (b) should be adopted by all defensively armed ships.
7. A submarine's flag is no guide to her nationality, as German submarines frequently fly British colours.

<sup>1</sup> Found on the English steamer *Woodfield*.

8. Vessels carrying a defensive armament and proceeding to neutral ports must not be painted in neutral colours or wear a neutral flag.

9. It is recommended that in neutral ports, particularly those of Spain, the armament should be concealed as far as possible. A canvas cover is recommended for this purpose.

[Exhibit 11<sup>1</sup>]

*Secret*

MEMORANDUM FOR ISSUE TO MASTERS OF TRANSPORTS CARRYING TROOPS

USE OF RIFLE AND MACHINE-GUN FIRE BY TROOPS ON BOARD TRANSPORTS AGAINST ENEMY SUBMARINES OR TORPEDO CRAFT

(1) In daylight a submarine will probably attack while submerged with only her periscope showing.

At night, in moonlight, a submarine may attack while on the surface or with only her conning tower above water owing to the difficulty of seeing through the periscope at night.

(2) In either case heavy rifle or machine-gun fire will make it more difficult for a submarine to make a successful shot with a torpedo. If submerged, no injury will be done to her, but a good volume of fire falling just short of the periscope will make splashes which will render it difficult for the observer to see clearly through the periscope.

(3) When a destroyer escort is accompanying a transport, troops should not open fire on a submarine, as it may prevent a destroyer from ramming her, nor should their weapons be loaded, in order to avoid the possibility of an escorting vessel being fired on by mistake, especially at night.

(4) When no escort is provided, machine guns should be in readiness to open fire, and a strong party of riflemen should also be on duty.

(5) Military officers should be in command both of the machine guns and riflemen to control the fire.

(6) A military officer of the watch should be in command of the troops on deck. He should not order fire to be opened on a hostile submarine or torpedo vessel without the previous assent of the master or his representative—the ship's officer of the watch.

(7) The object of those controlling the fire should be to keep the centre of the pattern just short of the hostile vessel.

(8) Machine-gun tripods can be lashed to the rails or other deck fittings. If there is motion on the ship and machine guns are fitted with elevating or training gear, it is advisable to disconnect it and point the gun by hand.

(9) Field guns with recoil mountings might possibly be secured on deck in such a manner as to permit of their being fired, but their arc of training would be very restricted, and it is unlikely that gun layers, without previous training afloat, could make satisfactory practice from a ship with motion on. Their use is not, therefore, recommended.

(10) In men-of-war it has been the practice for very many years to station sentries with ball cartridge on deck opposite the boats in the event of fire, collision, or other serious emergency likely to lead to the boats being required. Their duties are to prevent anyone getting into the boats or attempting to lower the boats without orders from the captain or his representative. This practice should be followed in transports.

ADMIRALTY, 31 May 1915.

[Exhibit 12<sup>1</sup>]

ADMIRAL SUPERINTENDENT'S OFFICE,  
MALTA, June 1915.

INSTRUCTIONS TO BRITISH MERCHANT VESSELS PASSING THROUGH THE MEDITERRANEAN SEA

It is now certain that there are enemies' submarines at sea in the Mediterranean.

<sup>1</sup> Found on the English steamer *Woodfield*.

In order to avoid attack you are to keep out of the track of shipping.  
 You are to darken ship at night and are not to show navigation lights except, at discretion, to avoid collision, and all lights are to be extinguished when necessity is passed.

You are to carry out the procedure recommended by the Admiralty in their printed instructions if a hostile submarine is sighted.

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File No. 763.72/2466

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 6, 1916, 4 p. m.

[Received March 7, 11.15 a. m.]

3579. Learn fair authority Von Tirpitz proposal for unlimited submarine blockade of England rejected in grand council war at Charleville.

GERARD

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File No 763.72/2623

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 1601

[Handed to the Secretary by the  
 Ambassador, March 8, 1916, 11.30 a. m.<sup>1</sup>]

MEMORANDUM

The Imperial German Government, on account of the friendly relations which have always existed between the two great nations and earnestly desiring to continue them, wishes to explain the U-boat question once more to the American Government.

At the outbreak of the war the German Government, acting upon the suggestion of the United States, immediately expressed its readiness to ratify the Declaration of London. At that time a German prize code had already been issued, which was entirely—and without modification—based upon the rules of the Declaration of London. Germany thereby proved her willingness to recognize fully the existing rules of international law which insure the freedom of the sea for the legitimate trade of neutral nations, not only among themselves but also with belligerent countries.

Great Britain, on the other hand, declined to ratify the Declaration of London and, after the outbreak of the war, began to restrict the legitimate trade of the neutrals in order to hit Germany. The contraband provisions were systematically extended on August 5, 20, September 21, and October 29, 1914. On November 3, 1914, the order of the British Admiralty followed declaring the whole North Sea a war zone in which commercial shipping would be exposed to most

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<sup>1</sup>Annotation by the Secretary of State: "The German Ambassador asked me if I had objection to making this public as he would like to do so. I told him I could see no objection, as it did not affect the negotiations between the two Governments."



serious dangers from mines and men-of-war. Protests from neutrals were of no avail and from that time on the freedom of neutral commerce with Germany was practically destroyed. Under these circumstances, Germany was compelled to resort, in February 1915, to reprisals in order to fight her opponents' measures, which were absolutely contrary to international law. She chose for this purpose a new weapon the use of which had not yet been regulated by international law and, in doing so, could and did not violate any existing rules, but only took into account the peculiarity of this new weapon, the submarine boat.

The use of the submarine naturally necessitated a restriction of the free movements of neutrals and constituted a danger for them which Germany intended to ward off by a special warning analogous to the warning England had given regarding the North Sea.

As both belligerents—Germany in her note of February 17 and Great Britain in those of February 18 and 20, 1915—claimed that their proceeding was only enacted in retaliation for the violation of international law by their opponents, the American Government approached both parties for the purpose of trying to reestablish international law as it had been in force before the war. Germany was asked to adapt the use of her new weapon to the rules which had been existing for the former naval weapons, and England not to interfere with the food supplies intended for the non-combatant German population and to admit their distribution under American supervision. Germany, on March 1, 1915, declared her willingness to comply with the proposal of the American Government whilst England, on the other hand, declined to do so. By the order in council of March 11, 1915, Great Britain abolished even what had remained of the freedom of neutral trade with Germany and her neutral neighbors. England's object was to starve Germany into submission by these illegal means.

Germany, after neutral citizens had lost their lives against her wish and intention, nevertheless in the further course of the war complied with the wishes of the American Government regarding the use of her submarines. The rights of neutrals regarding legal trading were, in fact, nowhere limited by Germany.

Then England made it impossible for submarines to conform with the old rules of international law by arming nearly all merchantmen and by ordering the use of guns on merchant vessels for attack. Photographic reproductions of those instructions have been transmitted to neutral governments with the memorandum of the German Government of February 8, 1916. These orders are obviously in contradiction with the note delivered by the British Ambassador in Washington to the American Government on August 25, 1914. On account of the proposals, made by the United States on January 23, 1916, regarding disarmament, the Imperial Government hoped that these facts would enable the neutral governments to obtain the disarmament of the merchant ships of her opponents. The latter, however, continued with great energy to arm their merchantmen with guns.

The principle of the United States Government not to keep their citizens off belligerent merchant ships has been used by Great Britain and her allies to arm merchant ships for offensive purposes. Under these circumstances merchantmen can easily destroy submarines, and if their attack fails, still consider themselves in safety by the presence of American citizens on board.

The order to use arms on British merchantmen was supplemented by instructions to the masters of such ships to hoist false flags and to ram U-boats. Reports on payments of premiums and bestowals of decorations to successful masters of merchantmen show the effects of these orders. England's allies have adopted this position.

Now Germany is facing the following facts:

- (a) A blockade contrary to international law (compare American note to England of November 5, 1915) has for one year been keeping neutral trade from German ports and is making German exports impossible.
- (b) For eighteen months, through the extending of contraband provisions in violation of international law (compare American note to England of November 5, 1915) the overseas trade of neighboring neutral countries, so far as Germany is concerned, has been hampered.
- (c) The interception of mails in violation of international law (compare American memorandum to England of January 10, 1916) is meant to stop any intercourse of Germany with foreign countries.
- (d) England, by systematically and increasingly oppressing neutral countries, following the principle of "might before right," has prevented neutral trade on land with Germany so as to complete the blockade of the Central powers intended to starve their civil population.
- (e) Germans met by our enemies on the high sea are deprived of their liberty no matter whether they are combatants or non-combatants.
- (f) Our enemies have armed their merchant vessels for offensive purposes, theoretically making it impossible to use our U-boats according to the principles set forth in London declaration (compare American memorandum of February 8, 1916).

The English White Book of January 5, 1916, on the restriction of German trade, boasts that by British measures Germany's export trade has been stopped almost entirely, whilst her imports are subject to England's will.<sup>1</sup>

The Imperial Government feels confident that the people of the United States, remembering the friendly relations that for the last hundred years have existed between the two nations, will, in spite of the difficulties put into the way by our enemies, appreciate the German viewpoint as laid down above.

J. BERNSTORFF

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<sup>1</sup> *Post*, p. 336.

File No. 763.72/2477

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 7, 1916, 7 p. m.*[*Received March 8, 6 p. m.*]

3592. Following is the text of semiofficial reply to British Admiralty's publication of instructions to armed merchantmen of October 20, 1915:<sup>1</sup>

After England has endeavored industriously for three weeks to cast doubts on the existence of secret orders to attack, the British Admiralty is now plainly unable any longer to withhold confirmation of the contents of the German memorandum of February 8, 1916. It publishes instructions alleged to have been issued October 29. The *Woodfield*, a transport of the British Admiralty on which the British instructions published by Germany were found, did not, however, leave England until October 26, 1915, and nevertheless had instructions dated May 31, 1915, on board. The British Admiralty will therefore have no ground for surprise if for the present it is assumed that these new instructions alleged to bear date of October 29 have only been drawn up just now. Undoubtedly political reasons have contributed to make it appear desirable to temper the earlier orders in the weaker version or, as the British Admiralty prefers to call it, to improve them. We may safely leave it to the neutrals to form their own opinion on these attempted improvements and the alleged false German interpretation, for the neutrals have had photographs of the instructions found by Germany for some time now.

It is not true that the supplement to the German prize orders dated June 1914, concedes that a merchantman has the right of resistance. The passage in the question reads, "If an armed enemy merchantman offers armed resistance against measures of the law of prize, such resistance is to be broken with all available means." If then it is further provided that the crew are to be treated as prisoners of war this is done for reasons of equity merely, in order that the crew may not be made to suffer for obeying instructions of their superiors which are contrary to international law. On the other hand the order provides that passengers who take part in the resistance shall be treated as pirates. The question how merchantman which makes aggressive use of its armament against man-of-war is to be dealt with is not touched by the order at all. Similar action against merchant vessels is expressly defined as piracy. It really requires the whole English art of misrepresentation to read out of these clear provisions the meaning that Germany has recognized the right of merchantmen to defend themselves by force and even for this purpose to make an attack.

Now the new instructions likewise contain the order to attack any submarine coming into sight. The attempt to label this ordered attack as a measure of defense is more than flimsy. How is this order to be reconciled with the formal assurances given by the English Minister at Washington that British merchantmen would never fire unless first fired upon?

In conclusion it should be made quite clear that the British Government gave the orders for immediate attack to its armed merchantmen solely on the basis of the general assumption set up by it that any submarine sighted has hostile intentions. The conclusion drawn by the German White Book could not be affirmed any better, namely, that it is made clear that the armed English merchantmen have official orders treacherously to attack the German submarines wherever met, in other words to conduct relentless warfare against them.

GERARD

<sup>1</sup>These instructions, as received from the British Embassy, April 28, 1916, are printed *post*, p. 250.

File No. 763.72/2477a

*The Secretary of State to the Ambassadors in European Belligerent Countries*

[Circular telegram]

WASHINGTON, *March 8, 1916, 7 p. m.*

By a vote of 276, 93 of which were Republicans, to 142, 33 being Democrats, and therefore by a majority of 134, the House of Representatives yesterday tabled the McLemore resolution to warn Americans against traveling upon armed merchantmen of belligerents. This is a decisive victory for the President and is regarded as a vote of confidence in his conduct of foreign affairs.

LANSING

File No. 763.72/2429

*The Secretary of State to the Ambassador in Germany (Gerard)<sup>1</sup>*

[Telegram]

WASHINGTON, *March 9, 1916.*

2790. Your 3528,<sup>2</sup> February 25, 11 a. m., and Department's March 1.<sup>3</sup> Please call at the Foreign Office and read the following message to the Foreign Minister without leaving him copy:

The German Government on January 7, 1916, shortly after the sinking of the British *S. S. Persia*, made public announcement of the orders which had been issued to its submarine commanders, particularly those operating in the Mediterranean. In terms this announcement may perhaps have been acceptable, but about the same time it came to my knowledge from confidential sources that the German Government had under consideration a policy limiting its orders to merchant ships which carried no armament. As the orders announced on January 7 made no distinction between armed and unarmed ships, such a policy would materially affect the assurance of the 7th as well as the assurances previously given, which did not except armed vessels.

At that time the informal negotiations regarding the *Lusitania* were proceeding on the basis that the future conduct of submarine warfare had been satisfactorily settled by the several assurances given by Germany, the subject of discussion being the past conduct of the German naval authorities. It was evident that if the German Government should adopt the policy of eliminating from the benefit of its assurances all merchant vessels carrying guns, the question of the future conduct of Germany would be reopened.

In order to avoid this situation, and also having particularly in mind the humane purpose of preventing as far as possible the loss of life among non-combatants on merchant ships, an identical letter, informal in nature, was on January 18, 1916, addressed to the diplomatic representatives of the Entente powers at Washington proposing to them that their Governments should disarm all their merchant vessels in consideration of an agreement by Germany to comply strictly with the rules governing the taking and destruction of prizes of war on the high seas.

This letter was not sent to the representatives of Germany and Austria-Hungary at Washington for the reason that the Entente powers were the only ones asked to modify the established rules of naval warfare. All that was required of the Teutonic powers was observance of existing law, so that their refusal of the proposed *modus vivendi* was not to be expected.

On January 26 Baron Zwiédinek, the Austrian Chargé, called upon me and asked me about the letter to the Entente powers of which he said he had heard.

<sup>1</sup> The same, except for first sentence, to the Ambassador in Austria-Hungary, No. 1157.

<sup>2</sup> *Ante*, p. 178.

<sup>3</sup> *Ante*, p. 183.

I told him that I could confidentially say to him that we had made proposals to the Entente powers such as were reported, and that nothing had been said to the Central powers because they were not asked to change the rules of war but were merely asked to live up to the rules which they were in any event bound to do. I told him further that the United States had two objects in view, one was to avoid a situation which would make most difficult our relations with the Central powers and the other was the humane purpose of saving the lives of non-combatants.

Baron Zwiedinek then spoke to me of the views of the Central powers that an armed merchant ship could not be treated as a peaceful trader, and added that they were considering issuing an announcement to that effect. He asked me, if they did this, when I thought it would be well to do it.

As this proposed action confirmed the information which I had received I considered the matter from the point of view of its effect on the *Lusitania* negotiations and came to the conclusion that, if the announcement was made after the *Lusitania* case was settled, and while I was thus advised of the intention of the Central powers, it could be claimed that this Government had to all intents acquiesced in limiting the application of the German assurances to unarmed vessels.

In view of this state of affairs it was desirable that the proposed declaration should be promulgated before the *Lusitania* negotiations reached their final stage and so, in reply to Baron Zwiedinek's question as to when I thought it would be well to issue the declaration, I replied to him that I believed that the sooner it was issued the better.

The same evening (January 26) the telegraph room at the Department of State read to me over the telephone the translation of Baron Zwiedinek's wireless message to his Government, in which he said that I would "welcome it" if a declaration such as he had proposed was issued. He used the German cipher.

Following the invariable practice of the Department in dealing with cipher messages by wireless, I treated the message as a confidential communication to the Austro-Hungarian Government and allowed it to go forward, as there was nothing in the message which was obscure or which affected American neutrality—the sole subjects of the Department's censorship.

As soon, however, as I authorized the telegraph room to send the telegram to the Navy Department for transmission, I made a note in writing to call the attention of Baron Zwiedinek, "if opportunity offered," that is, if he brought the matter officially to my attention, to his erroneous statement that I would "welcome" the issuance of the declaration.

The reason for not correcting erroneous statements in censored wireless messages is manifest. If the Department adopted the practice of correcting all erroneous statements of facts or reports of conversations, the result would be that every message or sentence in a message which was passed without correction would be held to be endorsed by the Department as true. It would be unwise for the Department of State to assume such responsibility and become the sponsor for the accuracy of all statements passing under its censorship, as it would be impossible to perform such a service, and it would also be a constant source of irritation and dispute.

The opportunity to call the attention of Baron Zwiedinek to the misinformation he had conveyed to his Government came on February 9 when he called for the first time after January 26 and brought to me a translation of a wireless message from the German Government, dated February 6, which I had not seen and which was stated to be in reply to the Charge's message of January 26.

In a message shown me appeared the following: "Germany and Austria-Hungary will publish within a few days declaration welcomed by Mr. Lansing" that all armed merchantmen will be treated as auxiliary cruisers.

After reading the message I pointed out to Baron Zwiedinek that the words "welcomed by Mr. Lansing" were unwarranted as I had not intended to convey any such meaning in our previous conversation.

He replied that I had had the opportunity to see the message which he sent to his Government on January 26 and could have corrected it.

I told him that that was so, but that in accordance with our policy I never had censored and would not censor in future the truth of statements in wireless messages, and I explained to him our practice.

I told him that my words were "the sooner that it is done the better," referring to the issuance of a declaration as to armed vessels.

He said that my words seemed to warrant his report of our conversation.

I said that that inference was entirely erroneous, that I had not intended to convey such a meaning, and I hoped that he would so advise his Government.

Late in the evening of February 9 the telegraph room telephoned me the translation of a message by Baron Zwiedinek to his Government, in which he said that I had called his attention to "a misunderstanding created by the use of the word 'welcome,'" and that I "did not wish to imply any initiative."

On the same sheet of paper as the foregoing message was one from the German Ambassador to his Government which was also read to me over the telephone. In this message appeared the following: "Mr. Lansing reminded me of fact that from the beginning of controversy with us the American Government always spoke of unarmed merchant vessels (American note of May 13, 1915)."

I could not understand how the Ambassador could make this statement as I had never said anything of the kind but had always contended exactly the contrary and had said to him at the time when he mentioned the use of "unarmed" in the note of May 13, that it had been used in that connection because of the charge that the *Lusitania* was alleged to have had guns on board.

However, following our practice, I directed the telegraph room to permit the message to go forward, but made a note to call the misstatement to the Ambassador's attention if the opportunity offered. As the subject has not been brought to my attention officially, I have had no opportunity to speak of it.

If I had corrected this misstatement it might have been argued that as I had corrected this message I must have approved, since I did not correct the Zwiedinek message of January 26, in which it was stated I would "welcome" the declaration of the Central powers.

Upon hearing rumors that it was being said that before the declaration of submarine policy had been issued by the Central powers on February 10 I had informed them that I would "welcome" such a declaration, I summoned Baron Zwiedinek to the Department on February 19 and informed him that this story had come to me and that in view of my denial of the use of the word or of any intention to convey such a meaning I was greatly surprised that it was in circulation.

The Chargé denied that he had given out the story, but said that he was sure I had used the word "welcome." I answered him that in view of what I had said to him ten days before he must realize that I could only deny the truth of his statement, which I told him I should certainly do if the necessity arose.

He again referred to the fact that as a translation had passed through the Department without comment I was bound by the accuracy of the statement. I repeated at some length the explanation of the practice of the Department in regard to the censoring of wireless messages and told him that I had called the misstatement to his attention as soon as the matter came to me officially.

In order that the matter might be of record I wrote Baron Zwiedinek on the 22d fully detailing the practice of the Department as to the censorship of wireless cipher messages.

On the 24th Baron Zwiedinek replied, acknowledging my letter of the 22d and advancing the assertion that before he left me on January 26th he requested me "to carefully look over" the message he was sending before allowing it to pass. He stated that he felt assured that as the message had passed the Department without comment it had been virtually endorsed as correct.

I answered him on February 25th that I had no recollection of his having made any such request, but that if he did—and I had to assume that he did because he so stated—I had not understood him and so had followed the usual practice when his message was submitted to me.

For your confidential information. The foregoing message is sent in order that you may be fully advised as to the facts in this matter and as it is expected that Central powers will, in justification of the declaration of February 10, advance the argument that it was suggested and sanctioned by this Government.

LANSING

File No. 763.72/2481

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 9, 1916, 10 a. m.

[Received March 10, 4.26 p. m.]

3601. Papers report House took same action as Senate on resolution to warn Americans by vote of 258 to 160. *Cologne Gazette* complains of negligence of this Embassy in not telegraphing contents of secret orders contained in enclosures to German memorandum to Washington, thus giving British Government chance to get in first with misleading statements. As result the debates in Congress do not seem to have touched the question of aggressive armament of English merchantmen, which is the main point of the German argument.

GERARD

File No. 763.72/2483

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 9, 1916, 6 p. m.

[Received March 11, 8.15 a. m.]

3606. Editorial in *Frankfurter Zeitung* attempts [survey] of political situation at Washington and comes to the conclusion that the only thing that is sure is that Congress is not pleased with the President's conduct affairs hitherto and demands that it be consulted before the Government takes further steps. The customary dissension and lack of cohesion in the Democratic Party is responsible for the weakened position of the Government. In these circumstances the President is bound to be influenced subconsciously in his foreign policy by party considerations; and the fact that influential Republicans like Taft and Root are urging him to be firmer against Germany has elements of danger, for history teaches that tottering governments have always sought security by throwing themselves into the arms of the loudest noise makers.

*Cologne Gazette* thinks the President wanted to learn the sentiment of the House, but the House laying the resolution of warning on the table showed that it reserves its opinion on submarine warfare.

GERARD

File No. 763.72/2498

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 15, 1916, 4 p. m.

[Received March 16, 1 p. m.]

3624. Following semiofficial notice appears in this morning's papers:

A rumor is continually and assiduously being spread abroad in wide circles of the population to the effect that submarine warfare of increased severity, as announced in the well-known memorandum of the Imperial Government to

the neutral powers, would not be carried out or would be postponed. These assertions are utterly untrue. No delay or respite in this submarine warfare has ever been considered by any responsible authorities. It is being conducted in full force.

GERARD

File No. 763.72/2501

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, March 15, 1916, 6 p. m.

[Received March 16, 9.30 p. m.]

1188. Communicated your 1157<sup>1</sup> to Ministry of Foreign Affairs to-day as instructed. Baron Burian was impressed with clearness of your statement and said that your *bona fides* could not be questioned. He remarked that the incident involved no question of veracity, but had been a case of misunderstanding.

PENFIELD

File No. 763.72/2508

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 16, 1916, 7 p. m.

[Received March 18, 8.15 a. m.]

3635. Great prominence given by German press to reports of trouble with Mexico. Several papers think the Japanese are mixed up in the matter and are secretly backing Villa. Resignation of Von Tirpitz now publicly confirmed and Von Capelle named as probable successor.

GERARD

File No. 763.72/2510

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 17, 1916, 4 p. m.

[Received March 18, 1.20 p. m.]

3637. Cologne *Gazette* terms the change in the Navy Department, with its attendant circumstances and consequences, the first grave crisis the war has brought upon Germany and regrets that it is not possible to discuss publicly the reasons for Von Tirpitz' resignation. The matter will, however, come up in the Reichstag. At any rate it is certain that there will be no abatement of submarine warfare.

Inspired article in *Lokal-Anzeiger* states that present military situation is exceedingly favorable to Germany; that since her enemies

<sup>1</sup> See No. 2790 to the Ambassador in Germany, March 9, *ante*, p. 202.



have refused even to talk of peace, Germany will now concentrate all her efforts on early termination of the war and that her terms will become more and more severe; that every weapon and every means of warfare will be used to the fullest extent when the proper time comes, relentlessly, and without heed to any considerations impairing the attainment of the one supreme object of victory.

Admiral von Capelle was born 1855, entered Navy in 1872, was navigation officer on the *Mosquito* in the West Indies in 1885 and 1886; after 1891 he was detailed mostly to the Navy Department in important positions and was considered Tirpitz' right-hand man.

GERARD

File No. 763.72/2511

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 18, 1916, 3 p. m.*

[Received March 19, 9 p. m.]

3640. Chancellor sent for me yesterday and so had talk of over an hour with him. Could not see that he had anything in particular in view. He asked me how I thought America would take resignation of Tirpitz. I said I thought as guarantee of good relations. He said that Holtzendorff had given very strict orders to submarine commanders. He spoke of sending of special ambassador to America to promote better understanding and asked how the idea was received. He spoke of peace and said he had offered peace in Reichstag but could not give any proposed terms publicly. He said that President Wilson could have played great rôle as mediator, but that there was a prejudice here against him and America, caused by fact notes to Germany were too rough, and exportation of arms, and that nothing had been done against England. I said I was sure President was ready to mediate any time he thought his services would be welcomed.

On peace terms he said that Germany must have all colonies back and an indemnity to give up northern France. About Belgium he seemed vague, but I think would consent to give most of it up, leaving garrisons for a while. He said that it was impossible to have a man like Tirpitz in the Government who appealed from the decisions of the Government to mob. He said that German losses at Verdun were 40,000, French losses 100,000 to date, but what was use of this killing. He said that French killed were 900,000, German very much less in war to date. He said that he hoped America would do something against England blockade and make better feeling here. I think Chancellor is for good relations with America and a reasonable submarine war, but he will have a great political trouble here. Am sending in another cable the resolutions regarding submarine war which will come up in Reichstag. I told him that probably public opinion in America did not take much interest in blockade question in comparison with *Lusitania*. He said that sinking of *Lusitania* was a great mistake.

Suggest you cable me about suggestion regarding special ambassador who would see people, etc., as Colonel House did, and that you cable me that President is ready to do anything to help peace and that he will be glad to forward confidentially to Allies any peace suggestions and to mediate as soon as he thinks his efforts will be welcome. Chancellor also said he hoped that I would not leave Germany, so I shall not avail myself of your kind offer of leave.

GERARD

File No. 763.72/2512

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 18, 1916, 3 p. m.*

[*Received March 19, 11 p. m.*]

3645. Following semiofficial press notice appears this morning:

The following resolutions concerning submarine warfare have been introduced in the Reichstag:

RESOLUTION SIGNED BY DELEGATES OF THE NATIONAL LIBERAL PARTY

WHEREAS England is not only conducting warfare against the armed forces of the German Empire, but has also adopted the most relentless measures to prevent the supply of Germany with food and raw materials, and to reduce the German people by starvation, by brutally violating international law and outraging the neutrals; and

WHEREAS Germany on its part is in a position by means of unrestricted and relentless submarine warfare so to increase the English want of freight tonnage that the adequate supply of the English people with food and raw materials can be made extraordinarily difficult and perhaps impossible, and that an earlier termination of the war with victory for Germany can by this means be brought about;

*Resolved* that the Imperial Chancellor of the Empire be requested not to conclude any agreement with other powers calculated to hamper us in the unrestricted use of the submarine weapon, but to use his efforts in order that the use of the submarines in the war zone even against commerce, apart from liners serving solely for the transportation of persons, shall be the use which results from the technical peculiarity of this weapon.

RESOLUTION OF THE CONSERVATIVE PARTY

*Resolved* that the following declaration be submitted to the Chancellor:

In view of England's attempt to overcome our people by cutting off supplies and by starvation and the consequent extension of the warfare beyond the armed forces to the whole population, the most rigorous application of all our military arms against England is called for in order that we may likewise carry warfare against its food supplies and people. The decision of the Imperial Government concerning the conduct of submarine warfare published a short time ago is not to be taken as a suitable measure to this end unless it is carried into effect in a manner corresponding to the peculiar need of the weapon.

These resolutions are so worded that they might [avoid] the injurious impression of an attempt to influence decisions concerning the conduct of the war. In order that war may be carried to a successful conclusion we require as hitherto complete and confident unity, and it is the unanimous will of the whole people that this unity be preserved.

## RESOLUTION OF THE CLERICAL PARTY

*Resolved* that the following declaration be submitted to the Chancellor:

Now that the submarine has proved an effective weapon against England's conduct of warfare, the Reichstag gives expression to the expectation that since the question of the use of submarines is not regulated in international law, full freedom in the use of this weapon will be retained in negotiations with foreign countries.

GERARD

File No. 763.72/2514

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3190

LONDON, March 7, 1916.

[Received March 20.]

SIR: With reference to my telegram No. 3785<sup>1</sup> of February 15, 7 p. m., I have the honor to transmit herewith enclosed copies of a despatch dated the 6th instant from the Consul General in London relative to an engagement between the S. S. *City of Marseilles* and a hostile submarine.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The Consul General at London (Skinner) to the Ambassador in Great Britain*

LONDON, March 6, 1916.

SIR: Referring to your letter of February 8, 1916, asking for information in regard to an engagement between the S. S. *City of Marseilles* and a submarine in the Mediterranean, I have the honor to inform you that the American Consul at Liverpool sends me a cutting from the *Journal of Commerce* of Friday, March 3d, stating that a presentation will be made very shortly to the master and certain of the crew of the ship named "for their successful effort in beating off the attack of a German submarine in November last." The newspaper recalls that the *City of Marseilles* was on a passage to India when she was attacked by an enemy submarine showing no number and flying no flag. The newspaper account continued:

Without any warning she opened fire, and continued for 20 minutes. Captain Dowse, of the *City of Marseilles*, promptly took steps to save his vessel, and was ably assisted by his officers, engineers, and crew. The vessel's stern was turned to the enemy and the ensign hauled up. The next thing the submarine knew was that she was being shelled, and apparently with good effect, as after eight rounds had been fired, she either through prudence or necessity submerged and did not again appear.

Captain Dowse was presented with an address "signed by 150 of the passengers, whilst the crew and gunners each received a monetary award from the same source."

I have [etc.]

ROBERT P. SKINNER

File No. 763.72/2518

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 20, 1916, 8 p. m.

[Received March 21, 10.50 a. m.]

3650. Admiral von Capelle appointed Secretary of State of the Navy on the 18th instant. Emperor wrote personal letter to Tirpitz

<sup>1</sup> *Ante*, p. 169.

accepting resignation with regret. Many telegrams sent Tirpitz from all over Germany in appreciation of his great services.

German Government publicly disclaims any connection with the sinking of the *Tubantia*, stating no German submarine was concerned, and that as place of accident was less than 30 miles from the coast of the Netherlands, no German mines are laid there.

GERARD

File No. 763.72/2519

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 21, 1916, 6 p. m.

[Received March 22, 9.50 a. m.]

3651. The German Government is undoubtedly using great pressure to prevent open discussion in the Reichstag of the resolutions quoted in my 3645,<sup>1</sup> and they will probably be referred to committee as there is likewise considerable public sentiment against what is taken to be an attempt of the Conservatives and the National Liberals to attack the Chancellor and bring influence to bear on the conduct of the war at this critical stage.

The Socialists have tried in vain to talk of peace in Prussian House of Delegates, and a Socialist who said yesterday that all Europe wanted peace and yet public meetings to let the German people know the truth were stopped by force, was prevented from completing his speech by vote of the House after a stormy scene.

Papers print long accounts of Irish convention in New York March 4.

GERARD

File No. 763.72/2521

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 22, 1916, 3 p. m.

[Received March 23, 3 p. m.]

3654. The Socialists have introduced the following resolution in the Reichstag:

*Resolved* to submit the following declaration to the Imperial Chancellor:

The Reichstag expresses the hope that in the negotiations concerning the use of submarines everything will be avoided which might injure the just interests of neutral countries and result in unnecessary accentuation of the severity and of the extent of the war.

The Reichstag expects that the Government will do everything in its power to bring about an early peace which shall guarantee the integrity of the Empire, its political independence and freedom of economical development.

The agitation of the Tirpitz clique against the Chancellor and in favor of relentless submarine warfare has assumed considerable proportions in spite of semiofficial squelchers. Thus the conservative

<sup>1</sup>Ante, p. 208.

*Kreuz Zeitung* comes out squarely with a statement that the overwhelming majority of the German people is behind Tirpitz and his policies and is clamoring for direct assurances that his resignation does not mean any relaxation in the conduct of the war.

A petition to the Reichstag calling for relentless use of the submarines against England has been distributed broadcast for signature by Professor Schaefer of the Berlin University. The moderate press is unanimous in condemning these methods.

Professor Hoetzsch writes in the *Kreuz Zeitung* that the Chancellor must soon decide whether to capitulate to American submarine question or to insist on the principles for which he has contended, as Germany can no longer tolerate such a permanent element of friction resulting from the unbending hostile attitude of the United States.

GERARD

REPLIES OF THE ALLIED GOVERNMENTS OF MARCH 23, 1916, TO THE  
PROPOSAL FOR A MODUS VIVENDI

File No. 763.72/2525

*The British Ambassador (Spring Rice) to the Secretary of State*<sup>1</sup>

WASHINGTON, March 23, 1916.

MY DEAR MR. SECRETARY: I did not fail to communicate to my Government copy of your unofficial letter of the 18th January<sup>2</sup> relative to submarine warfare.

My Government has given the matter its careful consideration in consultation with the Allied Governments and, in obedience to my instructions, I beg to communicate the accompanying memorandum embodying its views.

I am [etc.]

CECIL SPRING RICE

[Enclosure—Translation]

MEMORANDUM<sup>3</sup>

Upon perusal of the personal letter addressed under date of January 18 last, by the Honourable Secretary of State of the United States to the Ambassador of England at Washington, the Government of His Britannic Majesty could not but appreciate the lofty sentiments by which Mr. Lansing was inspired on submitting to the countries concerned certain considerations touching the defensive armament of merchant vessels. But the enemy's lack of good faith, evidenced in too many instances to permit of their being regarded as isolated accidents, justifies the most serious doubt as to the possibility of putting into practice the suggestions thus formulated.

From a strictly legal standpoint, it must be admitted that the arming of merchant vessels for defence is their acknowledged right. It was established in some countries by long usage, in other countries it was expressly sanctioned by the legislator, such being the case in the United States in particular.

It being so, it seems obvious that any request that a belligerent forego lawful means of protection from the enemy's unlawful attacks, places upon him, who

<sup>1</sup> Similar letters transmitting identical memoranda (*mutatis mutandis*) were received from the Russian Ambassador and the Belgian Minister on March 23 (both dated March 23), and from the French Ambassador on March 24 (dated March 22).

<sup>2</sup> *Ante*, p. 146.

<sup>3</sup> Original in French.

ever he may be, who formulates the proposition, the duty and responsibility of compelling that enemy to desist from such attacks, for the said enemy would otherwise be encouraged rather to persist in that course. Now, the suggestions above referred to do not provide any immediately efficacious sanction.

It is a matter of public knowledge that Germany as early as August 1914 strewed mines over the northern seas of Europe, and later other seas, without regard to any of the requirements of international law. The attendant loss of human lives and of vessels, though neutral, carrying innocent cargo was large. The perpetrators of those acts appear to have drawn encouragement from impunity.

The first act of that nature dates back to October 26, 1914. On that date, the French mail steamer, *Amiral Ganteaume*, unarmed, carrying from one point on the French coast to another 2,500 civilian refugees largely consisting of women, children, and old men, was torpedoed without summons. Many lives were lost. After a thoroughgoing inquiry into the circumstances of the outrage, France served every neutral power with a statement thereof, but no useful result was achieved. As no sanction intervened, crimes of that description were repeated in large numbers thereafter.

In February of last year, Germany again grew so bold as to proclaim that it generalized its criminal action while limiting it to the northern seas of Europe. Whereupon and soon thereafter it began the same proceedings in the Atlantic Ocean, the Mediterranean, and wherever a chance offered, and attacked neutral as well as Allied vessels, passenger ships as well as freighters.

Great Britain is unable to agree that, upon a non-guaranteed German promise, human life may be surrendered defenseless to the mercy of an enemy who, in circumstances of this kind as in many others, has shown himself to be both faithless and lawless.

At the end of his letter, the Honourable Secretary of State hypothetically considered the possibility of eventual decisions under which armed merchant vessels might be treated as auxiliary cruisers.

It is His Britannic Majesty's Government's conviction that the realization of such a hypothesis which would materially modify, to Germany's advantage, the statement of views published in this respect by the American Government on September 19, 1914, can not be given practical consideration by the American authorities.

Such a modification indeed would be inconsistent with the general principles of neutrality as sanctioned in paragraphs 5 and 6 of the preamble to the 13th convention of The Hague concerning maritime neutrality. Moreover the result would be contrary to the stipulations of the 7th convention of The Hague concerning the transformation of merchant vessels into war ships. Finally if armed merchant vessels were to be treated as auxiliary cruisers, they would possess the right of making prizes, and this would mean the revival of privateering.

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*The British Secretary of State for Foreign Affairs (Grey) to the  
Ambassador at Washington (Spring Rice)*

[Telegram—Copy]

[*Left at the Department of State,  
March 23, 1916.*<sup>1</sup>]

Give verbal assurances that all armament on British merchant ships is intended solely for purposes of defence.

The case of *Woodfield* is going to be taken up separately later on and this will give an opportunity of giving an official assurance in writing that the orders were only defensive.

[File copy not signed]

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<sup>1</sup> Handed by the Counselor of the British Embassy (Barclay) to the Counselor for the Department, with the statement that the Ambassador should have given the assurances referred to on handing to the Secretary of State the memorandum accompanying his letter of March 23, 1916.

File No. 763.72/2524

*The Italian Ambassador (Macchi di Cellere) to the Secretary of State*

WASHINGTON, March 23, 1916.

MY DEAR MR. SECRETARY OF STATE: As I have had the pleasure of informing you by my letter of January 22d, I did not fail to transmit to my Government the communication you kindly addressed to me on January 19, calling their attention to the considerations contained therein and to the propositions concerning the defensive armament of merchantmen.

The Royal Government have carefully examined the important questions involved, as you will have noticed also from the preliminary considerations submitted to the American Ambassador at Rome on February 19, and after having proceeded to an exchange of views with the Allied Governments have now formulated their final reply to the American proposal, of which in conformity with the instructions received, I hasten to transmit the text to you herewith.

Believe me [etc.]

MACCHI DI CELLERE

[Enclosure—Translation]

The Royal Italian Government have already had the honor of submitting to the American Ambassador at Rome in a *note verbale* dated February 19, their considerations regarding the proposal concerning armed merchantmen made on January 19 by the American Government to the representatives of the Allied Governments in Washington.

After an exchange of views with the Allied Governments, the Italian Government have now the honor to communicate to the American Government their final answer on the question.

His Majesty's Government feel they could not but confirm the views expressed in their *note verbale* of February 19. Submarine warfare as practiced up to now by the Austro-Hungarian Government and their allies implies a violation of those principles of international law and humanity which it is a strict duty of belligerents to respect, whatever may be the instruments of war of which they avail themselves. This violation has been the cause of serious and illegal damage to the persons and property both of belligerent and neutral nations.

It is superfluous to recall the case of the *Ancona* which was sunk under circumstances which the Austro-Hungarian Government themselves have been unable to deny.

The Italian Government consider it, therefore, impossible to renounce a legal means of protection which has been recognized by international law and which is used by Italian merchantmen for exclusively defensive purposes. The American Government themselves have, at the beginning of the war, expressed a similar point of view. It would, furthermore, not be in accordance with the principles recognized by the Hague conventions, that the rules approved by them should be changed during the course of the war.

Although appreciating the highly humanitarian sentiments which have inspired the American suggestion, the Italian Government feel that, in view of the above considerations, they could not give their adhesion to the American Government's proposal, which would practically put merchantmen at the mercy of submarines by depriving them of their only means of defense and is based upon the sole obligation to provide for the safety of passengers, an obligation which the submarines cannot fulfil in practice, owing to their lack of adequate means to this end.

File No. 763.72/2527

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 23, 1916, 7 p. m.

[Received March 24, 1.15 p. m.]

3658. Reichstag postponed discussion of the resolution on submarine warfare in full session; the subject will be discussed in the Budget Committee whose sessions commence next Monday. Cologne *Gazette* quotes London *Times* as reporting from Washington that the American Government considers the British instructions to armed merchantmen published by Germany sufficient proof that such vessels are armed for defense only.

Semiofficially reported that reciprocity agreement has been concluded by Germany with Roumania under which Germany and Austria receive 100,000 wagons of corn and 40,000 wagons of grain and malt.

GERARD

THE SINKING OF THE "SUSSEX," MARCH 24, 1916—CASES OF THE "ENGLISHMAN", "MANCHESTER ENGINEER", "BERWINDVALE", AND "EAGLE POINT"

File No. 851.857Su8/1

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 25, 1916.

[Received 1.30 p. m.]

4019. French S. S. *Sussex*, regular cross-channel boat from Folkestone to Dieppe, is reported to have been torpedoed yesterday afternoon about 4.30 near French coast. Ship now being towed into French port where most of the passengers will be landed. About 90 passengers have been landed in England. Number of casualties not yet certain and number of Americans on board not yet ascertainable. Shall endeavor to interview American survivors who may be landed in England and telegraph further details later.

AMERICAN EMBASSY

File No. 841.857P43/45

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, March 8, 1916, noon.

[Received March 26, 9 a. m.]

1640. Your 1786,<sup>1</sup> February 2, 3 p. m. *Note verbale* from the Sublime Porte dated March 7 states that the *Persia* was not sunk by a submarine flying the flag of Turkey. The note adds that,

<sup>1</sup> *Ante*, p. 156.



inasmuch as all naval vessels acting under the instructions of the Turkish Government must necessarily fly Ottoman flag, it could not therefore have been an Ottoman submarine or one acting under the instructions of the Turkish Government.

PHILIP

File No 851.857Su8/12a

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

[Telegram]

WASHINGTON, March 27, 1916, 1 p. m.

3098. Please ascertain definitely whether *Sussex* was armed and whether it is customary for Channel ships to be armed.

Advise Department by cable as matter is urgent.

LANSING

File No. 851.857Su8/12b

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, March 27, 1916, 7 p. m.

2852. Department has received considerable evidence to the effect that the Channel steamer *Sussex*, loaded with passengers including several American citizens, was torpedoed and sunk on the 24th instant by a torpedo from a submarine. Please immediately inquire of the Foreign Office whether the *Sussex* was sunk by a submarine belonging to Germany or her allies. A prompt reply is expected.

LANSING

File No. 851.857Su8/13

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 28, 1916, 1 p. m.

[Received 12.45 p. m.]

4044. Your 3098, March 27, 1 p. m. In reply to my inquiry, the British Admiralty state categorically that *Sussex* was not armed, and further that it is not customary for cross-channel passenger steamers to be armed.

AMERICAN EMBASSY

File No. 841.857En3

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, March 28, 1916, 4 p. m.

2855. Department is advised that the Dominion Line steamer *Englishman* was torpedoed after leaving Avonmouth, March 21 for

<sup>1</sup>The same to the Ambassador in France, No. 1438.

Portland, Maine. The vessel was a horse ship and carried on board several Americans, some of whom are not included in the list of survivors. Please immediately inquire of the German Government whether the *Englishman* was sunk by a submarine belonging to Germany or her allies and add that a prompt answer is expected by this Government.

LANSING

File No. 851.857Su8/16

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, March 28, 1916, 10 p. m.

[Received March 29, 8.15 a. m.]

1330. Department's 1438, March 27, repeated from London. Of ten American survivors making affidavit not one saw any signs of guns on *Sussex*. Foreign Office officially informs me that *Sussex* was not armed and that Channel passenger steamers are not armed and have not been. Major Logan and Lieutenant Smith, after careful examination of *Sussex* at Boulogne, report they could see no indications of any gun mountings.

SHARP

File No. 841.857En3/4

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, March 29, 1916, noon.

2859. Department's March 28, 4 p. m. *Englishman*. Department now has affidavit of American citizen stating that *Englishman* was sunk by German submarine *U-19* which he saw. Please add this to your previous statement to the Foreign Office in regard to the steamer *Englishman*.

LANSING

File No. 841.857M31

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, March 29, 1916, 1 p. m.

2860. Department advised that liner *Manchester Engineer* was torpedoed without warning off Waterford, March 27, with American citizens on board. Please inquire of the Foreign Minister as to whether vessel was sunk by submarine belonging to Germany or her allies. A prompt answer is expected.

LANSING

File No. 763.72/2540

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 29, 1916, 2 p. m.

[Received March 31, 12.30 a. m.]

3678. The Reichstag Budget Committee met yesterday and discussed the submarine question. Proceedings secret. Official report states that resolutions were explained by Delegate Bassermann, whereupon the Chancellor expressed to the committee the political considerations affecting the question; Admiral von Capelle then described the technical side of the question; a general debate followed; the proceedings will be continued to-day. The *Lokal-Anzeiger* learns that the Progressive Party introduced in committee resolution that, in view of wonderful accomplishments of the Army and Navy, the Reichstag has full confidence in the authorities continuing to do everything and omit nothing to attain and consolidate an early final victory of the German arms on land and at sea, and that this being the case, the resolutions of the other parties should be passed over. Same party also introduced resolution to amend clerical resolution to read, "Full freedom in the use of this weapon against our enemies will be retained [in] present and future negotiations." The same paper reports that the speech of the Secretary of the Navy made a profound impression on the members of the committee.

The *Frankfurter Zeitung* [states that] in the given situation, and in view of England's violations of international law, every patriotic German desires submarine war to be conducted so as to do more good than harm to the country, and that it is a case beyond all doubt that the great majority of the German people would approve of relentless use of the submarines, if the desired success were sure or even merely probable.

GERARD

File No. 763.72/2546

*The Ambassador in Brazil (Morgan) to the Secretary of State*

[Telegram]

RIO DE JANEIRO, March 31, 1916, 7 p. m.

[Received April 1, 8 a. m.]

Brazilian Minister for Foreign Affairs told me this afternoon that Ambassador Gerard had inquired of Brazilian Minister at Berlin whether, in case diplomatic relations between the United States and Germany were severed, American Legation preferably should be placed in charge of Argentina or Chile because Brazil might be drawn into the European war through her fraternal relations with Portugal. Doctor Müller assured me that that inference was unwarranted and that Brazil did not propose to seize German interned ships or any other German property.

Before any American power should take aggressive steps towards one of the belligerents, Brazilian Government would welcome a conference at Washington of the leading American States for the purpose of reaching an agreement regarding a policy in relation to sub-

marine warfare and other subjects which have become acute through the action of certain of the belligerents. Such a conference would probably easily reach conclusions which would both solidify continental relations and convince Europe that the interests of all the American powers are identical. Müller would undoubtedly attend the conference.

MORGAN

File No. 851.857Su8/29

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, April 1, 1916, 2 a. m.

[Received 8 a. m.]

1339. My 1325, 26th.<sup>1</sup>

Lieutenant Smith and Major Logan, sent to Boulogne on Sunday morning to investigate wrecking of *Sussex*, returned yesterday. Their finding fully corroborates all that has been previously dispatched as regards no evidence boat being armed and destructive effect of explosion in the bow of the boat. They made thorough examination as to probability of cause of explosion and found no evidence of internal explosion, boilers being intact. Captain declared no explosives were carried in cargo of 3 tons; in débris were only found mail, balloon, aeroplane fabric, wire for aeroplanes and parts of motor cycles. From the character of the injury it is impossible to determine positively that this was done by a torpedo; however, from consultation of the tide tables and charts showing the depth of ocean at the location of the explosion, it is their belief that it would have been very improbable that any stationary mine could have caused explosion, as said mine would be considerably below the keel of the boat, which, on leaving Folkestone, was drawing about 11 feet astern. Tide tables show high tide on March 24 at 1.37 p. m. [a. m. ?], at 2.50 p. m. From calculations made from these tables, tide is supposed to have been about 25 feet above low-water level. As to the probability of an explosion from a floating or surface mine, it is their opinion that contact with such a mine was most unlikely to have occurred, as examination of the hull of the *Sussex* shows a large dent on port side between the turnings of the bilge and the keel about 5 or 6 feet below water line, which would seem to be point of impact of explosion. Examination showed that ship had received heavy blow between the bilge and keel just forward of No. 1 water-tight bulkhead, and seemed to have come from abaft the beam and to have had a converging course with that of the ship. From the point of impact forward, the entire hull was blown away. The force of the explosion carried upward and toward the stern, carried away the bow, and completely wrecked that part of the ship between No. 1 and No. 2 bulkheads. Several pieces of bronze and two bronze bolts numbered and lettered were found by Smith and Logan on the ship and were taken by them last night to Toulon to compare with German torpedoes and mines in the possession of

<sup>1</sup> Not printed.

the French Naval authorities, in an endeavor to determine definitely whether they are parts of a mine or torpedo.

I forwarded yesterday by pouch to catch the steamer *Saint Paul*, sailing from Liverpool to-morrow, a despatch on the subject, enclosing 14 affidavits and brief preliminary report by Lieutenant Smith.

Referring to my telegram 1338, 29th,<sup>1</sup> have just received Beer's affidavit from American Consul at St. Gall. Contents of this deposition appear to me to be of such a nature that I quote therefrom as follows:

I am an American citizen. Together with my wife, I was a passenger on the steamer *Sussex* when that vessel was torpedoed, absolutely without warning of any kind, in mid-channel between Folkestone and Boulogne, on the afternoon of March 24, 1916. I know of my own knowledge that the *Sussex* was torpedoed, for I saw the torpedo before it struck and while it was still a hundred yards or more distant from the steamer. It was just before 3 o'clock in the afternoon. I was on deck with an Englishman, Mr. J. Faulkes, of Debenham and Company, London. We were standing at the railing on the left side of the steamer, about 10 feet back from the ladder leading up to the captain's bridge. Mrs. Beer sat in a steamer chair just behind us. It was a clear, sunny day and, as I turned my eyes seawards, I distinctly saw the torpedo approaching the steamer, a hundred yards or more away. Its course in the water was clearly marked and I could not have been mistaken. I exclaimed: "A torpedo!" and the next instant it struck the steamer some distance in front of where we stood, throwing up a mass of water that drenched us, and literally tearing away the whole forepart of the steamer. The ladder leading to the captain's bridge was torn away and fell on the deck. The torpedo struck the steamer at an acute angle and not directly head-on.

St. Gall Consul in his letter says:

I would note that I have known Mr. Beer well, personally, for 2 years past and believe any statement he makes entitled to full faith and credence. Mr. Beer is a naturalized citizen of the United States, of English birth, and the holder of Departmental passport number 17958, dated February 17, 1916. He is a member of the firm of Rappolt and Company of New York City and has been domiciled in St. Gall since 1907 as the European manager of said firm.

SHARP

File No. 841.857B46

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 1, 1916, 3 p. m.

2873. Department is informed that British steamer *Berwindvale*, carrying four Americans, was torpedoed without warning on March 16 off Bantry, Ireland. The vessel was apparently returning to the United States for cargo.

Please bring this to the attention of the German Government with request to be informed whether this vessel was torpedoed by a submarine belonging to Germany or her allies. It is expected that a prompt answer will be given.

LANSING

<sup>1</sup> Not printed.

File No. 841.857Ea3

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 1, 1916, 4 p. m.

2874. The Department is informed that on March 28 the British steamer *Eagle Point* with Americans on board was torpedoed after surrender while bound from St. Johns, New Brunswick, to Cherbourg, and that the persons on board were left in two small boats in a heavy sea with a stormy wind blowing, 130 miles south of Queenstown. Please make immediate inquiry of the German Government as to whether this vessel was torpedoed by a submarine belonging to Germany or its allies. A prompt reply is expected.

LANSING

File No. 763.72/2548

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 31, 1916, 1 p. m.

[Received April 2, 9.20 a. m.]

3687. As a result of its deliberation on warfare the Reichstag Budget Committee has passed the following joint resolution of all the parties:

Now that the submarine has proved an effective weapon against the English conduct of warfare which aims at the starvation of Germany, the Reichstag gives expression to its conviction testifying [that it is] imperative to make such use of the submarines, just as of all our military means of power, as will guarantee the attainment of a peace which shall make Germany's future secure, and in negotiations with foreign countries to preserve the freedom in the use of this weapon required for the assertion of Germany's position as a maritime power, while respecting the just interests of the neutral countries.

A resolution introduced by the Socialist Ledebour reading:

Relentless submarine warfare, that is to say, the torpedoing of enemy and neutral merchantmen and passenger steamers without warning, cannot be adopted in any circumstances. The termination of the war is to be effected by means of agreement.

was defeated by the committee (?) against one vote.

GERARD

File No. 851.857Su8/30

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, April 2, 1916, 1 a. m.

[Received 10 a. m.]

1341. My 1339.<sup>1</sup> On return from Toulon naval attaché's report regarding fragments found in *Sussex* as follows:

At the French Ministry Marine we were shown the plans of a late type of German mine. We carefully examined these plans with a view to determining

<sup>1</sup> *Ante*, p. 218.

whether or not any of these fragments we had found on the *Sussex* formed any part of such mine. We examined with particular attention not only the interior and exterior portion of the mine proper but also particularly the anchoring gear and other accessories.

We deduced from this examination that neither of the two screw bolts in our possession formed any part of such a mine (see later). Of the remaining 13 fragments we are also agreed that 7 fragments do not form part of a mine. The remaining 6 pieces we are unable to determine definitely whether or not they are fragments of a mine or torpedo or very possibly of some portion of the ship's cargo.

The foregoing deductions from these plans were confirmed by an examination of somewhat similar plans of a German mine at Boulogne by Major Logan and Lieutenant Smith on March 27; by an examination of certain pieces of a German mine at Rochefort by Commander Sayles on March 25; and by an examination of a German mine at Toulon on March 31, Sayles, Logan, and Smith.

With the permission of the French Government we proceeded to Toulon where we were permitted to see a captured German torpedo and to have it disassembled in our presence. The two screw bolts in our possession, found on the *Sussex* by Smith, were stamped on the head as follows: viz., (a) on one surface, K, and on another surface, 56; (b) on one surface, K, and on another surface, 58. These bolts are shaped in the same general way for use on all torpedoes of all countries. They are the bolts used for attaching the war head of the torpedo to the air chamber and also for attaching the after-body to the air chamber. The German torpedo we saw at Toulon was numbered 1804 in white paint, its length was 5 meters, 666 to 450 millimeters. It had stamped on it the additional letters and figures J. P. Z. 57. We were given in addition complete plans of this torpedo. The torpedo that we saw was said to have been built about 15 years ago and was picked up by the French on the beach near Boulogne, April 1915, after it had been discharged by a German submarine at cargo ship. With the exception of the casing of the torpedo head, the entire torpedo, including engine cylinders and fittings, is made out of a bronze composition. The head of this torpedo was attached to the air chamber by 10 screw bolts and 10 screws. This made a total of 20 holes in the circumference of the forward end of the air chamber, each being consecutively numbered from 1 to 20. The screw bolts were set in the even numbered holes whereas the flat-head screws were set in the odd numbered holes. Each screw bolt was numbered with the corresponding numbered hole it occupied and in addition had the letter K on it. These screw bolts are identical in size, shape, and marking with those we had picked up on the *Sussex*. We have two of these now in our possession which we removed from the torpedo at Toulon. The letter K on the fitting of the head of a torpedo is said to be characteristic of German torpedoes and to represent the German word *kopf* or head, and this with its number shows at a glance the position of the hole where it is to be placed. While at Toulon we were also permitted to examine similar screw bolts used on British and French torpedoes. These had no letters or numbers and we were informed that they were not so numbered or lettered in either of the services. They were also of a slightly different size. We have one of each of these in our possession. The fact that the numbered pieces we have in our possession are numbered "56 K" and "58 K", respectively, whereas the highest numbered "K" piece we saw on the torpedo at Toulon was numbered "20 K" leads us to believe that the torpedo from which the screw bolts found on the *Sussex* came, was of a slightly different model than that on the one at Toulon. The fact of the pieces being numbered, being the same size, and lettered "K" is however very important; and is, to say the least, a very convincing circumstance.

Of the seven fragments that we also agreed upon as forming no part of the mine, four of these we have agreed upon as having formed part of one of the engine cylinders used on a German torpedo. The engine in the German torpedo we saw at Toulon was a three-cylinder reciprocating engine. The four pieces we agreed upon have been carefully compared with not only the drawings but also with the actual engine parts, and are identical in shape and composition. The torpedo which may have hit the *Sussex* may have been a four-cylinder type in accordance with some of the later models, and likewise some of its outside surfaces may not necessarily be of a bronze composition. We have no fragments that we can positively identify as belonging to the exterior surface of the torpedo. A four-cylinder engine would not necessarily

vary much in design in the engine cylinders. The remaining three fragments of the group which we are agreed upon as not forming part of a mine, we agree are parts of the same engine from which the preceding four parts have come. On account of the small size and shape of these pieces, and from the effect of the explosion, we were unable to definitely place their position on either the plans or the engine we saw. We consider these particular fragments, while not constituting as positive and convincing evidence as the screw bolts, to be nevertheless of the greatest possible importance in the consideration of the merits of the case and a very convincing circumstance.

I have directed Sayles and Smith to proceed to England to-night to endeavor to compare the fragments found in the *Sussex* with German torpedoes of a late type which I understand are in the possession of the British authorities.

SHARP

File No. 841.857Ar1/128

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 2346

WASHINGTON, April 2, 1916.

MR. SECRETARY OF STATE: Your excellency's kind note No. 1751 of January 20 last,<sup>1</sup> in the *Baralong* case, says nothing of what the American Government has done or thinks of doing in the matter of protecting the rights of its flag.

In view of the fact that the affidavits of American citizens show that the American flag was misused by the British naval forces in murdering German sailors, I have the honor, by direction of my Government, to beg the favor of a statement on the above-mentioned question.

Accept [etc.]

J. BERNSTORFF

File No. 763.72/2549

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

[Telegram]

THE HAGUE, April 1, 1916, 6 p. m.

[Received April 3, 8.10 a. m.]

542. Holland-America Line has announced withdrawal from navigation of S. S. *Rotterdam* as too valuable to risk. Sailing of *Ryndam* still delayed. Extraordinary council of Netherland's ministers held yesterday. All periods of leave of absence canceled by Army and Navy. All forces called to the colors except two classes of *Landwehr*. Government has resumed control of railways. Regular session of lower house next Tuesday will probably be called in general committee. Rumor that Great Britain has demanded passage for her troops through Holland is without foundation. The Foreign Minister tells me in private conversation to-day that the above-mentioned precautionary measures have not been caused by the *Tubantia* or any other particular incident but the Government feels

<sup>1</sup>Not printed.



that important things may possibly arise in the general situation within a few weeks and Holland must be prepared to take care of herself.

VAN DYKE

File No. 851.857Su8/23

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 4, 1916, 7 p. m.

3141. Please ascertain definitely whether the *Sussex* was ever used by the British Government as a transport or troopship and whether the route followed by transports is the same as that followed by the *Sussex* on her last trip.

LANSING

File No. 851.857Su8/36

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, April 5, 1916, 1 p. m.

[Received 2 p. m.]

4101. Your 3141, April 4, 4 [7] p. m., and 3144,<sup>1</sup> April 4, 8 p. m.

British Admiralty inform me after consulting their records that *Sussex* was never used as a transport or troopship, and state further that route followed by *Sussex* on her last trip is not the one followed by transports or troopships proceeding from England.

AMERICAN AMBASSADOR

File No. 763.72/2546

*The Secretary of State to the Ambassador in Brazil (Morgan)*

[Telegram]

WASHINGTON, April 6, 1916, 5 p. m.

Your March 31, 7 p. m.<sup>2</sup> You may express to Brazilian Minister for Foreign Affairs my appreciation of the friendly suggestion of the Brazilian Government, which is receiving our sympathetic consideration.

LANSING

File No. 763.72/2525

*The Secretary of State to the British Ambassador (Spring Rice)*<sup>3</sup>

WASHINGTON, April 7, 1916.

MY DEAR MR. AMBASSADOR: I have received your courteous letter of the 23d ultimo<sup>4</sup> and given careful consideration to the memoran-

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 217.

<sup>3</sup> The same, *mutatis mutandis*, to the French, Russian, and Italian Ambassadors and the Belgian Minister.

<sup>4</sup> *Ante*, p. 211.

dum enclosed relating to the proposal for an agreement to disarm merchant vessels by the Entente powers, which I unofficially submitted to you in my letter of January 18, 1916.

The proposal was made with the humane purpose of removing the principal reason given by the German and Austro-Hungarian Governments for the failure of their submarines to comply strictly with the rules of naval warfare in intercepting the merchant vessels of their enemies on the high seas, a practice which has resulted in an appalling loss of life among the passengers and crews of vessels which have been attacked without warning.

Believing that an arrangement, such as I had the honor to propose, would have resulted in the discontinuance by Germany and Austria-Hungary of a method of attack on merchant vessels which puts in jeopardy the lives of hundreds of men, women, and children of neutral as well as belligerent nationality, I can not but regret that the Governments of the Entente powers could not see their way to accede to the proposal.

The Entente governments having, however, reached a decision to decline the proposed arrangement, it becomes my duty to accept their decision as final, and in the spirit in which they have made it.

I am [etc.]

ROBERT LANSING

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[For a summary of the Chancellor's remarks on submarine policy in his speech to the Reichstag, see telegram No. 3712, April 5, 1916, received April 7, from the Ambassador in Germany, *ante*, page 23.]

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File No. 763.72/2563

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 6, 1916, 4 p. m.

[Received April 7, 11.50 p. m.]

3715. The Clerical speaker in the Reichstag yesterday also said the American Nation had signally failed to observe the admonitions of the President in his proclamation of August [18, 1914] to be neutral in spirit and act. America had construed neutrality rules very liberally when the Allies were concerned but always insisted on the letter of the law when Germany was concerned. He could not understand why American business men continued to submit to England's invasion of their legitimate right to trade and that Congress had suggested no remedy. England had betrayed the white race by surrendering the Pacific Ocean to Japan; the European powers and America had abandoned the Far East field to Japan; Germany had never followed political plans in China but only wanted a place in the sun; Germany would take up her efforts again as soon as the war ended and devote her best energies to that field.

The Socialists introduced the following resolution:

The stipulations of international law must be applied to submarine warfare also. In particular, relentless submarine warfare, that is to say, the torpedoing without warning of merchant and passenger vessels of enemy and

neutral countries, shall not be applied in any circumstances. The Reichstag expects that the Chancellor will very soon endeavor to bring about an understanding between the nations by initiating peace negotiations.

The Budget Committee submitted a confidential report on its deliberations on the submarine question. The report states that the demand embodied in the resolution that Germany must preserve all freedom in the use of the submarines necessary in order to assume her maritime position of special importance, and that although the respecting of the just interests of neutral countries is a matter of course for Germany's policy, the committee nevertheless attached importance to an explicit statement that in view of the excitement often prevalent among neutrals due to English intrigue, their just interests will be accorded consideration as a matter of course, whereas the committee wished all unjust demands of the neutrals to be rejected. More radical demands and wishes were voiced in the committee, but such a form finally adopted was chosen in order that the world might be shown that the German Reichstag was one voice in the struggle for Germany's existence.

GERARD

File No. 851.857Su8/42

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 6 1916, 12 noon.

[Received April 8, 8.20 a. m.]

3713. Department's 2852.<sup>1</sup> Following is translation of the note received this morning from Imperial Foreign Office:

FOREIGN OFFICE, April 5, 1916.

The undersigned has the honor to reply to the esteemed note of his excellency the American Ambassador, Mr. James Gerard, of the 29th ultimo, Foreign Office No. 8850A, concerning the attack on the steamer *Sussex*, that the investigations started by the Admiralty Staff of the Imperial Marine, notwithstanding all efforts, have not thus far led to a conclusive result. Should the investigation prove that the *Sussex* was actually attacked by a German submarine contrary to the assurances given to the American Government, the Imperial Government, as a matter of course, will immediately order the necessary redress (German word *Remedur*) to take place.

In order to facilitate and accelerate the investigation started, the Imperial Government is desirous of obtaining as accurate details as possible in regard to the circumstances under which steamer *Sussex* was damaged.

Looking forward to an early reply in regard to these points, the undersigned avails himself of this occasion to renew to his excellency, the Ambassador, the assurances of his highest consideration.

VON JÄGOW

A high German official told me last night that if any submarine commander had acted against orders, proper steps would be taken. My own impression is that submarine commander who torpedoed *Sussex* acted contrary to orders and that German Government will endeavor to adjust matter with America.

GERARD

<sup>1</sup> *Ante*, p. 215.

File No. 763.72/2564

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 7, 1916, 6 p. m.

[Received April 8, 7.15 p. m.]

3720. The Reichstag passed the submarine resolution by all against two votes. The Socialist resolution was defeated. Various speakers brought out in the debate that there were differences of opinion on submarine warfare but that they were subordinated to desire for unity.

A Progressive speaker yesterday expressed great admiration for Holland and said of America that her political influence had become vastly more powerful than ever before; that the German people was bound to the American people by many ties and was confident that America would be just to Germany in spite of many disagreeable incidents; the United States could easily perform a great service to humanity by taking calm and deliberate steps to check the conflagration of the World War. The National Liberal speaker, Stresemann, attacked America for being unneutral and said there was bitter feeling against America for shamelessly taking advantage of every opportunity to make money at the expense of bleeding Europe; he considered America's demand that her citizens should have the right to travel about on armed vessels in the war zone an unjust demand without the meaning of the resolution. Count Westarp of Conservative Party said the German people had already passed judgment on the neutrality of the President and the American Republic which admitted the support of Germany's enemies with money and ammunition, thus prolonging the war. Germany was quite ready to recognize the just rights of neutrals, but the neutrals must recognize that belligerents have just rights also and no neutral should demand that his right should stand alone and preeminent. The representatives of the Conservative, Clerical, and National Liberal Parties spoke in favor of the annexation of Belgium.

The moderate press as well as the Socialist press interprets the Chancellor's remarks as meaning that Belgium will be given up after strict guarantees have been agreed upon that Belgium will never again become the seat of any movements hostile to Germany and Germany has received ample colonial territory for the development of her economic power.

The press approves in general of the peace conditions adverted to by the Chancellor, in particular the separation of the Baltic Province and Poland from Russia.

It is pointed out as noteworthy that the Chancellor avoided all reference to France except his tribute to the bravery of the French troops at Verdun.

GERARD

File No. 841.857Su8/46a

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, April 12, 1916, 4 p. m.

1468. *Sussex* case. How long after *Sussex* arrived at Boulogne did Lieutenant Smith and Major Logan make their examination? What opportunity had persons freely to visit the vessel or to strew fragments of metal about? Was there, in the opinion of Smith and Logan or of other persons whom you may consult, any opportunity or likelihood of their having been imposed upon as to the fragments of metal picked up on board? Were two screws damaged by explosion, and if so, in what way?

LANSING

## THE GERMAN NOTE OF APRIL 10, 1916, ON THE "SUSSEX" AND OTHER CASES

File No. 851.857Su8/46

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 11, 1916, 2 p. m.

[Received April 13, 8.10 a. m.]

3735. Following note just received:

FOREIGN OFFICE,

BERLIN, April 10, 1916.

The undersigned has the honor to inform his excellency Mr. James W. Gerard, Ambassador of the United States of America, in reply to the notes of the 29th and 30th ultimo and the 3d instant, on the subject of the steamers *Sussex*, *Manchester Engineer*, *Englishman*, *Berwindvale*, and *Eagle Point*, that the cases mentioned have been subjected to a careful investigation by the Admiralty Staff of the Navy, in accordance with my notes of the 30th and 31st ultimo and the 4th and 5th instants, and that all this investigation has led to the following results:

## 1. ENGLISH STEAMER "BERWINDVALE"

A steamer which was possibly the *Berwindvale* was encountered by a German submarine on the evening of the 16th of March within sight of Bull Rock Light on the Irish coast. As soon as the steamer noticed the submarine, which was traveling on the surface, she turned and ran away. She was called upon to stop by a shot of warning but did not heed this warning, put out all her lights, and tried to escape. She was thereupon shelled until she stopped and lowered several boats without receiving further orders. After the crew had entered the boats and had sufficient time to pull off to a distance, the ship was sunk.

The name of this steamer has not been ascertained. Even with the help of the dates furnished by the American Embassy it is not possible to say with certainty that the incident described above relates to the steamer *Berwindvale*; but since the steamer sunk was a tank steamer, like the *Berwindvale*, it may be assumed that the vessels are identical. In this case, however, the statement of the Embassy that the *Berwindvale* was torpedoed without warning would conflict with the facts.

## 2. ENGLISH STEAMER "ENGLISHMAN"

On March 24 this steamer was ordered to stop by two shots of warning by a German submarine about 20 nautical miles west of Islay, but continued on her course without paying any attention to the warning, and was therefore

forced to stop by the submarine by means of artillery fire, after a long pursuit; she then lowered boats without receiving further orders. After the German commander had convinced himself that the crew had entered the boats and pulled away from the vessel, he sank the steamer.

### 3. ENGLISH STEAMER "MANCHESTER ENGINEER"

It has not been possible to ascertain by the investigation conducted as yet whether the attack on this steamer, which took place off Waterford on March 27, according to the statements of the Embassy, is traceable to a German submarine. The data furnished regarding the place and time of the incident do not afford a sufficient clue for the investigation. The receipt of more exact details concerning place, time, and attendant circumstances of the attack reported to the American Government would therefore be desired in order that the investigation may then be brought to a conclusion.

### 4. ENGLISH STEAMER "EAGLE POINT"

On the morning of March 28 this steamer was ordered to stop by a German submarine by signal and shot, about 100, not 130 nautical miles, from the southwest coast of Ireland, but she continued on her course. She was thereupon shelled until she stopped and without receiving further orders lowered two boats which the crew entered. After the commander had convinced himself that the boats which had hoisted sails had gotten clear of the steamer, he sank her.

At the time of the sinking a north northwest wind of the second strength was blowing, not a "stormy wind," and there was a slight roll against the wind, not "a heavy sea" as asserted in the Embassy's statement of the facts. The boats furthermore had every prospect of being picked up very soon since the place of the sinking was on one of the much-used steamer routes. If the crew of the steamer in rescuing themselves made use of only two small boats they are themselves to blame, for there were at least four large folding boats on the steamer, as the submarine was able to ascertain.

### 5. FRENCH STEAMER "SUSSEX"

The establishment of the fact whether the Channel steamer *Sussex* was damaged by a German submarine or not has been made extraordinarily difficult because no exact data concerning place, time, and attendant circumstances of the sinking were known, and no picture of this vessel could be obtained until April 6. Consequently the investigation had to embrace every one of the undertakings which took place in the Channel on or near the route between Folkestone and Dieppe on March 24, the day in question.

In this locality a long black vessel without a flag, with a gray smokestack and a small gray superstructure, and with two tall masts, was encountered by a German submarine on March 24 about the middle of the English Channel. The German commander gained the definite conviction that he had before him a war vessel, a mine layer of the newly constructed English *Arabic* class. He was led to this conviction: (1) by the flush deck of the vessel; (2) by the warship form of stern, protruding diagonally backwards and then falling downward; (3) by the warship-like coat of paint; (4) by the high speed of about 18 sea miles developed by the vessel; (5) by the circumstance that the vessel did not follow the course to the north of the light buoys between Dungeness and Beachy Head, which is the customary course for merchant shipping, according to the frequent and uniform observations of the German submarines, but sailed in the middle of the Channel, pointing about for Havre. He consequently attacked the ship submerged at 3.55 o'clock p. m., Central European time, one and a half sea miles southeast of Bull Rock Bank. The torpedo struck and caused such a severe explosion in the foreship that the whole foreship was torn loose up to the bridge. The particularly severe explosion permits the safe conclusion that there were large quantities of ammunition on board.

The German commander has made a sketch of the vessel attacked by him, two reproductions of which are attached. The picture of the steamer *Sussex*, two copies of which are likewise attached, is a photograph taken from the English *Daily Graphic* paper of the 27th ultimo. A comparison of the sketch with the picture shows that the *Sussex* is not identical with the vessel attacked; the difference in the position of the smokestacks and the shape of the stern is particularly prominent. No further attack whatever was made by German

submarines at the time (coming into question for the) *Sussex* on the way between Folkstone and Dieppe.

From this the German Government is forced to assume that the damaging of the *Sussex* is to be attributed to another cause than the attack of a German submarine. In order that the true state of affairs may be cleared up, the fact may possibly be of use that on the 1st and 2d of April alone, no less than 28 English mines exploded by German naval forces in the Channel. The whole of that part of the seas is dangerous owing to floating mines and torpedoes which have not sunk. The waters near the English coast will be still more dangerous on account of German mines also which have been sowed against the hostile naval forces.

Should the American Government have at its disposal further material for forming judgment on the case of the *Sussex*, the German Government begs to request that this material may be communicated to it in order that it may be able to subject this material to an examination also. In the event of differences of opinion arising between the two Governments in this connection, the German Government declares at this time its readiness to permit the facts to be ascertained by a mixed committee of investigation pursuant to the third title of the Hague convention of October 18, 1907, for the pacific settlement of international disputes.

The undersigned requests that the above be brought to the knowledge of the Government of the United States and avails himself of this opportunity to renew [etc.]

VON JAGOW

GERARD

File No. 763.72/2567

*The Ambassador in Spain (Willard) to the Secretary of State*

[Telegram]

MADRID, April 12, 1916, 10 p. m.

[Received April 13, 8.10 a. m.]

225. Prime Minister, acting as Minister for Foreign Affairs, has just sent for me and requested me to telegraph immediately and ascertain confidentially if the Government of the United States believes that a joint protest on the part of all neutral powers to Germany against torpedoing of neutral vessels and belligerent merchant vessels would be expedient and effective. I believe that the representatives of other neutral powers are being approached on this subject. Spanish shipping interests are declining to continue sailings unless guaranteed against attacks. Situation here somewhat tense.

WILLARD

File No. 851.857Su8/48

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, April 13, 1916, midnight.

[Received April 14, 8.15 a. m.]

1360. Your 1468<sup>1</sup> 12th.

(1) *Sussex*, according to captain's sworn statement reached Boulogne March 25, 2 p. m. Logan and Smith arrived Boulogne evening 26th, visited *Sussex* following afternoon and 28th and 29th.

(2) It is understood that vessel was accessible to the crew and authorized persons, and it was therefore possible for fragments of metal to have been strewn about.

<sup>1</sup> Ante, p. 227.

(3) As to likelihood of imposition in this respect, Logan and Smith report in their signed statement as follows:

Perhaps the most convincing evidence of the fact that these pieces had not been placed on this ship for the purpose of deceiving us was the fact that on March 28 we were present during the cleaning out of the débris on the lower decks near the point of the explosion. This cleaning was being carried out for the purpose of clearing the ship as well as for the search for possible dead still remaining on board. During the course of this cleaning out a portion of the leg of a man with a shoe on was discovered in the débris. The débris on the saloon deck was some four or five feet deep and was very closely packed, due to the action of the water when the ship was afloat at high tide. It bore convincing indications of not having been touched since the explosion. We at this time found three fragments, Nos. 11, 13, and 14, which were uncovered from below this débris in our presence and which every indication showed could not have been placed there after the explosion had occurred and the débris had accumulated and fallen on top.

Other fragments they state they found in places on board wedged into positions where it was entirely unlikely that they could have been placed intentionally.

(4) As to damage to screws and manner thereof, I again quote as follows from their statement:

The two screw bolts bear every evidence of having been in an extremely heavy explosion and in immediate contact with explosive material which caused a distinct fusing of portions of the bolts. Sheared diagonally in the threaded body of the bolts, they appear to have been in contact with a melting force which left a glazed finish. In addition to this the bolts have been slightly bent, which appears to have come from a twisting force. The twist is opposite to the shear of the bolts. This twist is very characteristic of the effects that would naturally be expected from a bolt partially imbedded diagonally in a solid body such as is the case in the war head of a torpedo. It would be practically impossible to artificially fake all of these injuries to a screw bolt of this character.

From my judgment of these officers and after carefully reviewing with them their work in making this examination and finding fragments of metal, I can not believe there is the slightest chance that any imposition was practiced. Examination of fragments plainly shows that only a force like that of some powerful explosion could have produced such results, and their comparison with known parts of a torpedo reveal a striking similarity.

I am forwarding to Department in Saturday's pouch all of these fragments, together with screw bolts from German, French, and English torpedoes for comparison. Fifteen of the sixteen fragments so forwarded were found by either Logan or Smith; remaining piece was given to them by Captain Ballincourt, captain of *Sussex*.

SHARP

File No. 763.72/2567

*The Secretary of State to the Ambassador in Spain (Willard)*

[Telegram]

WASHINGTON, April 17, 1916, 4 p. m.

140. Your 225, April 12, 10 p. m. Say to Prime Minister that Department is giving his suggestion sympathetic consideration but



now it seems that any action by the United States would have to be taken so promptly that there would be no time for discussion.

LANSING

File No. 861.857Im7

*The Secretary of State to the Ambassador in Austria-Hungary  
(Penfield)*

[Telegram]

WASHINGTON, April 17, 1916, 5 p. m.

1194. Department informed Russian bark *Imperator* with cargo of lumber from Gulfport, Mississippi, to Marseille, France, was destroyed by Austrian submarine near Columbretes Islands off Spanish Mediterranean coast on April 11. Vessel carried two American citizens, one of whom was wounded during the attack. Lay facts before Foreign Office and state that a prompt report from the Austrian Government is expected.

LANSING

File No. 763.72/2579

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 16, 1916, 4 p. m.

[Received April 17, 10.15 p. m.]

3754. The following was given to S. S. McClure as coming from Marine Department by prominent official in Foreign Office. I send it as I understand it states present position of Chancellor, Foreign Office, and Marine Department.

(1) In using her submarine weapon, Germany distinguishes between hostile and neutral ships. Enemy men-of-war are torpedoed without warning. Armed enemy merchantmen are considered as warships. This is done for the reason that the commanders have received the orders published in the German memorandum of February 8, 1916, concerning the treatment of armed enemy merchantmen, to open fire on every German submarine at sight even before any hostile act has been committed. This renders a warning from the submarine impossible. Armed merchantmen are also sunk without warning in the war zone or before; i. e., the waters around the British Isles mentioned in the proclamation of February 4, 1915. An exception is made, however, for enemy passenger steamers (liners) which, for reasons of humanity, are not sunk, even in the war zone, without warning, and only after saving the lives of passengers and crew.

(2) As for neutral ships, Germany respects both the rights of neutrals and the principles of humanity; i. e., neutral merchantmen are sunk only if they carry contraband and cannot be brought into port by a prize crew. No neutral ship is sunk without previously establishing her identity and cargo, and only after saving the lives of passengers and crew. This applies also to neutral ships in the war zone.

(3) Germany takes into consideration the principles of humanity inasmuch as she never sinks enemy passenger steamers (liners) without warning and only after [saving] the lives of passengers and crew. As a part of the enemy passenger steamers, however, are armed, and as the English Admiralty orders which were found on British ships and in the German memorandum of February 8, 1916, give every reason to expect that they will use their armament for offensive purposes, it is possible that a naval fight may take place between such an armed passenger boat and the German naval force. For that reason it

is advisable for neutral passengers to avoid traveling on armed enemy passenger boats.

(4) In order to maintain the international passenger traffic of neutrals, the German Government several months ago suggested to enter into negotiations with the neutral governments and to designate as absolutely safe certain specially marked neutral steamers which would follow certain routes previously agreed upon (*vide* note handed to American Ambassador on July 8, 1915).

GERARD

THE AMERICAN NOTE OF APRIL 18, 1916, ON THE "SUSSEX," STATING THAT DIPLOMATIC RELATIONS WOULD BE SEVERED UNLESS THE CURRENT METHODS OF SUBMARINE WARFARE WERE ABANDONED—MEMORANDUM PUBLISHED ON APRIL 27, 1916, CONCERNING THE STATUS OF ARMED MERCHANT SHIPS—MEMORANDUM COMMUNICATED TO GERMANY ON APRIL 28, 1916, REGARDING THE CONDUCT OF NAVAL VESSELS TOWARD ENEMY AND NEUTRAL MERCHANT SHIPS

File No. 763.72/2597a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 18, 1916, 6 p. m.

2913. You are instructed to deliver to the Secretary of Foreign Affairs a communication reading as follows:

I did not fail to transmit immediately, by telegraph, to my Government your excellency's note of the 10th instant in regard to certain attacks by German submarines, and particularly in regard to the disastrous explosion which, on March 24 last, wrecked the French S. S. *Sussex* in the English Channel. I have now the honor to deliver, under instructions from my Government, the following reply to your excellency:

Information now in the possession of the Government of the United States fully establishes the facts in the case of the *Sussex*, and the inferences which my Government has drawn from that information it regards as confirmed by the circumstances set forth in your excellency's note of the 10th instant. On the 24th of March 1916, at about 2.50 o'clock in the afternoon, the unarmed steamer *Sussex*, with 325 or more passengers on board, among whom were a number of American citizens, was torpedoed while crossing from Folkestone to Dieppe. The *Sussex* had never been armed; was a vessel known to be habitually used only for the conveyance of passengers across the English Channel; and was not following the route taken by troopships or supply ships. About 80 of her passengers, non-combatants of all ages and sexes, including citizens of the United States, were killed or injured.

A careful, detailed, and scrupulously impartial investigation by naval and military officers of the United States has conclusively established the fact that the *Sussex* was torpedoed without warning or summons to surrender and that the torpedo by which she was struck was of German manufacture. In the view of the Government of the United States these facts from the first made the conclusion that the torpedo was fired by a German submarine unavoidable. It now considers that conclusion substantiated by the statements of your excellency's note. A full statement of the facts upon which the Government of the United States has based its conclusion is enclosed.

The Government of the United States, after having given careful consideration to the note of the Imperial Government of the 10th of April, regrets to state that the impression made upon it by the statements and proposals contained in that note is that the Imperial Government has failed to appreciate the gravity of the situation which has resulted, not alone from the attack on the *Sussex*, but from the whole method and character of submarine warfare as disclosed by the unrestrained practice of the commanders of German undersea craft

during the past twelvemonth and more in the indiscriminate destruction of merchant vessels of all sorts, nationalities, and destinations. If the sinking of the *Sussex* had been an isolated case, the Government of the United States might find it possible to hope that the officer who was responsible for that act had wilfully violated his orders or had been criminally negligent in taking none of the precautions they prescribed, and that the ends of justice might be satisfied by imposing upon him an adequate punishment, coupled with a formal disavowal of the act and payment of a suitable indemnity by the Imperial Government. But, though the attack upon the *Sussex* was manifestly indefensible and caused a loss of life so tragical as to make it stand forth as one of the most terrible examples of the inhumanity of submarine warfare as the commanders of German vessels are conducting it, it unhappily does not stand alone.

On the contrary, the Government of the United States is forced by recent events to conclude that it is only one instance, even though one of the most extreme and most distressing instances, of the deliberate method and spirit of indiscriminate destruction of merchant vessels of all sorts, nationalities, and destinations which have become more and more unmistakable as the activity of German undersea vessels of war has in recent months been quickened and extended.

The Imperial Government will recall that when, in February 1915, it announced its intention of treating the waters surrounding Great Britain and Ireland as embraced within the seat of war and of destroying all merchant ships owned by its enemies that might be found within that zone of danger, and warned all vessels, neutral as well as belligerent, to keep out of the waters thus proscribed or to enter them at their peril, the Government of the United States earnestly protested. It took the position that such a policy could not be pursued without constant gross and palpable violations of the accepted law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded on the principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks; and that no right to close any part of the high seas could lawfully be asserted by the Imperial Government in the circumstances then existing. The law of nations in these matters, upon which the Government of the United States based that protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

The Imperial Government, notwithstanding, persisted in carrying out the policy announced, expressing the hope that the dangers involved, at any rate to neutral vessels, would be reduced to a minimum by the instructions which it had issued to the commanders of its submarines, and assuring the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

In pursuance of this policy of submarine warfare against the commerce of its adversaries, thus announced and thus entered upon in despite of the solemn protest of the Government of the United States, the commanders of the Imperial Government's undersea vessels have carried on practices of such ruthless destruction which have made it more and more evident as the months have gone by that the Imperial Government has found it impracticable to put any such restraints upon them as it had hoped and promised to put. Again and again the Imperial Government has given its solemn assurances to the Government of the United States that at least passenger ships would not be thus dealt with, and yet it has repeatedly permitted its undersea commanders to disregard those assurances with entire impunity. As recently as February last it gave notice that it would regard all armed merchantmen owned by its enemies as part of the armed naval forces of its adversaries and deal with them as with men-of-war, thus, at least by implication, pledging itself to give warning to vessels which were not armed and to accord security of life to their passengers and crews; but even this limitation its submarine commanders have recklessly ignored.

Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belli-

gerent ownership in constantly increasing numbers. Sometimes the merchantmen attacked have been warned and summoned to surrender before being fired on or torpedoed; sometimes their passengers and crews have been vouchsafed the poor security of being allowed to take to the ship's boats before the ship was sent to the bottom. But again and again no warning has been given, no escape even to the ship's boats allowed to those on board. Great liners like the *Lusitania* and *Arabic* and mere passenger boats like the *Sussex* have been attacked without a moment's warning, often before they have even become aware that they were in the presence of an armed ship of the enemy, and the lives of non-combatants, passengers, and crew have been destroyed wholesale and in a manner which the Government of the United States can not but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to their indiscriminate pursuit and destruction of merchantmen of all kinds and nationalities within the waters which the Imperial Government has chosen to designate as lying within the seat of war. The roll of Americans who have lost their lives upon ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy it has sought to be governed by the most thoughtful consideration of the extraordinary circumstances of an unprecedented war and to be guided by sentiments of very genuine friendship for the people and Government of Germany. It has accepted the successive explanations and assurances of the Imperial Government as, of course, given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the Imperial Government so to order and control the acts of its naval commanders as to square its policy with the recognized principles of humanity as embodied in the law of nations. It has made every allowance for unprecedented conditions and has been willing to wait until the facts became unmistakable and were susceptible of only one interpretation.

It now owes it to a just regard for its own rights to say to the Imperial Government that that time has come. It has become painfully evident to it that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce is, of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether. This action the Government of the United States contemplates with the greatest reluctance but feels constrained to take in behalf of humanity and the rights of neutral nations.

LANSING

*Statement of facts in "Sussex" case accompanying note to German Government of April 18, 1916*<sup>1</sup>

The French Channel steamer *Sussex*, employed regularly in passenger service between the ports of Folkestone, England, and Dieppe, France, as it had been for years (French Foreign Office), left Folkestone for Dieppe at 1.25 p. m.,

<sup>1</sup>The affidavits, depositions, and reports referred to in this statement are printed in *European War No. 3: Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties* (Department of State, August 12, 1916), pp. 249-300, and reprinted in the *American Journal of International Law*, vol. 10, Special Supplement, pp. 230-94.

March 24, 1916, with 325 or more passengers and a crew of 53 men. (Declaration of Captain Mouffet; Rear Admiral Grasset's report.) The passengers, among whom were about 25 American citizens (telegram London Embassy, March 25, and Paris Embassy, March 26 and 28), were of several nationalities and many of them were women and children and nearly half of them subjects of neutral states. (Report of Commander Sayles and Lieutenant Smith; Rear Admiral Grasset's report.) The *Sussex* carried no armament (French Foreign Office; report of Commander Sayles and Lieutenant Smith; affidavits of American passengers), has never been employed as a troopship, and was following a route not used for transporting troops from Great Britain to France. (British Admiralty statement; French Foreign Office.)

The steamer proceeded on its course almost due south after passing Dungeness. (Declaration of Captain Mouffet.) The weather was clear and the sea smooth. (Affidavits of Edna Hale, John H. Hearley, Gertrude W. Warren.) At 2.50 p. m., when the *Sussex* was about 13 miles from Dungeness (declaration of Captain Mouffet), the captain of the vessel, who was on the bridge, saw about 150 meters from the ship, on the port side, the wake of a torpedo. (Declaration of Captain Mouffet.) It was also seen very clearly by the first officer and the boatswain who were with the captain on the bridge. (Report of Rear Admiral Grasset.) Immediately the captain gave orders to port the helm and stop the starboard engine (declaration of Captain Mouffet), the purpose being to swing the vessel to starboard so as to dodge the torpedo by allowing it to pass along the port bow on a line converging with the altered course of the steamer. Before, however, the vessel could be turned far enough to avoid crossing the course of the torpedo, the latter struck the hull at an angle a short distance forward of the bridge, exploded, destroyed the entire forward part of the steamer as far back as the first water-tight bulkhead, carried away the foremast with the wireless antennæ and killed or injured about 80 of the persons on board. (Declaration of Captain Mouffet; report of Rear Admiral Grasset; affidavit of Henry S. Beer.) At the time no other vessel was in sight. (Affidavits of Samuel F. Bemis, T. W. Culbertson, John H. Hearley, and others.)

The approach of the torpedo was witnessed by several other persons on the vessel. (Affidavits of Samuel F. Bemis, Henry S. Beer, Gertrude W. Warren.) One of these, an American citizen named Henry S. Beer, was leaning on the port rail about 10 feet behind the bridge and gazing seaward when he saw the approaching torpedo about 100 yards away and exclaimed to his wife and companion: "A torpedo!" Immediately following his exclamation the missile struck the vessel. (Depositions of Henry S. Beer and Mrs. Henry S. Beer.)

In further corroboration of the fact that the captain saw the torpedo coming toward the vessel, is the sworn statement of the engineers on duty that the order to port the helm and to stop the starboard engine was received and obeyed. (Report of Admiral Grasset.) No reasonable explanation can be given for this unusual order other than that the captain saw something which caused him to change his course sharply to starboard.

In addition to this evidence which would in itself appear to be conclusive that the agent of destruction was a torpedo, is that of Lieutenant Smith, United States Navy, attached to the American Embassy at Paris, who, accompanied by Major Logan, United States Army, of the Embassy, went to Boulogne, inspected the hull of the *Sussex* and personally found beneath the mass of water-soaked débris of the wreck 15 pieces of metal, which they retained in their possession, as they did not believe the pieces formed part of the vessel. The inspection of the hull disclosed that the vessel was wrecked by an external explosion, the boilers being intact, and that a short distance forward of the bridge was a large dent showing that the vessel had received a heavy blow, the direction of impact being from abaft the beam along a line at an acute angle with the keel of the vessel. (Report of Lieutenant Smith, cabled April 1.) This evidence coincides with and corroborates the statement that the vessel was swinging to starboard and away from the torpedo when struck.

The pieces of metal which the American officers had collected were compared by Lieutenant Smith, Lieutenant Commander Sayles, and Major Logan with mines and plans of mines in possession of the French naval authorities at Boulogne, Rochefort, and Toulon, and British naval authorities at Portsmouth. These officers are positive in their opinion that these pieces of metal were not parts of a mine. (Report of Lieutenant Smith, cabled April 2 and 5.)

Among these 15 pieces of metal were two screw-bolts showing the effects of an explosion, which were stamped with "K" and "56" on faces of the head of one, and "K" and "58" on faces of the head of the other. On examining German torpedoes in the possession of the French naval authorities at Toulon, and of the English naval authorities at Portsmouth, the American officers found that identical screws with the letter "K" and a number were employed to fasten the war head (*kopf*) to the air chamber. (Lieutenant Smith's reports, cabled April 2, 5, and 13.)

The screws used in French and English torpedoes have no markings and are of a slightly different size. (Same reports.) Furthermore, the American officers were able by comparison and close examination to positively identify and locate all the remaining 13 pieces of metal as parts of a German torpedo, as follows:

Fragment 3, part of inner seat of water-relief valve of engine valve.

Fragments 4 and 5, punto bands of engine-room casing.

Fragments 6 to 10 inclusive and 12, parts of engine cylinders.

Fragments 11, 13, 14, 15, parts of steel war head still bearing the distinctive red paint common to German torpedo war heads. (Report of Lieutenant Smith, cabled April 5.)

In view of these authenticated facts there can be no reasonable doubt but that the *Sussex* was torpedoed and that the torpedo was of German manufacture. As no vessel was seen by any person on the *Sussex*, the conclusion is irresistible that the torpedo was launched without warning from a submarine which was submerged at the time of the attack and remained beneath the surface after the explosion.

The conclusion thus reached from the evidence (the affidavits being those of American citizens) collected by the Department of State is substantiated by the statements in the Imperial Government's note of April 10, 1916. According to those statements—

(a) A German submarine torpedoed a steamer 1½ miles southeast of Bull Rock Bank.

*Comment.*—The point of attack is exactly in the course which was taken by the *Sussex* after passing Dungeness and about one-half mile from the place where the captain of the *Sussex* states he was torpedoed.

(b) The attack took place at 3.55 o'clock p. m., Central European time.

*Comment.*—3.55 p. m., Central European time would correspond to 2.55 p. m., Western European time. The time of the striking of the torpedo according to the captain of the *Sussex*, and the stopping of the clocks on board the vessel, was 2.50 p. m., Western time.

(c) The torpedo, when it struck, caused an explosion which tore away the whole foreship up to the bridge.

*Comment.*—The forepart of the *Sussex* was wrecked as far back as the first water-tight bulkhead, according to the official reports.

(d) The German submarine was submerged when the torpedo was launched and there is no statement that it came to the surface after the attack.

*Comment.*—The conclusion was reached that the submarine was submerged from the fact that no one on the *Sussex* saw a submarine though the weather was fine.

(e) No warning was given and no attempt was made to give one since it is not mentioned.

*Comment.*—The evidence collected shows affirmatively no warning was given.

(f) A sketch by the submarine commander of the steamer which he torpedoed does not agree with a photograph of the *Sussex* in the *London Graphic*.

*Comment.*—This sketch was apparently made from memory of an observation of the vessel through a periscope. As the only differences noted by the commander, who relied on his memory, were the position of the smokestack and the shape of the stern, it is to be presumed the vessels were similar in other respects.

(g) No other German submarines on that day attacked steamers in that locality.

*Comment.*—As no vessel is reported to have been torpedoed without warning by a submerged submarine other than the *Sussex*, it is beyond question that that vessel was torpedoed by the submarine whose commander's report is relied upon in the note of April 10.

LANSING

File No. 763.72/2599

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 19, 1916, 1 p. m.

[Received April 20, 3 p. m.]

3769. Informed by newspaper correspondent that Zimmermann told him yesterday that Germany would make no further concessions in submarine war. Zimmermann, according to McClure, read and approved the manifesto given to McClure and cabled you—my 3754,<sup>1</sup> April 16, 4 p. m.

GERARD

File No. 763.72/2610

*The Consul at Cork (Frost) to the Secretary of State*

No. 175

CORK (QUEENSTOWN), IRELAND, April 6, 1916.

[Received April 21.]

SIR: In connection with the numerous submarine incidents which have recently been reported from this consular district I have the honor to transmit hereby a transcript of a news paragraph published in the Cork *Examiner* on March 30, 1916. The German treatment accorded to the non-English victims of the warfare would appear from this account to be painstakingly humane: but on the other hand the absence of English seamen among the persons preserved leaves room for a sinister inference.

It may be well to state that I am inclined to give credence to the account, although I have felt that it would be injudicious for me to investigate it. The *Examiner* is the largest and oldest journal in this district, and has reliable correspondents. No hoax or fabrication could be attempted through its columns; and its references to submarine incidents have been exceedingly guarded and careful at all times, partly owing to censorship.

From the submarine incidents in this consular district it is impossible, in my judgment, to generalize back to the orders under which German submarine officers conduct their operations. After conversing with the officers and seamen from some 14 or 15 merchant vessels which have been attacked by submarines off the Irish coast, and after taking affidavits in many of these cases, I have reached the conclusion that the personal ideas of the different officers of the

<sup>1</sup> *Ante*, p. 231.

various submarines have as a matter of practice directed the actions of these submarines. I was for some months prone to formulate a general rule that all submarine commanders showed consideration and humanity unless circumstances, sometimes misconstrued, seemed to force them to sharp decisions. Certainly there have been many instances where every possible latitude has been allowed to merchant ships. The master of the *Bengairn* said to me very candidly that he had been very slow and awkward in comprehending the signals flown at him by the submarine which attacked his vessel, and that the commander of the submarine might well have lost patience and fired into the *Bengairn* instead of allowing ample time for the crew to quit the vessel. On the other hand, the instances in which any consideration is shown appear to be diminishing. The attack on the *Berwindvale* seems to have been unwarrantably merciless. To-day a new case has arisen, in which no American citizens are involved, that of the *Zent*, an Elder and Fife fruit steamship outward bound, which was sunk without the faintest warning at 10 p. m. last night 30 miles south of the Fastnet Rock. This ship went down within two minutes, it is said, and there are only 8 survivors out of a crew of about 50 men.

It is difficult, if not impossible, to deduce from actual submarine attacks the principles which the commanders are under instructions to heed, to my mind: but there is an unmistakable tendency toward ruthlessness in the recent group of submarine attacks in the waters bounding this consular district.

The liberty of expressing these conclusions is taken lest the rigidly colorless reports of facts which have been transmitted may have failed in some respects in enabling the Department to make deductions in a manner perfectly satisfactory to the Department.

I have [etc.]

WESLEY FROST

[Enclosure]

TRANSCRIPT FROM THE CORK "EXAMINER," MARCH 30, 1916

BALTIMORE,<sup>1</sup> *Wednesday*. The skipper of the Union Hall motor fishing boat, *The Pet*, arrived here this morning, having on board the crew of a trading ship which was torpedoed off the Irish coast on Saturday evening last. The crew consisted of two British Indians, and nine Russians, who seemed nothing the worse after their thrilling experience on board the submarine from Saturday till late yesterday evening. Mr. Hayes, skipper of *The Pet*, a native of Glandore, gives the following short account:

When shooting his nets at 6.15 yesterday evening he sighted a German submarine approaching them, colored white, and having two guns on deck. One of the crew of the submarine hailed the skipper to come alongside, and the latter with his crew naturally got afraid, and asked if they were going to sink them, but the German, who spoke good English, said no, but they had a crew of 11 that they wanted to be taken ashore. The foreigners were promptly taken in charge by the fishing boat, and the submarine soon disappeared in the dusk of the evening.

The shipwrecked crew also give an account of their experience while on the submarine. They say they were well treated, the food consisting of black coffee and biscuits. They were allowed on the deck of the submarine for two hours

<sup>1</sup> A large fishing village on the western coast-line of County Cork, Ireland.



daily to indulge in a smoke, and had a trip through the Irish Sea, and around the English coast. The weather was bad at the time they first met the submarine, and when lowering their boats their lifeboat got smashed close to the submarine. The crew are proceeding from here to the Sailors' Home, Cork.

File No. 763.72/2603

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 20, 1916, 9 p. m.

[Received April 21, 12.45 p. m.]

3780. Delivered note to Von Jagow 7.40 o'clock to-night. He read it and said he thought it meant a break but had to consult with Chancellor who is at Great Headquarters. He said that Germany could not give up sinking merchant ships without notice in war zone.

GERARD

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 22, 1916, 4 p. m.

2927. Your 3780, April 20. Cable at once the exact words, as nearly as you can remember, used by Von Jagow when he stated that Germany would not give up sinking merchant ships without notice in war zone.

LANSING

File No. 763.72/2569

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, April 22, 1916.

SIR: Confirming my conversation with your excellency of some weeks ago, in regard to the instructions which the Imperial German Government states have been issued by your excellency's Government for the guidance of British sea captains, I have the honor to enclose alleged copies of such instructions which have been formally transmitted to this Government by the Imperial German Government.<sup>1</sup>

I have the honor to request to be informed, if there is no objection, as to whether these instructions have been issued by His Majesty's Government and whether they are now in force, and if they are not in force what instructions have subsequently been issued by the British Government to British merchantmen, and, further, whether British sea captains are bound to obey any such instructions issued to them under a penalty for neglect to do so.

I would appreciate it if your excellency could find it possible to furnish me with this information as promptly as possible.

I have [etc.]

ROBERT LANSING

<sup>1</sup> Printed as enclosure to note No. 2451 of February 14, 1916, from the Ambassador in Germany, ante, p. 187.

File No. 763.72/2614

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 22, 1916, 8 p. m.

[Received April 23, 3.20 p. m.]

3790. On account of Easter holidays rendering consultation of Government with prominent public and business men difficult, think reply of Germany will not come for some time. Think German Government quite surprised by strength of proofs of torpedoing of *Sussex*.

GERARD

File No. 763.72/2613

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 22, 1916, 4 p. m.

[Received April 23, 3.50 p. m.]

3785. Press generally reserves comment until note is published, which will probably be this evening. *Lokal-Anzeiger* states Germany desires peace with America, but this is only possible on the basis of equality and an even measure of respect for the vital interests of the two countries. An understanding ought to be possible but Germany is bound by the limits imposed by the independence of a free people, their vital interests and national dignity, no invasion of which could ever be admitted for a moment. The note is exceedingly voluminous and the material submitted will be studied with German thoroughness. Probably many inquiries and investigations will be necessary before the German Government is able to give its final answer; all the more so since questions of principle of considerable importance require settlement.

This paragraph may be taken as inspired.

GERARD

File No. 763.72/2617

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 23, 1916, 6 p. m.

[Received April 24, 1 p. m.]

3793. Informed that deputation representing all branches of Socialists and most workmen's unions will call on Chancellor to-morrow and state that the people do not want war with America.

GERARD

File No. 763.72112/2471

*The Consul General at London (Skinner) to the Secretary of State*

No. 1594

LONDON, April 13, 1916.

[Received April 25.]

SIR: I have the honor to submit to the Department the following official figures which illustrate graphically the seriousness of the tonnage situation:

## ENTERED BRITISH PORTS WITH CARGOES

Year:	British tons	Foreign tons
1913	32, 292, 343	16, 771, 890
1914	28, 928, 893	14, 131, 890
1915	22, 861, 738	10, 863, 979
First three months:		
1914	7, 315, 026	3, 600, 332
1915	5, 775, 434	2, 234, 320
1916	4, 736, 635	2, 330, 718

## CLEARED FROM BRITISH PORTS WITH CARGOES

Year:	British tons	Foreign tons
1913	40, 101, 232	27, 718, 469
1914	32, 515, 814	23, 452, 755
1915	20, 380, 530	19, 148, 832
First three months:		
1914	9, 495, 622	6, 754, 435
1915	5, 291, 303	4, 860, 769
1916	4, 083, 032	4, 545, 723

Mr. R. P. Houston, a member of Parliament and one of the largest ship owners in Great Britain has stated publicly:

I estimate that since the beginning of the war more than 950 ocean-going British merchant vessels, representing about 3,000,000 dead weight carrying capacity—this capacity includes everything on board—have from all causes been lost. Between one third and one half of the nation's food supply is already coming in neutral ships.

It is stated that 42 British, 10 Allied, and 30 neutral vessels have been lost since March 1, 1916.

I have [etc.]

ROBERT P. SKINNER

File No. 704.4162/14a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 25, 1916, 4 p. m.

3237. You may orally and confidentially inquire of Foreign Office the wishes of the British Government in regard to British representation in Berlin in the event of a severance of relations between the United States and Germany.

LANSING

File No. 763.72/2629

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 24, 1916, noon.

[Received April 25, 8 p. m.]

3800. There is a quiet conflict on between Military and Navy on one side and many sincere Germans on the other side who advocate a decent conduct of submarine war. Last number of Maximilian Harden's magazine entitled *If I Were Wilson* has just been con-

fuscated by military authorities. It had been on sale some days and in it Harden claimed that the President was right and had only made proper claims against Germany.

GERARD

File No. 763.72/13485

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 24, 1916, 2 p. m.

[Received April 25, 9 p. m.]

3795. Chancellor sent for me this morning, 11, and I had a talk with him lasting 1 hour and 10 minutes, during which we discussed whole situation—effect of war, etc. Besides the submarine situation (apparent omission) to disconcert [*sic*] and other cases. I brought up the German conspiracies in America, the activities of Rintelen in Mexico, etc. Chancellor in addition to submarine subject stated fact that we had done nothing against England, etc., referred to the private property situation, etc. My strong impression is (that?) the Chancellor is inclined to concede the demands made in your last note. Chancellor asked me to cable confidentially that he has to return to General Headquarters and consult with the Emperor and others, and that this and the Easter holidays and absence of many statesmen will delay the (preparation?) of the German answer. He will send for me again before the note is finally delivered. The dangerous factor in the situation is Von Falkenhayn, Chief of the General Staff, who has (great?) influence with the Emperor and who I believe favors war with America.

GERARD

File No. 763.72/2630

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 24, 1916, 11 p. m.

[Received April 25, 9 p. m.]

3799. Your 2927,<sup>1</sup> April 22. As near as I can remember Von Jagow read the note and said: "You know we cannot give up sinking ships without notice in the war zone so it (looks like?) a break, but of course I have to consult with Chancellor who is at General Headquarters." He then spoke of the English blockade and showed me on that day or on April 22d a wireless from Bernstorff saying that English refused to let rubber mouthpieces for babies' nursing bottles pass blockade. He claimed that German children were dying for want of milk. I said my reports were to contrary and cited Health Commission's report which states that infant mortality had decreased. He said he could not understand why commission gave out such a report, as he knew in certain towns there was a dearth of milk. He asked if we would not do something against

<sup>1</sup> *Ante*, p. 239.

British blockade and said we did everything against Germany and nothing against England. I said I was sure we could never agree, in return for any promise from Germany, to do anything to England. I also said it was a question of human life with Germany and of money and blockade with England. I saw Von Jagow since on April 22d and had a long conversation with him, mostly immaterial, but I gathered that he thought there was a possibility of arranging matters, and he asked me to cable about the effect of Easter holidays in answer to note.

GERARD

File No. 763.72/2632

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 25, 1916, 11 a. m.

[Received April 27, 8.10 a. m.]

3805. Your 2927.<sup>1</sup> It occurs to me you might think Von Jagow meant all ships. Although he used word "ships" only, he plainly meant and I understood him to refer only to freight ships. Of course he was speaking informally and indefinitely. In my conversations with Von Jagow we speak English, a language he apparently speaks well, but says himself that his vocabulary is limited. My last conversation with Chancellor was in German, conversation before that in English, and sometimes Chancellor speaks French, and sometimes he speaks German and I English. Of course I have to speak in language he desires. I recall that Von Jagow also said that sinking merchant ships without notice in war zone was their answer to England's illegal blockade of Germany.

GERARD

File No. 763.72/2633

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 25, 1916.

[Received April 27, 8.10 a. m.]

3811. Chancellor sent for me to-day and was with him from 5.30 to 6.05 this afternoon. He said that he personally was for peace with the United States; that he regarded war between the two countries as the greatest of calamities; that the decision lay with the Emperor who had not yet come to a decision, but he hoped it would be for peace; that he regretted that the American note had come in the form that it had and had been widely published, instead of the demands in it being made quietly and verbally with a chance for discussion; that this open demand of the United States made it more difficult to deal with public opinion which would require something of a strong nature in return, especially as there were many people in Germany who were bitter on this question. When I told him that I had nothing more from Washington than the note itself and the

<sup>1</sup> Ante, p. 239.

part of the President's speech cabled me, he said that it was indeed difficult to settle the matter; that either more details and information should be given to me to enable me to confer with them here or else he should be given the fullest opportunity to consult with Bernstorff by secret cable messages. He said that a mere exchange of formal notes, especially when the note from America was not detailed as to exactly what methods, etc., are to be given up, etc., the question of armed ships, etc.; would lead probably to a break as no adversaries in a controversy could settle questions by mere formal exchange of letters, but an opportunity to talk over matters and exchange views was always required. He said that history would judge if two great and friendly nations were driven into war because either I had not been more fully instructed, or he given the fullest opportunity to communicate with his Ambassador in Washington. He said that he hoped that I would receive fuller instructions. He said that the Marine Department on the Flemish coast had been kept busy by an English naval attack and had not yet answered the American proofs in the *Sussex* case sent to them. He said that in the *Tubantia* case the Holland corvette captain here was convinced that the Germans had not sunk this ship and that within a few days there would be a great surprise about the piece of metal found on the *Tubantia* or in one of its boats.

The Chancellor leaves to-night for Great Headquarters to confer with the Emperor. From another source I have heard that I am to be asked to go to Great Headquarters, and respectfully suggest that any suggestions or instructions as to details of what will be acceptable to the United States should be immediately sent to me. The Chancellor said that he had twice clearly expressed in the Reichstag a desire for peace; that he could not of course state the terms before anyone was ready to confer, but that the terms would be liberal; that he hoped that peace would be made soon, as it would be a great disappointment at this time if instead of peace America and Germany should go to war. Personally I believe Germany will have to admit torpedoing of *Tubantia*. Have heard fair authority Turkey and Bulgaria pressing Germany not to break with us.

GERARD

File No. 763.72/2634½

*Memorandum on the status of armed merchant vessels, made public  
April 27, 1916*<sup>1</sup>

WASHINGTON, March 25, 1916.

## I

The status of an armed merchant vessel of a belligerent is to be considered from two points of view: First, from that of a neutral when the vessel enters its ports; and, second, from that of an enemy when the vessel is on the high seas.

### FIRST: AN ARMED MERCHANT VESSEL IN NEUTRAL PORTS

(1) It is necessary for a neutral government to determine the status of an armed merchant vessel of belligerent nationality which enters

<sup>1</sup> Summarized in circular telegram of this date to Ambassadors and Ministers in European countries and Japan. File No. 763.72/2635a.

its jurisdiction, in order that the government may protect itself from responsibility for the destruction of life and property by permitting its ports to be used as bases of hostile operations by belligerent warships.

(2) If the vessel carries a commission or orders issued by a belligerent government and directing it under penalty to conduct aggressive operations, or if it is conclusively shown to have conducted such operations, it should be regarded and treated as a warship.

(3) If sufficient evidence is wanting, a neutral government, in order to safeguard itself from liability for failure to preserve its neutrality, may reasonably presume from the facts the status of an armed merchant vessel which frequents its waters. There is no settled rule of international law as to the sufficiency of evidence to establish such a presumption. As a result a neutral government must decide for itself the sufficiency of the evidence which it requires to determine the character of the vessel. For the guidance of its port officers and other officials a neutral government may therefore declare a standard of evidence, but such standard may be changed on account of the general conditions of naval warfare or modified on account of the circumstances of a particular case. These changes and modifications may be made at any time during the progress of the war, since the determination of the status of an armed merchant vessel in neutral waters may affect the liability of a neutral government.

#### SECOND: AN ARMED MERCHANT VESSEL ON THE HIGH SEAS

(1) It is necessary for a belligerent warship to determine the status of an armed merchant vessel of an enemy encountered on the high seas, since the rights of life and property of belligerents and neutrals on board the vessel may be impaired if its status is that of an enemy warship.

(2) The determination of warlike character must rest in no case upon presumption but upon conclusive evidence, because the responsibility for the destruction of life and property depends on the actual facts of the case and can not be avoided or lessened by a standard of evidence which a belligerent may announce as creating a presumption of hostile character. On the other hand, to safeguard himself from possible liability for unwarranted destruction of life and property the belligerent should, in the absence of conclusive evidence, act on the presumption that an armed merchantman is of peaceful character.

(3) A presumption based solely on the presence of an armament on a merchant vessel of an enemy is not a sufficient reason for a belligerent to declare it to be a warship and proceed to attack it without regard to the rights of the persons on board. Conclusive evidence of a purpose to use the armament for aggression is essential. Consequently an armament which a neutral government, seeking to perform its neutral duties, may presume to be intended for aggression, might in fact on the high seas be used solely for protection. A neutral government has no opportunity to determine the purpose of an armament on a merchant vessel unless there is evidence in the ship's papers or other proof as to its previous use, so that the government is justified in substituting an arbitrary rule of presumption in ar-

riving at the status of the merchant vessel. On the other hand, a belligerent warship can on the high seas test by actual experience the purpose of an armament on an enemy merchant vessel, and so determine by direct evidence the status of the vessel.

### SUMMARY

The status of an armed merchant vessel as a warship in neutral waters may be determined, in the absence of documentary proof or conclusive evidence of previous aggressive conduct, by presumption derived from all the circumstances of the case.

The status of such vessel as a warship on the high seas must be determined only upon conclusive evidence of aggressive purpose, in the absence of which it is to be presumed that the vessel has a private and peaceable character and it should be so treated by an enemy warship.

In brief, a neutral government may proceed upon the presumption that an armed merchant vessel of belligerent nationality is armed for aggression, while a belligerent should proceed on the presumption that the vessel is armed for protection. Both of these presumptions may be overcome by evidence—the first by secondary or collateral evidence, since the fact to be established is negative in character; the second by primary and direct evidence, since the fact to be established is positive in character.

## II

The character of the evidence upon which the status of an armed merchant vessel of belligerent nationality is to be determined when visiting neutral waters and when traversing the high seas having been stated, it is important to consider the rights and duties of neutrals and belligerents as affected by the status of armed merchant vessels in neutral ports and on the high seas.

### FIRST: THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS IN NEUTRAL PORTS

(1) It appears to be the established rule of international law that warships of a belligerent may enter neutral ports and accept limited hospitality there upon condition that they leave, as a rule, within 24 hours after their arrival.

(2) Belligerent warships are also entitled to take on fuel once in three months in ports of a neutral country.

(3) As a mode of enforcing these rules a neutral has the right to cause belligerent warships failing to comply with them, together with their officers and crews, to be interned during the remainder of the war.

(4) Merchantmen of belligerent nationality, armed only for purposes of protection against the enemy, are entitled to enter and leave neutral ports without hindrance in the course of legitimate trade.

(5) Armed merchantmen of belligerent nationality under a commission or orders of their government to use, under penalty, their armament for aggressive purposes, or merchantmen which, without



such commission or orders, have used their armaments for aggressive purposes, are not entitled to the same hospitality in neutral ports as peaceable armed merchantmen.

**SECOND: THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS ON THE HIGH SEAS**

(1) Innocent neutral property on the high seas can not legally be confiscated, but is subject to inspection by a belligerent. Resistance to inspection removes this immunity and subjects the property to condemnation by a prize court, which is charged with the preservation of the legal rights of the owners of neutral property.

(2) Neutral property engaged in contraband trade, breach of blockade, or unneutral service obtains the character of enemy property and is subject to seizure by a belligerent and condemnation by a prize court.

(3) When hostile and innocent property is mixed, as in the case of a neutral ship carrying a cargo which is entirely or partly contraband, this fact can only be determined by inspection. Such innocent property may be of uncertain character, as it has been frequently held that it is more or less contaminated by association with hostile property. For example, under the Declaration of London (which, so far as the provisions covering this subject are concerned, has been adopted by all the belligerents) the presence of a cargo, which in bulk or value consists of 50 per cent contraband articles, impresses the ship with enemy character and subjects it to seizure and condemnation by a prize court.

(4) Enemy property, including ships and cargoes, is always subject to seizure and condemnation. Any enemy property taken by a belligerent on the high seas is a total loss to the owners. There is no redress in a prize court. The only means of avoiding loss is by flight or successful resistance. Enemy merchant ships have, therefore, the right to arm for the purpose of self-protection.

(5) A belligerent warship is any vessel which, under commission or orders of its government imposing penalties or entitling it to prize money, is armed for the purpose of seeking and capturing or destroying enemy property or hostile neutral property on the seas. The size of the vessel, strength of armament, and its defensive or offensive force are immaterial.

(6) A belligerent warship has, incidental to the right of seizure, the right to visit and search all vessels on the high seas for the purpose of determining the hostile or innocent character of the vessels and their cargoes. If the hostile character of the property is known, however, the belligerent warship may seize the property without exercising the right of visit and search which is solely for the purpose of obtaining knowledge as to the character of the property. The attacking vessel must display its colors before exercising belligerent rights.

(7) When a belligerent warship meets a merchantman on the high seas which is known to be enemy owned and attempts to capture the vessel, the latter may exercise its right of self-protection either by flight or by resistance. The right to capture and the right to prevent capture are recognized as equally justifiable.

(8) The exercise of the right of capture is limited, nevertheless, by certain accepted rules of conduct based on the principles of humanity and regard for innocent property, even if there is definite knowledge that some of the property, cargo as well as the vessel, is of enemy character. As a consequence of these limitations, it has become the established practice for warships to give merchant vessels an opportunity to surrender or submit to visit and search before attempting to seize them by force. The observance of this rule of naval warfare tends to prevent the loss of life of non-combatants and the destruction of innocent neutral property which would result from sudden attack.

(9) If, however, before a summons to surrender is given, a merchantman of belligerent nationality, aware of the approach of an enemy warship, uses its armament to keep the enemy at a distance, or after it has been summoned to surrender it resists or flees, the warship may properly exercise force to compel surrender.

(10) If the merchantman finally surrenders, the belligerent warship may release it, or take it into custody. In the case of an enemy merchantman it may be sunk, but only if it is impossible to take it into port, and provided always that the persons on board are put in a place of safety. In the case of a neutral merchantman, the right to sink it in any circumstance is doubtful.

(11) A merchantman entitled to exercise the right of self-protection may do so when certain of attack by an enemy warship, otherwise the exercise of the right would be so restricted as to render it ineffectual. There is a distinct difference, however, between the exercise of the right of self-protection and the act of cruising the seas in an armed vessel for the purpose of attacking enemy naval vessels.

(12) In the event that merchant ships of belligerent nationality are armed and under commission or orders to attack in all circumstances certain classes of enemy naval vessels for the purpose of destroying them, and are entitled to receive prize money for such service from their government or are liable to a penalty for failure to obey the orders given, such merchant ships lose their status as peaceable merchant ships and are to a limited extent incorporated in the naval forces of their government, even though it is not their sole occupation to conduct hostile operations.

(13) A vessel engaged intermittently in commerce and under a commission or orders of its government imposing a penalty, in pursuing and attacking enemy naval craft, possesses a status tainted with a hostile purpose which it can not throw aside or assume at will. It should, therefore, be considered as an armed public vessel and receive the treatment of a warship by an enemy and by neutrals. Any person taking passage on such a vessel can not expect immunity other than that accorded persons who are on board a warship. A private vessel, engaged in seeking enemy naval craft, without such a commission or orders from its government, stands in a relation to the enemy similar to that of a civilian who fires upon the organized military forces of a belligerent, and is entitled to no more considerate treatment.

File No. 763.72/2636

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 111

WASHINGTON, April 25, 1916.

[Received April 27.]

SIR: With reference to your note of the 22d instant I have the honour to inform you that according to a telegram which I have received from Sir Edward Grey the instructions of October 20 for the guidance of British sea captains, which have been communicated to your Government contain the orders at present in force.

You will no doubt observe that the instructions contained in your note under reply were issued before the above-named date.

I have [etc.]

CECIL SPRING RICE

File No. 763.72/2635

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 27, 1916, 2 p. m.

[Received April 28, 8.30 a. m.]

3816. Von Jagow called early this morning and asked me to go to Great Headquarters to-night. I am in dark as to object of this and did not ask any audience. Suppose it is either for the purpose of helping persuade Emperor to Chancellor's views or to gain time for answering your note.

GERARD

File No. 124.62/6

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 28, 1916, 4 p. m.

2944. Your 3791 and 3815.<sup>1</sup> After very careful consideration Department feels that it is desirable to avoid the difficulties incident to the selection of a diplomatic representative from among the American republics, and has decided, in the event of the severance of relations, to ask the Spanish Government to care for American diplomatic and consular interests. In places where Spanish consular officials are in fact German subjects, it would be necessary to have a Spanish official appointed to care for American interests.

In case of break, Winslow should proceed London to await orders.

Your interpretation of retaining present offices is correct, and Department will take over lease in event of your leaving Berlin.

Inquiry has been made of the British, Japanese, and Serbian Governments as to which diplomatic representatives in Berlin their interests should be entrusted in case of break. Books, vouchers, and accounts relating to expenditures out of funds belonging to British,

<sup>1</sup> Neither printed.

Japanese, and Serbian Governments should be balanced and forwarded to the Department and a new set opened and turned over with lists of payments to be made and detailed description of work heretofore done to respective designated diplomatic representatives, together with the respective balances of funds in your hands.

Compensation to remaining Embassy force should be paid to May 30. Dyar should be detailed to The Hague. Who is Cordoba de \_\_\_\_\_?

LANSING

File No. 763.72/2638

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, April 27, 1916, 6 p. m.

[Received April 28, 6 p. m.]

1242. Transacting business yesterday at Ministry of Foreign Affairs, Minister deliberately said: "I do not want you to go from Austria." Many unofficial Austrians have expressed to me opinion that break with America would be madness.

PENFIELD

File No. 763.72/2646½

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, April 28, 1916.

MY DEAR MR. SECRETARY: In accordance with a request received from Mr. Woolsey, I have pleasure in sending to you herewith a copy of the Admiralty instructions for armed merchant ships of October 20, 1915, which were communicated officially to Mr. Page by Sir Edward Grey and published in the press here on March 3 last. These are the instructions at present in force.

I have telegraphed to enquire whether masters of ships who disobey these instructions are liable to any penalty and shall not fail to inform you as soon as I receive a reply.

Believe me [etc.]

CECIL SPRING RICE

[Enclosure]

Confidential

No. 741

INSTRUCTIONS FOR DEFENSIVELY ARMED MERCHANT SHIPS

A. *The status of armed merchant ships*

(1) The right of the crew of a merchant vessel forcibly to resist visit and search, and to fight in self-defence, is well recognized in international law, and is expressly admitted by the German prize regulations in an addendum issued in June 1914 at a time when it was known that numerous merchant vessels were being armed in self-defence.

(2) The armament is supplied solely for the purpose of resisting attack by an armed vessel of the enemy. It must not be used for any other purpose whatsoever.

(3) An armed merchant vessel, therefore, must not in any circumstances interfere with or obstruct the free passage of other merchant vessels or fishing craft, whether these are friendly, neutral, or hostile.

(4) The status of a British armed merchant vessel cannot be changed upon the high seas.

*B. Rules to be observed in the exercise of the right of self-defence*

(1) The master or officer in command is responsible for opening and ceasing fire.

(2) Participation in armed resistance must be confined to persons acting under the orders of the master or officer in command.

(3) Before opening fire the British colours must be hoisted.

(4) Fire must not be opened or continued from a vessel which has stopped, hauled down her flag, or otherwise indicated her intention to surrender.

(5) The expression "armament" in these instructions includes not only cannon but also rifles and machine guns in cases where these are supplied.

(6) The ammunition used in rifles and machine guns must conform to Article 23, Hague Convention IV, 1907; that is to say, the bullets must be cased in nickel or other hard substance, and must not be split or cut in such a way as to cause them to expand or set up on striking a man. The use of explosive bullets is forbidden.

*C. Circumstances under which the armament should be employed*

(1) The armament is supplied for the purpose of defence only, and the object of the master should be to avoid action whenever possible.

(2) Experience has shown that hostile submarines and aircraft have frequently attacked merchant vessels without warning. It is important, therefore, that craft of this description should not be allowed to approach to a short range at which a torpedo or bomb launched without notice would almost certainly take effect.

British and Allied submarines and aircraft have orders not to approach merchant vessels. Consequently it may be presumed that any submarine or aircraft which deliberately approaches or pursues a merchant vessel does so with hostile intention. In such cases fire may be opened in self-defence in order to prevent the hostile craft closing to a range at which resistance to a sudden attack with bomb or torpedo would be impossible.

(3) An armed merchant vessel proceeding to render assistance to the crew of a vessel in distress must not seek action with any hostile craft, though, if she is herself attacked while so doing, fire may be opened in self-defence.

(4) It should be remembered that the flag is no guide to nationality. German submarines and armed merchant vessels have frequently employed British, Allied or neutral colours, in order to approach undetected. Though, however, the use of disguise and false colours in order to escape capture is a legitimate *ruse de guerre*, its adoption by defensively armed merchant ships may easily lead to misconception. Such vessels, therefore, are forbidden to adopt any form of disguise which might cause them to be mistaken for neutral ships.

ADMIRALTY WAR STAFF

*Trade Division*

20th October 1915.

File No. 763.72/2638a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 28, 1916, 6 p. m.

3253. I learned from the British Ambassador that the British Government transmitted to you copies of its instructions to British armed merchantmen dated October 20, 1915, but Department has no record of having received them from you. Please forward copies in next pouch.

LANSING

File No. 763.72/2630

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, April 23, 1916, 7 p. m.

2951. Your 3799,<sup>1</sup> April 24, 11 p. m. You will realize, and I hope you will be able to make the Foreign Office realize, that this Government looks for as prompt a declaration as possible from the Imperial Government in the sense of our last communication. If Secretary von Jagow asks you as to the methods of warfare which this Government considers to be legal, you may hand to him a memorandum reading as follows:

## MEMORANDUM ON CONDUCT OF NAVAL VESSELS TOWARD MERCHANT SHIPS

1. A belligerent warship can directly attack if a merchant vessel resists or continues to flee after a summons to surrender.

2. An attacking vessel must display its colors before exercising belligerent rights.

3. If a merchant vessel surrenders, the attack must immediately cease and the rule as to visit and search must be applied—

(a) by a visit to the vessel by an officer and men of the attacking ship; or

(b) by a visit to the attacking ship by an officer of the vessel attacked, with the ship's papers.

4. An attacking vessel must disclose its identity and name of commander when exercising visit and search.

5. If visit and search disclose that the vessel is of belligerent nationality, the vessel may be sunk only if it is impossible to take it into port, *provided* that the persons on board are put in a place of safety and loss of neutral property is indemnified.

NOTE: (a) A place of safety is not an open boat out of sight of land.

(b) A place of safety is not an open boat, if the wind is strong, the sea rough, or the weather thick, or if it is very cold.

(c) A place of safety is not an open boat which is over-crowded or is small or unseaworthy or insufficiently manned.

6. If, however, visit and search disclose that the vessel is of neutral nationality, it must not be sunk in any circumstances, except of gravest importance to the captor's state, and then only in accordance with the above provisos and notes.

You may further state that this Government is unwilling and cannot consent to have the illegal conduct of Germany's enemies toward neutrals on the high seas made a subject of discussion in connection with the abandonment of illegal methods of submarine warfare.

Delay of the declaration of such abandonment is causing this Government grave concern lest the Imperial Government attempt to introduce subjects of discussion before the declaration, a course which would be entirely unacceptable to this Government and cause a critical situation by compelling action on the part of this Government. You will, therefore, present these views to the Minister of Foreign Affairs and urge that a very early answer be given this Government in order that it may not be forced to take the action which would now be unavoidable should the Imperial Government fail to declare and effect at once the abandonment of illegal submarine warfare.

LANSING

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<sup>1</sup>Ante, p. 242.

File No. 841.857Ar1/128

*The Secretary of State to the German Ambassador (Bernstorff)*

No. 1918

WASHINGTON, May 4, 1916.

SIR: I have the honor to acknowledge the receipt of your note Nr. A 2346,<sup>1</sup> of April 2, 1916, in which you request a statement as to what action this Government has taken or intends to take with regard to the alleged misuse of the American flag by the *Baralong* while firing on a German submarine.

In reply I have the honor to inform your excellency that in view of the fact that the statements made in the depositions received by the Department in this case differ so materially in certain respects, the Department has not felt warranted, on such contradictory evidence, in taking up the matter with the British Government.

Accept [etc.]

ROBERT LANSING

File No. 763.72/2649

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 3, 1916, 11 p. m.

[Received May 4, 7.15 p. m.]

8389. I returned last night from General Headquarters, having been there from 7 p. m., Friday, to 11.30 p. m., Monday. Grew went with me. We were accompanied by a gentleman from the Foreign Office. In Charleville we were given small villa and dined each day with the Chancellor and lunched there Sunday. I had numerous conversations with the Chancellor and others of the Foreign Office as well as Von Treutler, Prussian Minister to Munich, who represents the Foreign Office and is always with the Emperor. In all these conversations the Chancellor laid great stress on the fact that we had done nothing to England. I said that we could never agree to do anything to another country as a price of obtaining something from Germany, but I did state that I honestly believed both that the President was absolutely neutral and that he intended to enforce international law whenever its violation interfered with the rights of Americans; that, however, if some one murdered my sister I would probably pursue him first in preference to a small boy who had stepped on my flower beds. All agreed that the President's memorandum about armed merchantmen would seem to mean that he intended in cases where English gave ships orders to fire immediately to either keep such ships out of American ports or warn Americans off. We had general discussion as to what America could do if she came into the war, the *Sussex* case, etc. In talk of the British blockade I cited the German *Frye* note which stated that food bound for an enemy fortified port was presumably bound for the enemy army and therefore contraband.

Monday morning I was notified that the Chancellor would call for me to take me to the Emperor at 12.30 and that there would be lunch with the Emperor at 1. I also received a copy of the log of

<sup>1</sup>Ante, p. 222.

a submarine. When the Chancellor came he [asked]: "Have you read the log of that submarine?" I said, "Yes." He said: "You see how careful the submarine commanders are; this one did not sink a ship because he would not put the crew in boats 120 miles from land." I said: "One swallow does not make a summer, and anyway to-day's papers speak of a crew being put in boats at exactly this distance from land."

We went to the chateau where the Emperor lives; he received us in the garden; although lunch was at 1 we talked until 1.30, about three-quarters hour in all. The Emperor said smilingly: "Do you come like a Roman proconsul bringing peace in one hand and war (in the other)?" I said, "No, Your Majesty, only hoping that the differences between two friendly countries may be satisfactorily adjusted." The Emperor then began a sort of speech. He spoke first of the rather rough and uncourteous tone of our note as he considered it. He said that the German notes had spoken of the friendship of the two countries since the days of Frederick the Great. He said that we had charged the Germans with being barbarous in warfare; that at first as Emperor and Christian and head of the Church of his country he had wished to carry on war in a knightly manner; he referred to his speech to the Reichstag members, but he said that the opponents of Germany had used weapons and means which had compelled him to resort to similar means. He said that the French were not at all like the French of 1870 and did not have the same noble feelings and officers, but that the officers came from one did not know where.

He then spoke of the English blockade and the effort of the English to starve out the Germans and keep even milk and Red Cross supplies out, and other instances of breaches of international law by England. He said that this justified any means of submarine war and that before he would permit his wife and little grandchildren to die of hunger he would utterly destroy England and even the whole English royal family. He said that the submarine was a weapon used by all nations including America, that he had lately seen with great interest the plans of a battle submarine of large size in an American paper, that the submarine had come to stay and law must be changed to meet this condition, and then both he and the Chancellor said that there was no international law anyway. He said that if an American travels on a cart behind the battle lines and is hurt by a shell, what right has his nation to complain. I said that, first, I did not believe the note charged the Germans with general barbarity in war, but referred only to the use of submarines; that we could never promise to do anything to one country in return for a concession from another, that if we made it a condition that he should do something to Great Britain, that he would of course refuse; that the President only desired to enforce international law; that an American on the battle field was a far different case from an American on an enemy ship at sea; that the battle field was in some hostile territory, but that outside of the three-mile limit the sea was free and no one could declare it war territory; that as for the British blockade, we want first to settle cases where the lives of Americans were involved; that the President was not acting as a referee for the world in breaches of international law, but was



engaged in protecting Americans in their rights; that he had sent me some dum dum bullets alleged to have been used by the French, but that the President had refused to investigate, and that many friends of Germany thought the President had thereby helped Germany, as otherwise for days the White House would have been filled with waiting Belgians exhibiting mutilated women and children alleged to have been mistreated by the Germans. I said that the American ships *Carib* and *Green Brier* coming to Germany with cotton had been blown up by German mines; that I had heard of a food ship called the *Wilhelmina* destined for Germany being taken into an English port, that I believed the cargo had been bought by the English before any decision in the English prize court. The Emperor then spoke of the *Dacia*, and I said the *Dacia* was captured because she was a German ship transferred after the war and therefore subject to capture, and the Chancellor said, "That is right." I also referred to the German *Frye* note as above.

I said that President Wilson was violently attacked in Germany but that he stood for peace, and the speeches of Roosevelt and Root showed that their parties were for war, even about Belgium; that it was not, as he had said, a case of sending a note after two years of war demanding that the Germans give up a legal weapon, but that the President had stood a great deal as representing America from the *Lusitania* case on. He said that there was ample warning given in the *Lusitania* case. I said, "If the Chancellor warns me that if I go on the Wilhelm Platz he will kill me, and I go and he kills me, the fact that he gave me warning does not excuse the killing if I had right to go on [the] Wilhelm Platz." I said we specify the *Arabic* where the ship was westward bound, and therefore there was no question of munitions, as well as the *Ancona* where we knew that everything about the submarine was German except the flag; that it was not the case of coming in late in the war with a note asking Germany to give up a lawful means of war, but of American patience at last coming to an end.

We had some pleasant general conversation. The Emperor said: "Are the German troops not splendid?" and, "It takes some courage to remain six hours under vexing fire from American ammunition." At lunch I sat next to the Emperor. We talked of Henry Ford, the female suffrage, etc. After lunch he referred to the submarine log and I said the same thing as to the Chancellor. He said that the *Tubantia* was sunk by an English torpedo fired on purpose to make trouble, but that a German torpedo, which had been fired and missed some days previously and which was floating in the North Sea, happened to run against the *Tubantia* at the same time. He said that Holland and its corvette captain in Berlin were convinced of this and that Holland had sent a note to England demanding payment.

In the evening the Chancellor said he hoped the President would be great enough to take up peace, that Germany had won enough to be able to talk of peace without suspicion of weakness, and that this awful loss of life should cease. He said that he hoped Colonel House would take up the question and shall perhaps come here, under the President's direction.

GERARD

File No. 861.857Im7/2

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, May 3, 1916, 3 p. m.

[Received May 4, 11.45 p. m.]

1247. Your 1194,<sup>1</sup> April 17, 5 p. m. Ministry of Foreign Affairs state:

On morning April 11, 1916, about 27 sea miles east Columbretes Islands, a schooner bark [Russian *Imperator*] was stopped by Austrian submarine by means of warning shot fired across bow at distance of about 5,000 meters. Russian flag was displayed in answer to signal "Show your flag." No sail was removed nor was any attempt to launch boats observed in reply to signal "Quit the ship immediately." Submarine approached quite slowly to distance 400 meters, waited there some time, then fired a second shot through rigging when it was observed no preparation being made to quit ship. Between the first and second shot space of at least half an hour elapsed. After second shot crew immediately left ship in two boats rowing towards submarine. Boats contained two men slightly wounded evidently by pieces from shell or wood splinters. According to his statement, one, a Norwegian with first joint of the right thumb torn off and slight head wound, the other with slight flesh wound in upper thigh, a Russian Finn. They were treated on board submarine and returned to their boats which owing to their smallness taken in tow by submarine and towed in westerly direction towards Columbretes Islands until Dutch tank steamer *Barendrecht* en route to Barcelona sighted about 3 p. m. and requested to take men on board.

According to ship's papers only one American, named Eineraxel Swensen, on board.

Submarine boat commander knows nothing of his being wounded, but should this be fact to regret of Austro-Hungarian authorities, it can only be explained by fact that bark did not comply with challenge of submarine to stop when ordered.

PENFIELD

File No. 763.72/2630

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 5, 1916, 3 p. m.

2975. Please telegraph me what use, if any, has been made of memorandum quoted in my 2951, April 28, and whether it was made known to the German Government before the dispatch of its note on submarine warfare which you are now forwarding.

LANSING

File No. 763.72/2635a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 5, 1916, 4 p. m.

2976. Please telegraph me what use, if any, you have made of Department's circular April 27 regarding attitude of this Govern-

<sup>1</sup>Ante, p. 231.

ment on the subject of armed merchant ships,<sup>1</sup> and whether it was made known to the German Government before the dispatch of its note on submarine warfare which you are now sending.

LANSING

GERMAN REPLY OF MAY 4, 1916, PROMISING TO OBSERVE THE RULES OF VISIT AND SEARCH AND TO PROVIDE FOR THE SAFETY OF PERSONS ON BOARD DESTROYED SHIPS—NOTE OF MAY 7, 1916, ACKNOWLEDGING RESPONSIBILITY IN THE "SUSSEX" CASE—AMERICAN NOTE OF MAY 8, 1916, ACCEPTING THE GERMAN ASSURANCES AS UNCONDITIONAL

File No. 763.72/2654.

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *May 4, 1916, 6 p. m.*

[*Received May 5, 7.30-10 p. m.*]

3848. Following is the text of the note handed to me both in German and English at 5.30 this afternoon by Secretary of State for Foreign Affairs:

FOREIGN OFFICE, BERLIN, *May 4, 1916.*

The undersigned, on behalf of the Imperial Government, has the honor to present to his excellency the Ambassador of the United States, Mr. James W. Gerard, the following reply to the note of April 20 regarding the conduct of German submarine warfare:

The German Government has handed over to the proper naval authorities for further investigation the evidence concerning the *Sussex*, as communicated by the Government of the United States. Judging by results that this investigation has hitherto yielded, the German Government is alive to the possibility that the ship mentioned in the note of April 10 as torpedoed by a German submarine is actually identical with the *Sussex*. The German Government begs to reserve further communications on the matter until certain points are ascertained which are of decisive importance for establishing the facts of the case. Should it turn out that the commander was wrong in assuming the vessel to be a man-of-war, the German Government will not fail to draw the consequences resulting therefrom.

In connection with the case of the *Sussex*, the Government of the United States has made a series of statements, gist of which is the assertion that this incident is to be considered as one instance for [of] the deliberate method of indiscriminate destruction of vessels of all sorts, nationalities, and destinations by German submarine commanders. The German Government must emphatically repudiate this assertion. The German Government, however, thinks it of little avail to enter into details in the present stage of affairs, more particularly as the Government of the United States has omitted to substantiate this assertion by reference to concrete facts. The German Government will only state that it has imposed far-reaching restraints upon the use of the submarine weapon solely in consideration of the interests of neutrals, in spite of the fact that these restrictions are necessarily of advantage to Germany's enemies; no such consideration has ever been shown to the neutrals by Great Britain and her allies.

The German submarine forces have had, in fact, orders to conduct submarine warfare in accordance with the general principles of visit and search and destruction of merchant vessels as recognized by international law, the sole exception being the conduct of warfare against the enemy trade carried on enemy freight ships that are encountered in the war zone surrounding Great Britain; with regard to these no assurances have ever been given to the Govern-

<sup>1</sup> Not printed. This is a summary of the Department's memorandum published on the same date. See *ante*, p. 244.

ment of the United States; no such assurance was contained in the declaration of February 8, 1916. The German Government can not admit any doubt that these orders have been given and are executed in good faith. Errors have actually occurred; they can in no kind of warfare be avoided altogether, and allowances must be made in the conduct of naval warfare against an enemy resorting to all kinds of ruses, whether permissible or illicit. But, apart from the possibility of errors, naval warfare, just like warfare on land, implies unavoidable dangers for neutral persons and goods entering the fighting zone. Even in cases where naval action was confined to their ordinary forms of cruiser warfare, neutral persons and goods have repeatedly come to grief. The German Government has repeatedly and explicitly pointed out the dangers from mines that have led to the loss of numerous ships. The German Government has made several proposals to the Government of the United States in order to reduce to a minimum for American travelers and goods the inherent dangers of naval warfare. Unfortunately the Government of the United States has decided not to accept these proposals; had it accepted, the Government of the United States would have been instrumental in preventing the greater part of the accidents that American citizens have met with in the meantime. The German Government still stands by its offer to come to an agreement along these lines.

As the German Government has repeatedly declared, it can not dispense with the use of the submarine weapon in the conduct of warfare against enemy trade. The German Government, however, has now decided to make a further concession in adopting the methods of submarine warfare to the interests of the neutrals; in reaching this decision the German Government has been actuated by considerations which are above the level of the disputed question.

The German Government attaches no less importance to the sacred principles of humanity than the Government of the United States. Again, it fully takes into account that both Governments have for many years cooperated in developing international law in conformity with these principles, the ultimate object of which has been always to confine warfare on sea and on land to the armed forces of the belligerents and to safeguard, as far as possible, non-combatants against the horrors of war.

But, although those considerations are of great weight, they alone would not, under the present circumstances, have determined the attitude of the German Government.

For, in answer to the appeal made by the United States Government on behalf of the sacred principles of humanity and international law, the German Government must repeat once more with all emphasis that it was not the German but the British Government which, ignoring all the accepted rules of international law, has extended this terrible war to the lives and property of non-combatants, having no regard whatever for the interests and rights of the neutrals and non-combatants that through this method of warfare have been severely injured.

In self-defense against the illegal conduct of British warfare, while fighting a bitter struggle for her national existence, Germany had to resort to the hard but effective weapon of submarine warfare. As matters stand, the German Government can not but reiterate its regret that the sentiments of humanity which the Government of the United States extends with such fervor to the unhappy victims of submarine warfare are not extended with the same warmth of feeling to the many millions of women and children who, according to the avowed intentions of the British Government, shall be starved and who, by their sufferings, shall force the victorious armies of the Central powers into ignominious capitulation. The German Government, in agreement with the German people, fails to understand this discrimination, all the more as it has repeatedly and explicitly declared itself ready to use the submarine weapon in strict conformity with the rules of international law as recognized before the outbreak of the war, if Great Britain were likewise ready to adapt her conduct of warfare to these rules. The several attempts made by the Government of the United States to prevail upon the British Government to act accordingly have failed because of the flat refusal on the part of the British Government. Moreover, Great Britain has ever since again and again violated international law, surpassing all bounds in outraging neutral rights. The latest measure adopted by Great Britain, declaring German bunker coal as contraband and establishing conditions under which alone English bunker coal shall be supplied to neutrals, is nothing but an unheard of attempt, by way of exaction, to force neutral tonnage into the service of the British trade war.

The German people knows that the Government of the United States has the power to confine this war to the armed forces of the belligerent countries in the interest of humanity and the maintenance of international law. The Government of the United States would have been certain of attaining this end had it been determined to insist against Great Britain on its incontestable rights to the freedom of the seas. But, as matters stand, the German people is under the impression that the Government of the United States, while demanding that Germany, struggling for her existence, shall restrain the use of an effective weapon, and while making the compliance with these demands a condition for the maintenance of relations with Germany, confines itself to protests against the illegal methods adopted by Germany's enemies. Moreover, the German people knows to what a considerable extent its enemies are supplied with all kinds of war material from the United States.

It will therefore be understood that the appeal made by the Government of the United States to the sentiments of humanity and to the principles of international law can not, under the circumstances, meet with the same hearty response from the German people which such an appeal is otherwise always certain to find here. If the German Government, nevertheless, has resolved to go to the utmost limit of concessions, it has not alone been guided by the friendship connecting the two great nations for over a hundred years, but it also has thought of the great doom which threatens the entire civilized world should this cruel and sanguinary war be extended and prolonged.

The German Government, conscious of Germany's strength, has twice within the last few months announced before the world its readiness to make peace on a basis safeguarding Germany's vital interests, thus indicating that it is not Germany's fault if peace is still withheld from the nations of Europe.

The German Government feels all the more justified to declare that the responsibility could not be borne before the forum of mankind and history if, after 21 months' duration of the war, the submarine question under discussion between the German Government and the Government of the United States were to take a turn seriously threatening the maintenance of peace between the two nations.

As far as it lies with the German Government, it wishes to prevent things from taking such a course. The German Government, moreover, is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, as principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

But neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been violated.

Accordingly, the German Government is confident that, in consequence of the new orders issued to its naval forces, the Government of the United States will now also consider all impediments removed which may have been in the way of a mutual cooperation towards the restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915, and it does not doubt that the Government of the United States will now demand and insist that the British Government shall forthwith observe the rules of international law universally recognized before the war, as they are laid down in the notes presented by the Government of the United States to the British Government on December 28, 1914, and November 5, 1915. Should the steps taken by the Government of the United States not attain the object it desires, to have the laws of humanity followed by all belligerent nations, the German Government

would then be facing a new situation in which it must reserve itself complete liberty of decision.

The undersigned avails himself of this occasion to renew to the American Ambassador the assurances of his highest consideration.

[VON JAGOW]  
Secretary of State

Foreign Office informs me note will be given out here to the German newspapers and American correspondents late to-morrow afternoon.

GERARD

File No. 763.72/2655

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 6, 1916, 1 p. m.

[Received May 7, 9.30 a. m.]

3852. Looking over my 3839<sup>1</sup> I also recall that the Emperor spoke of England's stopping cargoes bound for Germany through neutral countries. I said I might be wrong but I thought that during our Civil War England had sent cargoes really intended for the South to Mexican ports and that we had stopped these cargoes, and that England had conceded the point, making it difficult for us to insist on a contrary ruling now. In addition to saying that *Lusitania* was warned, the Emperor said England was really responsible, as English had made the *Lusitania* go slowly in English waters so that the Germans could torpedo it and so bring on trouble.

GERARD

File No. 763.72/2657

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 6, 1916, 3 p. m.

[Received May 7, 9.15 p. m.]

3853. German note published yesterday noon. Before publication Chancellor discussed note with Budget Committee of Reichstag in long sitting. Public opinion was prepared for conciliatory note by inspired press articles. Comment on note now seems to be pretty well controlled. In general the papers say that they have confidence in the Government and will back up its policy; that Germany has done all it possibly could and that it is now up to the American Government to enforce all the principles of international law. Count Reventlow merely states that his position on the point at issue is well known to his readers; the *Kreuz Zeitung* simply refers its readers to its earlier articles on the question. Press comment follows:

*Berliner Tageblatt*: It does not seem called for to comment in detail on the note. Our position has already been clearly stated. We agree with the German Government when it says that war between the two countries would be indefensible and hope that it will be successful in averting one.

<sup>1</sup>Ante, p. 253.

*Vossische Zeitung*: The reply shows Germany's sincerest desire to avoid a break. The American people must now show their far-famed sense of justice. The German Government did not permit itself to be irritated by the sharp tone of the American note, but couched its reply in firm and dignified language although it had very plain words to say to the President.

*Lokal-Anzeiger*: If after this compliance with the demands of the American Government and the placing of submarine warfare beyond all cavil, America does not declare herself completely satisfied and use her best efforts to have our enemies conform their methods to international law, it will be plain that the break which we have tried to avoid is part of a fixed unneutral policy of that country.

*Tägliche Rundschau*: The matter is settled and it is the duty of the German people to abide by the decision of the highest authority. It is a heavy sacrifice we have made and we expect that America will now fulfill her promise to reestablish the freedom of the seas. The attitude of the American people after this reply will be the truest criticism of the note.

*Die Post*: It is praiseworthy that the German Government has refused to follow the President in his generalizing and theorizing. Berlin has spoken. We have gone as far as we possibly can. Now America must show her colors.

*Deutscher Kurier*: We must stand behind our Government, and when we realize how difficult it must have been for it to give this answer and no other, we can appreciate the manly language of the note.

*Germania*: The voice of America was raised to have more shedding of blood. Germany has replied that she would leave nothing undone to prevent any unnecessary extension of this terrible war. The German note teems with pure humanity and will serve as a test of America's sincerity. We hope that the American people will understand and appreciate its frank language and recognize how much strength and virtue the much-decried German barbarism really contains.

*Vorwärts*: The German Government has done what all the rules of political sagacity demanded. We consider that the concessions made are a wise political act which will meet with full approval at the hands of the German people and all true neutrals whose opinions we should respect. We cherish the hope that the conflict will now be settled, especially as time enough has been gained to discuss the issue calmly and objectively. We consider of particular importance the passages in the note which show the readiness of the German Government to conclude peace. Perhaps this will give the President an opportunity to state what he thinks would be possible peace terms, then we could judge his qualifications as a mediator.

Georg Bernhard, in *Vossische Zeitung*: The German Government characterizes the concession made as the extreme limit beyond which it cannot go. America will not be able to doubt the seriousness of this statement. As it must be well informed on public opinion in Germany, the main point is that the President must now demonstrate his impartiality. I cannot exactly rejoice over this note in view of the opinions which I have already expressed on the issue, but I shall welcome it if it releases us at last from the interminable period of suspense and tension. We cannot but wish our statesmen success, for their victory is ours also.

*Cologne Gazette*: This is a final attempt to preserve good relations with America. The Emperor and his advisers, after weighing all the factors, found no alternative but to impose this sacrifice on us. They could do so without surrendering dignity, in the consciousness of our strength which excludes any suspicion that they were prompted by fear and not the best understood interests of the country. They could do so because the German people have ever been anxious to pay their tribute to humanity. It will not be easy for the German people to befriend itself with the concession made, but its qualities of devotion to duty, national feeling, and discipline will make it easier for it to do so. The responsible authorities have spoken, and we cannot doubt that their motives were the highest. It is our civic duty to sacrifice our individual feelings, or even convictions, and stand firm with the Government.

*Frankfurter Zeitung*: The note is not a definite renunciation of the principles of maritime warfare evolved by the German Admiralty, for the regulation proposed will hardly be adhered to if England is not forced to give up her illegal blockade. Undoubtedly, the President has gained a great success in obtaining

material concessions from Germany. His position would become a tremendously strong one if he should now intervene with energy and insist on the observation of international law by our enemies. If the blockade is a reprisal, we shall see what the President is able to do with England with the aid of the German concessions; if he shows no inclination to remind the Allies of their duty, a new situation will be created in which Germany would have full freedom of action. Thus there has been no surrender of Germany's dignity or interests, but we have shown our readiness to contribute our part to the permanent regulation of maritime warfare.

Leipzig *Neueste Nachrichten*: The President's last word has yet to be spoken. In spite of the widespread feeling among Germans that America has been most unneutral and partial, we offer the President one more opportunity to keep the peace with this country. We have faith in our Government, which has seen fit to make such concessions to America, and we hope that this course will lead to the preservation of peace with a nation to which we have given the best of our sons as citizens.

Hamburg *Fremdenblatt*: The President has said his final word and Germany has made her utmost concession. The main point is that we must finish up our enemies and that the President must now declare irrevocably whether he wants to hamper us or not. The German people is prepared to face any eventuality with the like calmness.

GERARD

File No. 763.72/2663

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 7, 1916, 3 p. m.

[Received May 8, 4.05 p. m.]

3856. Newspapers here are forbidden to make any comments on note. Military and naval people all hope for revenge on United States later after the war when they can better arrange their hoped-for revolts in our country and incite the Mexicans and others against us.

GERARD

File No. 763.72/2666

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 7, 1916, 1 p. m.

[Received May 8, 4.05 p. m.]

3855. Your 2975.<sup>1</sup> Your 2951<sup>2</sup> was received in an understandable condition by me at Headquarters, evening of Monday, May 1, in number cipher except the part relating to rules of visit and search which was *en clair*. Grew deciphered first part at Chancellor's lodging where we were dining. I spoke to Chancellor about it and he said speak to Stumm. Stumm comes next in rank to Zimmermann in Foreign Office and was present. I showed the instructions to Stumm and asked him if he wanted them. He said no, that perhaps it was better to leave details out of the note. Of course Germans got the instructions which were telegraphed to me *en clair* as above at Headquarters through Foreign Office.

GERARD

<sup>1</sup>Ante, p. 256.<sup>2</sup>Ante, p. 252.



File No. 763.72/2654

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 8, 1916, 4.15 p. m.

2983. Your 3848,<sup>1</sup> May 4, 6 p. m. You are instructed to deliver to the Minister of Foreign Affairs a communication textually as follows:

The note of the Imperial German Government under date of May 4, 1916, has received careful consideration by the Government of the United States. It is especially noted, as indicating the purpose of the Imperial Government as to the future, that it "is prepared to do its utmost to confine the operations of the war for the rest of its duration to the fighting forces of the belligerents," and that it is determined to impose upon all its commanders at sea the limitations of the recognized rules of international law upon which the Government of the United States has insisted. Throughout the months which have elapsed since the Imperial Government announced, on February 4, 1915, its submarine policy, now happily abandoned, the Government of the United States has been constantly guided and restrained by motives of friendship in its patient efforts to bring to an amicable settlement the critical questions arising from that policy. Accepting the Imperial Government's declaration of its abandonment of the policy which has so seriously menaced the good relations between the two countries, the Government of the United States will rely upon a scrupulous execution henceforth of the now altered policy of the Imperial Government, such as will remove the principal danger to an interruption of the good relations existing between the United States and Germany.

The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other government affecting the rights of neutrals and non-combatants. Responsibility in such matters is single, not joint; absolute, not relative.

LANSING

File No. 763.72/2661

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 7, 1916, 4 p. m.

[Received May 8, 6.30 p. m.]

3857. Your 2976.<sup>2</sup> The circular in question came to me at Headquarters *en clair* on Saturday, April 29. I sent telegram which came through the Foreign Office to the Chancellor in order that he might take a copy. Later the Chancellor asked Grew to try to punctuate and correct both the original telegram and his copy. The Chancellor

<sup>1</sup>Ante, p. 257.<sup>2</sup>Ante, p. 256.

asked if Foreign Office had a copy. His adjutant and son-in-law, Count Zech, went out of room to telephone and returned saying Foreign Office had a copy.

GERARD

File No. 763.72/2669

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 8, 1916, 12 noon.

[Received 11.20 p. m.]

3861. The widespread sentiment of the German people, especially the ruling class, is that Germany is only waiting until the end of this war to be revenged on the United States for the export of arms and stand on submarine war, and that then with open communication, numbers of its people of the Prussian races can be stirred to revolt, important bridges, canals, arsenals, etc., dynamited, and the Mexicans can be armed, drilled, and led to war by German officers. I find this sentiment practically universal.

GERARD

File No. 763.72/2673

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 8, 1916, 2 p. m.

[Received May 9, 8 p. m.]

3863. Following inspired article appears in *Cologne Gazette*:

The German reply to America rejects as unfounded the charges made by America against our brave submarines and deals with the submarine issue with America on a higher plane. The note emphasizes the consciousness of our strength, thereby voicing the feeling of the German people, as also in its reference to Germany's readiness to conclude a peace guaranteeing our national requirements, on which point frank and open statements have been made by the responsible authorities during the past few months. The note leaves no space for subtle interpretation, but speaks for itself. After mature consideration of all the pertinent circumstances, the German Government has decided to make a large and important concession, not in veiled terms, but frankly and freely, as two great nations speak to each other when it is a question of overcoming a period of distrust and paving the way for more cordial relations. The expectation expressed in the note that now every obstacle in the way of the defense of the freedom of the seas may be considered removed, in the opinion of the Government of the United States also, corresponds with earlier statements by American Secretary of State. If it is made out in some of the papers that our concession is contingent on a condition, this is plainly an erroneous view; we did not merely hold out the prospect of a concession, but immediately effected one by issuing the necessary orders to the German naval forces. We could not question the good will of the American Government, but were obliged to consider the situation which would ensue in the event of their steps not leading to observance of the laws of humanity on the part of all the belligerents. For this reason it was said at the end of the note that in this event we would be confronted by a new situation and would reserve freedom of decision.

GERARD

File No. 851.857Su8/77

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 8, 1916, 6 p. m.

[Received May 9, 10 p. m.]

3865. Following is translation of the text of note upon which my telegram No. 3858<sup>1</sup> was based:

Supplementing his note of the 4th instant, concerning the conduct of the German submarine warfare, the undersigned has the honor to inform his excellency, the American Ambassador, Mr. James W. Gerard, that the further investigation made by the German naval authorities concerned, in regard to the French S. S. *Sussex*, on the basis of the American material, has been concluded in the meantime. In conformity with the result of this investigation the assumption expressed in the note of the undersigned of the 10th ultimo that the damage of the *Sussex* was to be traced back to a cause other than the attack of a German submarine, can not be maintained.

Such an assumption had to be arrived at with certainty [perforce] from the material in the possession of the German Government, for itself, and without foreknowledge of the circumstances connected with the torpedoing of the *Sussex*, the more so as apart from the points enumerated in the note of the 10th ultimo, the following facts had come to the attention of Admiralty Staff of the Navy through reliable information: March 24, 1916, approximately at the same time as the *Sussex*, an auxiliary warship left the port of Folkestone with a large transport of British infantry on board; on the same day a transport steamer was torpedoed in the Channel; a few minutes preceding the explosion on the *Sussex*, she had passed through a mass of ship wreckage, which created the impression that a ship had sunk at that spot shortly before. All these facts justified the conclusion that the only case of torpedoing which could be considered under the circumstances, had struck the British war vessel, whereas the *Sussex* had met with an accident in some other way.

However, on the basis of the American material, the German Government cannot withhold its conviction that the ship torpedoed by the German submarine is in fact identical with the *Sussex*, for in accordance with this material the place, the time, and the effect of the explosion by which the *Sussex* was damaged, agree in the essential details with the statements of the German commander, so that there can no longer be any question of the possibility of two independent occurrences. An additional reason is constituted by the fact that officers of the American Navy found fragments of an explosive in the hold of the *Sussex* which are described by them upon firm grounds as parts of a German torpedo.

Finally, the counter-evidence which was deduced in the note of the 10th ultimo from the difference in appearance of the vessel described by the submarine commander and the only reproduction of the *Sussex* then available, has proven to be untenable, inasmuch as according to a photograph of the damaged *Sussex* now to hand, the characteristic distinctions no longer existed at the time of the accident; while the *Sussex* in the photograph of my [the] *Daily Graphic* enclosed in the note only carried one mast and also showed the white gangway customary on passenger vessels on the level with the port holes O W S, the reproduction of the damaged *Sussex* shows a second mast and a uniform dark color, and thus approaches in her outer appearance the description of the vessel as furnished by the submarine commander.

In view of the general impression of all the facts at hand, the German Government considers it beyond doubt that the commander of the submarine acted in the *bona fide* belief that he was facing an enemy warship. On the other hand it cannot be denied that, misled by the appearance of the vessel, under the pressure of the circumstances, he formed his judgment too hurriedly in establishing her character and did not therefore act fully in accordance with the strict instruction which called upon him to exercise particular care.

<sup>1</sup> Not printed.

In view of these circumstances, the German Government frankly admits that the assurance given to the American Government, in accordance with which passenger vessels were not to be attacked without warning, has not been adhered to in the present case. As was intimated by the undersigned in the note of the 4th instant, the German Government does not hesitate to draw from this resultant consequences. It therefore expresses to the American Government its sincere regret regarding the deplorable incident and declares its readiness to pay an adequate indemnity to the injured American citizens. It also disapproved of the conduct of the commander, who has been appropriately punished.

Expressing the hope that the American Government will consider the case of the *Sussex* as settled by these statements, the undersigned avails himself of this occasion, etc.

May 7, 1916.

VON JAGOW

GERARD

File No. 763.72/2680

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 10, 1916, 9 p. m.

[Received May 11, 2 p. m.]

3873. Presented note in your 2983<sup>1</sup> to Von Jagow, 1 [o'clock] to-day. Had a general talk with him but learned nothing particular. From general information think Germany will not answer this note. Von Jagow said German note had not made any express condition. It is possible Bernstorff may be authorized to declare against propaganda in America, plots, etc. Talk here of Sweden coming in. No foundation apparent except that large Swedish military commission is here and made much of.

GERARD

File No. 763.72/2681

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, May 10, 1916, noon.

[Received May 11, 6 p. m.]

1256. Opinion from unofficial but well-informed sources here is that Germany's conduct hereafter of submarine warfare will be contingent upon United States Government obtaining concessions from Entente powers in matter of present blockade status. Should this not be obtained, it is believed Germany's intention to continue indiscriminate destruction of ships by submarine regardless of kind, as higher command is convinced this is only means of bringing England to submission. Aerial raids are admitted [to] have no strategic value but, according to German opinion, tend to demoralize the morale of the British people.

PENFIELD

<sup>1</sup>Ante, p. 263.

File No. 763.72/2687

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *May 11, 1916, 10 p. m.*[*Received May 12, 5.30 p. m.*]

3880. Chancellor sent for me this afternoon and I had talk with him for about three quarters of an hour. He says that the general situation on account of his difficulties at home is very dangerous still. He begged me to say that he did not intend to make the least trace of a threat, but hoped that I could make the situation clear to you. He fears that if in four or six weeks nothing is done by us to enforce international law against England, that the press here, a majority of the Reichstag, and public opinion generally, will clamor for a resumption of the former style of submarine warfare and that his position unless he consents will become untenable. There is in my opinion no doubt whatever but that he is right. The National Liberals who are quiet for the moment and the Centrum or Catholics will no doubt joint the Conservatives who are always clamoring for relentless submarine war even if it makes war with us certain. The only other alternative in my opinion is for the President to demand a general peace. The Chancellor asked me if it was true that the Pope had made same proposal to the President looking toward peace as reported in the papers. I was obliged to answer that I had no information on the subject. He also once more complained of the fact that he could not communicate with Bernstorff, saying he had had no word from him for five days and did not know the sentiment in the White House about the situation, etc. I hope you will let me know something of this.

GERARD

File No. 763.72/2692

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 3444

WASHINGTON, *May 12, 1916.*[*Received May 13.*]

MR. SECRETARY OF STATE: A German submarine, in January last, signaled with flags from a distance the Dutch steamer *Bandoeng* to stop. Instead of immediately complying with that summons permissible under international law, the Dutch steamer turned at higher speed on the submarine whose commander, on the assumption warranted by the circumstances, thought he had to do with an English ship in disguise bent on attacking him, then opened fire on her. The S. S. *Bandoeng* then stopped and sent over a boat for the examination of the ship's papers. On being asked about his captain's proceeding, the Dutch officer in command of the boat explained that he wanted to come nearer the submarine so as to shorten the visitation formalities.

The Imperial Government finds in the incident occasion to suggest to the neutral governments that the masters of their merchant ships

be given to understand that in the event of their being stopped by German public vessels, the provisions of international law must be observed to the letter, and that their special attention be called to the dangers incurred by turning their ships on a submarine. Thus alone can incidents of the foregoing description be avoided, the responsibility for which would exclusively lie upon the neutral shipmasters.

Accept [etc.]

J. BERNSTORFF

File No. 763.72/2691

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *May 13, 1916, 11 a. m.*

[Received 11.55 p. m.]

3886. Chancellor said he thought he would not answer last American note and asked me what I thought. I said that I agreed with him.

GERARD

File No. 763.72/2700

*The Japanese Ambassador (Chinda) to the Secretary of State*<sup>1</sup>

WASHINGTON, *May 18, 1916.*

[Received May 19.]

MY DEAR MR. SECRETARY: In continuation of my note of the 27th of January last,<sup>2</sup> in which I took pleasure to acknowledge receipt of your note of the 24th *idem* containing a suggestion relating to the question of submarine warfare and armed merchantmen and to advise you that, in compliance with your request therein, the note had been referred to my Government, I now beg, under instructions from Baron Ishii, to inform you that my Government, finding themselves in complete agreement with the views of the Allied Governments, regret to be unable to see their way to meeting the suggestion of the Honorable the Secretary of State.

Accept [etc.]

S. CHINDA

File No. 763.72/2692

*The Acting Secretary of State to the German Ambassador (Bernstorff)*

No. 1937

WASHINGTON, *May 20, 1916.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of May 12, 1916, wherein you advise the Department of the action of the Dutch steamer *Bandoeng*, in January last, in turning, at a higher speed, on a German submarine, in order to shorten the

<sup>1</sup> Answered, June 1, 1916, in terms for the most part identical with letter of April 7, 1916, to the British Ambassador, *ante*, p. 223.

<sup>2</sup> Not printed.

visitation formalities, and point out that in this incident your Government finds occasion to suggest to neutral governments that the masters of their merchant ships be given to understand that in the event of their being stopped by German public vessels "the provisions of international law must be observed to the letter and that their special attention be called to the dangers incurred by turning their ships on a submarine."

In reply I have the honor to say that a translation of your note has been sent to the Secretary of Commerce, for the information of American shipping.

The contents of your note were embodied in a statement given to the press by the Department on May 16.

Accept [etc.]

FRANK L. POLK

File No. 763.72/2712

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1538

VIENNA, April 26, 1916.

[Received May 22.]

SIR: Believing it a duty always to work for harmony and peace, I have the honor to advise you that yesterday I had an interview with the Austro-Hungarian Minister for Foreign Affairs on an appointment made several days previously for the transaction of routine Embassy matters. It was my judgment that the occasion was propitious for performing certain "missionary work" looking to imparting a reasonable amount of helpful information to the Minister on the subject of the current American-German crisis as viewed from our standpoint.

Among other things I wished to secure Baron Burian's promise to instruct Austro-Hungarian consuls in Bulgaria and Roumania to visa the passports of American citizens wishing to traverse this Monarchy on the return journey to the United States. Impulsively I mentioned that if "we were to leave Austria" it would be a hardship to Americans in the Balkan states to find themselves indefinitely shut in. My remark was quickly parried by the Minister who said, with obvious seriousness, "But we don't want you to leave Austria, decidedly not."

This opening of the question gave me the opportunity to explain our great desire to have no interruption of relations. I did not hesitate to remark that President Wilson was acting in humanity's name for neutrals the world over, and judging from advices I had received he had a vast majority of the American people with him in the stand taken in the note to Germany. I emphatically stated that a break with Berlin was certain if German officials could find no way of bringing their submarine warfare within the limits of international law and humanity.

Baron Burian being a Hungarian of acknowledged cleverness as an economist, I believed it politic to discover if he was aware of the enormous sum remitted annually by Hungarians in America to their

kindred in Hungary. Statesmen in Hungary are keenly conscious of this influx of American money, for which Hungary toils not nor sends anything to market, and the matter is always considered in budget-framing in the Hungarian Kingdom. I explained that the sum must be as much as \$50,000,000. The Minister quickly corrected me by insisting that my estimate was much too low, for in years when business in America was good the remittances ran as high as \$150,000,000, and even in normal years were \$100,000,000.

It was unnecessary to probe further for judging what Hungary's attitude would be in the prospect of a development of relations having the seriousness of war—Hungary could not want such estrangement, for it would vitally touch the pocketbook nerve of the nation with a vengeance, and Baron Burian is as astute as any official claiming Hungarian birth.

After reiterating that I hoped he would use his potent influence in Berlin to prevent a break with America, I took my leave, with Baron Burian repeating the hope that nothing might happen to interrupt our agreeable official and personal relations. It was satisfying to discover that this shrewd Hungarian was acutely awake to the prodigious flow of money from our country to his own.

I think it not inopportune to advise you that in my opinion Baron Burian's heart is still chilled against our nation because he failed to induce us to cease supplying arms and ammunition to such European countries as might purchase them, and is not in love with a Government that compelled him to "recall" an obnoxious Ambassador rather than have the official "withdrawn for consultation." Whatever his feelings for the United States, I am certain that he wants no rupture and that he is working at Berlin for a satisfactory arrangement of Germany's submarine policy. Only four months ago his own Government was confronted with a situation nearly as serious, in connection with the torpedoing of the *Ancóna*, when it "climbed down" in a manner causing no loss of national prestige.

At yesterday's interview with the Minister for Foreign Affairs it was my belief that he was downcast and saddened by the current situation, almost to the extent of making his condition appear pathetic.

Since the American note has been on the tapis as the absorbing topic of conversation, scores of Austrians have said to me that their country wanted no trouble with America and should not be involved with Germany in a matter so foreign to their nature and wish. These people avow no sympathy with a submarine program that kills non-combatant persons on unarmed ships. It would be imprudent to give the names and rank of Vienna people whom I have heard decry the submarine crimes of their ally, for some stand very high in the official and social world. I have reason to believe that the Emperor himself is no friend of the submarine as a death-dealing instrument.

Oddly enough certain local journals of influence to-day print a list with tonnage of Austro-Hungarian ships that have interned in United States harbors since the war began.

I have [etc.]

FREDERIC C. PENFIELD



File No. 300.115/8525

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, May 24, 1916, noon.

[Received May 25, 1.20 p. m.]

1272. Your 1107, January 31, 4 p. m.<sup>1</sup> Following official notice dated (?) April 22 published in *Wiener Zeitung* of May 19:

By reason of destruction of Italian steamer *Ancona* by ship of Austro-Hungarian naval forces, undersigned Prize Investigation Commission will consider prize court procedure. Parties interested herewith called upon to make known their rightful claims in writing within three months accompanied by legal proof.

PENFIELD

File No. 300.115/8720a

*The Acting Secretary of State to the Consul General at Hamburg (Morgan)*

[Telegram]

WASHINGTON, May 31, 1916, 4 p. m.

Endeavor ascertain discreetly and without officially communicating with German authorities whether it is their intention [to] institute prize proceedings in case *S. S. Arabic*.

POLK

File No. 341.622a/145

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 3, 1916, 4 p. m.

[Received June 4, 4.05 p. m.]

3951. In conversation with Von Jagow yesterday he referred to fact that copies of American notes to England such as *China* steamer case, taking of mails, etc.,<sup>2</sup> were not published, while American notes to Germany were invariably published, often before received. He said that he thought it would do much good if these notes were published here.

GERARD

File No. 763.72/2742

*The British Ambassador (Spring Rice) to the Secretary of State*

## MEMORANDUM

In connection with the question of the status of merchant vessels armed for purposes of defence an enquiry was made by the Depart-

<sup>1</sup> *Ante*, p. 155.

<sup>2</sup> See the sections dealing with "The Removal by Belligerent Naval Authorities of Enemy Subjects and Military Reservists from American Ships on the High Seas," *post*, p. 630, and "Interference with the Mails by Belligerent Governments," *post*, p. 591.

ment of State as to whether the British Admiralty orders to merchant captains impose any penalty in the event of a defensively armed merchant vessel failing to use such armament for aggressive purposes, and whether there is any reward offered for the destruction of enemy submarines.

The British Ambassador is instructed to state in reply to this enquiry that the Admiralty instructions for defensively armed vessels, dated the 20th October, 1915, the contents of which are already known to the United States Government, enjoin a strict adherence to defensive action only, and no question of the infliction of any penalty for failure to take offensive action can therefore arise. Further, no defensively armed British ship has received any money award from His Majesty's Government for firing upon an enemy vessel.

CECIL SPRING RICE

WASHINGTON, June 5, 1916.

[Received June 7.]

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File No. 300.115/8721

*The Consul General at Hamburg (Morgan) to the Secretary of State*

[Telegram]

HAMBURG, June 7, 1916, 12 noon.

[Received June 9, 1.50 p. m.]

3971. Department's telegraphic instruction May 31. German Government does not intend to voluntarily institute prize court proceedings in case of *S. S. Arabic*. This equally applies to all vessels destroyed by Germany in the so-called war zone. Claimants may institute proceedings before prize court although monition is not issued.

MORGAN

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File No. 341.622a/150

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 9, 1916, noon.

[Received June 10, 4.50 p. m.]

3978. Von Jagow again asked me why notes sent to Great Britain about the *China* and post [mail] were not published, as it would make good impression here. He said that he hoped President and you would not be affected by what was said in the Reichstag against the peace mediation of the President.<sup>1</sup> He said that I knew the position of Government here.

GERARD

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<sup>1</sup> See the Ambassador's telegram No. 3941, May 31, 1916, *ante*, p. 33.

File No. 341.622a/150

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 13, 1916, 5 p. m.

3086. Your 3978, June 9, noon. *China* correspondence will be made public as soon as believed expedient.<sup>1</sup>

LANSING

File No. 841.711/593

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 16, 1916, 2 p. m.

[Received June 17, 4 p. m.]

4007. Note to the Allies of May 24 relative to seizure and detention of the mails<sup>2</sup> published in full in the German press. It is very favorably received by the moderate papers although *Frankfurter Zeitung* cannot agree to admit securities, checks, coupons, etc., are to be considered not as mail matter but merchandise. Radical papers discount the note and claim that the time has come for the threat which they consider is contained in the last paragraph of the German note of May 4 to be carried into effect.

GERARD

File No. 763.72/2760

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1609

VIENNA, May 20, 1916.

[Received June 19.]

SIR: For some time I have intended advising you of the extreme unfriendliness of the Austrian press to the United States, an attitude that began shortly after the sinking of the *Lusitania* a year since and by degrees grew to outrageous proportions.

Since the war began the press of Austria-Hungary has been officially censored, and strictly so, as shown from time to time when great dailies appear with paragraphs and even whole columns deleted.

This gives, technically at least, the Government's approval to everything that is published.

Not for a year has any newspaper said anything editorially favorable to America, and such news dispatches as have been given might have been selected by an agent of the Central powers. State-

<sup>1</sup> It was excluded from the volume. *European War No. 3, Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties*, printed and distributed by the Department of State in August 1916, and remained unpublished, with the exception of the telegraphic instructions of February 23, 1916, to the Ambassador in Great Britain and the British note of March 16, 1916 (*post*, pp. 632, 633), which had already been released in April.

<sup>2</sup> *Post*, p. 604.

ments of labor unrest and of criticism of our President by unknown college professors and caviling organizations and societies have been made much of. Statistics showing America's trade in war munitions have been given commanding positions. And naturally the incident of Doctor Dumba, and the long series of annoyances from Boy-Ed and Von Papen were given a treatment most unfavorable to Washington.

In recent months there have been frequent articles from the pen of the dismissed consul, St. John Gaffney, printed with the show of importance attached to the utterances of a person of prominence and worth.

The Vienna *Freie Presse* a few weeks since began the publication of a series of articles written in Berlin by one Aubrey Stanhope, described in bold letters as "an American journalist." One of these articles characterized the Secretary of State as a lawyer of mediocre abilities and almost unknown in American public life. Another of the Stanhope diatribes assailed President Wilson as a weak doctrinaire of Scotch descent, having little practical experience in public affairs, whose chief concern was to secure reelection.

I naturally resented these calumnies and did all that I dared to prevent a repetition of such falsehoods. The editor and owner of the *Freie Presse* is an acquaintance of mine, who professes friendship. On the days that the obnoxious articles appeared he made a point of sending a subeditor to explain to me that he regretted that the Stanhope effusions had "slipped in" to his paper, promising to be more careful in future.

Finally, by subterranean means, I was advised of a third article already in type in which Stanhope was seriously stating that President Wilson wanted war with Germany and was really working to that end, because if the United States entered the great conflict there could be no election this year and the President would automatically secure a second term of office. Determined that this article should not appear, I took steps that secured its suppression. Incidentally I let the editor know that Stanhope was not an American at all, but an Irishman who for many years was an employee of James Gordon Bennett both in America and in Paris, that he was caught by the war in Berlin, and rather than undergo internment had turned traitor to his country and become a writer of articles abusive of Great Britain and America that were being printed in English in a paper subsidized by the German Government and published in Berlin.

This terminated the annoyance of a renegade of the Gaffney and Casement type, and Stanhope ceased to be a contributor to the *Freie Presse*.

When the *Sussex* incident between Washington and Berlin became acute, there was much editorial vituperation of the United States in the press of this Monarchy. Daily was it said that our Government was in no sense neutral, or fair to the Teutonic peoples. One editorial said outright that Wilson and Lansing were but enacting their parts as Washington attorneys of the Allies, and serving their employers well.

The unfriendliness of a people fed up on this pabulum was but natural, and for weeks it seemed the fixed idea of Austrians that

President Wilson was secretly in the employ of Great Britain and that America's neutrality was but a mask. Almost daily secretaries and employees of the Embassy would come to me with statements that they were being regarded by the Viennese almost as spies and that many people had assured them that notwithstanding our pretended neutrality we were in reality three-quarters enemies. I am glad to say that in my own goings and comings I heard no such expressions. Vienna people probably knew it would not be safe to utter such opinions in my hearing.

With the amelioration of the *Sussex* incident following the exchange of notes, I deemed the time opportune to see the Minister for Foreign Affairs upon the subject of the unjust attitude of the press that was thwarting our efforts to do all in our power to improve the relations between America and Austria-Hungary.

Baron Burian manfully agreed with my statement and assured me that although the Government could not wholly control the press, he would personally see to it that unfair criticism ended forthwith. He did not hesitate to say that his Monarchy wanted the friendship of our country, not only now but when the war is over.

An improvement in the tone of the press was quickly discernible, as was an improvement in the attitude of the people. All went well until last Monday morning when the weekly journal, *Der Morgen*, printed a half-page cartoon attacking President Wilson and the American people in the most outrageous manner. Copies of the offensive illustration are enclosed herewith.

Immediately I saw the journal, I applied for an appointment with Baron Burian "at his earliest convenience," and at 5 o'clock of the same day was with him. The publication was so atrocious that in a very few minutes I had his promise to render "full justice and entire satisfaction" in a very short time. The Minister was at first inclined to dilate upon the abusive tone of the American press to his country. When I explained that in our Republic there could be no such thing as a censored press, and said that I was certain he would not plead justifiable retaliation, his condemnation of the illustration in question became vigorous. He remarked that he hoped his Emperor would never see it. The Minister was quite of opinion that the insult to America had the making of an international incident.

Twenty-four hours after making my protest I received the Minister's apology and guarantee that in future there would be no attacks upon the President and the Government of the United States, accompanied by his expression of personal regret that an Austrian periodical could attack a friendly Government as had *Der Morgen*. A copy of Baron Burian's letter with translation is enclosed.

Telegraphically I reported the incident with a digest of the apology to the Department on the 17th instant in my No. 1266.<sup>1</sup>

Since my visit to the Minister on the 15th instant I have noted not one line of criticism of our country in the press of Vienna, and I understand that there has been a shakeup in the censor's office with several subordinates dismissed.

I have [etc.]

FREDERIC C. PENFIELD

<sup>1</sup> Not printed.

[Enclosure—Translation]

*The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)*

VIENNA, May 16, 1916.

DEAR MR. AMBASSADOR: I have taken steps to the end that the censor shall in the future prevent such attacks against the President and the Government of the United States as that which appeared in the illustrated edition of the *Morgen* of May 15.

While I have the honor to inform your excellency of the above, it still remains for me to express to you my sincerest regret of the fact that the said pictorial attack against a government friendly to the Monarchy should have appeared in an Austrian periodical.

I take this occasion to renew to your excellency the expression of my highest consideration.

BURIAN

THE AMERICAN NOTE OF JUNE 21, 1916, ON THE "PETROLITE" INCIDENT—AUSTRIAN REPLIES OF JULY 17 AND SEPTEMBER 9, 1916—THE CASE OF THE "OWEGO"

File No. 300.115P44/17

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, June 21, 1916, 6 p. m.

1263. Your 1164,<sup>1</sup> February 23. Evidence obtained from the captain and members of the crew of the steamer *Petrolite* and from examination made of the vessel under direction of the Navy Department, convinces this Government that the Austro-Hungarian Government has obtained an incorrect report of the attack on the steamer. With particular reference to the explanation made by the Foreign Office, the following information, briefly stated, has been obtained from sworn statements of the captain and members of the crew.

No shot was fired across the bow of the steamer as a signal to stop. When the first shot was fired the captain was under the impression that an explosion had taken place in the engine room. Not until the second shot was fired did the captain and crew sight the submarine which was astern of the steamer, and therefore they positively assert that neither the first nor the second shot was fired across the bow of the vessel.

The steamer did not swing around in a course directed toward the submarine, as alleged in the report obtained by the Austro-Hungarian Government, but the captain at once stopped the engines and swung the vessel broadside to the submarine and at right angles to the course of the vessel, in order to show its neutral markings, which was manifestly the reasonable and proper course to follow, and it ceased to make any headway. On the steamer was painted its name in letters approximately six feet long, and the name of the hailing port, and, as has previously been made known to Austro-Hungarian Government, the steamer carried two large flags some distance above the

<sup>1</sup>Ante, p. 175.

water line, which it is positively stated by the officers and crew were flying before the first shot was fired, and were not hoisted after the first shot, as stated by the submarine commander.

The submarine commander admits that the steamer stopped her engines. The captain of the *Petrolite* denies that the vessel was ever headed toward the submarine, and the examination of the steamer made by an American naval constructor corroborates this statement, because, as he states, the shell which took effect on vessel, striking the deck-house which surrounds the smokestack, was fired from a point 45 degrees on the starboard bow. This was one of the last shots fired and indicates that the ship was not headed toward the submarine even up to the time when the submarine ceased firing. The captain states that the submarine appeared to be maneuvering so as to direct her shots from ahead of the steamer. The submarine fired approximately 12 shots. The majority of the shots were fired after the ship had stopped and had swung broadside, and while, as even the commander of the submarine admits, the steamer was flying the American flag. The captain of the steamer denies that he advised the commander of the submarine that the damage to the steamer was insignificant. He states that he advised him that steamer had been damaged, but that he had not then had an opportunity to ascertain the extent of the damage. The seaman who was struck by a fragment of shell sustained severe flesh wounds.

If the ship had intended to ram the submarine, she would not have stopped her engines and this must have been evident to the submarine commander. Naval authorities here agree that there could have been no danger of the ship's ramming the submarine until it was headed straight for the submarine and was under power and even then the submarine could have so maneuvered as to avoid a collision. The *Petrolite* was two miles away from the submarine. The engines and funnel of the *Petrolite* were at the stern, and from the general appearance of the ship no experienced naval officer could have believed that it had opportunity or sufficient speed to attack even if it had been steaming directly toward the submarine. The conduct of the submarine commander showed lack of judgment, self-control, or wilful intent amounting to utter disregard of the rights of a neutral.

According to the sworn statements of the captain of steamer and a seaman who accompanied him to the submarine, the commander of the latter stated that he mistook the steamer for a cruiser. This statement is at variance with the statement in the Austro-Hungarian Government's note that the captain of the submarine asserted a false maneuver on the part of the steamer prompted the submarine to continue to fire.

The captain of the steamer swears that he informed the commander of the submarine that he had only sufficient provisions to reach the port of Algiers, and that he would deliver provisions only under compulsion. He states positively in his affidavit and in conversation with officials of the Department that he did not give provisions readily, nor did he say it was the duty of one seaman to help another, and that he refused payment because he felt that he was being compelled to deliver food in violation of law. The statement of the captain of the *Petrolite* is entirely at variance with the report of the submarine commander. The correctness of the captain's opin-

ion that the wounded seaman was held as a hostage to guarantee the delivery of food seems clear. Obviously the commander of the submarine had no right to order the seaman to remain on board. The fact that this order was given showed that the commander insisted that food was to be delivered to him; otherwise the seaman would naturally have accompanied the captain back to his vessel. The outrageous conduct of the submarine commander and all the circumstances of the attack on the *Petrolite* warranted the captain in regarding himself as being compelled, in order to avoid further violence, to deliver food to the commander of the submarine.

In the absence of other and more satisfactory explanation of the attack on the steamer than that contained in the note addressed to you by the Foreign Office, the Government of the United States is compelled to regard the conduct of the commander of the submarine in attacking the *Petrolite* and in coercing the captain as a deliberate insult to the flag of the United States and an invasion of the rights of American citizens for which this Government requests that an apology be made; that the commander of the submarine be punished; and that reparation be made for the injuries sustained, by the payment of a suitable indemnity.

Please communicate with Foreign Office in sense of foregoing.

You may add that this Government believes that the Austro-Hungarian Government will promptly comply with these requests, in view of their manifest justness, and the high sense of honor of that Government which would not, it is believed, permit an indignity to be offered to the flag of a friendly power or wrongs to its nationals by an Austro-Hungarian naval officer without making immediate and ample amends.

LANSING

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File No. 462.11Se8/58a

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, July 1, 1916.

MY DEAR MR. AMBASSADOR: I wish to call your attention again to the case of the American vessel *William P. Frye*, which was sunk on the high seas by the German armed cruiser *Prinz Eitel Friedrich* on January 28, 1915, and which, as you know, has been the subject of diplomatic correspondence with your Government.

You will recall that in your Government's note of November 29, 1915,<sup>1</sup> the Imperial Government agreed in principle with the proposal of the United States that the question of the amount of damages to be paid owners and captain of the *William P. Frye* be settled by diplomatic negotiations, "should the American Government insist on the demands for the meeting of the experts at Washington or the early choice of an umpire."

Without prejudice to a settlement of the case by this method and in the hope that further delay and unnecessary expense may be avoided, I have to suggest that a diplomatic settlement be attempted

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<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 644.*



between us, using the claim contained in my Government's note of March 31, 1915,<sup>1</sup> as the basis of our negotiations.

I will be glad to have you give me your views as to this suggestion. In case you concur we could begin negotiations orally and later reduce our views to writing, or we could carry on the negotiations by correspondence, as you prefer.

I am [etc.]

ROBERT LANSING

File No. 763.72/2776

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 6, 1916, 1 p. m.

[Received 9.30 p. m.]

4084. There is much talk here of Conservatives and Navy League and others to force Government to declare for reckless submarine war. Think this question will again become acute in a month or so.

GERARD

File No. 300.115/8904

*The Acting Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, July 14, 1916, 6 p. m.

1296. Your 1272,<sup>2</sup> May 24, regarding prize proceedings *S. S. Ancona*. Attorneys for several interested parties represent to Department it will be impossible for them prepare and present their cases within time allowed. Informally say to Foreign Office this Government would be glad if time could be extended at least 40 days. You will explain in this relation, however, that this Government, in view facts respecting sinking this vessel which have been subject of discussion between it and Austro-Hungarian Government, reserves right to present diplomatic claims in behalf American citizens on account loss life and property resulting from sinking *Ancona*.

POLK

File No. 300.115P44/32

*Memorandum of the Counselor for the Department of State (Polk)*

July 19, 1916.

Baron Zwiedinek, Chargé of the Austrian Embassy, called and presented affidavits of four seamen formerly employed on the steamer *Petrolite*.<sup>3</sup> He pointed out that those statements, which had been made by the men after they had read the *Petrolite* note, were in conflict with some of the facts stated in our note to the Austrian

<sup>1</sup> *Ibid.*, p. 357.

<sup>2</sup> *Ante*, p. 271.

<sup>3</sup> Not printed.

Government on the subject of the *Petrolite*. I asked him to leave the affidavits with me and I would look them over. He said he was on the point of sending a message to his Government but would hold it until he saw me to-morrow.

F [RANK] L. P [OLK]

File No. 300.115P44/33

*Memorandum of the Counselor for the Department of State (Polk)*

July 20, 1916.

Baron Zwiedinek, Chargé of the Austrian Embassy, called and we went over the affidavits of the seamen formerly employed on the *Petrolite*. I pointed out that not only were there discrepancies between the stories of the various men, but in the case of one of the men, who made two affidavits, the affidavits of this one man conflicted. We then went over the facts as presented by the affidavits and I showed that, assuming that these stories are true, even they indicated that the submarine began firing with one American flag flying and continued to fire after a second flag had been raised. The second flag was raised at the third shot. None of the affidavits stated that the *Petrolite* was headed toward the submarine. They all stated that the ship had stopped. Some said the submarine was on the quarter; some abeam. The affidavits showed that they began firing and continued to fire even when the ship was never headed toward the submarine.

Baron Zwiedinek admitted that it undoubtedly showed that the submarine's commander had acted hastily, and without due caution, but that there was no criminal intent. I told him that personally I quite understood the feelings of the submarine commander, but that a man who could not control himself better than this particular officer should not be put in charge of a ship which could do such great damage to neutral shipping.

He showed me the message he was going to send to his Government. This message indicated that he thought the submarine commander had acted without due caution. He asked my opinion of the message and I told him that I could not express an opinion as to the accuracy of the statements contained in the message he wished to send to his Government.

F [RANK] L. P [OLK]

File No. 711.0012/600

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 24, 1916, noon.

[Received July 25, 1.10 p. m.]

4149. Think there is remote possibility that Germany might now sign Bryan arbitration treaty. Shall I pursue matter? If so, advise matter be kept secret so that if successful we may announce it suddenly. Bernstorff should not be informed as, if treaty is signed,

think Chancellor wants to do everything here. Of course suggest possibility Germany signing treaty and then starting submarine war. Please inform Colonel House.

GERARD

File No. 763.72112/2756

*The Consul General at Berlin (Lay) to the Secretary of State*

[Telegram]

BERLIN, July 26, 1916.

[Received July 27, 11.10 a. m.]

245. *Imperial Gazette* published last evening amendment to prize ordinance of September 30, 1909, which went into effect July 22 last. New regulations which are officially stated nature reprisal for position Great Britain and Allies on London Declaration, contain new lists absolute and relative contraband, new free list, and commentaries showing German position on points of controversy. Official copies amendment have been forwarded Department in to-day's mail.<sup>1</sup> Lists are long but will be cabled if desired.

LAY

File No. 462.11Se8/60

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 4724

RYE, N. Y., July 26, 1916.

[Received July 27.]

MY DEAR MR. SECRETARY: With reference to my letter of the 7th instant, Nr. A 4445,<sup>1</sup> I have the honor to inform you that the Imperial Government, according to instructions just received, agrees to a diplomatic settlement of the question of indemnity to be paid for the American ship *William P. Frye*.

The Imperial Government, however, is of the opinion that the negotiations ought to be conducted in Berlin, as the evidence produced must be examined by the Imperial Government and as the sending of instructions to me is too difficult at this time as a result of the actual disturbed state of wireless communications.

I am [etc.]

J. BERNSTORFF

File No. 711.0012/680

*The Acting Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, August 2, 1916, 2 p. m.

3264. Your 4149, July 24, noon. Matter will be laid before Secretary for his consideration on his return. Consensus of opinion here is that present would not seem to be propitious time to enter into negotiations on this subject.

POLK

File No. 800.115P44/29

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1788

VIENNA, July 20, 1916.

[Received August 14.]

SIR: Adverting to the Department's telegraphic instruction No. 1263<sup>1</sup> of the 21st ultimo, and to my telegram No. 1342<sup>2</sup> of the 18th instant conveying further statements of the Austro-Hungarian Government in regard to the attack of one of its submarines on the S. S. *Petrolite*, I have the honor to transmit herewith a copy and translation of the note from the Imperial and Royal Minister for Foreign Affairs, dated July 17, 1916, on which my telegram No. 1342 of the 18th instant was not based.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)*

No. 3458

VIENNA, July 17, 1916.

With reference to the very esteemed note No. 7424<sup>3</sup> of the 24th ultimo, the undersigned has the honor to communicate the following to his excellency the Ambassador of the United States of America.

The Imperial and Royal Government agrees with the Washington Cabinet that in the presentation of the case, as set forth in the undersigned's note No. 807 of February 22d<sup>3</sup> last on the basis of information from the Imperial and Royal naval authorities, and as set forth in the statements of the crew of the steamer *Petrolite*, contradictions occur in several essential points. It is evident, however, that it cannot in any way concede that the naval officer in question, who in making his report acted within the bounds of his sworn duty, could have presented the case otherwise than as it agreed with his observations and impressions. It is to be understood that the Imperial and Royal Government does not in any way question the good faith of the sources of information of the Washington Cabinet.

Under all circumstances, however, the Imperial and Royal Government must firmly disavow that the commander of the submarine could have acted with the intention of insulting the flag of the United States of America or violating the rights of American citizens. According to the views of the Imperial and Royal Government no cause is apparent for such an assumption, which also involves assumption that the commander placed himself in opposition to his own Government, whose friendly disposition toward the United States and its citizens is well known to the Washington Cabinet.

Further, after the receipt of the note referred to from his excellency the Ambassador of the United States, the Imperial and Royal Government is not of the opinion that the situation has now been cleared to such an extent that final decision in regard thereto could at this moment be rendered by one side or the other. The Imperial and Royal Government, on its part, in order to do everything possible towards an elucidation of the circumstances, brought the statements of the crew of the *Petrolite* as reported by the Washington Cabinet, at once to the knowledge of the Imperial and Royal naval authorities who have placed them before the commander of the submarine for the purpose of obtaining his thorough report. It may be stated here that presentation of the case, regarded as inaccurate by the Washington Cabinet was drafted by the Imperial and Royal naval authorities in the absence of the commander on the basis of entries in his journal and the statements of the second officer. Even

<sup>1</sup>Ante, p. 276.<sup>2</sup>Not printed.<sup>3</sup>Ante, p. 175.

now the commander's testimony in this case cannot yet be taken, for the reason that he and other witnesses of the incident are at present at sea. Upon his return and examination the result of the new investigation will immediately be made known to the American Government.

On the other hand, the Imperial and Royal Government wishes to draw the attention of the Washington Cabinet to the fact that it is not apparent from the very esteemed note whether and in what sense the crew of the *Petrolite* expressed itself in regard to the statement that the commander of the submarine sent the captain of the *Petrolite* a bottle of champagne and a box of cigars, and cigarettes to the crew of the steamer, and that the captain finally took his leave on the most friendly terms. Inasmuch as this detail is certainly very significant and the explanations thereof capable of throwing light on the whole incident, the Imperial and Royal Government would request from the Washington Cabinet information pertinent thereto and, in the affirmative case, information regarding the prompting motive.

Finally, the Imperial and Royal Government desires to assure the Washington Cabinet that should this be the case it would of course not hesitate to draw from this incident the conclusions which would result according to the requirements of international law and courtesy.

Inasmuch as the undersigned has the honor most respectfully to request the good offices of his excellency the American Ambassador to bring the foregoing to the knowledge of his Government, he avails himself of this opportunity to renew [etc.]

BURLIN

File No. 763.72/2803

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, August 16, 1916, 5 p. m.

3296. Department informed by Consul General [at] Rotterdam that Captain Barlow, American steamer *Owego*, of New York, which arrived Rotterdam August 14, reports having been fired at ten times near Isle of Wight in British Channel by German submarine without warning. No casualties reported. Please bring matter immediately and formally to attention of Foreign Minister, with request for prompt investigation of this case and a prompt statement to you of the findings.

You will perceive the importance of giving this case your constant attention until you have received a reply from the German Government.

LANSING

File No. 300.115P44/28

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, August 18, 1916, 4 p. m.

1332. Your 1342, July 18.<sup>1</sup> Informally ascertain from Minister for Foreign Affairs whether statement of commander of submarine attack on *Petrolite* has yet been received. Department has been awaiting the receipt of this statement before replying to Austro-

<sup>1</sup> Not printed; see the Ambassador's despatch No. 1788, July 20, 1916, received August 14, *ante*, p. 282.

Hungarian note of July 18. In view of gravity of case this Government must request that matter be hastened, as otherwise it will be forced to press case on basis of its note of June 21, 1916, and Austro-Hungarian reply of July 18.

LANSING

File No. 300.115/9561

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1811

VIENNA, July 24, 1916.

[Received August 21.]

SIR: Referring to the Department's telegraphic instruction No. 1296<sup>1</sup> of the 14th instant, and to my telegram No. 1349<sup>2</sup> of the 22d instant, relative to the extension of the time set for the registration of claims in the prize proceedings in the case of the S. S. *Ancona*, I have the honor to transmit herewith a copy of a communication from the Imperial and Royal Ministry of Foreign Affairs in this connection on which my telegram above referred to was based.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy*

No. 3547

VIENNA, July 21, 1916.

## AIDE MÉMOIRE

In accordance with the wish expressed by the Embassy of the United States of America in its *aide mémoire* of the 17th instant, the period for the registration of claims in connection with the prize proceedings in the case of the Italian steamer *Ancona* has been extended 40 days.

The Imperial and Royal Government adheres of course to its promise set forth in its note of December 29, 1915, No. 5949, that the question of indemnity for injuries suffered personally by American citizens in the sinking of the *Ancona* be settled through diplomatic channels. In order as far as possible to meet the Washington Cabinet in this connection the Imperial and Royal Government declares itself prepared to consider in these negotiations also the question of indemnity for lost or damaged property and luggage which the American citizens in question had with them.

File No. 763.72/2817

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, August 21, 1916, 1 p. m.

[Received August 22, 12 noon.]

4249. Bassermann, member of Reichstag and leader of National Liberal Party, made a speech yesterday in which he demanded the employment of all methods of warfare. This is very significant, as before settlement of submarine controversy in May last, Bassermann supported the Chancellor's policy.

GERARD

<sup>1</sup> *Ante*, p. 279.<sup>2</sup> Not printed.

File No. 763.72/2830

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, August 27, 1916, 3 p. m.

[Received August 28, 5.50 p. m.]

4273. Department's 3296,<sup>1</sup> August 16, 5 p. m. Foreign Office in a note dated August 26, which was received to-day, replies as follows in regard to American steamer *Owego*:

As established by the Admiralty Staff of the Imperial Navy, a German submarine at 2.40 afternoon, on August 3, with very clear weather and smooth sea, sighted a slow-going steamer of an old type and stood by. At a distance of 6,000 meters the submarine made the steamer a signal to stop and gave two warning shots. As nothing happened on the steamer, whose flag was not recognizable but which nevertheless continued to proceed on its way, three further warning shots were fired. As the steamer neither made an "understood" signal nor stood by, fire was opened on it. After 6 shots (11 shots in all) it hoisted American flag on the forestay and stopped. The distance was now 2,000 meters. The submarine signaled "send immediately boat with the papers," to which the captain of the steamer answered by hoisting his designation signal but did nothing more. When, after a further 17 minutes, no preparations were made to launch a boat, the commander of the submarine fired a shot across the steamer's bow. After 10 minutes the first officer came on board the submarine and stated that the captain had not observed the submarine until then. The Imperial Government can not give any credence to this evasive excuse, since the note of August 18 mentions 10 shots fired at the steamer, from which it is undeniably clear that the warning shots were heard by the captain of the *Owego*, but that no attention was paid to them.

Under these circumstances the Imperial Government finds itself under the necessity of emphasizing the fact that while the conduct of the commander of the submarine was in every respect correct, the behavior of the steamer *Owego* was not in accordance with the rules of international law. The captain would therefore have had only himself to blame had his conduct brought about unpleasant results.

GERARD

File No. 763.72/2834

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, August 28, 1916, 4 p. m.

[Received August 29, 4.30 p. m.]

4279. From many signs there are indications that Germany is contemplating a return to reckless submarine war. People like Basser-mann, leader of National Liberals, and Gutmann, Director of Dresdner Bank, who formerly opposed, now favor it. There is a tendency to stir up feeling against America as a first step. I do not think this question will become acute until after our elections, and possibly not until spring, when Germany will have great number of submarine boats with trained crews. Am informed that one shipyard alone is turning out over two submarine boats per week.

Newspapers publish ridiculous statements about attitude of President and America. For instance, one paper large circulation, print-

<sup>1</sup> Ante, p. 283.

ing pleasant comments of American papers on arrival *Deutschland* concludes: "Only the semiofficial *Evening Post* keeps silent."

Possibly entrance Roumania to-day may accentuate submarine situation.

GERARD

File No. 300.115P44/42

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, September 8, 1916, noon.

[Received September 9, 7.30 p. m.]

1423. In reply to inquiries which I caused to be made yesterday Ministry of Foreign Affairs state that note relative *Petrolite* is in preparation and will be sent me in next few days. Privately much dissatisfaction was expressed at our attitude, and statement made that they have affidavits from several of the crew supporting their version of the occurrence, although it was stated mention of this is not to be made in their reply. The hope was expressed, however, that the terms of the forthcoming note would definitely dispose of the question. The Ministry were informed in reply that the American Government could not but consider the action of the submarine commander as an insult to the flag and consequently a most serious matter; that the failure to return the champagne and cigars was quite natural in the circumstances since *Petrolite* captain would naturally desire to part company with the submarine without delay.

PENFIELD

File No. 763.72/2862

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, September 18, 1916, 4 p. m.

3390. Your mail despatch No. 3920, August 29.<sup>1</sup> The substance of the German note of August 26 in the case of the American S. S. *Owego* has been submitted to the owners of that vessel, who inform the Department that "the captain states that while he heard firing, he did not see any submarine and did not know that any shots were directed at him or across his bow until he saw the submarine, nor could he make out her signals on account of the condition of the weather, there being no wind; and the flags not standing out, he could not decide the nationality. Furthermore, his interpretation of his duty when stopped was, and still is, to wait until a boarding party from a warship came on board of his vessel to search, not he to leave his vessel to board any foreign warship.

This Government trusts that the Imperial Government will see fit to instruct its submarine commanders, if it has not already done so,

<sup>1</sup> Not printed; see the Ambassador's telegram No. 4273, August 27, 1916, received August 28, *ante*, p. 285.



to use special care to insure that their signals are understood by merchantmen before drastic measures are taken which may end in the loss of American lives and property. To the end that this may not occur, this Government has notified ship owners that signals of war submarines should be promptly answered and followed.

Please address a note to Foreign Minister in the sense of the foregoing in reply to his note of August 26, 1916.

With this communication to the Foreign Minister this Government is inclined to regard this case as closed.

LANSING

File No. 300.115/9561

*The Secretary of State to the Ambassador in Austria-Hungary  
(Penfield)*

[Telegram]

WASHINGTON, September 23, 1916, 5 p. m.

1370. Your 1811,<sup>1</sup> July 24. In acknowledging Austro-Hungarian Government's *aide mémoire* of July 21 regarding *Ancona*, you may say that this Government therefore understands that the Government of Austria-Hungary is prepared to consider claims on the part of this Government for personal injuries and loss of lives of American citizens, and also claims for loss of freight shipped by American citizens on this vessel and for loss of baggage which American citizens had with them, and that this Government further understands that the Austro-Hungarian Government will not consider it necessary for American citizens to present claims to prize court in order to protect their interests.

LANSING

File No. 763.72/2889

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, September 29, 1916, 9 p. m.

[Received September 30, 4.45 p. m.]

4407. Articles of similar tenor appear in this evening's papers commenting on a report of the *Paris Matin* that American flyer Rockwell had been killed on the English front and that a host of American flyers were fighting against the Germans.

The fact that America permits the formation of this American aviatric squadron is considered unneutral and a direct abuse of Germany's concessions and as only going to show that the United States has utterly lost all feeling for true neutrality.

*Deutsche Tageszeitung* states there is general indignation throughout Germany at this unneutral service to the Allies and that the German Government cannot and will not tolerate such a state of affairs.

*Lokal-Anzeiger* says Germany had hoped in view of her concessions that plain decency would deter Americans from traversing the com-

<sup>1</sup> *Ante*, p. 284.

monest duties of neutrality and that it was to be expected that the American Government would speedily put a stop to acts by American citizens amounting to direct abuse of Germany's concessions to America and an evasion of her agreement with the United States.

I am informed by the Foreign Office that this anti-American outburst in the press occurred without its previous knowledge or its approval, that it meets with condemnation both by the Chancellor and the Foreign Office, and that the former is taking steps to prevent reoccurrence. It was given out by the military representative at the close of daily press conference and was published before it could be withdrawn. At the same time it is indicative of the attitude of the Conservative Party and its allies in the Reichstag, the military and certain other high official circles, towards the United States, and it may have been directly inspired by them with a view to preparing public opinion for resolutions which may be adopted in the present session of the Budget Committee of the Reichstag calling on the Chancellor to resume the indiscriminate submarine warfare on account of the United States having failed to adopt the desired firmness in dealing with England's blockade measures. It is not yet possible to foretell what the result of the matter will be.

Von Tirpitz returned to Berlin to-day.

GREW

File No. 300.115P44/46

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1988

VIENNA, September 15, 1916.

[Received October 2.]

SIR: As reported in my telegram of the 14th instant, No. 1436,<sup>1</sup> the reply of the Austro-Hungarian Ministry of Foreign Affairs in the case of the American S. S. *Petrolite* to the Department's demands as conveyed in the Embassy's note of February 12, 1916,<sup>1</sup> was received on Saturday last.

I now have the honor to enclose herewith a copy with translation of the reply in question, which is dated the 9th instant, and from which it will be seen that the Austro-Hungarian Government adheres to the position taken up in its reply to our first note on the subject. The action of the submarine's commander is supported throughout and any intention to affront a neutral nation is entirely disclaimed. An exposition of the probable state of mind of the commanders of the two vessels is attempted with an apparent desire to furnish a basis for a tacit agreement to let the matter drop; and finally the affidavits of members of the *Petrolite's* crew, which are stated to have been submitted to the Department by the Austro-Hungarian Chargé d'Affaires at Washington, are cited in corroboration of their contention and in rebuttal of the statement of the captain of the *Petrolite*.

The desire of the Austro-Hungarian Government to bring the matter to a satisfactory conclusion is evident, not only from the terms

<sup>1</sup> Not printed.

of this communication, but likewise from the conversations had with them on the subject. At the same time they profess to find themselves in a position where circumstances will not permit of their receding from the position they have taken in the matter at issue. It would seem, therefore, that an *impasse* has been arrived at unless the Department has become acquainted with further evidence in the case.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)*

No. 4453

VIENNA, September 9, 1916.

In pursuance of his note No. 3458 of July 17, 1916, the undersigned has the honor respectfully to submit to his excellency the Ambassador Extraordinary and Plenipotentiary of the United States of America, Mr. Frederic Courtland Penfield, the following:

The Imperial and Royal naval authorities instructed the commander of the submarine boat, which participated in the incident of the American S. S. *Petrolite*, to make a thorough statement concerning the presentation of the case, as set forth in the note of the undersigned, No. 807, of February 22, 1916, as well as on the description contained in the esteemed note No. 7424 of June 24, 1916. The commander declared under oath that he confirms the former exposition as correct in all particulars, and the statements by the crew of the *Petrolite* deviating therefrom, do not conform with the facts.

The commander stated in detail as follows:

The first shot was fired across the bow of the *Petrolite*. When the shell struck the water, a clearly visible house-high column of water arose, which could not have been caused by an explosion in the engine room. When thereupon the steamer, instead of stopping, turned its bow in the direction of the submarine boat, a second warning shot was fired. Notwithstanding this, the steamer kept on turning and thus came closer to the submarine boat, whereupon the latter commenced firing. The crew of the *Petrolite* admits that the steamer, after recognizing the submarine boat, did turn through 90 degrees. This statement is very important and might clear up the incident. It was just this persistent turning of the steamer that gave rise to the suspicion on board of the submarine boat that they were dealing with a vessel under false colors, a *Baralong* trap. As a matter of fact, in the course of his conversation with the captain of the *Petrolite* the commander of the submarine called attention to this maneuver and reminded him of the *Baralong* case. The name *Baralong* was certainly mentioned. This also proves the incorrectness of the testimony that the commander had taken the steamer for a cruiser. There is no proof required to show that the commander cannot have mistaken the petroleum steamer for a cruiser. The commander nevertheless admits of the possibility of his having said that he had taken the *Petrolite* for a disguised cruiser, after the manner of the *Baralong*; yet he cannot remember having made such a statement.

The suspicion that the *Petrolite* intended to attack the submarine boat was further strengthened by the fact that the steamer did not, as is generally the case, emit steam with a cloud of smoke, which can be seen from a distance as an indication that it had stopped. Moreover, since no American flags were to be seen painted on the sides during the turning of the steamer, although the steamer had in the first place been sighted without any national flag, the commander was under the distinct impression that he was dealing with a ship like the *Baralong*. It is not correct that the commander had admitted that the steamer had stopped; on the contrary it is stated in the above-mentioned note No. 807 in entire conformity with the facts that the steamer "apparently" stopped the engines, but then turned toward the submarine boat.

That, as a matter of fact, the *Petrolite* must have turned through more than 90 degrees, appears from the statement of the American naval constructor, that the projectile which struck the steamer must have had an angle of impact of 45 degrees. The submarine boat lay stopped astern of the steamer, when the steamer was ordered to stop. It is not feasible to explain the angle of

45 degrees by a maneuver of the submarine boat, for there was no reason for the latter to proceed to a dangerous position ahead of the steamer. The boat was obliged to endeavor to remain astern of the steamer, in order not to expose itself to the danger of being rammed. The commander cannot concur in the opinion that an attempt at ramming could not be assumed for the reason that the steamer was two miles distant from the submarine boat, and that subsequently an attempt at ramming would appear as hopeless, for he holds that a submarine boat cannot in a few moments submerge deep enough to escape an attack, so that the possibility of ramming a submarine boat is not to be excluded even when the boat is two miles or more from the steamer.

Finally it is incorrect to assert that the maneuver executed by the *Petrolite* was the proper and reasonable mode of procedure. On the contrary, every steamer which is held up by a belligerent man-of-war is obliged, as is generally known, to stop as quickly as possible without executing any maneuver. A captain of a merchant vessel must know that a maneuver such as that of the *Petrolite*, particularly in the case of being stopped by a submarine boat, subjects his vessel to suspicion, and therefore places it in serious danger. Moreover, there were not 12, but only 5 shots fired. As to the effect of these shots, the commander distinctly remembers that the captain stated that the damage caused on deck was insignificant.

After the captain had come on board of the submarine boat, the commander, in addition to calling his attention to the false maneuver and to the *Baralong* case, also called his express attention to the absence of a neutral distinguishing mark.

The wound of the Danish sailor was a very slight one; there can obviously be no question of serious flesh wounds. The sailor came on board of the submarine with the captain and said in the course of the conversation that a fragment of a shell had grazed his left upper thigh. He was of good cheer and smiled when expressions of sympathy were extended to him. He was a member of the boat's crew and accepted cigarettes from the commander of the submarine boat.

The testimony of the captain in connection with the delivery of provisions does not conform with the facts. It was only a question of whether he could let the officers' mess have some fresh meat. The submarine boat was amply supplied with provisions; but, inasmuch as at the time it had been ten days at sea, it is conceivable that fresh provisions would have been welcome.

The captain declared himself immediately ready to turn over such provisions and refused any compensation with the remark that being a seaman, he would gladly assist every other seaman. The captain let the submarine boat have a ham, 50 eggs and about 20 pounds of mutton.

After the incident the boat remained at sea for some considerable time, which would have been impossible had it been dependent upon the provisions supplied by the *Petrolite*. There can be no question of compulsion, nor was any compulsion exercised in the case of the Danish sailor. When the captain and his men were about to leave the submarine boat to get the provisions, the commander asked him whether the member of his boat's crew, who could speak German, could remain on board the submarine for the time being, as it was intended to put a few questions to him concerning traffic in this region and sailing routes. The captain without further ado stated that he was willing to leave the sailor on board, and he himself returned in his boat to the steamer. Shortly thereafter the same rowboat, manned by two sailors and without the captain, came alongside of the submarine boat and one of the sailors delivered a small basket of provisions to the commander. The commander again had his thanks therefor transmitted and handed the Dane, who now reentered the boat, as a kind of return present, a bottle of champagne and a box of cigars for the captain. The captain would surely have refused this present had the steamer and his crew been illegally or inconsiderately treated by the submarine boat. He had, moreover, taken leave of the commander in the most friendly manner by shaking hands and lifting his hat.

At the end of the inquiry, the commander of the submarine boat emphasized that it was as a matter of course far from his thoughts to offend a neutral flag. It was inconceivable to him that such a thing should be attributed to a naval officer. Moreover, no offense can be seen in the application of prize law. The firing upon the steamer under a neutral flag which does not stop, or does not comply with an order to stop in a regular manner, is founded on international law—to say nothing of the fact that the commander of the submarine

boat was of the belief that the American flag had been fraudulently hoisted. The commander rejected, as devoid of any foundation, the assertion that he had submitted an incorrect report. He stated that he would leave the decision of the question whether he was guilty of a lack of judgment and self-control or indeed of any evil intention with entire composure to his superiors, who alone were competent to criticize his conduct.

After the commander had given his testimony, the second officer and the chief quartermaster of the submarine boat, who had been similarly informed of the matter under investigation, were heard under oath. They confirmed the testimony of the commander in all particulars. An examination of the other members of the crew was abstained from, because they had no knowledge of the incident from their own observation.

In the opinion of the Imperial and Royal Government, a comparison of the depositions of the officers of the submarine boat, herein reproduced, with the statements of the crew of the *Petrolite*, gives room to the possibility of easily explaining and clearing up the apparently existing contradictions as to the essential details of the incident in approximately the following manner.

The steamer did not intend to attack the man-of-war, but the improper—though well-meant—conduct of the captain necessarily awakened the suspicion of the submarine boat, so that its commander felt himself compelled, after firing warning shots, to fire a few shots at the steamer, the crew of which, in their surprise at the unexpected encounter, at once believed that they had been fired upon from the first. The delivery of the provisions and the detention of the Danish sailor were probably not in accordance with the wishes of the captain of the *Petrolite* but he outwardly evinced his readiness, perhaps because he knew that he was confronted by a man-of-war with whose wishes he felt himself obliged to comply, so that he only had the impression of yielding to coercion, without the commander, however, having the slightest thought of exercising compulsion.

Be this as it may, in view of the sworn depositions of the officers of the submarine boat, herein reproduced, and which explain the incident in a plausible manner, the Imperial and Royal Government entertains the conviction that the commander acted entirely within the limits prescribed by international law, and that, therefore, regrettably as it may be that an American ship suffered in the event, no responsibility is to be attached either to the commander or the Imperial and Royal Government.

It may finally be remarked that the Imperial and Royal Government is in possession of sworn statements of a number of members of the crew of the *Petrolite* which agree in important particulars with the statement of the commander of the submarine boat. The Imperial and Royal Chargé d' Affaires at Washington has already availed himself of the occasion of laying the contents of these protocols before the Department of State.

The undersigned has now the honor to respectfully request his excellency the Ambassador of the United States of America to kindly bring the foregoing to the cognizance of the Government of the United States and at the same time avails himself [etc.]

BURIAN

## THE RENEWED STRUGGLE IN GERMANY FOR UNRESTRICTED SUBMARINE WARFARE (OCTOBER 1916)

File No. 763.72/2894

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *October 1, 1916, 6 p. m.*

[*Received October 2, 9.05 p. m.*]

4412. The general attitude of the press together with confidential information received leads me to believe that an early resumption of

indiscriminate submarine warfare is not unlikely. It is doubtful whether the Chancellor can continue to withstand the steadily increasing public sentiment in favor of such a step, in view of his increased weakness in the Reichstag. This would presumably take the form of a desperate attempt to stop American supplies and ammunition from reaching the Allies.

GREW

File No. 763.72/2898

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 2, 1916, 6 p. m.

[Received October 3, 12.40 p. m.]

4417. Referring to my cable 4412, October 1, 6 p. m. While the political situation of the last three days was characterized by various well-informed persons as gravely critical, I learn on good authority to-day that the Chancellor has been temporarily strengthened by a strong speech made by Helfferich at a secret session of the Budget Committee of the Reichstag, and that what yesterday was regarded as a disagreeable impending political crisis based on the submarine issue will now probably be tided over for the present.

GREW

File No. 763.72/2906a

*The Acting Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, October 4, 1916, 4 p. m.

3448. Department is in receipt of information indicating German Admiralty preparing for early resumption of submarine warfare in violation of neutral rights. Discreetly investigate and report.

POLK

File No. 763.72/2904

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 5, 1916, 4 p. m.

[Received October 6, 2.10 p. m.]

4433. Referring to my 4417, October 2, 5 p. m. The general impression here is still that the Chancellor will, for the present, be able to hold his own against the attacks of his political adversaries arising out of the submarine issue as he is still actively supported by the Emperor. There is, however, no feeling of permanent security in the situation which would be complicated by further German reverses on the west front. The submarine issue may be discussed in the next plenary sitting of the Reichstag on October 11.

GREW

File No. 763.72/2907

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 6, 1916, 5 p. m.

[Received October 7, 4 p. m.]

4436. Department's 3448. The naval attaché of the Embassy reports that according to reliable information the German Admiralty is preparing for an early resumption of submarine warfare in violation of neutral rights. This preparation is, however, no new departure as the same has been going [on] steadily since the illegal submarine warfare was temporarily abandoned last April, the Admiralty never having lost sight of its possible ultimate resumption. The preparation has merely been hastened recently owing to the political crisis of last week which the Admiralty expected would swing in its favor. Please refer to my confidential telegrams 4412, October 1, 6 p. m., 4417, October 2, 6 p. m., and 4433, October 5, 4 p. m., in which I have reported fully on the political situation. I am informed to-day that the Chancellor, who is supported by the Emperor, Von Hindenburg, and Helfferich, has succeeded in winning over his political opponents in a secret session of the party leaders of the Reichstag to an agreement that the submarine issue shall be dropped for the present. I have not yet been able to confirm this information but hope to report more definitely to-morrow.

GREW

File No. 763.72/2910

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 7, 1916, 5 p. m.

[Received October 8, 7.10 p. m.]

4439. Referring to my 4436, October 6, 5 p. m. The information which I have received to the effect that an agreement has been reached between the Chancellor and his political opponents that the submarine issue should be dropped for the present, bases the agreement on the desire of the German Government to avoid embarrassing the President should he desire to act on the matter dealt with in the Ambassador's highly confidential telegram 4375,<sup>1</sup> September 23[25], 5 p. m. [7 p. m.]. While this information emanates from what I believe to be a trustworthy and well-informed source, it has not been possible to confirm it, and I still think it not unlikely that a vote on the submarine issue may be forced in the Reichstag in which the Chancellor would probably be supported by Imperial Government resulting in a general clearing of the atmosphere. The general outlook at the present moment is reassuring.

GREW

<sup>1</sup> *Ante*, p. 55.

File No. 763.72/2914

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 7, 1916, 2 p. m.

[Received October 9, 8 a. m.]

4443. Press summary. It is reported that a memorandum of the Admiralty Staff on the effect of submarine warfare against England has been widely circulated; the Liberal press claims that this is nothing but a private essay by a subordinate, but Conservative papers maintain that it is the work of an expert employed by the Admiralty, was approved and signed by the chief of the Admiralty Staff and submitted to the Chancellor, so that there is no question as to its official character. The National Liberal News Agency states that although Helfferich's speech in Reichstag committee was applauded by Progressives and Socialists, it will cause no change whatever in the position taken by the great majority of the National Liberals or those from other parties who take the same position, and their number has considerably increased since March. Commenting on this the *Deutsche Tageszeitung* points out that Traub and Heck-scher, two of the leaders of the Progressives, have gone over to the anti-Government side in the submarine question and suspected it is no longer possible even by the most rigorous party discipline to conceal the fact that the conviction that submarine warfare ought to be carried out indiscriminately is gaining ground among the leading men of all parties, and that the great mass of the German people stands behind these men. The paper states that the Conservatives are not actuated by any personal feeling against the Chancellor, but would willingly support him if he would only adopt what they are convinced is the only possible course regarding submarine warfare. It states that a vote of confidence in the Chancellor's policy would not make the slightest difference in the situation and that any attempts to stifle the conscientious opposition of wide circles of the German people would have serious consequences.

GREW

File No. 763.72/2913

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 7, 1916, 3 p. m.

[Received October 9, 8 a. m.]

4442. Referring to my cable 4436, October 6, 5 p. m. Indications from various sources are that the Chancellor has the political situation well in hand. In an informal conversation with Zimmermann last night, I told him unofficially that I feared my Government might become disquieted over the rumors in the press and elsewhere of a possible resumption of indiscriminate submarine warfare in violation of neutral rights. He assured me that the Chancellor had full con-



trol of the situation and that there was no danger of an altered policy. He added, however, that the submarine question as a political issue would never be finally laid at rest until the United States should bring pressure to bear on England to abandon the blockade, and he said that any steps taken in that direction would materially aid the Chancellor in dealing with those who wished to resume the indiscriminate submarine warfare here.

GREW

File No. 763.72/2925

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 9, 1916, 6 p. m.

[Received October 10, 1.35 p. m.]

4450. I learn that one of the most forcible arguments against a resumption of reckless submarine warfare advanced by Helfferich in his speech, mentioned in my 4417,<sup>1</sup> October 2, 6 p. m., was that a break with the United States and the resulting combined pressure of Great Britain and the United States on the neutral countries contiguous to Germany would force an effective closing of those frontiers to the supplies which still enter Germany in certain quantities.

The report published in the *Lokal-Anzeiger* yesterday that the Party of the Center had split on the submarine issue and that the majority would vote for submarine warfare has been officially denied by the party organ. If the submarine issue comes to a vote in the Reichstag, the indications are still that the Chancellor will have a majority, but even if a contrary vote should be passed, it now seems improbable that the policy of the Government would be altered at present.

GREW

File No. 300.115/10296

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, October 12, 1916, 11 a. m.

[Received October 13, 2 p. m.]

1478. My 1460, September 26, 5 p. m.<sup>2</sup> Your 1382, October 7, 2 p. m.<sup>2</sup> In view substance your 1370, September 23, 5 p. m.,<sup>3</sup> Ministry of Foreign Affairs reply that concession of the Austro-Hungarian Government relative adjustment through diplomatic negotiations of damages suffered by American citizens through sinking of *Ancona* extends only to personal damage or loss of personal effects or luggage. Losses on goods or freight must be notified to prize court and decision rendered through regular prize court proceedings.

PENFIELD

<sup>1</sup> *Ante*, p. 292.<sup>2</sup> Not printed.<sup>3</sup> *Ante*, p. 287.

File No. 763.72/2942

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 12, 1916, 1 p. m.

[Received October 13, 4.30 p. m.]

4467. Confidential reports state that German naval officers in a body have signed a petition to the Emperor asking for immediate resumption of submarine warfare without consideration for neutral rights as being the only way to win the war. Admiral Scheer supports this position in a letter to the Emperor confidentially communicated to the Embassy from a reliable source. *Résumé* of letter is as follows:

High sea battles may damage the enemy but would not force England to make peace as fleet could not overcome disadvantages of Germany's military geographic situation and great [naval] preponderance of the enemy. Victory can be attained only by overcoming English economic life which means beginning of a submarine war against British commerce. To choose any weaker method would be in vain and I most urgently dissuade Your Majesty, as I did before, from the choice of this dubious form, not only because it does not correspond with the character of submarine weapons, but the endangering of the boats would not compensate for the profit to be obtained thereby. It would also be impossible in spite of the great conscientiousness of the commanders to avoid in England's waters where American interests are lively such accidents as would humiliate us and which would force us to give in if we cannot hold through to the fullest extent.

Results of this movement cannot be predicated at present. It should however be given full consideration in connection with my previous reports on the political situation and the influence it may have on the Emperor. Please also communicate to Bureau of Naval Intelligence from naval attaché.

GREW

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[For discussion of submarine policy in debate in the Reichstag, see telegram No. 4471, October 12, 1916, received October 14, from the Chargé in Germany, *ante*, page 58.]

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File No. 763.72/2947

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 14, 1916, 1 p. m.

[Received October 15, 5.40 p. m.]

4478. The American newspaper correspondents who have just been permitted to visit the Krupp works at Essen and other industrial centers tell me that Ludendorff, who is Von Hindenburg's Chief of Staff, has just visited Essen and arranged to double the output of ammunition from Krupp's, which will result in an immediate increase from one million and a half to three million shells per month, the necessary buildings and machines being ready and a large number of workmen withdrawn from the front for this purpose. While

the correspondents are convinced of the truth of this report, I naturally have no means of confirming it. They all say that Ludendorff told various prominent industrial magnates that there would be no resumption of submarine warfare in violation of neutral rights, which tends to confirm my previous report that Von Hindenburg is supporting the Chancellor and is important in connection with the sentiment of the Reichstag that the decision should be left to the higher military authorities. Public opinion in the industrial districts, however, was wholly in favor of the reckless submarine warfare.

While the Chancellor was able to prove in the Reichstag that he is at present in control of the situation, and while the political outlook is therefore for the present moment reassuring, I wish to repeat that there is no permanent security to be looked for in the situation regarding the submarine issue, in view of the attitude of the Navy, the Conservative Party, and the great mass of public opinion.

GREW

File No. 763.72/2966

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 20, 1916, 7 p. m.

[Received October 21, 2.40 p. m.]

4503. There are no important developments in the political situation. The Chancellor appears to have matters under control at present and, although the activity of his opponents continues, to have received another setback by Hindenburg's request that the submarine agitation be dropped. There will, however, probably be a recrudescence of the agitation after the presidential election in the United States. I have given a complete *résumé* of political situation in despatch No. 4322 of October 16.<sup>1</sup>

GREW

File No. 763.72/2968

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 20, 1916, 3 p. m.

[Received October 21, 3.40 p. m.]

4502. Press summary. The influential person mentioned in my 4480<sup>2</sup> as having addressed the meeting of the Independent committee was Geheimrat Duisberg, who said he came with official instruction from Hindenburg to tell the committee that Hindenburg requested it to cease all agitation for increased severity of submarine warfare. General Ludendorff is reported to have written in a letter that—

Tremendous efforts are necessary in order to defeat the hopes which our adversaries are setting on their simultaneous and extraordinary exertions on all the fronts, but we shall succeed if the German people stand united and with full confidence behind us and does not wear out the Army with disputes

<sup>1</sup> Post, p. 300.<sup>2</sup> Not printed.

as to the advisability of ways and means to success; if it seems to one standing aside as if a program in certain questions were missing, this is no proof that it really is missing. I beg of you to be untiring in urging unity and confidence.

The Cologne *Volkszeitung* denies that the Center Party is divided on the submarine question into two factions. It points to the history of the submarine question and declares that the new men in the Navy like Holtzendorff and Capelle, who in May were very reserved and vague in their opinion as to the possibilities and prospects of submarine operations, to-day take the same view as Tirpitz, Bachmann, Beinke [*Behncke*], Pohl, and others. The political aspect of the question had likewise changed with time. People who had spoken with the Chancellor lately testified to the great value which he attached to the fact that he had never been opposed in principle to unrestricted submarine warfare and was not to-day. To put it mildly, the political side has commenced to waver whereas Hindenburg had not yet made any decision. This being the situation, the Center Party had declared that the Chancellor would have the Reichstag behind him if, with the support of the decision of highest military authorities, he should adopt unrestricted submarine warfare.

GREW

REPRESENTATIONS TO GERMANY (OCTOBER 30–NOVEMBER 18, 1916)  
 CONCERNING THE SINKING OF THE "ROWANMORE", "MARINA",  
 "ARABIA", "SEBEK", "DELTO", "LANAO", "COLUMBIAN", AND  
 "CHEMUNG" (DECEMBER 2, 1916)—REPLIES AND CORRESPONDENCE  
 ON THESE CASES—REPORTS ON POLITICAL CONDITIONS IN GERMANY  
 WITH REFERENCE TO SUBMARINE POLICY—COMMUNICATIONS OF IN-  
 STRUCTIONS FOUND ON A FRENCH ARMED MERCHANT SHIP

File No. 841.857R53

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, *October 30, 1916, 5 p. m.*

3530. Telegram dated October 28 from the American Consul at Queenstown states:

Furness freighter *Rowanmore*, Baltimore for Liverpool, mixed cargo including munitions attacked by German submarine 8.45 a. m., 26th, 140 miles west southeast of Cape Clear. After 50 minutes attempt escape *Rowanmore's* steering gear was shot away. Master thereupon stopped and signaled submarine he was abandoning ship. Submarine three-fourths miles distant continued shelling as it came up, originally 3 miles off. Submarine shelled boats after latter were clear. No casualties whatever, but Americans and officers insist submarine was firing to kill until it came close up, when it forewent that. Submarine forcibly took master on board it as prisoner or hostage. Expressed perfunctory regret at situation of crew of 79 men who were in 4 open boats. Weather was dull with heavy swell and light choppy waves, wind moderate to fresh. Submarine shelled *Rowanmore* and at 11.30 torpedoed her, but vessel did not sink until 2.40 p. m. *Rowanmore* had wirelessed the *Finland* 30 miles away, warning her to keep away, also wirelessed other vessels. British Admiralty vessel came to rescue 11.45 a. m. Crew landed Bantry 10 a. m., 27th. Seven Americans, of whom five are Filipinos. Other two are native Americans: George Murphy, 740 Jefferson Avenue, Brooklyn, and Albert Sessler, 42 Sharon Street, Boston. Both rated trimmers. Their affidavit is taken. Took statement first officer Watson, but could not complete it formally, as he had only two hours in Cork. *Rowanmore* had gross tonnage 6,705.

Please bring foregoing to the attention of German Government and request an investigation and report as soon as possible.

LANSING

File No. 841.857M331/1

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, *October 31, 1916, 6 p. m.*

3532. Department advised that British Steamer *Marina*, Glasgow to Baltimore and Newport News, was torpedoed by German submarine without warning in heavy sea about 3 p. m., October 28, 100 miles west of Cape Clear, latitude 51° 40' north, longitude 10° 56' west, and that over 50 Americans were on board, of whom 9 are killed or wounded.

Please bring this information immediately to attention of German Government, and urgently request an investigation and report at the earliest moment in this case.

LANSING

File No. 841.857/186a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *November 2, 1916, 5 p. m.*

3538. Department advised that following merchant vessels of nationality indicated with Americans on board have been sunk by German submarines on date and in locality mentioned.

*Rievanula Abbey*, British, September 3, 1916, 5 miles off Spurn Point, mouth of Humber, England.

*Strathtay*, British, September 6, 1916, 30 miles from Brest, France.

*Antwerpian* [*Antwerpen*], Dutch [Danish], September 12, 1916, 25 miles south of Scilly Islands.

Please bring these cases to attention of Foreign Minister, and request report as soon as possible as to the sinking of each of these vessels.

LANSING

File No. 841.857M331/31

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *November 3, 1916, 12 p. m.*

[*Received November 4, 10.10 p. m.*]

4555. Urgent. With reference to Department's 3530, 30th October, and 3532, 31st, following is a translation of note dated to-day received from Foreign Office at 10.30 this evening:

The undersigned has the honor to reply as follows to the American Chargé d'Affaires, Mr. Grew, with reference to the two notes of the 2d instant relative

to the sinking of the British steamers *Rowanmore* and *Marina* by German submarines:

The Imperial Government is not yet in a position to give a positive statement regarding the cases in question since the submarines which come into question for the sinking are still on their voyage without it having yet been possible to get into communication with them. As soon as they shall have returned an exact investigation of their procedure will be instituted, and immediately upon its completion the result will be communicated to the American Embassy.

The Imperial Government, however, wishes even now to express the conviction that the proceedings connected with the sinking of the two ships could not have occurred as the informants of the American Government state, for the commanders of the German submarines operating against England have the strictest and most sharply controlled instructions to keep carefully within the limits of the rules, the observance of which the Imperial Government promised in its note of May 4, 1916, and which since then have been observed by the German submarines with the greatest exactness.

The undersigned avails himself of this occasion [etc.]

ZIMMERMANN

GREW

File No. 763.72/2992

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4322

BERLIN, October 16, 1916.

[Received November 6.]

SIR: Supplementary to the telegrams bearing on the political situation in Germany, which I am regularly transmitting to Washington in accordance with the directions contained in the Department's telegram No. 3456 of October 5, 1916,<sup>1</sup> I have the honor to communicate to the Department below a *résumé* of the political developments which have occurred in this country during the last three weeks, with particular reference to the question of a possible resumption of indiscriminate submarine warfare on merchant vessels in violation of neutral rights on the high seas.

The submarine question had appeared to be in abeyance and matters between the United States and Germany on a temporarily quiet footing when, on September 29, came the unexpected anti-American outburst in the press, based on the report of the death of the American aviator Rockwell in the service of France. The Foreign Office had for a long time been able to suppress all articles in the press tending to inflame public opinion against the United States and it appears that this outburst was forced past the Foreign Office censor by the military representative at the daily press conference, who gave out the material regarding Rockwell and the French corps of American aviators and permitted it to be published before the Foreign Office could interfere. As full advantage was taken of the item as a basis for scathing comment on the neutrality of the United States, it seems probable that the whole incident was a carefully timed political move on the part of the adversaries of the Chancellor in order to stir up public opinion against the United States and thus to weaken the Chancellor in dealing with the submarine issue in the coming deliberations of the Reichstag. There

<sup>1</sup> Not printed.

is no doubt that the Chancellor and the Foreign Office were greatly perturbed over the incident and that they took immediate steps to suppress all further comment in the press. I am aware that the Chancellor referred the matter to the Emperor himself.

At about the same time we received information from various sources that the Admiralty Staff were hastening their preparations for a resumption of the indiscriminate submarine warfare, as they hoped and apparently expected that the political situation would develop in a way to permit them to carry out their plans in this direction. This information, together with reports of a pessimistic nature from many sources regarding the increasing strength of the Chancellor's opponents in the Reichstag and of the champions of the reckless submarine warfare, led me to send my confidential telegram No. 4412<sup>1</sup> of October 1. On September 29 and 30 well-informed persons here were of the opinion that a grave political crisis was impending.

The situation did not, however, develop as was expected by the Admiralty. After the Chancellor's opening speech in the Reichstag on September 28, 12 days were spent by the Budget Committee of the Reichstag in secret session for the purpose of considering foreign affairs, and it was during these sessions that the Chancellor succeeded in coming at least to a temporary agreement with the leaders of the various political parties. On such information as I was able to obtain regarding the general trend of these deliberations I based my confidential telegrams to the Department Nos. 4417 of October 2d, 4433 of October 5, 4436 of October 6, 4442 of October 7, 4439 of October 7, 4450 of October 9, and 4478 of October 14.<sup>2</sup>

The meetings of this committee were strictly secret, members of the Reichstag not belonging to the committee being excluded. The principal witnesses before the committee were the Chancellor (Von Bethmann-Hollweg), the Secretary of State for the Navy (Von Capelle) and the Secretary of State for Foreign Affairs (Von Jagow). The principal topic of discussion was the submarine issue and whether to take up the submarine warfare in its extreme form, thereby involving neutrals in the war, or not. The opponents of such action, I may add, are the Chancellor, supported by the Emperor, Helfferich (Minister of the Interior), Von Hindenburg (Chief of the General Staff), the Foreign Office, and what appears to be a majority in the Reichstag, including the Socialists, the People's Progressive Party, a few of the National Liberals, and most of the Center Party. Its advocates are the Navy in its entirety, including of course Von Tirpitz, the former Secretary of State for the Navy, a probably large percentage of the Army, the Conservatives, including the Free Conservatives, and most of the National Liberal Party in the Reichstag, and above all the majority of public opinion, which has been carefully educated by the press to regard the indiscriminate submarine warfare as a sure means of causing England's defeat.

At certain phases of the discussions the leaders of the various parties in the Reichstag were called before the Budget Committee

<sup>1</sup> *Ante*, p. 291.

<sup>2</sup> Telegrams are printed, *ante*, pp. 292-96.

and allowed to state the views of their respective parties in regard to the matter.

One of the strongest speeches in support of the Chancellor appears to have been made by Helfferich, who elaborated the importance of avoiding a break with the United States, first, on account of the necessity of retaining American financial cooperation after the war, secondly, on account of the effective closing of the frontiers of the neutral countries contiguous to Germany which would result from the combined pressure of England and the United States, thus putting an end to the importation of supplies which still enter Germany in certain quantities across those frontiers. Helfferich's speech, in fact, may be regarded as the turning point of the political crisis, as indicated in my telegram No. 4417 of October 2.

During these secret discussions it was announced in the press that a confidential memorandum written by the Admiralty Staff and submitted to the Chancellor on the subject of the economic effects of an indiscriminate submarine warfare on England's commerce had been distributed surreptitiously to the political leaders, in order to influence them in demanding by resolution in the Reichstag that the submarine war be adopted. An official statement was later published to the effect that this memorandum was simply a work on England's political economy as affected by submarine warfare, sent by the Admiralty to the Chancellor in February last marked "Confidential, not for publication," and described as a purely economic memorandum prepared for the use of the Admiralty.

It is of course not generally known what arguments were used by the Chancellor in the secret sessions of the Budget Committee to keep them from voting to open the discussion in the Reichstag with a view to calling on the Government for a renewal of the extreme form of submarine warfare. It is, however, rumored that he was able to hold out some hope that peace might be arranged if Germany did not go forward with this policy at the present time and that it was on this basis that the party leaders agreed to let the matter drop for the present moment.

At any rate the committee voted 24 to 4 against a general discussion of the submarine issue in the Reichstag and, when the open session came, what had promised to be a debate of great acrimony, with the possible result of a vote of lack of confidence in the Chancellor, was reduced to a few mild speeches by the leaders of the Conservative and of the Socialist Labor Parties, that is the extreme right and the extreme left, who had refused to accede to the resolution of the Budget Committee and spoke on the submarine issue, but without effect. Westarp, the leader of the Conservatives, said that while his party regarded a resumption of the indiscriminate submarine warfare as absolutely necessary, he would refrain, in the public interest, from stating their reasons therefor. The general sentiment of the Reichstag was that the decision should be left in the hands of the highest military authorities, namely the Emperor and Von Hindenburg.

It is now generally felt that confidence in the Government has been largely restored as a result of the proceedings in the Reichstag and that, as I predicted in my telegram No. 4439 of October 7, the political atmosphere has for the moment been cleared.



The Navy as a whole is convinced that the submarine warfare must be taken up again and pushed to its extreme form in order to save the situation, and it is reported that a round-robin letter, signed by all the officers of the Navy, has been addressed to the Emperor calling upon him to adopt this method of warfare in order that the war may be won. Admiral Scheer, who, since the battle off the Skagerrak, has been the dominating personality on the active list of the Navy, supports the *rücksichtslos* war, as does Von Tirpitz, who in his retirement is said to have more influence on the minds of naval officers than anybody else in Germany. Admiral Scheer is reported to have twice petitioned the Emperor for the taking up of the active submarine warfare against commerce in its extreme form. In his second letter on this subject I am reliably informed that he wrote the following:

It is true that if operations to be inaugurated take a favorable turn, the enemy may be considerably injured, yet there cannot be the slightest doubt that even the most fortunate result of a high-sea battle cannot force England in this war to peace; the disadvantages of our military-geographic situation as compared with that of the island power and the great material superiority of the enemy will not allow us to overcome the blockade directed against us or to overcome England itself, even if the U-boats are all available for military purposes. A victorious ending within a foreseen time can only be achieved by destroying the English economic life, i. e., by using the German U-boat against the English commerce.

I am constrained according to my conviction and duty to counsel Your Majesty against employing any weaker method, not only because it does not correspond to the character of the weapon and the risk to the U-boats, which is in no proportion to the gain to be achieved, but because in spite of the great conscientiousness on the part of the captains of the U-boats it is not possible for them to avoid incidents in English waters, in which waters American interests are active, incidents which are liable to humiliate us and would force us to recede, if we cannot hold through to the fullest extent . . .

It is as yet impossible to predict what will be the result of this letter and the petition of the officers, but they should be given careful consideration from the point of view of the effect which they may have on the Emperor and in connection with my various telegraphic reports indicating that the Chancellor's present strength depends largely upon the support which he is receiving from the Emperor in his attitude towards the submarine issue.

Although it is evident that the Navy would gladly break loose from the restrictions imposed upon it by the Government, it nevertheless appears, from all available sources of information here, that the *U-53*, which has been operating off the Atlantic coast of the United States, has so far adhered to the instructions of the Government based on the assurances given us last spring that the submarine warfare would be conducted in accordance with international law and the rights of neutrals on the high seas. I am informed that Commander Rose, of the *U-53*, is regarded as one of the most reliable officers in the German Navy and that no anxiety is felt as to his exceeding his instructions in any respect. Whether his operations in American waters have already run counter to the assurances given us by the German Government, the Embassy is not as yet in a position to know. The German press has simply announced that nine merchant vessels have been sunk off the coast of the United States.

A statement which appeared in the *Nord Deutsche Allgemeine Zeitung*, the semiofficial organ of the German Government, on Octo-

ber 12, while not labeled official, has all the earmarks of emanating from the Admiralty Staff. It is as follows:

In the press of our enemies different statements and assertions have been made with regard to the German submarine war on the coast of the United States which must be contradicted.

The English radio-telegraphic service of Poldhu reported under date of October 10 that *U-53* had "torpedoed six ships and in several cases sunk them."

We are informed from authoritative sources that the trade war off the coast of the United States is carried on in accordance with the German prize rules which provide that a merchant ship may be stopped and searched and, after the crew and passengers have been saved, the ships may under certain conditions be sunk. These conditions are, for instance, if the steamer belongs to an enemy, or if it is a neutral steamer carrying contraband of war, the military situation being such as to exclude the possibility of bringing the ship in as a prize. In no case are merchant ships sunk by a torpedo shot without warning.

Reuter further reports from Washington that the American authorities fear the coming of complicated questions of neutrality if submarines operate so close to the American coast that it resembles a blockade.

To this it must be replied that the German naval forces have the right to carry on the cruiser war anywhere upon the open sea, if the waters of neutral sovereignty are scrupulously respected. This is not a question of a blockade, as only enemy ships or neutral ships with contraband of war on board are held up, whereas the declaration of a blockade would include the seizure of all ships steering towards the blockaded coast or leaving it, irrespective of flag or cargo.

The question of the American *Journal of Commerce*, "Is our coast to be the base for German submarines?" is also superfluous in view of the fact that when the *U-53* ran in to Newport she did not make use of her right as a warship to take on fuel supply or provisions. That secret supply stations for German submarines could be established on the coast of the United States, no American citizen with sound sense could believe.

In strong contrast to these complaints stands the fact that since the beginning of the war English cruisers have been standing guard before American ports, New York for instance, which approach the coast so closely that they may be seen with the naked eye from the roofs of high buildings.

As far as can be made out, then, there was about ten days ago a belief in the Admiralty Staff that the political situation was such that the resumption of the *rücksichtslos* submarine warfare against commerce would be permitted them. The political leaders, however, failed to carry this point against the opposition of the Chancellor and, in fact, receded for the present from their position and gave the Chancellor support in his milder policy. The Navy, therefore, postponed any plans it may have had for taking up an extreme form of submarine warfare and are waiting until the Government is forced to their views, which are that the only way of winning the war is to strike with all their force against the English economic life by way of an extreme form of submarine warfare, i. e., by sinking everything that approaches the English and French coasts.

Whether the issue has been laid in abeyance indefinitely or whether it has been postponed merely for a certain period, say until after the presidential elections in the United States, or longer, it is as yet impossible to ascertain. Only the Government and the political leaders who took part in the deliberations in the secret sessions of the Budget Committee of the Reichstag know. I wish, however, to repeat what I have endeavored to indicate in my various confidential telegrams to the Department, that while the political outlook is for the present moment reassuring, there is no permanent security to be looked for in the situation, in view of the attitude of the Navy, the

Conservative Party and its allies in the Reichstag, and the majority of public opinion; and that our Government should therefore be fully prepared for an eventual resumption of the indiscriminate submarine warfare against commerce in violation of the rights of neutrals on the high seas.

I may add that I have kept the Department informed of the trend of public opinion as expressed in the various party organs of the press in my telegrams Nos. 4413, 4416, 4420, 4424, 4430, 4434, 4443, 4449, 4453, 4459, 4466, 4474, 4477, and 4480, of October 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 16 respectively.<sup>1</sup>

The proceedings in the two important open sittings of the Reichstag were reported in my telegrams Nos. 4401 and 4471 of September 28 and October 12, respectively.<sup>2</sup>

I have [etc.]

J. C. GREW

File No. 763.72/2997

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4347

BERLIN, *October 17, 1916.*

[*Received November 6.*]

SIR: For the Department's information, I have the honor to make the following report on parties and party leaders in the German Reichstag, which may serve to elucidate the Embassy's reports on the political situation and its daily telegraphic summaries of comment in the press:

PARTIES AND PARTY LEADERS IN THE GERMAN REICHSTAG

Number of seats in the Reichstag-----	397
Elected for the Session 1912-1917:	
Social Democrats-----	110
Center (Catholics)-----	90
Conservatives-----	45
National Liberals-----	43
Progressive People's Party-----	42
Poles-----	18
Empire Party (Reichspartei)-----	13
Other small fractions-----	36
Total-----	397

SOCIALISTS

Press organ: Berlin *Vorwärts*.

Now divided into the Regular wing which has continued to vote for the war credits and the Socialist Labor wing (*Sozial Arbeitsgemeinschaft*) which has voted against the last three credits. At the recent Socialist Conference for the Empire both wings were fully represented and agreed to disagree.

<sup>1</sup> No. 4443 printed, *ante*, p. 294; others not printed.

<sup>2</sup> *Ante*, pp. 56 and 58.

The Socialist Labor wing numbers about 30 to 45. Its exact strength is impossible to determine accurately as many Socialist members of the Reichstag have refrained from voting both in the Reichstag and at the party conference. The Labor wing seems to be increasing in strength. Of the former the most extreme are called the "Spartacus" group and tend toward anarchy; of the less extreme, Haase, an East Prussian member, Bernstein, and Ledebour are the leaders.

Of the Regular wing of the Socialists the leaders are Scheidemann, a self-made man, formerly a printer's clerk; Doctor David, a political academician, a fine debater, and an authority on agriculture; Heine, one of Germany's best-known lawyers; Suedekum, who bears the nickname "sans-culotte-with-the-creased-trousers."

Previous to the war the Socialists advocated a parliamentary régime, and particularly, reformation of the Prussian electoral laws. Since the war the Regulars have voted for all the war credits. The Socialist Labor wing is against ruthless U-boat warfare as being contrary to international law; the Regular wing is against it largely as a matter of practicality. The Socialist Party is strong in and around Berlin, in Saxony and the other industrial centers such as the Province of Sachsen (in Prussia), and in the Westphalian manufacturing districts, and to a certain extent in Hanover and around Hamburg.

#### PROGRESSIVE PEOPLE'S PARTY (FORTSCHRITTLICHE VOLKSPARTEI)

Press organs: *Vossische Zeitung*, *Frankfurter Zeitung*.

Leaders: Naumann (orator and expounder of the idea of *Mittel-Europa*, i. e., the commercial and economic unity of the Central powers after the war), Payer and Haussmann, all three of whom may be regarded as the political and intellectual descendants of Carl Schurz in Germany.

Previous to the war this party also favored the parliamentary régime. It formerly did not support the Army and Navy policy of the Government, but of late years has become nearer to the National Liberals. It now believes strongly in the *neu Orientierung* ("new political bearings") eventually, but not during the war. It is almost unanimously against the ruthless U-boat warfare, although one of its most prominent members Doctor Heckscher has recently quarreled with his party after becoming converted to the U-boat warfare.

#### NATIONAL LIBERALS

Press organ: *Kölnische Zeitung*.

Leaders: Bassermann and Prince Schoenaich-Carolath and (of one group) Schiffer.

Theoretically they stood, before the war, for the idea of the Empire. The party rather represents "big business" and the well-to-do *bourgeoisie*. At present they are divided on the question of supporting the Chancellor and the U-boat question. According to their last statement, they are willing to leave the latter to the mili-

tary authorities. Both sides claim to have a majority among them. The party contains some very bitter enemies of the Chancellor. Their strength is well scattered throughout the country.

#### CENTER (CATHOLICS)

Press organs: *Germania*, *Kölnische Volkszeitung*.

Leader: Spahn, a bad speaker but an exceedingly clever parliamentarian.

The party contains a liberal and a conservative wing, a democratic and an aristocratic element. It stands always for the interest of the Catholic church, first and foremost, and on other things is *à deux mains*, though it always voted the Army and Navy credits. It takes no particular stand on the *neu Orientierung*, nor on the U-boat question, leaving the latter to the military authorities. Undoubtedly a large number of members of the Center are for the ruthless U-boat warfare, though probably a much fewer number are inimical to the Chancellor personally. The party organ in Berlin, *Germania*, denies the claim of the Cologne *Volkszeitung* (also a Catholic paper) that a majority of the party is with the Conservatives on the submarine issue. The Center is strong in Bavaria, in the Rhine provinces and, to a certain extent, in Silesia.

#### DEUTSCHE FRAKTION

(This includes the *Reichspartei* or Free Conservatives and a few small groups)

Press organ: Berlin *Tägliche Rundschau*.

Leaders: Prince Hatzfeldt, Schule and Gamp, and, outside the *Reichspartei*, Count Oppersdorff. The group is moderate in foreign policy and otherwise aristocratic. Large industrials and mine owners are its adherents and in general it stands with the Conservatives except that it is slightly more liberal as, for instance, in the question of the primary schools. On the present questions the group stands with the regular Conservatives, although its speaker declared for the *neu Orientierung* in the debate on October 11. Its strength is in East Prussia and the Mark of Brandenburg.

#### CONSERVATIVES

Press organs: *Kreuz Zeitung*, *Tageszeitung*.

Leaders: Count Westarp, and Von Heydebrand, who is known as "the uncrowned King of Prussia" on account of his supreme influence in the Prussian Landtag.

The Conservatives are agrarians and protectionists and stand strongly for the maintenance of the monarchial principle. In inner politics they vote often with the Center. At present they are almost unanimously against the Chancellor and favor the resumption of the U-boat warfare—an issue they have used, as many believe, to gain support in their fight against the Chancellor, as they fear he will bring in the *neu Orientierung* after the war. Their strength is in East Prussia, Pomerania, Mecklenburg and the Mark.

I have [etc.]

J. C. GREW

File No. 763.72/3002

*The Consul General at Dresden (Bergholz) to the Secretary of State*

No. 275

DRESDEN, October 16, 1916.

[Received November 7.]

SIR: I have the honor to inform the Department that yesterday, Sunday, I met at Meissen, a small town near Dresden, an army officer connected with the Ministry of War at Dresden, whom I have known for over two years and whom I invited to dine with me.

During a conversation, which lasted some three hours, he conveyed to me the following information: That in the first months of 1917 Germany contemplated an unrestricted use of submarine warfare; that she had been building submarines at the rate of two a week and hoped by a sudden attack with an overwhelming number of them to break through the barriers which protected the fleets of France and Italy in the hope of bringing about peace. Should the Imperial Government succeed in this and the Allies still refuse to come to terms, the Government then intended to make a final attempt to destroy the English fleet and to sink every vessel of the Entente met with. Zeppelin raids would, at the same time, be made on England nightly.

He further said that the Government expected to suffer a fearful loss in men and material, but that it would, nevertheless, carry out the plan as outlined. The blow would be made with such enormous forces that it must succeed.

He stated that the failure of the Germans to take Verdun was due to the tender compassion of the Emperor, who declined to permit of the further bombardment of the city when he learned that all the inhabitants had not left. To my suggestion that this would hardly explain the sinking of the *Lusitania* and a dozen other passenger ships without warning, he replied, after some hesitation, that it did not sound logical, but that it was what the Army was told.

He said that the Germans had lost in killed since the war began a million and half, that seven hundred thousand had been taken prisoners, and that three millions had been wounded but that half of this number had been able to return to duty. He further said that there were twelve million men under arms, many being engaged in garrison duty throughout Germany and in Belgium and Poland, and that there was an almost unlimited amount of men to draw upon, but he added that financially and economically Germany could hold out but two years longer.

How much of this information is reliable I cannot, of course, say, but I give it as it was told to me.

I have [etc.]

LEO ALLEN BERGHOLZ

File No. 841.857/190

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 7, 1916, 4 p. m.

[Received 6.20 p. m.]

5129. I learn privately from an official source Madrid P. & O. liner *Arabia* was torpedoed yesterday in the Mediterranean on her

homeward trip with 483 passengers including 160 women and children. It is known that 160 passengers were saved and that a gale was raging at the time. Other details are lacking. This information has not yet been given to the press.

PAGE

File No. 841.857/201

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 14, 1916.

[Received 10 p. m.]

Following received from Consul Malta:

Depositions of Paul R. Danner, American citizen, captain, chief officer, and numerous passengers steamer *Arabia* may be summarized as follows:

Chief officer while on bridge saw torpedo approaching ship on starboard and immediately gave order hard aport, but too late to avoid torpedo, and it struck in engine room. Submarine gave no warning and displayed no flag and only periscope seen at any time. 4.7-inch gun mounted on stern *Arabia* fired at periscope after discharge of torpedo and knocked it out, but a few minutes after the other periscope was put up, and as the trawlers approached ship, the periscope disappeared and was not seen again. After explosion passengers and crew took to lifeboats and rafts and were later picked up by three trawlers and two steamers which were about 5 miles ahead to the westward at time torpedo struck. The weather was fine and submarine commander could not fail to have seen at any distance within torpedo range many women and children on deck. Wireless apparatus damaged by explosion preventing sending of any messages. Total number passengers saved 439, of which 169 women and children. Crew saved 293. Two engineers and 11 firemen missing, apparently killed by explosion in engine room.

Depositions by mail. Captain and chief officer gave depositions with understanding they would not be quoted in newspapers.

PAGE

File No. 841.857/193

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 18, 1916, 1 p. m.

3586. Department advised that British ship *Sebek*, Liverpool to Alexandria, with Americans on board, was torpedoed without warning, October 12, ten miles east of Malta.

Department also advised that Norwegian vessel *Delta* [*Delto*], en route from Naples to Wales in ballast, with Americans on board, was sunk, October 31, by cannon-shot from German submarine 55 miles off Cape Palos, Spain.

Please bring these cases in which lives of American citizens appear to have been jeopardized by German submarines to the attention of the German Government and request immediate investigation and report.

LANSING

File No. 300.115L22/4

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 18, 1916, 2 p. m.

3587. Department advised that unarmed American steamer *Lanao*, Philippine registry, *en route* from Saigon to Havre with cargo of rice was sunk by German submarine October 28, 30 miles off Cape Vincent, Portugal. Officers and crew apparently saved.

Please bring this case to immediate attention of German Government and request investigation and prompt report regarding this sinking of an American vessel.

LANSING

File No. 300.115C72/38a

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 18, 1916, 3 p. m.

3588. Department advised that American steamer *Columbian*, *en route* from St. Nazaire to Genoa in ballast, was sunk by German submarine *U-49* November 7, about 50 miles northwest of Cape Ortergal. Crew apparently saved.

Please bring this case to immediate attention of German Government and request investigation and prompt report regarding this sinking of an American vessel.

LANSING

File No. 841.857/190

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 18, 1916, 4 p. m.

3589. Department advised that P. & O. liner *Arabia* carrying some 480 passengers, including about 170 women and children and also some Americans, was torpedoed without warning November 6 in Mediterranean on her homeward trip by German or Austrian submarine. It appears that the weather was fine and that the submarine, before dispatching the torpedo, could have seen women and children on the deck. This Government is unable to square this disaster with the German assurance of May 4, 1916, which, it is understood, binds both Central powers. Please bring this case to attention of Government to which you are accredited and request an immediate investigation and prompt report in this case.

Repeat Vienna, No. 1424.

LANSING



File No. 841.857/223

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 20, 1916, 4 p. m.

[Received November 21, 5 p. m.]

4619. Department's 3538,<sup>1</sup> November 2, 2 [5] p. m. The following reply has been received from the Foreign Office:

The undersigned has the honor to make the following reply to the note of Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America dated the 5th instant relative to the reported sinking of the English steamers *Rievaulx Abbey* and *Strathtay* and the Dutch [Danish] steamer *Antwerpian* by German submarines; according to the investigation of the Admiralty Staff of the Imperial German Navy no attack was made by German naval forces on the English steamers *Rievaulx Abbey* and *Strathtay*. It would therefore be of interest to the German Government to learn what basis there is for the report which reached the Department of State of the United States of America that these steamers were sunk by German submarines.

The Dutch [Danish] steamer *Antwerpen* (not *Antwerpian*) was captured by a German submarine in cruiser warfare on September 12 last for carrying contraband and sunk in compliance with the rules of the Declaration of London. The crew was first given the opportunity to reach a place of safety.

The undersigned avails himself [etc.]

VON JAGOW

FOREIGN OFFICE,

BERLIN, November 19, 1916.

GREW

File No. 841.857R53/10

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 20, 1916.

[Received November 21, 10.35 p. m.]

4622. The following note relative to the sinking of the *Rowanmore* has just been received from the Foreign Office:

BERLIN, November 19, 1916.

The undersigned has the honor to inform Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America, in reply to the notes of the 2d and 7th instant, and in supplement to the note of the Foreign Office of the 3d instant, that the investigation of the sinking of the English steamer *Rowanmore*, conducted by the Admiralty Staff of the Imperial German Navy, has led to the following result:

At about 9.30 o'clock on the morning of October 26 last, a steamer was sighted pointing eastward; there was a light westerly wind and a light sea therefrom, but a heavy westward Atlantic roll. Upon approaching it was seen to be a question of an English steamer. The steamer was not flying any flag. At a distance of from five to six thousand meters a shot of warning was fired; the steamer now turned and ran away at high speed, always keeping the submarine to the starboard aft. The submarine took up the pursuit and kept the steamer under gunfire to prevent flight. It was observed during the pursuit that the steamer gave out wireless signals as to its position and the pursuit by the submarine in order to attract help.

At about 11.20 o'clock it was perceived that the speed of the steamer was decreasing and following this that boats were lowered. Hereupon the firing was immediately stopped. It is a matter of course that no shots were fired at

<sup>1</sup> Ante, p. 299.

the lifeboats. This is also confirmed by the fact that nobody in the boats was injured.

The submarine was now still about 2,000 meters away from the steamer and observed that a signal was hoisted on the steamer which did not, however, blow clear and therefore could not be made out. It was not until later that it was learned from the captain that he had caused the signal "I surrender the ship" to be hoisted. According to his own testimony the signal was hoisted furled by an excited seaman so that it could not be made out.

Upon approaching closer, three large boats containing the crew were found and a small gig in which the captain of the steamer sat alone with only one scull; he had been deserted by the crew when the ship was struck by several shells and as the last man on board had lowered this boat alone; he was taken from it on board the submarine. He there stated, "The steamer *Rowanmore* was struck 10 times, the last shot hitting the stern and apparently damaging the screw." No one of the crew was injured in the shooting.

It was then ascertained that the *Rowanmore* was on a voyage from Baltimore to Liverpool. The ship was sunk. The position was latitude 51° 25' north, longitude 12° 50' west.

In the meantime a cloud of smoke came into sight which proved to be the column of smoke from a destroyer, which was rapidly coming towards the submarine. The safety of the crew of the steamer was thus guaranteed. In view of the destroyer the submarine submerged and made off.

The German Government begs to point out on this occasion that the difficult situation in which some American citizens were involved during this occurrence is not attributable to the action of the submarine, which kept entirely within the bounds of international law, but to the attitude of the English ship, which persistently attempted to escape until it had lost its mobility.

The undersigned avails himself [etc.]

V. JAGOW

GREW

[For references to the submarine warfare and assurances given that Germany meant to live up to her promises in his conversation of that date with the Chancellor, see telegram No. 4636, November 22, 1916, received November 24, 10 p. m., from the Chargé in Germany, *ante*, page 68.]

File No. 841.857M331/51

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, *November 27, 1916, 2 p. m.*

[*Received November 28, 10 p. m.*]

4654. The following note relative to the sinking of the *Marina* has just been received:

FOREIGN OFFICE, BERLIN, *November 25, 1916.*

The undersigned has the honor to inform Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America, in supplement to his note of the 3d instant and in reply to the esteemed note of the 2d instant, Foreign Office No. 13985, that the investigation of the sinking of the British steamer *Marina* conducted by the German Government has led to the following results:

At 4.50 o'clock on the afternoon of October 28 last, a German submarine encountered a steamer about 20 nautical miles from the Skelligs in sight of land; steamer was painted gray, displayed no flag, and had wooden superstructures on deck for transporting horses. The commander of the submarine considered this steamer, which was identical with the *Marina*, a horse-transport ship in the service of the British Government which he could attack forth-

with according to international law as an auxiliary warship. He was strengthened in this view by his activity in the Mediterranean where he had often observed ships of this kind and ascertained that they were used as British transport steamers in the Dardanelles operations. In these circumstances he saw nothing objectionable in torpedoing the *Marina* without warning.

The assumption of the commander that he was concerned with an enemy transport seems correct since the *Marina*, as is known to the German Government from reliable sources, was actually used as a horse-transport steamer in the service of the British Government. Should this assumption prove, however, to be a wrong one according to the investigations of the American Government, the action of the commander would be attributable to a regrettable mistake and not have been in accordance with his instructions. In this event the German Government would not hesitate to draw the appropriate consequences. The American Government is therefore requested further to communicate the result of its official investigations in this direction.

The undersigned requests the Chargé d'Affaires to bring the above to the knowledge of the American Government and avails himself [etc.]

ZIMMERMANN

GREW

File No. 841.857M331/52

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 27, 1916, 3 p. m.

[Received November 28, 11.40 p. m.]

4655. In handing me its note on the *Marina* case, which was cabled to-day in my 4654, Foreign Office informed me confidentially and orally that it had purposely avoided mentioning the fact that the *Marina* was armed, as it did not wish to reopen the discussion of the question of defensive and offensive armament. Foreign Office referred to Mr. Lansing's informal and confidential letter to Sir Cecil Spring Rice of January 18, 1916, which seemed to the German Government to contain certain arguments in accordance with and supporting the German point of view as laid down in the German memorandum of February 8, 1916, but differing from the Department's subsequent memorandum of March 25. It is hoped by the Foreign Office that the *Marina* case can be settled without reopening the whole argument regarding armament and hopes our Government will supply the necessary information requested in the note cabled to-day. I am advised that the German Government will doubtless take immediate steps to rectify the error, apologize, consider the question of indemnity, etc.

GREW

File No. 841.857M331/51

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 2, 1916, 2 p. m.

4116. Your 5807, October 30.<sup>1</sup> Report of the German Government on the sinking of the *Marina*, which the Department has

<sup>1</sup> Not printed.

received, states steamer was painted gray, displayed no flag, and had a wooden superstructure on deck for the transportation of horses similar to those he had observed in use in the Dardanelles operations, and that the *Marina* was actually used as a horse-transport steamer in the service of the British Government.

Please ascertain officially and definitely as to whether *Marina* was in any way in the service of the British Government at time of sinking, and if so, how long she had been in such service, and if not, when she ceased to be in the British service. Was it customary for her to be in the service of the British Government while transporting horses from the United States to Europe and in private use on the home voyage? Was she coming to the United States to take another shipload of horses to Europe?

LANSING

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File No. 300.115C42/3

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, December 2, 1916, 2 p. m.

1436. Department advised from affidavits of crew that United States S. S. *Chemung* was sunk by gunfire and torpedo by Austrian submarine November 26, 10.20 a. m., at 36° 37' north, 1° 55' west. Vessel bound from New York to Genoa with mixed cargo.

Bring case to attention of Foreign Minister, with request for immediate investigation and report on this sinking of an American vessel.

LANSING

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[For statement of the American Government's decision not to join the European neutral governments in a conference for the consideration of problems of neutral rights and duties, see circular telegram, December 4, 1916, 4 p. m. to diplomatic officers in European countries, *post*, page 696.]

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File No. 763.72/3036

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4530

BERLIN, November 7, 1916.

[Received December 4.]

SIR: With reference to my confidential despatch No. 4322<sup>1</sup> of October 16, 1916, reporting on the political situation in Germany, particularly in its bearing on the question of a possible resumption of the relentless and indiscriminate form of submarine warfare, I have the honor to bring to the Department's attention certain further information on this subject, which comes to me from a trustworthy, well-informed, and confidential source in direct touch with sentiment in naval circles at the naval ports.

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<sup>1</sup> *Ante*, p. 300.

Much irritation has been caused in certain high naval quarters owing to the delay in an official announcement of a general submarine campaign against England, which is generally interpreted as a temporary victory for those opposed to the Von Tirpitz policy. An outspoken declaration for the indiscriminate destruction of enemy ships without warning would, it is said, have been made before this, could those in authority agree that the present was an opportune time to launch the campaign. While the entire Navy is in favor of it, they are divided into three separate groups on the question as to the time when it should begin. The first group, the great majority, hold that action should not be taken until after the presidential election in the United States. A second group believe that the early spring would be the opportune time, both on account of the weather conditions and because the submarine fleet would by that time be greatly augmented in tonnage. A third group, who are in the minority, have for the past two months been in favor of opening hostilities immediately.

The naval authorities are apparently much worried at the strength of the opposition to their plan. They realize that it would probably involve the United States in the war and they know that the Emperor is emphatically opposed to it, but they appear to believe that they can act independently of his wishes. They declare that he has always been opposed to the Zeppelin raids over London, but that the Admiralty has pursued that method of warfare regardless of his wishes or opinions and they pretend to believe that his opposition, as well as that of his close advisers, to the indiscriminate submarine warfare, can be overcome through a campaign of pressure from high military as well as high naval authorities. In any case, the idea that the submarines will eventually operate against all enemy ships without giving warning still dominates the wishes of the naval commanders, not only of the submarines but of all other grades in the Navy, and it is said that there is not one dissenting voice in the entire Navy against what they deem to be a necessary undertaking to avoid a long continuance of the war and an ultimate defeat.

The food situation must to a great extent be regarded as bound up with the submarine issue, for the greater the growth of dissatisfaction and unrest among the people owing to difficult conditions of living, the greater will be the pressure to meet these conditions with some strong, and what the Navy considers decisive, action.

It is an open secret that this food question is becoming alarming to those in a position to know the exact conditions. The authorities are becoming nervous over the growing dissatisfaction of the people in the decrease of the supply of foodstuffs and the difficulty of finding even the amounts which their food cards call for. Riotous demonstrations of the working people have occurred in Kiel and other places, which necessitated the calling out of the marines and soldiers to enforce order, and though nothing of this appears in the press, it is probable that the unrest is widespread.

In this connection the Consul General at Dresden writes me as follows under the date of November 4:

On Thursday afternoon some two thousand women made a pacific descent upon the city hall at Dresden and demanded not bread, but potatoes. They

received the promise of a larger quantity and an exhortation not to disturb the peace. The women were of the lower classes and were very orderly in their behavior. Papers of Dresden have, of course, made no mention of the demonstration.

The normal quantity of potatoes allowed each person a day in Dresden is a pound, but for weeks many even of the well-to-do families have been unable to secure any. Through bad packing, I learn from an excellent source, two thousand tons stored in Dresden rotted. Eight thousand pounds of butter, also through faulty packing, had to be sold to soap factories. All this is known to the people and naturally creates certain hostility towards the local authorities who are held responsible.

There is virtually no meat, butter, eggs, or sugar to be had and very few vegetables and very little milk, and the little there is, is sold at least between a hundred and two hundred per cent above the prices before the war. Cards for every kind of food are in use with the exception of fish and vegetables, but unhappily the amounts they call for, although insignificant, are not to be had. For instance each adult person is supposed to receive an eighth of a pound of butter a week, but in fact he is very fortunate if he secures this quantity every 10 days or even 2 weeks. Butter costs \$0.70 a pound, just twice what it was sold for before the war. One receives a pound and a half of sugar, half a pound of coffee, and a quarter pound of tea a month. Each inhabitant is allowed an egg a week which costs \$0.12 and which in normal times could be had for \$0.0125. We are supposed to receive 9 ounces of meat a week, but in fact we get about the half. If one is rich one can buy geese, costing from \$7.50 to \$10 each, ducks from \$3.73 to \$6.25 each, and hens at \$2.50 each. In *ante bellum* times geese sold for \$2 to \$2.50 each, ducks for \$0.75 to \$1.25, and chickens for \$0.50 to \$0.75 each. The best meats, when obtainable, cost on the average \$1 a pound, but before the war never more than \$0.40 a pound.

The result of all this is that there is, if not actual starvation, at least woeful distress among the poor, want among the middle class, and a great deal of grumbling among the rich who can still live on geese, ducks, and game and who, it must be frankly stated, seem to be favored by the Government as no meat cards are required for these luxuries.

I think that it is now generally admitted that the trouble lies with the Government which seems not to be able to adapt itself to changed conditions. It makes regulations which do not work and apparently has not the capacity to enact new ones. The trouble is that, although an Imperial food director has been appointed, there is no single governmental control of its distribution due largely to the independent Kingdoms of Prussia, Saxony, Bavaria, and Württemberg declining to surrender their surplus supplies to their less fortunate neighbors. Saxony is a manufacturing country and not an agricultural one, and it is, therefore, almost wholly dependent upon the other German states for its food. Even the local Saxon municipalities retain for possible lean months the products they do not actually need instead of turning them into a single distributing center. Dresden, for instance, grants nominally an eighth of a pound of butter a week, but Blasewitz, a suburb of the city, but with its own municipal government, permits the purchase of a quarter pound a week. Hundreds of pounds of fish, meats, butter, and potatoes have been allowed to spoil, due either to indecision or lack of adaptability on the part of the officials.

Wholesale dealers and hotels could purchase tons of meats, sausages, and supplies of all kinds from the Scandinavian countries, but are not permitted to do so, as the Government is unable to devise a plan for the supervision of their distribution.

These conditions, which obtain in a greater or less degree throughout the entire country, must be met, and met in a way that will prevent the growth of ill-feeling and riotous manifestations, just as the successful operations of the enemy on the Somme and elsewhere and the consequent discouragement of the people were met with the campaign against Roumania. To offset the dissatisfaction over the lack of food, the people's minds must be turned to something that appeals to their imagination and which holds out a prospect of an early peace with victory. The submarine campaign is the solution chosen by the Navy and probably by a great number of the high

military officers in the field. They fully realize, however, that their present stumbling block is the Emperor and his immediate advisers, including Von Hindenburg, upon whom the decision of the question of plunging into a general submarine warfare will probably ultimately rest.

The return of the submarines *U-53* and *U-69* from the Atlantic coast of the United States is the cause of much elation in the Navy. They pretend to see in this a demonstration that they can carry on a successful submarine warfare along the full ocean highway, even to the gateways to American waters, and they regard it as a successful test and an experience to be availed of in case the much-desired submarine campaign should ultimately be launched.

For the past three weeks it is said that from four to five new submarines a week have been put into commission. This rapid increase is believed to be but temporary and due to the completion of submarines of all types which were under construction when the new type, now in use, was agreed upon. Almost the whole strength of the naval constructive force, however, is diverted to the rapid building of submarines and little attention is now being given to the building of the larger or dreadnought type of ships. Those under construction are of the *ersatz* or replacing order and are of the small cruiser class only.

There are at present believed to be nearly 100 qualified submarine commanders awaiting assignments, which are being made as rapidly as the boats are put into commission. The men for 100 more boats are awaiting places on these boats. Even with this qualified force on hand, as many more are undergoing training for the service and the school ships are busy with this work.

It is said that the Zeppelin raids over London will probably be discontinued and that airship activity will be directed to places in the British Isles outside of that city. The recent death of Kapitänleutnant Mathey and the destruction of his Zeppelin have had a depressing effect on the air division, for he was the oldest and most capable Zeppelin commander in the fleet and his ship was the latest and best equipped model. Mathey always operated at an altitude of 4,000 meters and considered himself safe at that height. His only danger was in case an aeroplane could get above him, and he reasoned that it required so much time for a machine to do that after getting notice that he was within the zone of operations that he would have dropped his bombs and returned out of danger. It now develops that before they started, the British agents in Germany communicated with their people and the British aeroplanes had arisen to a height of 5,000 meters before the Zeppelins arrived and therefore had no trouble in dropping inflammable bombs on the high airship. Kapitänleutnant Koch, who was under Mathey at an altitude of 2,500 meters, saw his machine fall and he himself with his machine had a narrow escape, two inflammable bombs hurled at him passing his Zeppelin at a distance of less than 10 meters.

Heretofore it has been considered by the Zeppelin authorities that in case a ship was struck, it would ignite and those in it would be incinerated before having time to even hurl themselves from the boats. In view of the fact that Mathey and his companions were not burned nor was their clothing even scorched, they now realize

that had the Zeppelin been supplied with parachutes they could probably have been saved. The Zeppelins are now to be given this contrivance for future use.

I have indications from various sources that since Von Hindenburg became Chief of Staff there has been a great increase in the number of men called to the ranks who were previously passed as unfit or excused from service for one reason or another. A great number of Jews are being reexamined and forced into service. My reports are that since Von Hindenburg's appointment approximately 100,000 new men in Berlin, 60,000 in Hamburg and similar quotas in other cities have been taken.

In connection with the general political situation and the submarine campaign, I would respectfully refer to my confidential telegrams Nos. 4503, 4553, 4558, and 4569, of October 20, November 3, 4, and 7, respectively,<sup>1</sup> sent since my despatch of October 16,<sup>2</sup> as well as to the press summaries cabled daily.

I have [etc.]

J. C. GREW

File No. 763.72/3046

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 8059

WASHINGTON, December 5, 1916.

MR. SECRETARY OF STATE: According to a telegraphic communication from my Government there were recently found on a French merchant steamer the following instructions to be observed when falling in with a submarine which cast special light on the attack made in the Channel on one of our submarines by the French merchant S. S. *Mississippi* on November 8 last.

GENERAL INSTRUCTIONS FOR CAPTAINS OF MERCHANT VESSELS FOR THEIR PROTECTION FROM SUBMARINES

PART III

During the voyage. 28 B. How to maneuver in case of attack. As soon as a submarine is perceived running on the surface, present the stern to it, putting on full speed and, if there is any sea, try to steer a course such that, in order to approach, the submarine will be compelled to take a head sea, which will reduce its speed and partially paralyze its gunfire.

*Open fire as soon as the submarine is well within range.* If the submarine is gaining in the chase, do not hesitate to go about and make for it before it is too near. If a submarine is perceived submerged not far away, put on full speed and present the bow or stern according to whether it is sighted less or more than six points off the bow; if the bow is presented, try to ram it. If the submerged submarine is seen far enough away, maneuver as in the case of a submarine on the surface.

These instructions, taken together with Lord Crewe's speech in the English Parliament on the 16th of last month in which he said, "The German submarine is to be considered as an enemy which it is permissible and proper to destroy if you could at sight," afford conclusive evidence that the armed merchant ships of Germany's enemies carry their armament for purposes of attack.

Accept [etc.]

J. BERNSTORFF

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 300.



File No. 841.857/242

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 4, 1916, 10 p. m.

[Received December 5, 9 p. m.]

4685. The following note relative to the sinking of the *Arabia* has just been received:

FOREIGN OFFICE, BERLIN, December 4, 1916.

The undersigned has the honor to inform Mr. Grew, Chargé d'Affaires of the United States of America, in reply to the note of the 21st ultimo, Foreign Office Nr. 14401, that the investigation conducted by the German Government concerning the sinking of the British steamer *Arabia* has led to the following results:

On the morning of November 6 a German submarine encountered a large steamer coming from the Cerigo Straits, 100 nautical miles west of the island of Cerigo; the steamer was painted black and had black superstructures and not, as is otherwise the case with the P. & O. Line superstructures, a light color; the steamer, which was identical with the *Arabia*, was not traveling on the route regularly used by the passenger steamers between Port Said and Malta, as is made plain on the enclosed map,<sup>1</sup> but was taking a zigzag course towards the west 120 nautical miles north of that route; this course, on which the submarine had passed three similar steamers at the same spot on the same morning, leads from the Aegean to Malta, so that the *Arabia* was moving on the transport route Cerigo-Malta used solely for war purposes according to the experiences until now. The commander of the submarine further ascertained that there were large batches of Chinese and other colored persons in their national costumes on board the steamer. He considered them to be workmen soldiers such as are used in great numbers behind the front by the enemies of Germany. In spite of the clear weather and careful observation, he did not perceive any women and children.

In these circumstances the commander of the submarine was convinced that in the case of this steamer he was concerned with a transport ship for troops in the service of the British Government which is to be considered as an auxiliary warship according to international law, and can therefore be treated like a warship. He accordingly considered himself justified in attacking the steamer without delay, and sank it.

Should the American Government give the official data showing that the *Arabia* was at the time of the torpedoing an ordinary passenger steamer, the action of the commander would not have been in accordance with the instructions given him, since these instructions are now as before in agreement with the assurances of the German note of May [4], 1916. This would then be a case of a regrettable mistake from which the German Government would promptly draw the appropriate consequences.

The undersigned requests the Chargé d'Affaires to bring the above to the knowledge of the American Government and avails himself [etc.]

ZIMMERMANN

GREW

File No. 841.857/243

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 5, 1916, 7 p. m.

[Received December 6, 4 p. m.]

4692. Foreign Office requests me to say that the confidential and oral statement cabled in my 4655,<sup>2</sup> November 27, 3 p. m., regarding the *Marina* applies equally to the case of the *Arabia*.

GREW

<sup>1</sup> Not printed.<sup>2</sup> Ante, p. 313.

File No. 841.857M331/61

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 6, 1916, 7 p. m.

[Received 8.40 p. m.]

5283. Your 4116, December 2, 2 p. m.<sup>1</sup> In reply to a note based on your telegram mentioned above Lord Grey replies as follows:

With reference to the note which your excellency was good enough to address to me on the 4th instant making certain inquiries as to the employment of the *S. S. Marina*, I have the honor to state that this vessel was neither requisitioned nor chartered by His Majesty's Government. She was on her owners' service, running on her ordinary berth and entirely under the orders and control of the owners.

On her voyages from America the *Marina* carried for His Majesty's Government at a fixed rate per head a number of animals. These animals were carried entirely at the shipowners' risk and responsibility, the only difference between them and any other cargo carried being the mere fact that His Majesty's Government were the consignees.<sup>2</sup>

I hope to be able at a later date to reply to the inquiries contained in your excellency's note so far as they are not covered by the above information.

PAGE

File No. 841.857/244

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 5, 1916, 6 p. m.

[Received December 6, 11.45 p. m.]

4691. Foreign Office requests me to transmit through the Department to Count Bernstorff the following cipher telegram which is said to relate to the case of the *Arabia* and to contain instructions to Count Bernstorff to endeavor to settle the matter by conversations in Washington.

[German cipher.<sup>3</sup>]

GREW

File No. 841.857/242

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 7, 1916, 3 p. m.

4140. Report of the German Government on the sinking of the *Arabia*, which the Department has received, states that the submarine met the steamer 100 nautical miles west of the island of Cerigo and 120 nautical miles north of the route regularly used by passenger steamers between Port Said and Malta; that the route of the *Arabia* was a transport route used solely for war purposes; that the vessel was painted black with a black superstructure instead of the regular

<sup>1</sup> *Ante*, p. 313.<sup>2</sup> The foregoing two paragraphs repeated to the Chargé in Germany, with instructions to bring them to the immediate attention of the Foreign Minister (telegram No. 3667, December 12, 1916).<sup>3</sup> Not printed.

P. & O. Line superstructure of a light color; that there were large numbers of Chinese and colored persons in their national costumes on deck, believed to be "workmen soldiers, such as are used in great numbers behind the front by the enemies of Germany," and that in these circumstances the commander was convinced that the ship was a transport for troops in the service of the British Government.

Please ascertain officially and definitely whether the *Arabia* was in any sense in the service of the British Government or their allies during the voyage on which she was sunk, and if so, how long she had been in such service; and if not, when she ceased to be in the British service.

LANSING

File No. 841.857/252

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 7, 1916, 2 p. m.

[Received December 8, 7.25 p. m.]

4702. The following note with regard to the sinking of the *Sebek* has just been received:

FOREIGN OFFICE, BERLIN, December 6, 1916.

The undersigned has the honor to reply as follows to the note of Mr. Grew, Chargé d'Affaires of the United States of America dated the 21st ultimo, Foreign Office Nr. 14221, relative to the sinking of the British vessel *Sebek* by a German submarine.

According to the investigations of the German Naval authorities a German submarine attacked without warning and sank on October 12 last close to the war port of La Valetta, Malta, a ship which was under way with lights smothered and without position lanterns, and which therefore had to be considered as a warship by the German commander.

A completely darkened ship which, contrary to the international provisions relative to the carrying of lights at sea, displays no streamer(?) and a position of lights thereby characterizes itself as a warship, in the war area at any rate, or still more in the neighborhood of a war port as in the present case. Should then the darkened ship sunk off Malta actually have been identical with the British steamer *Sebek* the blame for jeopardizing lives of the Americans hired on the *Sebek* attached solely to the captain who, in order to evade measures of prize by the German cruisers recognized by international laws, took upon himself the danger involved in neglecting, contrary to international law, the international provisions relative to the carrying of lights.

The undersigned requests that the above be communicated to the American Government and avails himself [etc.]

ZIMMERMANN

GREW

REPRESENTATIONS OF DECEMBER 9, 1916, CONCERNING THE SINKING OF THE "TREVARRACK", "BARBARA", "TRIPPEL", "LÖKKE", "PALERMO", AND "JOHN LAMBERT"

File No. 841.857/239

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, December 9, 1916, 5 p. m.

3651. Department advised that British steamer *Trevarrack* [*Trevarrack*], with American citizens on board, was sunk by German

submarine 90 miles off Ouessant [Ushant] Point, November 16, and that ship was carrying cargo of grain from Buenos Aires to Hull.

Request of Foreign Minister prompt investigation and report.

LANSING

File No. 841.857/240

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, December 9, 1916, 6 p. m.

3652. Department advised that British S. S. *Barbara*, with Americans on board, was sunk by a German submarine in the British Channel October 20. The vessel was carrying cargo of coal from Philadelphia to Hartlepool.

Please request the Foreign Minister for prompt investigation and report.

LANSING

File No. 857.857/42

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, December 9, 1916, 7 p. m.

3653. Department advised Norwegian steamer *Trippel*, with American citizens on board, was sunk by German submarine November 11, 18 miles off Villarica, while *en route* from Baltimore to Genoa.

Bring to attention of Foreign Minister and request prompt investigation and report.

LANSING

File No. 857.857/43

*The Secretary of State to the Chargé in Germany (Grew)*<sup>1</sup>

[Telegram]

WASHINGTON, December 9, 1916, 8 p. m.

3654. Department advised that Norwegian ship *Lökken*, with American citizens on board, while *en route* from Cardiff with cargo of coal for Philippeville, near Algiers, was sunk by gunfire of submarine of unknown nationality, on November 11, in middle of Bay of Biscay, 180 miles from shore.

Please bring to attention of Foreign Minister, and request prompt investigation and report.

LANSING

<sup>1</sup>The same to the Ambassador in Austria-Hungary, No. 1445.

File No. 865.857/26

*The Secretary of State to the Chargé in Germany (Grew)*<sup>1</sup>

[Telegram]

WASHINGTON, December 9, 1916, 8 p. m.

3655. Department advised that Italian S. S. *Palermo*, en route from New York to Genoa with cargo of horses, was torpedoed without warning by submarine of unknown nationality 25 miles off Cape San Sebastian, Spain, December 2, 11.40 a. m.; that no attempt was made to escape or resist, and that there were on board 48 Americans, of whom one was drowned.

Please bring this case to attention of Foreign Minister, with urgent request for prompt investigation and report on sinking of this vessel.

LANSING

File No. 851.857/40

*The Secretary of State to the Chargé in Germany (Grew)*<sup>2</sup>

[Telegram]

WASHINGTON, December 9, 1916, 9 p. m.

3656. Department advised that unarmed French ship *John Lambert*, Montreal to Havre with cargo of coal, was cannonaded without notice by submarine of unknown nationality and sunk between Havre and Falmouth November 22 last. Five or six Americans were among the crew.

Please bring this case to notice of Foreign Minister with request for prompt investigation and report.

LANSING

File No. 841.857M331/61

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 11, 1916, 5 p. m.

4162. Your 5283<sup>3</sup>, December 6, 7 p. m. Please hasten reply to other inquiries in Department's 4116, December 2.<sup>4</sup> Was the *Marina* ever in the service of the British Government, and if so, when did that service cease?

LANSING

<sup>1</sup> The same to the Ambassador in Austria-Hungary, No. 1446.<sup>2</sup> The same to the Ambassador in Austria-Hungary, No. 1447.<sup>3</sup> *Ante*, p. 320.<sup>4</sup> *Ante*, p. 313.

File No. 300.115L22/8

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 11, 1916, 2 p. m.

[Received December 12, 8.30 p. m.]

4716. The following note relative to the sinking of the *Lanao* has just been received:

FOREIGN OFFICE, BERLIN, December 9, 1916.

The undersigned has the honor to reply as follows to the note of Mr. Grew, Chargé d'Affaires of the United States of America, dated the 21st ultimo, Foreign Office Nr. 14420, relative to the sinking of the steamer *Lanao* by a German submarine.

On October 28 last a German submarine encountered the steamer *Lanao* on the way to Le Havre and captured it as a prize because it was carrying contraband to the enemy. Since the submarine was unable to conduct the *Lanao* into a German or allied port without exposing itself to the danger of sinking, it sank the steamer after it had taken the crew on board. The crew was then sent on board the Norwegian steamer *Tromp* which was just at the time in sight.

The steamer *Lanao* belonged originally to the Findlay Millar Steamship Company of Manila. It was, however, sold in July 1916 to the shipping firm of Hannevig Brothers of London and sailed since under the English flag. The owners of the firm Hannevig Brothers are the sons of the ship owner, Christian Hannevig of Borre, Norway, and are, like him, Norwegian subjects.

The undersigned requests Mr. Grew, the Chargé d'Affaires, to communicate the above to the Government of the United States, and avails himself [etc.]

ZIMMERMANN

GREW

File No. 763.72/3087

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 11, 1916, 4 p. m.

[Received December 13, 7.30 p. m.]

4720. Press summary. It is officially reported that on December 4 the British passenger steamer *Caledonia* tried to ram a German submarine although it had not been attacked by the submarine. The undersea boat succeeded in firing a torpedo before it was struck and sank the steamer. The submarine was slightly damaged and took on board as prisoners two English officers and the captain of the *Caledonia*, James Blaikie.

The Cologne *Gazette* calls this a new act of British piracy. *Kreuz Zeitung* writes, [that] the illegal action of the captain cannot be too sharply condemned and that he should receive the proper penalty. Count Reventlow writes that the incident proves that the bow of a fast steamer forms a first-class aggressive weapon against submarine. He hopes that the commander of the submarine had the captain of the steamer shot after summary procedure, as he would be quite justified in doing.

GREW

File No. 763.72/3046

*The Secretary of State to the German Ambassador (Bernstorff)*

No. 2250

WASHINGTON, December 18, 1916.

EXCELLENCY: Acknowledging the receipt of your note of the 5th instant<sup>1</sup> in which are quoted general instructions for masters of merchant vessels for their protection from submarines which, according to a telegraphic communication from your Government were recently found on a French merchant steamer, I have the honor to request you to have the kindness to inform this Government of the date of the instructions quoted, the name of the vessel on which they were recently found, and the date when so found.

Accept [etc.]

ROBERT LANSING

File No. 841.857M331/67

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 18, 1916, 4 p. m.

[Received 6.15 p. m.]

5337. Your 4162, December 11, 5 p. m. In reply to note based thereon Secretary of State for Foreign Affairs replies:

His Majesty's Government were in no way interested in the voyage on which the vessel was engaged at the time she was attacked. She would, however, on her return journey have brought a deck load of horses for His Majesty's Government, but these would have formed only a small part of her homeward cargo.

The *Marina* was utilized for this purpose on each voyage from the United States to the United Kingdom from October 1916, to the last voyage from the United States before she was sunk. She was not employed by His Majesty's Government in any other way at any time.

Mr. Balfour begs leave to add that the vessel was at no time "in the service of His Majesty's Government" in any sense in which she was not in the service of any other regular shippers of the cargoes she carried.

The precise method of employment was explained to Doctor Page in Viscount Grey's note of the 6th instant.<sup>2</sup>

PAGE

File No. 300.115C72/23

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 17, 1916.

[Received December 21, 10.45 a. m.]

4744. The following note relative to the sinking of the *Columbian* has just been received:

The undersigned has the honor to make the following reply to the note of Mr. Grew, Chargé d'Affaires of the United States of America, dated the 21st

<sup>1</sup> *Ante*, p. 318.

<sup>2</sup> Repeated to the Ambassador in Germany with instructions to bring immediately to the attention of the German Government (telegram No. 3692, December 20, 1916).

ultimo (Foreign Office No. 1442), relative to the sinking of the American steamer *Columbian* by a German submarine.

According to the investigations of the German naval authorities the *Columbian* was stopped by a German submarine at 2.30 o'clock on the afternoon of November 7, 1916, in 44° latitude north and 8° 44' longitude west. The weather was clear for 3 nautical miles, but wind and sea were rather heavy. After the warning shot the flag signal "Send your papers on board" was given. The *Columbian* then hoisted the signal "I can not make out your flag." This answer seemed proper since as a result of the position of the two vessels in relation to each other and of the direction of the wind the flags blew out towards the steamer. The submarine then approached closer under water, looked over the steamer, which had been stopped, more carefully through the periscope, and then came to the surface close to her. It was ascertained while the submarine was traveling sunken that the steamer carried the American flag and markings and bore the name *Columbian* New York; and also that she had wireless telegraphy apparatus. According to her course the steamer came from an English or a French port and, to judge from the empty wooden superstructures on her deck, appeared to have delivered there horses, namely, absolute contraband. On account of the difficulty of having a boat sent across in such a sea, the commander of the submarine dispensed with the examination of the papers, signaled to the steamer "You are released" and left her traveling on the surface. The steamer resumed her old course.

Soon afterwards it was reported to the commander of the submarine from his wireless station that since emerging wireless messages of the American steamer had been intercepted containing in open English, in addition to the distress signal SOS, reports concerning the submarine such as "Submarine cruising around us," and the position of the submarine at the time, "Position so and so." These wireless messages caused the commander to turn about and stop the steamer a second time. Notwithstanding the sea and the wind had become still heavier, he succeeded in overhauling the *Columbian*, which was making off, and forcing her by means of signals to follow the submarine; to use her wireless apparatus at a lower intensity only and solely for communication with the submarine.

The submarine then traveled during the night in a westward direction with the *Columbian* and the Norwegian steamer *Balto* which had been stopped previously and furnished with a prize crew, and examined the ship's papers of the *Columbian* the next morning, the weather being better. After the examination the commander decided to sink the ship for unneutral service. The crew was taken over in its own boats to the steamer *Balto* and later put on board the Norwegian steamer *Varingen* together with the crew of the *Balto*. The *Varingen* received orders to take all the crews into the Spanish port of Camariñas and executed these orders. The commander of the submarine kept the captain of the *Columbian* with him on board for the time being, but sent him ashore on November 10 in the Bay of Camariñas.

According to the ascertainment of the facts as given above, the action of the commander of the submarine appears completely justified, for by means of her wireless reports as to the position of the submarine which were plainly intended to attract enemy naval forces, the *Columbian* had voluntarily placed herself in the service of the submarine-defense forces of the enemy, and had in so doing taken direct part in hostilities. Such an act was bound to clothe the vessel with the character of an enemy merchantman pursuant to the principles of international law (see also Article 42 [43?], paragraph 1, No. 1, of the Declaration of London), so that she could be captured and sunk as such a vessel. The sinking itself took place after the ship's papers had been secured and the human lives saved.

For the rest, if the Government of the United States asserts in its instructions to the Embassy at Berlin that the *Columbian* was traveling in ballast, it is plainly incorrectly informed. The report of Captain Curtis in the London *Times* of November 15 states that the vessel had a cargo of 9,000 tons when she encountered the submarine.

The German commander then ascertained upon examining the ship's papers that the *Columbian* was carrying 4,900 tons of steel plates, and in addition, a small cargo of other goods including copper, potash, soda, motor cycles and parts of machines. According to the captain's version the steel plates consisted of steel for shells, were therefore intermediate products for the manufacture of shells, and thus absolute contraband pursuant to Article 21, No. 2 of the German prize ordinance; the cargo of copper was likewise absolute contraband pursuant



to Article 21, No. 88 of the prize ordinance. Since the ship was bound to Genoa, well known to be an Italian naval and military fortress and a base of operations and supplies for the Italian land and naval forces, there was a legal presumption of hostile destination attaching to that part of the cargo also which, like the motor cycles, belonged only to conditional contraband.

The report of the commander of the submarine on the sinking of the *Columbian* has been transmitted to the competent Imperial prize court at Hamburg, which will decide on the legality of the measures of the commander. Thus it would appear that the American parties interested in ship and cargo should be advised to advance the rights to which they lay claim before this prize court within the time limits and in the form prescribed by the German code of prize procedure.

The undersigned requests Mr. Grew, Chargé d'Affaires of the United States of America, to inform the Government of the United States of the above, and avails himself of the occasion to renew to him [etc.]

ZIMMERMANN

FOREIGN OFFICE,

BERLIN, December 16, 1916.

GREW

File No. 841.857/271

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 21, 1916.

[Received 7 p. m.]

5356. Referring to your telegram 4140,<sup>1</sup> of December 7, 3 p. m., following is pertinent part of Foreign Office reply:

No time was lost in transmitting this enquiry to the proper Department of His Majesty's Government, and I now have the honour to state that the *Arabia* was not, at the time she was sunk, and had never been, in the service of His Majesty's Government or of any of the Allied Governments. At the time she was sunk she carried some Government passengers who were booked as ordinary packet passengers, but the cost of whose passage is payable by the Government. As the ordinary passage reports have not been received (they were probably lost with the ship) it is not possible to say exactly how many such passengers there were. The information is, however, being collected. I shall be happy to communicate it to your excellency at a later date if desired. I understand that there were no Asiatics on board the *Arabia* when she was sunk except the Indian native crew.

I venture to add, with regard to the vessel's course, to which your excellency states the German Government have called attention as being unusual, that, in view of the number of British and Allied ships sunk by the enemy without warning, it is not to be expected that vessels should follow the ordinary peace route and thereby give the enemy an opportunity of torpedoing from a submerged position.

PAGE

File No. 857.857/58

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 27, 1916, 6 p. m.

[Received December 28, 5 p. m.]

4791. The following note relative to the sinking of the Norwegian ship *Delto* has just been received:

FOREIGN OFFICE, BERLIN, December 25, 1916.

The undersigned has the honor to inform his excellency, Mr. Gerard, Ambassador of the United States of America, in reply to the note of Mr. J. C. Grew.

<sup>1</sup> Ante, p. 320.

dated the 21st ultimo (Foreign Office No. 1442), relative to the sinking of the Norwegian ship *Delto* by a German submarine as follows:

According to the investigations of the German naval authorities the Norwegian ship *Delto*, not *Delta*, which was chartered by the Italian Government to carry coal, was stopped on October 13th last about 40 nautical miles southeast of Cape Palos and sunk by artillery fire on account of unneutral service to the enemy (?), also Article 46, Paragraph 1, No. 3 of the Declaration of London, after the German commander had taken the ship's papers on board and caused the crew to enter the lifeboats. The crew was given half an hour to leave the ship; the weather was good and very clear; the wind was very light. The boats had a comparatively short way to go to reach the Spanish coast, so that there was full security for saving the crew.

The presumption expressed by the American Government that the lives of American citizens on board the *Delto* were jeopardized is therefore not correct.

The undersigned requests that the above (be?) communicated to the American Government and avails himself [etc.]

ZIMMERMANN

GERARD

File No. 763.72/3092

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 8929

WASHINGTON, December 29, 1916.

[Received January 2, 1917.]

MR. SECRETARY OF STATE: In reply to your valued note No. 2250<sup>1</sup> of the 18th of this month, I have the honor to inform your excellency that, according to a telegraphic message just received by me, my Government found the confidential instructions of the French Admiralty, which formed the subject of my note of the 5th of this month,<sup>2</sup> on the French merchant steamer *Marie Thérèse* on October 29 of this year. The instructions bore no date.

Accept [etc.]

J. BERNSTORFF

**NEUTRAL RIGHTS AS AFFECTED BY THE BLOCKADING MEASURES  
TAKEN BY GREAT BRITAIN AND HER ALLIES—INTERFERENCE  
WITH AMERICAN TRADE—THE BLACK LIST—PROTESTS AND  
PROPOSALS OF RETALIATION**

**THE SEIZURE OF THE "KANKAKEE"—THE BLACK LIST OF NEUTRAL  
SHIPS**

File No. 341.115Am319/91

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 29, 1915.

2646. Ascertain and report promptly whereabouts and status of American Transatlantic S. S. *Kankakee*, seized last days of October near Montevideo. Owners unable to communicate with ship's captain.

LANSING

<sup>1</sup> *Ante*, p. 325.

<sup>2</sup> *Ante*, p. 318.

File No. 341.115Am319/104

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 3, 1916.*

[Received 2.50 p. m.]

3493. Your 2603, December 20, and 2645 and 2646, 29, re *Kankakee*.<sup>1</sup> Foreign Office informs me that it is now in receipt of communication from Admiralty from which it appears that this vessel was captured by British naval forces as far back as October 31 last, and that she has been conveyed to Gibraltar where she is at present on the point of arrival.

EMBASSY

File No. 763.72112/1861a

*The Secretary of State to the British Ambassador (Spring Rice)*WASHINGTON, *January 5, 1916.*

MY DEAR MR. AMBASSADOR: As the Department has received no reply from your Government to its note of October 21<sup>2</sup> in regard to British measures believed by this Government to restrict its legitimate trade with belligerent and neutral countries of Europe, I have to ask whether you will be kind enough to inquire of your Government when we may expect to receive its formal answer. As you know, the matter will probably come up for discussion in the Congress and I hope the reply of your Government, acceding to our contentions which seemed to me perfectly well founded, will shortly be received in order that the situation may be speedily relieved.

I am [etc.]

ROBERT LANSING

File No. 763.72112/2080

*The British Ambassador (Spring Rice) to the Secretary of State*WASHINGTON, *January 5, 1916.*

[Received January 6.]

MY DEAR MR. SECRETARY: I have not failed to communicate to my Government by telegram the substance of your unofficial letter of to-day's date requesting me to enquire of my Government when you may expect its formal answer to your note of October 21 on the subject of trade restrictions.

I am [etc.]

CECIL SPRING RICE

<sup>1</sup> Nos. 2603 and 2645 not printed.<sup>2</sup> Not printed.

File No. 763.72112/2069

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 10, 1916, 5 p. m.

2686. Department's 2599, December 18.<sup>1</sup> Conditions enforced by British authorities in China are causing great damage to American trade. Bring matter again to attention Foreign Office and urge early reply. Further and increasingly pressing complaints are being received.

LANSING

File No. 300.115/6670

*The Consul General at London (Skinner) to the Secretary of State*

LONDON, December 29, 1915.

[Received January 13, 1916.]

SIR: I have the honor to enclose herewith a list of "suspected ships" circulated on the Baltic shipping exchange and understood to have been supplied to the shipping trade by the British Admiralty.<sup>2</sup>

It is understood that all the vessels named are believed to be engaged in carrying on business in the interests of Germany, or in some cases are thought to be German-owned ships sailing under neutral flags.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/2128

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2794

LONDON, January 5, 1916.

[Received January 17.]

SIR: I have the honor to transmit herewith for the information of the Department, copies, in triplicate, of a statement presented to both Houses of Parliament, embodied in a White Paper entitled *Measures Adopted to Intercept the Sea-borne Commerce of Germany*. This White Paper was published on January 4.

In a leading article in the *London Times* of this morning, January 5, entitled "Sea power and German trade," it is set forth that this White Paper is in compliance with the promise made to the *Times* by the Undersecretary of State for Foreign Affairs that the broad lines of the British blockading policy and the agreements with traders in different countries should be stated.

It is undoubtedly true that this White Paper was published in order to make clear the British blockading policy and the understanding

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 641.<sup>2</sup> Not printed; it contains the names of 101 ships, of which 11 are American.

with trade bodies in neutral countries, on account of the many questions which were asked of the Government in the House of Commons as to the recent agreement between the Foreign Office and certain trading corporations in Denmark.

The clipping, in triplicate, of the leading article in the *Times* is also enclosed herewith.<sup>1</sup>

I have [etc.]

WALTER HINES PAGE

[Enclosure]

STATEMENT OF THE MEASURES ADOPTED TO INTERCEPT THE SEA-BORNE COMMERCE OF GERMANY

1. The object of this memorandum is to give an account of the manner in which the sea power of the British Empire has been used during the present war for the purpose of intercepting Germany's imports and exports.

I. BELLIGERENT RIGHTS AT SEA

2. The means by which a belligerent who possesses a fleet has, up to the time of the present war, interfered with the commerce of his enemy are three in number:

- (i) The capture of contraband of war on neutral ships.
- (ii) The capture of enemy property at sea.
- (iii) A blockade by which all access to the coast of the enemy is cut off.

3. The second of these powers has been cut down since the Napoleonic wars by the Declaration of Paris of 1856, under which enemy goods on a neutral ship, with the exception of contraband of war, were exempted from capture. Enemy goods which had been loaded on British or Allied ships before the present war were seized in large quantities immediately after its outbreak; but for obvious reasons such shipments ceased, for all practical purposes, after the 4th August, 1914, and this particular method of injuring the enemy may therefore, for the moment, be disregarded.

No blockade of Germany was declared until March 1915, and therefore up to that date we had to rely exclusively on the right to capture contraband.

II. CONTRABAND

4. By the established classification goods are divided into three classes:

- (a) Goods primarily used for warlike purposes.
- (b) Goods which may be equally used for either warlike or peaceful purposes.
- (c) Goods which are exclusively used for peaceful purposes.

5. Under the law of contraband, goods in the first class may be seized if they can be proved to be going to the enemy country; goods in the second class may be seized if they can be proved to be going to the enemy Government or its armed forces; goods in the third class must be allowed to pass free. As to the articles which fall within any particular one of these classes, there has been no general agreement in the past, and the attempts of belligerents to enlarge the first class at the expense of the second, and the second at the expense of the third, have led to considerable friction with neutrals.

6. Under the rules of prize law, as laid down and administered by Lord Stowell, goods were not regarded as destined for an enemy country unless they were to be discharged in a port in that country; but the American prize courts in the Civil War found themselves compelled by the then existing conditions of commerce to apply and develop the doctrine of continuous voyage, under which goods which could be proved to be ultimately intended for an enemy country were not exempted from seizure on the ground that they were first to be discharged in an intervening neutral port. This doctrine, although hotly contested by many publicists, had never been challenged by the British Gov-

<sup>1</sup> Not printed.

ernment, and was more or less recognised as having become part of International Law.

7. When the present war broke out it was thought convenient, in order, among other things, to secure uniformity of procedure among all the Allied forces, to declare the principles of international law which the Allied Governments regarded as applicable to contraband and other matters. Accordingly, by the Orders in Council of the 20th August and the 22d October, 1914, and the corresponding French Decrees, the rules set forth in the Declaration of London were adopted by the French and British Governments with certain modifications. As to contraband, the lists of contraband and free goods in the Declaration were rejected, and the doctrine of continuous voyage was applied not only to absolute contraband, as the Declaration already provided, but also to conditional contraband, if such goods were consigned to order, or if the papers did not show the consignee of the goods, or if they showed a consignee in enemy territory.

8. The situation as regards German trade was as follows: Direct trade to German ports (save across the Baltic) had almost entirely ceased, and practically no ships were met with bound to German ports. The supplies that Germany desired to import from overseas were directed to neutral ports in Scandinavia, Holland, or (at first) Italy, and every effort was made to disguise their real destination. The power which we had to deal with this situation in the circumstances then existing was:

- (i) We had the right to seize articles of absolute contraband if it could be proved that they were destined for the enemy country, although they were to be discharged in a neutral port.
- (ii) We had the right to seize articles of conditional contraband if it could be proved that they were destined for the enemy Government or its armed forces, in the cases specified above, although they were to be discharged in a neutral port.

9. On the other hand, there was no power to seize articles of conditional contraband if they could not be shown to be destined for the enemy Government or its armed forces, or non-contraband articles, even if they were on their way to a port in Germany, and there was no power to stop German exports.

10. That was the situation until the actions of the German Government led to the adoption of more extended powers of intercepting German commerce in March 1915. The Allied Governments then decided to stop all goods which could be proved to be going to, or coming from, Germany. The state of things produced is in effect a blockade, adapted to the condition of modern war and commerce, the only difference in operation being that the goods seized are not necessarily confiscated. In these circumstances it will be convenient, in considering the treatment of German imports and exports, to omit any further reference to the nature of the commodities in question as, once their destination or origin is established, the power to stop them is complete. Our contraband rights, however, remain unaffected, though they, too, depend on the ability to prove enemy destination.

### III. GERMAN EXPORTS

11. In carrying out our blockade policy great importance was from the outset attached to the stoppage of the enemy's export trade, because it is clear that to the extent that his exports can be stopped, and his power to establish credits for himself in neutral countries curtailed, his imports from such neutral countries will more or less automatically diminish. The identification of articles of enemy origin is, thanks to the system of certificates of origin which has been established, a comparatively simple matter, and the degree to which the policy of stopping German and Austrian oversea exports has been successful can best be judged by looking at the statistics of German and Austrian imports into America.

12. The normal imports into the United States of America from Germany and Austria, before the war, for the seven months March to September inclusive, are valued approximately and in round figures at 124,000,000 dollars (24,800,000L.). From March to September inclusive, this year's imports into the United States of America from those countries were valued at approximately 22,000,000 dollars (4,400,000L.). This sum includes the goods which

were already in neutral ports in the way of shipment or in transit when the further measures adopted by the Allied Governments were announced in March, and also a considerable proportion of those which have been allowed to pass in the circumstances mentioned in paragraph 14. A certain amount is also to be accounted for by goods received from Germany and Austria by parcel post, which it was not originally possible to stop effectively. Steps have now been taken to close this channel to enemy exports. The latest returns available, those for September, show that over 92 per cent of the German exports to the United States of America have been stopped.

13. The above figures allow of but one conclusion: the oversea exports of Germany and Austria are very near extinction. It is of special interest to note that in the main these exports have not been merely diverted to the neutral countries adjacent to Germany. The imports which those countries have received from Germany have not in fact exceeded the normal quantities of previous years.

14. The object of the policy being to injure the enemy, the Allied Governments have in certain cases permitted the export of goods which had been ordered before the 1st March, and had been either paid for prior to that date or ordered before that date on terms which rendered the neutral purchaser liable to pay whether the goods reached him or not. It is clear that in these cases no harm would be done to the enemy, or pressure put upon him, by not allowing the goods to pass. On the contrary, he would, if that were done, both receive his price and retain the goods and their possible use. The total value of the goods with which the Allied Governments have undertaken not to interfere in such cases up to the end of 1915 is approximately 3,000,000*l.* If the goods allowed to pass under this arrangement were deducted from the total enemy exports to the United States of America, it would be seen that the amount of German exports which serve to increase the resources of the enemy is almost negligible.

#### IV. GERMAN IMPORTS

15. As regards German imports, however, the problem is much more complicated. Its central difficulty is that of distinguishing between goods with an enemy destination from those with a genuine neutral destination. A belligerent who makes use of his naval power to intercept the commerce of his enemy has to justify his action in each particular case before a Prize Court, which is bound by international law and not by the ordinary law of the country in which it sits. It is not sufficient for him to stop a neutral vessel and remove from her such articles as he may believe to be intended for his enemy; it is necessary subsequently to demonstrate in a court of law that the destination of the goods was such as to justify the belligerent in seizing them. If this is not proved, the goods will be released, and damages may be awarded against the captor. It must also be remembered that, in order to justify the seizure of a particular consignment, it is necessary to satisfy the Prize Court of the enemy destination of that consignment, and evidence of a general nature, if unaccompanied by proofs directly bearing on a particular case, is not enough. All this applies as much to goods seized as contraband as it does to those seized for breach of blockade.

16. In earlier wars the production of the necessary proof was a comparatively simple matter. Owing to the difficulties of inland transport before the introduction of railways, goods for the enemy country were usually carried to ports in that country and the ship's papers showed their destination. When, therefore, the ship had been captured, the papers found on board were generally sufficient to dispose of the case. In the old cases of contraband, the question at issue was usually not where the goods were in fact going to, but whether their nature was such as to make them liable to condemnation in view of the destination shown on the ship's papers. Even in the American Civil War the difficulty of proving destination was usually not serious, because the neutral harbours through which the supply of goods for the Confederate States was carried on were in normal time ports of comparatively small importance, and it could be shown that in normal times there was no local market for goods of such quantities and character.

17. The case has been far different in the present war. The goods which Germany attempts to import are consigned to neutral ports, and it need hardly be said that the papers on board convey no suggestion as to their ultimate

destination. The conditions of modern commerce offer almost infinite opportunities of concealing the real nature of a transaction, and every device which the ingenuity of the persons concerned, or their lawyers, could suggest has been employed to give to shipments intended for Germany the appearance of genuine transactions with a neutral country. The ports to which the goods are consigned, such as Rotterdam and Copenhagen, have in peace time an important trade, which increases the difficulty of distinguishing the articles ultimately intended to reach the enemy country from those which represent importation into the neutral country concerned for its own requirements. If action had to be taken solely on such information as might be gathered by the boarding officer on his visit to the ship, it would have been quite impossible to interfere to an appreciable extent with German imports, and the Allied Governments would therefore have been deprived of a recognised belligerent right.

18. In these circumstances, unless the Allied Governments were prepared to seize and place in the Prize Court the whole of the cargo of every ship which was on her way to a neutral country adjacent to Germany, and to face the consequences of such action, the only course open to them was to discover some test by which goods destined for the enemy could be distinguished from those which were intended for neutral consumption.

19. The first plan adopted for this purpose is to make use of every source of information available in order to discover the real destination of sea-borne goods, and to exercise to the full the right of stopping such goods as the information obtained showed to be suspect, while making a genuine and honest attempt to distinguish between *bona fide* neutral trade and trade which, although in appearance equally innocent, was in fact carried on with the enemy country.

20. For this purpose a considerable organisation has been established in the Contraband Committee, which sits at the Foreign Office, and works in close touch with the Admiralty, Board of Trade, and War Trade Department. Nearly every ship on her way to Scandinavian or Dutch ports comes or is sent into a British port for examination, and every item of her cargo is immediately considered in the light of all the information which has been collected from the various sources open to the Government, and which, after nearly a year and a half of war, is very considerable. Any items of cargo as to which it appears that there is a reasonable ground for suspecting an enemy destination are placed in the Prize Court, while articles as to the destination of which there appears to be doubt are detained pending further investigation.

21. If, however, this were all that could be done, there is little doubt that it would be impossible to effect a complete cutting off of the enemy's supplies. For instance, there are many cases in which it would be difficult to establish in the Prize Court our right to stop goods, although they or their products, perhaps after passing through several hands, would in all probability ultimately reach the enemy. To indicate more plainly the nature of these difficulties would obviously be to assist the enemy and the neutral traders who desire to supply him; but the difficulties exist, and, in order to meet them, it has been necessary to adopt other means by which neutral may be more easily distinguished from enemy trade, and the blockade of Germany made more effective than it would be if we relied solely on the right to stop goods which could be proved to be intended for the enemy.

#### V. GUARANTEES BY IMPORTERS

22. Importers in neutral countries adjacent to Germany have found that the exercise of our belligerent rights to some extent impedes the importation of articles which they genuinely need for the requirements of their own country, and consequently they have in many cases shown willingness to make agreements with this country which on the one hand secure their receiving the supplies which they need, while on the other guaranteeing to us that goods allowed to pass under the terms of the agreement will not reach the enemy. The neutral Governments themselves have as a rule considered it inadvisable to make agreements on such points with His Majesty's Government; they have on the whole confined their action to prohibiting the export of certain articles which it was necessary for them to import from abroad. Inasmuch, however, as in most cases they reserved the right to grant exemptions from such prohibitions, and as trade between the Scandinavian countries themselves was usually excluded from the scope of such measures, the mere fact of the



existence of such prohibitions could not be considered a sufficient safeguard that commodities entering the country would not ultimately reach Germany.

23. In some neutral countries, however, agreements have been made by representative associations of merchants, the basis of which is that the associations guarantee that articles consigned to or guaranteed by them, and their products, will not reach the enemy in any form, while His Majesty's Government undertake not to interfere with shipments consigned to the association, subject to their right to institute prize proceedings in exceptional cases where there is evidence that an attempt has been made to perpetrate a fraud upon the association, and to pass the goods ultimately through to Germany. The first of these agreements was made with the Netherlands Oversea Trust, and similar agreements, either general or dealing with particular commodities of special importance, such as rubber and cotton, have been made with bodies of merchants in Sweden, Norway, Denmark, and Switzerland. The details of these agreements it is impossible to give more fully, but the general principle is that the associations, before allowing goods to be consigned to them, require the would-be receivers to satisfy them, by undertakings backed by sufficient pecuniary penalties, that the goods will not leave the country, either in their original shape or after any process of manufacture, and notwithstanding any sales of which they may be the subject.

In some cases these agreements provide that the associations shall themselves be bound to detain or return goods believed by His Majesty's Government to be destined for the enemy; so that it does not follow that cargoes allowed to proceed to a neutral port will necessarily be delivered to the consignees.

24. The existence of such agreements is of great value in connection with the right of seizure, because the fact of articles not being consigned to or guaranteed by the association, or being consigned to it without the necessary consent, at once raises the presumption that they are destined for the enemy.

#### VI. AGREEMENTS WITH SHIPPING LINES

25. Delays caused by the elaborate exercise of the belligerent right of visit and search are very irksome to shipping; and many shipping lines who carry on regular services with Scandinavia and Holland have found it well worth their while to make agreements with His Majesty's Government under which they engage to meet our requirements with regard to goods carried by them, in return for an undertaking that their ships will be delayed for as short a time as possible for examination in British ports. Several agreements of this kind have been made; the general principle of them is that His Majesty's Government obtain the right to require any goods carried by the line, if not discharged in the British port of examination, to be either returned to this country for Prize Court proceedings, or stored in the country of destination until the end of the war, or only handed to the consignees under stringent guarantees that they or their products will not reach the enemy. The companies obtain the necessary power to comply with these conditions by means of a special clause inserted in all their bills of lading, and the course selected by the British authorities is determined by the nature of the goods and the circumstances of the case. In addition to this, some of these companies make a practice, before accepting consignments of certain goods, of enquiring whether their carriage is likely to lead to difficulties, and of refusing to carry them in cases where it is intimated that such would be the case. The control which His Majesty's Government are in a position to exercise under these agreements over goods carried on the lines in question is of very great value.

#### VII. BUNKER COAL

26. Much use has been made recently of the power which the British Government are in a position to exercise owing to their ability to refuse bunker coal to neutral ships in ports in the British Empire. Bunker coal is now only supplied to neutral vessels whose owners are willing to comply with certain conditions which ensure that no vessels owned, chartered, or controlled by them trade with any port in an enemy country, or carry any cargo which proceeds from, or is destined for, an enemy country. The number of owners who accept these conditions increases almost daily. The use of this weapon has already induced several shipping lines which before the war maintained regular services between Scandinavian and German Baltic ports to abandon their services.

## VIII. AGREEMENTS IN RESPECT OF PARTICULAR COMMODITIES

27. Special agreements have been made in respect of particular articles the supply of which is mainly derived from the British Empire or over which the British Government are in a position to exercise control. The articles covered by such agreements, the object of which is to secure such control over the supply of these materials as will ensure that they or their products will not reach the enemy, are rubber, copper, wool, hides, oil, tin, plumbago, and certain other metals.

## IX. RATIONING

28. Though the safeguards already described do much to stop entirely all trade to and from Germany, yet, in spite of all of them, goods may and do reach our enemies, and, on the other hand, considerable inconvenience is caused to genuinely neutral trade. It is to avoid both evils that His Majesty's Government have for months past advocated what is called rationing, as by far the soundest system both for neutrals and belligerents. It is an arrangement by which the import of any given article into a neutral country is limited to the amount of its true domestic requirements. The best way of carrying this arrangement into effect is probably by agreement with some body representing either one particular trade or the whole commerce of the country. Without such an agreement there is always a risk that, in spite of all precautions, the whole rationed amount of imports may be secured by traders who are really German agents. These imports might go straight on to Germany, and there would then be great practical difficulty in dealing with the next imports destined, it may be, for genuine neutral traders. If they were to be stopped, there would be great complaint of injustice to neutrals, and yet unless that be done the system would break down. Accordingly, agreements of this kind have been concluded in various countries, and His Majesty's Government are not without hope that they may be considerably extended in the future. Even so the security is not perfect. An importer may always let his own countrymen go short and re-export to Germany. The temptation to do so is great, and as our blockade forces prices up, is increasing. But the amount that gets through in this way cannot be large, and the system is in its working so simple that it minimises the delays and other inconveniences to neutral commerce inseparable from war. Of the details of these arrangements it is impossible to speak. But their principle appears to offer the most hopeful solution of the complicated problems arising from the necessity of exercising our blockade through neutral countries.

## X. RESULTS

29. As to the results of the policy described in this memorandum, the full facts are not available. But some things are clear. It has already been shown that the export trade of Germany has been substantially destroyed. With regard to imports, it is believed that some of the most important, such as cotton, wool, and rubber, have for many months been excluded from Germany. Others, like fats and oils and dairy produce, can only be obtained there, if at all, at famine prices. All accounts, public and private, which reach His Majesty's Government agree in stating that there is considerable discontent amongst sections of the German population, and there appear to have been food riots in some of the larger towns. That our blockade prevents any commodities from reaching Germany is not, and under the geographical circumstances cannot be true. But it is already successful to a degree which good judges both here and in Germany thought absolutely impossible, and its efficiency is growing day by day. It is right to add that these results have been obtained without any serious friction with any neutral Government. There are obvious objections to dwelling on the importance to us of the goodwill of neutral nations; but anyone who considers the geographical, military, and commercial situation of the various countries will certainly not underrate the value of this consideration. There is great danger when dealing with international questions in concentrating attention exclusively on one point in them, even if that point be as vital as is undoubtedly the blockade of Germany.

## XI. CONCLUSION

30. To sum up, the policy which has been adopted in order to enforce the blockade of Germany may be described as follows:

- (i) German exports to oversea countries have been almost entirely stopped. Such exceptions as have been made are in cases where a refusal to allow the export of the goods would hurt the neutral concerned without inflicting any injury upon Germany.
- (ii) All shipments to neutral countries adjacent to Germany are carefully scrutinized with a view to the detection of a concealed enemy destination. Wherever there is reasonable ground for suspecting such destination, the goods are placed in the Prize Court. Doubtful consignments are detained until satisfactory guarantees are produced.
- (iii) Under agreements in force with bodies of representative merchants in several neutral countries adjacent to Germany, stringent guarantees are exacted from importers, and so far as possible all trade between the neutral country and Germany, whether arising overseas or in the neutral country itself, is restricted.
- (iv) By agreements with shipping lines and by a vigorous use of the power to refuse bunker coal, a large proportion of the neutral mercantile marine which carries on trade with Scandinavia and Holland has been induced to agree to conditions designed to prevent goods carried in these ships from reaching the enemy.
- (v) Every effort is being made to introduce a system of rationing which will ensure that the neutral countries concerned only import such quantities of the articles specified as are normally imported for their own consumption.

THE TRADING WITH THE ENEMY (EXTENSION OF POWERS) ACT  
(DECEMBER 23, 1915)—RESERVATION OF THE RIGHT TO PROTEST  
AGAINST THIS ACT AS AFFECTING AMERICAN INTERESTS, JANUARY 25,  
1916—REPORTS AND CORRESPONDENCE ON INTERFERENCE WITH  
NEUTRAL TRADE

File No. 763.72112/2236a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 17, 1916, 6 p. m.

2735. New York *World* of January 12 refers to an amended enemy trading act prohibiting all residents of the United Kingdom from trading with non-residents of enemy nationality or association. Please mail immediately copy of any such act and telegraph confirmation of *World* story.

LANSING

File No. 763.72112/2229

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 19, 1916.

[Received 8.25 p. m.]

3602. Trading with the Enemy (Extension of Powers) Act, 1915:

*An act to provide for the extension of the restrictions relating to trading with the enemy to persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy nationality or enemy associations expedient to extend such restrictions. (23d December, 1915.)*

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

I. (1) His Majesty may by proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or

being in the United Kingdom from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's Dominions) wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do, and if any person acts in contravention of any such Proclamation he shall be guilty of a misdemeanor triable and punishable in like manner as the offence of trading with the enemy.

(2) Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this act may be varied or added to by an order made by the Lords of the Council on the recommendation of a Secretary of State.

(3) The provisions of the Trading with the Enemy Acts, 1914 and 1915, and of the Customs (War Powers) (No. 2) Act, 1915, and all other enactments relating to trading with the enemy, shall, subject to such exceptions and adaptations as may be prescribed by Order in Council, apply in respect of such persons and bodies of persons as aforesaid as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offences under the Trading with the Enemy Acts, 1914 and 1915, or any of those acts, there were substituted references to offences under this act.

(4) For the purposes of this act a person shall be deemed to have traded with a person or body of persons to whom a proclamation issued under this act applies, if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, such a person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of, an enemy would be trading with the enemy.

II. This Act may be cited as the Trading with the Enemy (Extension of Powers) Act, 1915.

AMERICAN EMBASSY

File No. 763.72112/2237

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 19, 1916, 3 p. m.*

[Received 10.45 p. m.]

3601. Your 2735, January 17. Article in *New York World* referred to probably based on discussion in Parliament early in December of Trading with the Enemy (Extension of Powers) Act, 1915, which was made a law by royal approval December 23. This act has not yet appeared in the *London Gazette* nor was it communicated to the Embassy by the British Government. Nevertheless copies had been procured and were being forwarded by pouch to the Department prior to receipt of your telegram.

I am told informally at the Foreign Trade Department of Foreign Office, a new department lately established [to carry out?] above-mentioned act, that its object is to prevent British Government or person doing business in the United Kingdom from trading with enemies of Great Britain or persons having enemy associations in any part of the world.

To quote official's private remarks, "Business of Department, etc., is to smash German commerce wherever found." I am also told that

not more than a dozen firms in the United States will be on Department's black list.

I am cabling text of act in my telegram of January 19, 3602.

AMERICAN AMBASSADOR

File No. 763.72112/2229

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 25, 1916, 1 p. m.

2774. Your 3601 and 3602, January 19. Department has given consideration to enemy trading act approved December 23 last, the apparent object of which is to prevent any person doing business in the United Kingdom from trading with the enemies of Great Britain or persons having enemy association in any other part of the world, and the Department has reached the conclusion that this act is pregnant with possibilities of undue interference with American trade, if in fact such interference is not now being practiced. As it is an opinion generally held in this country, in which this Government shares, that the act has been framed without a proper regard for the right of persons domiciled in the United States, whether they be American citizens or subjects of countries at war with Great Britain, to carry on trade with persons in belligerent countries, and that the exercise of this right may be subject to denial or abridgment in the course of the enforcement of the act, the Government of the United States is constrained to express to His Majesty's Government the grave apprehensions which are entertained on this subject by this Government, by the Congress, and by traders domiciled in the United States. It is, therefore, necessary to bring these views to the attention of Sir Edward Grey and to present to him a formal reservation, on the part of this Government, of the right to protest against the application of this act, in so far as it affects the trade of the United States, and to contest the legality or rightfulness of imposing restrictions upon the freedom of American trade in this manner.

LANSING

File No. 341.115Am319/135

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 31, 1916.

2806. Following from Consul, Marseille:

*Kankakee* sailed yesterday for African port. Thirteen men original crew remaining Marseille request Department's intervention to secure from British Admiralty return passage under shipping agreement and maintenance meanwhile; also promised war bonus.

Claim for maintenance and return passage seems just and you will lay before Foreign Office for early decision adding that Department is surprised to learn that *Kankakee* is sent on this voyage since it

was understood owners would be allowed to bail ship, which arrangement seems to be frustrated by sending to Marseille and now to African port.

LANSING

File No. 763.72112/2176

*The Consul General at London (Skinner) to the Secretary of State*

No. 1083

LONDON, *January 17, 1916.*

[*Received February 1.*]

SIR: I have the honor to enclose herewith various newspaper articles of recent date, which indicate that there is much dissatisfaction with the manner in which the blockade against Germany is being carried on.<sup>1</sup> The Government is being taken to task with great violence for having permitted large quantities of goods to reach Germany, and public opinion is in such an angry frame of mind that it is extremely improbable that the blockade policy can be modified in the direction of greater liberality. The conviction prevails that Germany is suffering severely from economic pressure, and there appears to be a demand for the application of still greater pressure. While the foregoing states the case generally, it seems to me that there are a number of questions in regard to which the British Government might take action without endangering itself politically, and which, if adjusted satisfactorily, would do away with a very large proportion of reasonable complaints from American shippers. Among the points which have been brought to my attention repeatedly, are the following:

(1) Application of blockade measures to exports from Great Britain in the same manner as to exports from the United States. Shippers from this country are permitted to know in advance whether seizure would follow from shipment, while shippers from the United States are unable to know the fate in store for their goods until they are seized or delivered.

(2) Liberty to American shippers to forward without inconvenience such goods as are permitted by Great Britain to be shipped through Denmark even to belligerent countries, under the Anglo-Danish agreement. It is obviously unreasonable to permit dried fruit, for example, to reach Germany via Denmark in some cases, while compelling other shippers of the same goods to go into the prize court.

(3) Assurances that when shippers have fully complied with the Netherlands Oversea Trust requirements as to consignments, their consignments shall be guaranteed immunity—which is not the case at present.

(4) Full information as to the "rationing" of neutral countries, under which the quantities of goods allowed to such countries are fixed, together with such assurances and facts as might

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<sup>1</sup> Not printed.

be necessary to prove that all countries were on an equal footing in competing for the sale of the amounts allowed under the "rationing" understanding.

(5) Immediate adjustment of claims arising from detentions involving no accusations against the shippers, as, for example, when goods are required to be sold in this country although destined for another country. Adjustment should include payment to the owner of the goods of the sale price realized in this country, plus the difference between that price and the amount which would have been realized in the country of original destination. In such cases, claimants not to be obliged to pay fees to Admiralty Marshal or other charges.

(6) Immediate payment of all expenses of whatsoever sort by British Government when goods are detained and subsequently are released and allowed to go forward, detention being recognized as uncalled for.

(7) Immediate payment to shipowners of demurrage when American vessels are detained and events demonstrate that vessel was not carrying contraband. Remission of port dues, pilotage and the like in British ports when innocent vessels are required to await the pleasure of the Admiralty.

(8) No neutral concern to be "blacklisted" without first communicating proposed action to the neutral government with statement of reasons for the proposed action.

(9) Appointment of a committee with power to deal finally with claims arising under any of the foregoing heads, claimants having the right to accept the proposed settlements or await the conclusion of the war and such remedies as might be secured them by diplomatic action.

While the neutral governments might hesitate to negotiate for the adoption of any or all of the foregoing suggestions, nothing whatever prevents the British Government from adopting them voluntarily. If this should be done, I have no doubt that it would promote good feeling and reduce the causes of friction very substantially.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/2175

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2878

LONDON, *January 20, 1916.*

[*Received February 1.*]

SIR: I have the honor to enclose, herewith, two clippings from the *Morning Post* of the 18th instant.<sup>1</sup> The article from the Washington correspondent of this paper is important and is exciting much comment and interest.

I have [etc.]

WALTER HINES PAGE

<sup>1</sup> As the two articles are rather similar in context, only one is here printed.

[Enclosure—Extract]

Article from the "Morning Post," January 18, 1916

## THE BLOCKADE FARCE

INCREASE IN GERMANY'S IMPORTS—THE NAVY CRIPPLED BY FOREIGN OFFICE—  
STARTLING AMERICAN TRADE FIGURES

In order that the full significance of the figures given below by our Washington correspondent may be the better appreciated we give them in tabular form. The quantities are for the first ten months of 1913 and the corresponding period of 1915:

## EXPORTS FROM THE UNITED STATES

	1913 Bushels	1915 Bushels
<i>Wheat</i>		
Germany .....	12,000,000	15,000
Neutrals .....	19,000,000	50,000,000
<i>Maize</i>		
Germany .....	6,000,000	15,000
Neutrals:		
Denmark .....	4,750,000	10,950,000
Netherlands .....	6,900,000	11,600,000
Other neutrals .....	2,100,000	6,400,000
Total neutrals .....	13,750,000	28,950,000
<i>Flour</i>		
Germany .....	140,000	—
Neutrals:		
Netherlands .....	708,000	1,300,000
Other neutrals .....	709,000	3,800,000
Total neutrals .....	1,417,000	5,100,000
<i>Bacon</i>		
Germany .....	1,100,000	273,000
Neutrals:		
Netherlands .....	3,900,000	9,000,000
Other neutrals .....	27,000,000	82,500,000
Total neutrals .....	30,900,000	91,500,000
<i>Boots</i>		
Germany .....	471,000	—
Neutrals .....	462,000	4,800,000
<i>Cotton</i>		
Germany .....	1,700,000	194,000
Neutrals .....	53,000	1,100,000
<i>Automobiles and Parts</i>		
Germany .....	\$775,000	\$2,800
Neutrals .....	1,300,000	20,000,000

(From our own correspondent)

WASHINGTON, January 17.

London despatches intimating that the British Government really intends to make the blockade against Germany effective causes great satisfaction among the supporters of the Allied cause, who have been indignant at the fact that the great power in the hands of England should have been frittered away owing to the stupidity or mistaken idea of treating savages with consideration. Unofficially the news is not displeasing to the Administration, which is prepared to



admit the validity of a legal and effective blockade, but has declined to recognise half-measures and Orders in Council as complying with the requirements of international law when simpler and more obvious measures were clearly indicated. A blockade, following the example laid down by the United States during the Civil War, could not be assailed, and it would end the dangerous controversy over neutral commerce and the right of Americans to send their goods, whether contraband or not, to Germany, whether by direct or indirect routes. Had the Navy not been hampered by the Foreign Office it is probable that Germany before this would have been forced to sue for terms or to surrender, having been starved into submission.

## SIGNIFICANT STATISTICS

The latest export trade statistics, which have just been made public, prove unmistakably how the blockade has been nullified and the power of the Navy destroyed by the failure of the Foreign Office to grasp the situation. For instance, in the first ten months of 1913 the United States sent 12,000,000 bushels of wheat to Germany and in the corresponding period of 1915 only 15,000 bushels were sent; but to balance this deficit the wheat export to the Netherlands, Norway, Sweden, and Denmark rose from 19,000,000 bushels in 1913 to more than 50,000,000 bushels last year. Every American exporter of wheat knows why there has been this tremendous increase: it is only the Foreign Office that remains in ignorance. The export of other foodstuffs tells the same story. Comparing the figures for the first ten months in 1913, when the world was at peace and trade was normal with those for the corresponding period of last year, that is, from January 1 to October 31, the latest date to which the figures have been made up, the falling off in German imports was in every case compensated by the increased imports of her neighbours. Thus, in 1913 Germany took in round figures 6,000,000 bushels of maize from this country and only 15,000 bushels last year; but the Danish importations increased from 4,750,000 bushels to 10,950,000, those of the Netherlands from 6,900,000 to 11,600,000, and other neutrals increased their importations from 2,100,000 to 6,400,000. Of course, no American exporter can swear that he sold maize to Germany, but, as one exporter commented, after looking at the figures: "It is simply significant."

## FLOUR, BACON, COTTON, AND BOOTS

In 1913 Germany bought 140,000 barrels of wheat flour in the United States, and in 1915 nine. In 1913 the Netherlands imported 708,000 barrels and in 1915, 1,300,000. Other neutrals increased their importations from 709,000 barrels in 1913 to 3,800,000 barrels last year. Germany's needs for bacon have been well taken care of. In 1913 her American purchases were 1,100,000 pounds; in 1915 they were 273,000 pounds. The Netherlands in 1913 purchased 3,900,000 pounds and in 1915, 9,000,000 pounds, and other neutrals increased their importations from 27,000,000 pounds to 82,500,000 pounds. No less striking is the increase in the exports of American boots. In 1913 Germany purchased 471,000 pairs in the United States, and not a single pair in 1915; but neutrals' purchases jumped from 462,000 pairs to 4,800,000.

In 1913, 1,700,000 bales of cotton were sent to Germany and in 1915, 194,000. The exports in the same period to neutrals increased from 53,000 bales to 1,100,000. One of the most startling illustrations is afforded by automobiles and parts. German imports in 1913 were valued at \$775,000 and in 1915 at \$2,800. The exports to neutral countries in 1913 had a value of \$1,300,000, which in 1915 rose to \$20,000,000.

Commenting on the anticipated change in the blockade, the *Washington Times* says that the British blockade has been neither successful nor satisfactory, and has produced anomalous conditions. Great Britain and her allies have been moved by consideration for the sensibilities of neutrals in their efforts to ameliorate the rigours of naval operations, but this mildness has not been appreciated by the anti-British agitators, "and it is now proposed that the full rigour of the American Civil War procedure shall be enforced against commerce destined or suspected of being destined to belligerents. If that be done the blockade will be more effective and at the same time more easily defended as against American criticism." . . .

File No. 341.115Am319/153

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 10, 1916.

[Received 11.45 p. m.]

3752. In reply to my representations based on Department's cablegram 2806,<sup>1</sup> January 31, re *Kankakee*, Foreign Office refers me to its explanation of view taken by British Government as to position under the undertaking originally given to provide members of crew with free passage to their native country, which was cabled to Department in my 3706, 4th.<sup>2</sup> Further, that it is felt that complaint made by Department against sending of ship to Marseille and thence to this country, via an African port, must be based on some misapprehension of circumstances of case and that British Government regard it as follows:

*Kankakee* is one of number of vessels owned by American Transatlantic Company which British Government believe to be entirely, or to large extent, enemy-owned. All these vessels therefore are liable to seizure to decide their status by prize court, but that in reply to request of United States Government the British Government on December 9 agreed as a concession to waive their right to capture all vessels belonging to that company at once and undertook "not to capture the remaining ships of the company" subject to certain conditions until decision given by prize court regarding cases pending. *Kankakee*, which had been captured on October 31, could not be covered by above undertaking, and British Government consider they would clearly be entitled to proceed to adjudication of the validity of the capture, but do not desire to insist upon their strict rights in this matter and are prepared after arrival of ship in England to release her to owners on security being given that she will be returned to jurisdiction of prize court for trial if required. For this purpose necessary ship be brought to England and prize proceedings instituted, when she can be released on bail, but it should be understood this action on part of British Government regarded by them as a concession and they can not admit that action already taken regarding this vessel is such as to call for any protest on part of United States Government. It is further stated that *Kankakee* was sent to Marseille instead of direct to United Kingdom for adjudication in consequence of arrangement made in interest of cargo owners and with their assent, and that vessel sent to a North African port to load a cargo for England in order to avoid necessity for bringing her to England in ballast.

Foreign Office also take this opportunity of calling attention to following circumstance which is causing British Government considerable disquiet. The undertaking above mentioned regarding remaining vessels of the company was made at request of United States Government in order that vessels might not be withdrawn from trade during this period, and it was a natural condition of this concession

<sup>1</sup> *Ante*, p. 339.<sup>2</sup> Not printed.

that the status of the ships be not altered in any way during period of grace, but British Government have learned that company is making attempts to sell vessels in order to transfer to another ownership or flag, the object being presumably to deprive British Government of right to capture and condemn the vessels in event of cases already instituted being decided in their favor. While not admitting that action contemplated could have this effect, it is stated that British Government can not allow the concession made at request of United States Government to be utilized with the object of defeating their belligerent rights, and state if one of these vessels is sold by the company during period before test cases heard, they will consider themselves absolved from the undertaking they have given and at liberty at once to capture the remaining vessels belonging to the company. Full text of note goes forward in next pouch.

AMERICAN EMBASSY

File No. 763.72112/2217

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2903

LONDON, *January 24, 1916.*

[*Received February 17.*]

SIR: Referring to the Department's cablegram No. 2599 of December 19 [18], 1915,<sup>1</sup> in regard to British trade regulations now in force in China and the effect thereof on American trade with that country, I have the honor to enclose herewith, for the information of the Department, a copy of the memorandum received from the Foreign Office in reply to my representations in this connection, and to which reference is made in my cablegram No. 3637 of to-day's date.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Foreign Office to the American Embassy*

No. 198150/F

MEMORANDUM

His Majesty's Government have not failed to give the most careful consideration to the memorandum on the subject of the effect of the trading with the enemy proclamations on American trade in China which was communicated by the United States Ambassador to this Department on the 22d ultimo.

From certain of the statements in this memorandum it would appear that the United States Government have been, to a certain extent, misled as to the exact scope, intention, and effect of the proclamations, and they therefore consider it advisable, before replying in detail to the points raised, to give a brief explanation of the history and intention of the various measures which have been taken.

The objects of the action which has been decided upon by His Majesty's Government with respect to the question of trading with the enemy in China are, stated briefly and generally, to deprive all persons or bodies of persons of enemy nationality resident or carrying on business in China of any assistance or benefit whatever from British sources. With a view to achieve this purpose, the Trading with the Enemy Proclamation (China, Siam, Persia, and Morocco) was issued on June 25 last and was followed by King's regulations issued by His Majesty's Minister in China in accordance with this proclamation.

It became obvious almost immediately that this proclamation would fail of its effect unless some means could be devised to prevent enemy firms and per-

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 641.

<sup>2</sup> Not printed.

sons from making use of neutral, British, or Allied intermediaries to continue their trade with British subjects. In order, therefore, to enforce the provisions of the proclamation and regulations upon British subjects, His Majesty's Government on September 24 last issued a further proclamation prohibiting the consignment of goods from the United Kingdom to persons or bodies of persons in China or Siam whose names did not appear on a list of approved consignees in the *London Gazette*.

On this list are placed the names of all persons or firms who are above any reasonable suspicion of obtaining goods or other facilities from British subjects for the purpose of supplying them to persons of enemy nationality in China or Siam. At the present moment, the names of almost all British, Allied, and neutral firms of good reputation and standing appear on this list.

There remain two further classes of persons in China. First, a class which has failed to satisfy His Majesty's Government that they do not act as intermediaries for enemy firms, but who have a genuine separate commercial existence of their own, apart from any enemy firm, and whose activities His Majesty's Government are anxious to interfere with as little as possible provided that they can secure that these persons shall not assist enemy subjects to evade the effect of the regulations. These persons are prevented from obtaining goods directly from the United Kingdom, and from such of His Majesty's Dominions as have adopted the provisions of the proclamation of September 24, and their use of British shipping is, to some extent, restricted by the necessity for British shipmasters and owners to obtain the approval of His Majesty's consular officer at the port concerned before they may accept cargo shipped by them or deliver cargo consigned to them.

There is also a further list provided by His Majesty's Government for the guidance of His Majesty's consular officers and other British officials, which contains the names of persons and firms of enemy nationality in China, and a few further British, neutral, and Allied persons or firms who are so closely identified with enemy firms that it is impossible to distinguish any transaction with them from a transaction with the enemy firm which they represent. From these persons all British facilities of any kind whatever are, as far as possible, withdrawn for the simple reason that any British subject engaging in any transaction with them would render himself liable to prosecution for trading with the enemy person concerned.

His Majesty's Government believe that the names of only two United States citizens appear on this list, and in both cases there is an accumulation of evidence in the hands of His Majesty's Government showing that these persons have no separate business existence whatever and are simply employed as cloaks by enemy firms for the purpose of enabling them to evade the effect of the regulations.

The entire system of regulations described above is devised solely to prevent transactions between persons subject to British jurisdiction and persons of enemy nationality, which His Majesty's Government are at liberty, and consider it their duty, to stop by all means in their power. No attempt is made to prevent commercial operations between neutral firms and enemy subjects in the countries in question, in so far as these operations are conducted without making use of British facilities. The right of His Majesty's Government to deny the use of such facilities to enemy trade will scarcely be questioned.

The various measures taken by His Majesty's consular officers and by shipping companies to which reference is made in the United States Ambassador's memorandum are the result of voluntary arrangements come to between various British shipping lines and other associations of British subjects and His Majesty's consular officers, with the approval of His Majesty's Government, for the purpose of avoiding as far as possible inconvenience or loss to British subjects or to innocent neutral merchants from the operation of the regulations.

The above explanation will, His Majesty's Government hope, make clear to the United States Government that there has been no attempt whatever to interfere with the legitimate activities of neutral traders except for the purpose of preventing the use of British facilities for carrying on business with enemy firms and the consequent infringement of the British proclamations and regulations by British subjects. They desire to add, however, the following observations in reply to the specific points raised in the memorandum.

(1) The "regulation" complained of in the first paragraph is in fact a semi-official arrangement voluntarily entered into by British shipping companies

with certain of His Majesty's consular officers in certain ports in China for the purpose of protecting themselves against an unwilling infringement of the regulations by carrying enemy cargo, and minimizing any inconvenience or loss which might be occasioned to innocent shippers by the possible subsequent action of His Majesty's naval officers or colonial officials at a port of trans-shipment.

His Majesty's Government desire to add that detailed information of the nature described is only required when the intending exporter is in the suspect class described above, and that any information submitted to one of His Majesty's consular officers for the purpose of satisfying him that the particular consignment in question is free from enemy taint is regarded as strictly confidential. In any case, if an American shipper considers that this system, which was devised for the convenience of shippers and shipowners in general, causes inconvenience in the conduct of his business, it is always open to him to make use of other than British facilities.

(2) With respect to the complaint in the first sentence of the second paragraph, His Majesty's Government have in no case interfered in any degree whatever with the personnel of a neutral firm, and, as a matter of fact, they have, as a rule, no information as to the nationality of the employés of the neutral firms whose names at present appear on the approved list. Suitability for inclusion on this list is judged entirely by the conduct and general reputation of the firm. It appears possible, however, that in certain cases, firms with which United States citizens are connected have incurred suspicion of acting as intermediaries for enemy firms in transactions with British subjects, and their names have consequently been omitted from the approved list, and that when they have applied to one of His Majesty's consular officers for recommendation for addition to the list they have been informed that it would assist in dispelling these suspicions if they removed an employé or employés of enemy nationality who had been concerned in the transactions.

(3) His Majesty's Government are not aware of the circumstances which may have caused British consular officers in China to adopt, with regard to shipments of antimony and dyes, the procedure referred to in the second sentence of the same paragraph.

(4) The complaint in the third paragraph appears to have been based on a misunderstanding which His Majesty's Government trust will have been dissipated by the explanations given above.

(5) With respect to the fourth paragraph His Majesty's Government desire to point out that the action of British shipping companies is due to the fact that they are bound by the trading with the enemy regulations issued by His Majesty's Government, and are liable to prosecution if they infringe them by carrying goods destined for enemy subjects in the countries in question.

As to the question of the position of shipowners; no doubt, though not common carriers, they are under certain of the liabilities of common carriers unless there is some special contract. But carrying as they do goods for various shippers irrespective of nationality, shipowners are neither bound nor entitled to carry goods which might subject ships and cargo generally to arrest or detention.

(6) With respect to the second sentence in the fourth paragraph: there is no necessity for American merchants to "comply with British regulations." Such regulations are only enforced upon British subjects, and no steps have been taken to compel other than British subjects to comply with them. All that is necessary if an American firm desires to have its name added to the approved list, is, as explained above, to satisfy His Majesty's Government that they are not acting, and will not act, as a channel for the supply of British goods or other facilities to firms or persons of enemy nationality. His Majesty's Government are unaware of any instance in which an American or any other firm has taken this step without their name being consequently added to the list, and would be glad if the United States Ambassador could furnish them with particulars of any case in which this is alleged to have occurred.

(7) On the point raised in the third sentence of the fourth paragraph His Majesty's Government are unable to make a definite statement unless they can be furnished with further details, but they desire to point out, that, *prima facie*, the British consular officer in question appears to have merely acted in

accordance with the usual official practice in refusing to communicate to a third party any particulars of confidential information given by him to British shipmasters for their guidance.

(8) With regard to the final sentence in paragraph four His Majesty's Government understand that the Japanese Government have taken certain measures to prevent the carriage of enemy cargo by Japanese vessels. They cannot, however, undertake to reply in detail to such questions which should more properly be addressed to the Japanese Government.

(9) Coming to the final paragraph of Mr. Page's memorandum, His Majesty's Government would observe that all cargo shipped from the United States or from any other neutral country to China is free from such interference on the part of British officials as is now under discussion unless it is consigned to an enemy firm or to a person or firm believed to be acting for an enemy firm. The question of the ownership of such cargo therefore does not arise, and there is consequently no necessity for affidavits to be sworn on the subject.

As regards goods exported from China, no attempt whatever is made to prevent the carriage of any consignment which is the genuine property of a neutral person or firm. In the case, however, of goods which have been purchased directly from an enemy, His Majesty's Government cannot but regard the neutral firm concerned as being, however innocently engaged, with regard to the particular transaction, in acting as an intermediary to enable an enemy to obtain the use of British facilities, and would accordingly regard any British subject who afforded such facilities as having infringed the trading with the enemy regulations. It must be obvious that if His Majesty's Government were to relax their attitude in this respect, their action would amount to licensing any British subject to trade with an enemy provided that a neutral could be discovered who was ready to act as an intermediary, with the result that the proclamation and regulations would to a very large degree be stultified.

Experience has shown that it is practicably impossible to devise a safeguard against this by means of affidavits of ownership or any other form of guarantee, as it is impossible for the consular officer or other official before whom such an affidavit is sworn to distinguish between a *bona fide* sale, and a merely collusive transaction for the purpose of enabling an enemy firm to continue its export trade with the assistance of British shipping.

With regard to the character of firms in China His Majesty's Government must point out that while any neutral firm is of course at perfect liberty to trade with an enemy firm, His Majesty's Government are also at perfect liberty to prevent British subjects from trading with any firm which adopts this practice if there appears to be a reasonable possibility that such trade will result, in fact, in British goods or facilities being placed at the disposal of an enemy firm, and that they cannot delegate the responsibility of deciding whether a British subject has or has not infringed the regulations by such a transaction, to any but British courts and officials. Although His Majesty's consular officers will always attach the greatest weight to any information or recommendation concerning United States firms which may be communicated to them by their United States colleagues, the ultimate responsibility of deciding whether such a firm shall be placed on the approved list or not must therefore rest with His Majesty's Government.

Moreover, while the genuine American character of a firm or person in China may be beyond any doubt, this character, while ensuring that the firm shall receive every possible consideration from the British authorities, cannot of itself ensure that the firm will not act as an intermediary for the purpose of procuring British goods for the ultimate benefit of an enemy firm, and although His Majesty's Government will at all times exercise every possible precaution to prevent as far as possible any regulation imposed upon British subjects from causing inconvenience to a neutral firm or person, they cannot in the present circumstances undertake that they will not at any time restrict the commercial intercourse between British subjects and any neutral firm.

It is perhaps hardly necessary to repeat that all regulations issued by His Majesty's Government and all action taken by British officials under their instructions, are directed solely to prevent persons under British jurisdiction from assisting or trading with persons of enemy nationality; that no attempt whatever has or will be made to interfere with trade between United States citizens or other neutral persons and enemy firms in cases which do not involve

the use of British facilities or the supply of British goods; and that even in such cases the action of His Majesty's Government is and will be strictly confined to the elimination of the British element in the transaction.

FOREIGN OFFICE,  
January 22, 1916.

File No. 763.72112/2259a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 21, 1916, 6 p. m.

2911. On January 5 I asked the British Ambassador here, in an informal note,<sup>1</sup> when we might expect to receive his Government's reply to our note of October 21 on the subject of British trade restrictions. He states that he communicated my inquiry to his Government. Please request the British Government to make a reply to this note as soon as possible.

For your information. The delay of the British Government in replying to the note of October 21, our protest of January 4 in regard to the mails,<sup>2</sup> and our representations in regard to British enemy trading acts, is creating a bad impression here, as no attention is apparently being paid to our representations and as the unwarranted measures to which we are objecting are being continued with unabated vigor. This disregard of the representations of this Government, made seriously and in good faith, is not calculated to react favorably upon public opinion throughout the country, nor in Government circles, as it suggests no desire on the part of the British Government to negotiate in regard to plain violations of neutral rights with a view to reaching some satisfactory arrangements in regard to the matters in dispute. The grievances of Americans are real to them, and at the same time are based on violations of fundamental principles of international rights, which violations this Government is obliged to find means to remedy.

LANSING

File No. 763.72112/2244

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 21, 1916, 8 p. m.

[Received 11 p. m.]

3833. I hear indirectly that the British and French answer to our long shipping note of November 7<sup>3</sup> will contain an expression of willingness after the war to submit to some international tribunal the validity under international law of the order in council of March 11 and to pay damages if the decision is adverse to the British position. I cannot verify this report but I think it is probably true.

AMERICAN EMBASSY

<sup>1</sup> *Ante*, p. 329.

<sup>2</sup> *Post*, p. 591.

<sup>3</sup> Should be November 5, date on which the note of October 21 was delivered in London. See *Foreign Relations*, 1915, Supplement, pp. 578-601.

File No. 300.115/7284

*The Consul General at London (Skinner) to the Secretary of State*

[Extract]

LONDON, February 7, 1916.

[Received February 23.]

The number of vessels loaded at American ports and detained by the British Admiralty at the port of Kirkwall, Orkney Islands, since the coming into effect of the order in council of March 11, 1915, has been month by month as follows:

March 1915	73
April	114
May	57
June	53
July	39
August	37
September	39
October	54
November	69
December	47
January	51

The detentions in detail during the month of January 1916, were as follows: . . .

R. P. SKINNER

File No. 763.72112/2267

*The Chargé in the Netherlands (Langhorne) to the Secretary of State*

No. 419

THE HAGUE, February 2, 1916.

[Received February 25.]

SIR: In connection with my cipher cablegram No. 500 of January 31, 1916,<sup>1</sup> on the subject of the protest of the Netherlands Oversea Trust against the action of the British Government in stopping and ordering to British prize courts shipments regularly consigned to the Netherlands Oversea Trust in violation of the agreement between the Trust and the British Government, I have the honor to forward herewith a letter from Mr. Erwin W. Thompson, commercial attaché of the Legation, reporting an interview with Mr. van Vollenhoven, the head of the Netherlands Oversea Trust.

I have [etc.]

MARSHALL LANGHORNE

[Enclosure]

*The Commercial Attaché in the Netherlands (Thompson) to the Chargé (Langhorne)*

THE HAGUE, January 31, 1916.

SIR: I have the honor to report that I had an interview this morning with Mr. van Vollenhoven, the active head of the Netherlands Oversea Trust. This interview was prompted by the following telegram which I received from Consul General Skinner at London:

<sup>1</sup> Not printed.



LONDON, *January 30, 1916.*

Various seized shipments consigned to Trust by Armour and Morris under usual permits are being held because Trust stated in November that, pending arrangement with British Government, no further imports of meat would be accepted by Trust. Please ascertain why Trust issued permits, having previously agreed not to accept additional shipments, and why it failed to advise shippers to whom permits had been issued after this understanding as to stoppage consignments.

Mr. van Vollenhoven said in reply to this that he returned from a conference in London on November 8, and since that date he had complied with the request of the British Government not to issue further licenses for packing-house products and that this order is still in effect. He said that the shipments complained of by Consul General Skinner were those arriving under licenses issued previous to the British instruction referred to. He was astonished to know that the British Government were deliberately nullifying these perfectly good licenses, issued in good faith and under the rules as they existed at the time of issuance. He said that according to the terms of his agreement with the British Government the Netherlands Oversea Trust was bound to return to the British prize court any goods when the British Government notified the Netherlands Oversea Trust that the request for such return was based on information in possession of the Government leading them to believe that the said goods were intended for their enemies. The goods now under discussion, however, do not fall under this clause of the contract. He said they are being held not because they have evidence of enemy destination, because there could be no such evidence in existence. He said they are being held because of England's ideas with regard to the amount of packing-house products which Holland should consume in a given time, thus bringing the subject under the head of what they call their "rationing system." The "rationing system," however, is based upon supplementary agreement between the British Government and the Trust, with regard to specific items, such as wheat, rye, corn, linseed cake and some other commodities, but not packing-house products. These were distinctly omitted from the "rationing agreement" because the Netherlands Oversea Trust was not willing to agree to the amounts allotted by the British Government. Mr. van Vollenhoven thinks that the British Government is now acting entirely on its own ideas of the proper ration of packing-house products, but that it has no right to do any such thing because this has not been agreed upon and incorporated in the contract.

Mr. van Vollenhoven said he had been making protests from time to time against various similar encroachments on the contract on the part of the British Government, such, for example, as the order to return to the prize court of the recent gold shipments. He said that he had just lately filed another and still stronger protest against the more flagrant violations of the agreement and against the general lack of confidence which the British appeared to be evincing.

The above conversation confirms a report which I had from another source a few days ago to the effect that the Netherlands Oversea Trust had sent to the British Government what amounted practically to an ultimatum, stating that unless the British Government was prepared to respect their contract with the Netherlands Oversea Trust and to show greater confidence in them, the Netherlands Oversea Trust was ready to go out of business. I cannot say, of course, that the letter was couched in just these terms, but I can quite believe that it had this flavor.

I have [etc.]

ERWIN W. THOMPSON

File No. 763.72112/2275

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *February 28, 1916, 5 p. m.*

[Received 7.20 p. m.]

3872. Sir Edward Grey has again informed me that he expects the English and French answer to our long note on shipping to be

ready next week. The English answer is now before the Cabinet and he is urging the French to haste. He expresses regret at the long time consumed and wishes me to assure you that he is hastening the answer as urgently as possible.

AMERICAN EMBASSY

File No. 763.72112/2282

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, March 1, 1916.

[Received 9.50 a. m.]

First proclamation issued to-day under British blacklisting law setting forth 363 names of firms in Greece, Morocco, Netherlands, Norway, Portugal, Spain and Sweden with whom trading is forbidden. Presumably goods consigned to such firms in Greece, Netherlands, Norway, and Sweden subject to detention. Names following by post unless requested by cable.

SKINNER

BRITISH NOTE OF FEBRUARY 16, 1916, IN DEFENSE OF THE TRADING WITH THE ENEMY (EXTENSION OF POWERS) ACT—THE FIRST "STATUTORY LIST", FEBRUARY 29, 1916—REPRESENTATIONS IN THE CASES OF THE "HOCKING", "GENESEE", AND "KANKAKEE"

File No. 763.72112/2303

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3092

LONDON, February 19, 1916.

[Received March 6.]

SIR: With reference to the Department's cablegram No. 2774<sup>1</sup> of January 25, and my telegraphic reply No. 3913 of the 18th instant,<sup>2</sup> relative to the possible effects of the Trading with the Enemy (Extension of Powers) Act, 1915, on the commerce of the United States, I have the honor to transmit herewith, for the information of the Department, a copy of the note, dated the 16th instant, which has been addressed to the Embassy by the Foreign Trade Department of the Foreign Office in this connection.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 15404/45

LONDON, February 16, 1916.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 26th ultimo relative to the possible effects of the Trading with the Enemy (Extension of Powers) Act, 1915, on United States commerce.

The act was framed with the object of bringing British trading with the enemy regulations into greater harmony with those adopted by the French

<sup>1</sup> Ante, p. 339.

<sup>2</sup> Not printed.

Government since the commencement of the war, by applying in some degree the test of nationality in the determination of enemy character in addition to the old test of domicile which experience has shown cannot provide a sufficient basis under modern commercial conditions for measures intended to deprive the enemy of all assistance, direct or indirect, from national resources.

His Majesty's Government realized, however, that the application of this principle to its fullest extent, while entirely legitimate and in accordance with the practice of other countries, might, if applied at the present time to commercial activities as widespread as those of British subjects, involve avoidable inconvenience and loss to innocent traders.

They were careful, therefore, in devising the necessary legislation not only to avoid any definition which would impose enemy status upon all persons of enemy nationality and associations, but also to take powers of discrimination which would enable them to apply the purely commercial restrictions contemplated only in regard to those persons from whom it was necessary in British interests to withhold the facilities afforded by British resources.

His Majesty's Government have therefore abstained from a course of action admittedly within their rights as belligerents, which is not only the existing practice of the French Government, but in strict accordance with the doctrine openly avowed by many other States to be the basis upon which their trading with the enemy regulations would be founded in the event of war, and have confined themselves to passing a piece of purely domestic legislation empowering them to restrict the activities and trade of persons under British jurisdiction in such a manner and to such an extent as may seem to them to be necessary in the national interest.

His Majesty's Government readily admit the right of persons of any nationality resident in the United States to engage in legitimate commercial transactions with any other persons. They cannot admit, however, that this right can in any way limit the right of other governments to restrict the commercial activities of their nationals in any manner which may seem desirable to them by the imposition of prohibitions and penalties which are operative solely upon persons under their jurisdiction.

In claiming this right which appears to them to be inherent in sovereignty and national independence, His Majesty's Government desire to assure the United States Government that they will exercise it with every possible care to avoid injury to neutral commerce and they venture to think that the voluntary limitation of their powers by the terms of the Trading with the Enemy (Extension of Powers) Act, 1915, is evidence of their desire and intention to act with the greatest possible consideration for neutral interests.

I have [etc.]

For Sir Edward Grey:  
L. WORTHINGTON EVANS

File No. 763.72112/2305

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3093

LONDON, February 19, 1916.

[Received March 6.]

SIR: I have the honor to report to the Department the following facts which have presented themselves with reference to goods belonging to American citizens which have been detained by the British Government authorities and placed in the prize court.

The Foreign Office has undertaken to inform the Embassy of the seizure of any vessel carrying American goods and also of the items of these goods which have been detained and placed in the prize court. Upon the receipt of such information as to the vessel or a list of the goods detained and held for prize proceedings, the Embassy is in the practice of immediately cabling it to the Department.

The Department of State, it is understood, informs the American shipper that the Embassy has cabled that the goods have been placed

in the prize court. In a great many instances the shipper telegraphs or writes direct to the Embassy requesting it to arrange for the release of their goods.

The Embassy understands that, inasmuch as prize court proceedings are to take place, no diplomatic representations will be received by the British Government in connection with these goods, unless such representations are pursuant to special instructions of the Government at Washington.

In almost all cases where such representations are made to the Foreign Office under instructions from the Department, the Foreign Office replies that the procurator general finds that it is impossible to comply with the request for release, and that the claimants must communicate with the procurator general's office, where, if satisfactory proof is produced, the goods will be released; or, if the proofs appear to be unsatisfactory, the goods will be held until the sitting of the prize court, which will then pass its judgment on the goods.

As the procurator general's office will receive no official communication from the Embassy in matters of this kind, the shipper must either transmit his evidence direct, or employ his agent or solicitor in London. The larger American shippers usually have an office or an agent in London who understands prize court proceedings, and is capable of appearing at the procurator general's office in support of the claim for the release of the goods. The smaller shippers who have no office in London are in this way placed at a disadvantage.

In view of the fact that the Consul General is in the practice of communicating directly with the procurator general's office in regard to all claims of American citizens, I respectfully suggest that the Department advise the shipper to send the necessary papers to him direct, unless the Department wishes further diplomatic representations to be made.

In all cases where the shipper writes direct to the Embassy, and it is found that communication with the Foreign Office would be of no avail, I shall advise the shipper to address himself direct to the Consul General, and shall send him a list of the documents which he should transmit with his letter.

I also feel that the American exporter should be informed as to the exact status of prize courts in international relations, and of the position of goods actually in the prize court, and that the British Government will receive no diplomatic representations in these cases except under instructions from the Government in view of special circumstances involved.

The procurator general's office has advised me informally that the documents which should be submitted to it in support of claims for the release of goods are as follows:

The originals of—

- (1) Bills of lading;
- (2) Invoices;
- (3) All previous correspondence with firms in the country to which the goods are shipped;
- (4) Contracts;
- (5) Insurance policies;
- (6) An affidavit setting forth all the facts of the case.

I feel sure that this procedure will be the quickest and easiest way of disposing to the satisfaction of the shipper such cases as the British Government will not release from the prize court on diplomatic representations, or where goods are in the prize court and no diplomatic representations are in order.

I have [etc.]

WALTER HINES PAGE

File No. 763.72112/2304

*The Consul General at London (Skinner) to the Secretary of State*

No. 1248

LONDON, February 24, 1916.

[Received March 6.]

SIR: I have the honor to enclose herewith copy of a letter received from the American consular agent at Kirkwall, setting forth the routine practice of the British authorities on the arrival of vessels diverted to that port by the Admiralty.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

*The American Consular Agent at Kirkwall (Flett) to the Consul at Dundee (Latham)*

KIRKWALL, February 14, 1916.

SIR: I find I have to acknowledge receipt of your letter of the 7th instant.

As soon as a vessel from an American or other port arrives here, she is boarded by an Admiralty officer, who examines the ship's papers and also the crew. She is also boarded by the customs officials, who examine the ship's papers and search the ship in the ordinary way. The whole ship's papers are removed by the customs officials and brought ashore with them and retained in the customs office here. The papers are then examined by the indoor staff of the customs here and all particulars relating to ship and cargo are telegraphed to London. The papers are retained by the customs, until they receive instructions whether the vessel is to be allowed to proceed or whether the whole cargo or part thereof is to be placed in the prize court. If the vessel is allowed to proceed, the ship's papers are then handed over by the customs to the Admiralty port officer, and he either hands them over to the captain personally or sends them on board the vessel. In the event of part or the whole of the cargo being placed in the prize court, the ship's papers are handed by the Admiralty port officer to the prize officer, who is sent on board that vessel to whichever port she might be ordered to discharge.

If the vessel is cleared, the customs authorities give the master of the vessel a clearance card to that effect. It is very seldom that a vessel ever breaks bulk here. I have known of a small quantity of cargo that has been prize-courted being taken out of a vessel here, so as to allow the vessel to proceed and avoid unnecessary delay and expense in sending her to another port to discharge. It is, however, very seldom that this happens. If I have not made myself sufficiently clear, I shall be very pleased on hearing from you to give you further information on any points.

I am [etc.]

JAMES FLETT

File No. 763.72112/2305

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

No. 3374

WASHINGTON, March 16, 1916.

SIR: The Department is in receipt of your No. 3093, of February 19, 1916, reporting facts which have presented themselves with refer-

ence to goods belonging to American citizens which have been detained by the British authorities and placed in the prize court.

In this relation there is enclosed herewith for your information a copy of the letter sent by the Department to the William Amer Company under date of March 9, 1916.

With a view to having the Consul General render such assistance as may be possible and proper in an endeavor to bring about the release of goods which have been seized by the British authorities, the Department has addressed similar communications to other American shippers who have complained respecting the seizure of goods shipped by them to European ports.

I am [etc.]

FRANK L. POLK

[Enclosure]

File No. 341.115Am322/2

*The Secretary of State to the William Amer Company*

WASHINGTON, March 9, 1916.

GENTLEMEN: The Department has received your letter of March 1, 1916, in regard to the seizure by the British authorities of a quantity of glazed kid shipped by you to Sweden on the S. S. *Alexandria*.

The Department encloses for your information, a print containing an order in council issued by the British Government March 11, 1915, regarding the stopping of goods shipped to or from Germany. This order, which is at present the subject of diplomatic discussion between the Government of the United States and the Government of Great Britain, shows the action which the British Government declare their intention to take in the matter of stopping goods coming within the provisions of the order, and also the steps which they desire to have taken by interested persons to obtain the restoration of their goods or payment therefor.

The American Consul General has informed the Department that, if shippers will communicate with him directly regarding shipments which have been detained under this order in council, he will ascertain the status of the goods, and, when possible, endeavor to effect their release. The Consul General states that, even though goods may be classified as contraband, the procurator general will consider evidence indicating innocent ultimate destination of such goods, and has advised him (the Consul General) to obtain, wherever possible, original correspondence with buyers or consignors. The Consul General further states that when claims for goods are submitted through the Consulate General there is always hope that the release of the property will follow without formal proceedings or expense, and that if such release is not brought about, the papers in any given case in which prize court proceedings may be instituted may be turned over to British solicitors. The Consul General points out that in all cases it is futile to forward requests for release of goods unsupported by documentary history showing the ownership and destination of the consignment which it is sought to have released. The procurator general has suggested that the papers which should be presented are the originals of invoices, contracts, insurance policies, bills of lading, all correspondence with concerns in the country to which the goods are shipped, and an affidavit setting forth the facts in a given case.

As has just been stated, the order in council regarding the stopping of goods shipped to or from Germany is at present the subject of diplomatic discussion between the Government of the United States and the Government of Great Britain. And neither anything contained in this letter nor any action of the Consul General in connection with his efforts to bring about the release of goods which have been detained should be construed as an admission on the part of the Government of the United States of the legality of the action taken by the British Government under this order.

It is suggested that you might deem it advisable to communicate directly with the Consul General regarding the shipment referred to in your letter.

On the other hand, if these goods have been sent to the prize court, it may be well for you to take prompt steps to establish your rights before the court. The Department can not undertake to assist private persons in the conduct of proceedings before the court.

Should you desire to consult private counsel in England regarding this matter, the American Consul General at London will doubtless be able to furnish you on your request with the names of a number of reputable attorneys one of whom may be employed in the matter. It should be stated in this connection, however, that obviously neither the Consul General nor the Department can be responsible for the integrity or ability of any lawyer who may be employed as a result of the information furnished by the Consul General.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 341.115Am319/147

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, *March 16, 1916.*

3052. You will present to the Foreign Office a note in the sense of that which follows:

For a clearer comprehension of the issues involved in the seizure by British authorities of the *Hocking*, *Genesee* and *Kankakee*, ships of the American Transatlantic Line, the chief circumstances respecting the status of the vessels when seized will be recited:

The ships were not of belligerent nationality at the time of their acquisition by the American Transatlantic Company, and Great Britain possessed no right in relation to them or their operation which was defeated or postponed by their transfer to the American company or their registry and operation as American ships; for they remained, as they had been, neutral owned.

The ships were transferred to the American Transatlantic Company, a corporation duly organized under the laws of the State of Delaware and legally competent to own and operate merchant ships, by regular bills of sale from their neutral owners.

The vessels were duly granted American register in precise accord with the applicable laws relating to the register of American ships, by the competent authorities of the United States charged with the duty of administration. From the time of the granting of such register the vessels were entitled by law, international as well as domestic, to fly the American flag and to engage in foreign commerce as American ships.

The laws of the United States contemplate the granting of American register to ships owned by American corporations, without regard to the ownership of shares in the corporations.

The act of August 18, 1914, provides specifically for the register of vessels, for foreign trade, when owned by corporations "organized and chartered under the laws of the United States or of any state thereof, the president and managing directors of which shall be citizens of the United States and no others"; while the act of June 24, 1902, provides that "registers for vessels owned by any incorporated company may be issued in the name of the president or the secretary of such company; and such register shall not be vacated or effected by sales of any shares of stock in such company." The same act also provides that previous to granting registry for a vessel owned by an incorporated company, the president or secretary of such company shall swear to the ownership of the vessel "without designating the names of the persons composing the company."

In this respect it is believed that the laws of the United States do not differ materially from those of Great Britain and other great maritime powers in such cases. Under the circumstances pointed out and the recognized principles of law in such cases, it seems to be settled that the American Transatlantic Steamship Company was the owner of the vessels at the time they were seized and, the corporation being a citizen of the United States, the ships are American owned.

Even if no other weight is to be attached to the ship's register than that of indices of nationality, and even if belligerents may go behind the register and inquire into the nationality of the owners, nevertheless where the ship is shown to belong to a corporation, her nationality will be that of the country in which the corporation has its corporate existence, regardless of the ownership of the shares of the company, or the source from which the moneys were obtained with which the project was financed or the ships acquired. Though the presence of an alien amongst the owners of a ship might be held to disqualify it for registration and to that extent constituted it an enemy-owned ship, yet where the ship is owned by an incorporated company the nationality of the shareholders will not determine that of the ship; and the Government of the United States cannot accede to the contention of the British Government that these vessels are owned, either wholly or in part by the enemies of Great Britain, since it seems clear that they belong to the American corporation.

The claim that a belligerent may seize a ship so owned and registered to reach an enemy interest involved does not appear to be supported by British decisions. If such a claim were admitted, probably all great shipping lines would be subjected to interminable and disastrous interference by belligerents in their endeavor to reach the taint of enemy ownership of shares or interest in the owning company—a taint in all likelihood to be found in all of them—while the immunity attaching to neutral vessels would hang on a slender thread and their status depend on trading in the shares of the companies which own them.

The position of the Department is corroborated by Article 57 of the London convention which stipulates that "the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly."

This article was adopted by the British Government without modification or amendment by the order in council of October 29, 1914, and remained the law of Great Britain regarding the nationality and status of merchant ships until its adoption was repealed by the subsequent order in council of October 20, 1915. The vessels of the American Transatlantic Company were acquired by it and were granted American register while Article 57 was yet in full force as the applicable British law and, as must be presumed, in view of its adoption and incorporation into the laws of Great Britain. The drafting committee of the convention commenting upon Article 57 remarked:

From more than one point of view ships may be said to possess an individuality; notably, they have a nationality, and national character. This attribute of nationality finds visible expression in the right to fly a flag. It has the effect of placing ships under the protection and control of the state to which they belong. It makes them amenable to the sovereignty and to the laws of that state and liable to requisition should the occasion arise. Here is the surest test of whether a vessel is really a unit in the merchant marine of a country, and here, therefore, the best test by which to decide whether her character is neutral or enemy. It is, moreover, preferable to rely exclusively upon this test and to discard all considerations connected with the personal status of the owner.

The text makes use of the words "the flag which the vessel is entitled to fly"; that expression means, of course, the flag under which, whether she is actually flying it or not, the vessel is entitled to sail according to the municipal laws which govern that right.

In view of these considerations, the Department is of the opinion that the seizures of the *Hocking*, the *Genesee* and the *Kankakee* were illegal in the first instance and that they should now be set free.

POLK

File No. 763.72112/2361

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3191

LONDON, March 7, 1916.

[Received March 20.]

SIR: I have the honor to enclose herewith, for the information of the Department, a copy, in duplicate, of a proclamation prohibiting



trading with certain persons, or bodies of persons, of enemy nationality or of enemy associations, entitled the "Statutory List", dated February 29, 1916, which has been received by the Embassy from the Foreign Office.

I have [etc.]

WALTER HINES PAGE

[Enclosure—Extract]

*Proclamation Prohibiting Trading with Certain Persons, or Bodies of Persons, of Enemy Nationality or Enemy Associations*

GEORGE R. I.

WHEREAS by the Trading with the Enemy (Extension of Powers) Act, 1915, it is enacted that We may by Our Royal Proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from trading with any persons or bodies of persons even though not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within Our Dominions) wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to Us expedient so to do.

And whereas it appears to Us expedient to prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from trading with any of the persons or bodies of persons mentioned in the list hereunder written, by reason of the enemy nationality or enemy association of such last-mentioned persons or bodies of persons:

Now, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:

1. All persons or bodies or [of] persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom are hereby prohibited from trading with any of the persons or bodies of persons mentioned in the list hereunder written, which list, with such variations therein or additions thereto as may be made by any Order made by the Lords of the Council on the recommendation of a Secretary of State under the power in that behalf given by Section I., sub-section (2) of the Trading with the Enemy (Extension of Powers) Act, 1915, shall be called and is hereinafter referred to as the "Statutory List."

2. For the purposes of this Proclamation a person shall be deemed to have traded with a person or body of persons mentioned in the Statutory List if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, any such person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of, an enemy would be trading with the enemy, and accordingly Our Proclamation relating to Trading with the Enemy, of the ninth day of September, nineteen hundred and fourteen, as amended by any subsequent Proclamation, shall apply with respect to the persons or bodies of persons mentioned in the Statutory List as if for references in such Proclamations to enemies there were substituted references to the persons and bodies of persons mentioned in the Statutory List, and for references to the dates of the said Proclamations, and the outbreak of war there were substituted references to the date of this Proclamation or in respect of any person or body of persons hereafter added to the Statutory List the date of the Order adding him or them to the Statutory List.

3. The provisions of the Trading with the Enemy Acts, 1914 to 1916, and of the Customs (War Powers) Acts, 1915 and 1916, and all other enactments relating to Trading with the Enemy, shall, subject to such exceptions and adaptations as are prescribed by Order in Council of even date herewith or as may be prescribed by any Order in Council hereafter to be issued, apply in respect of the persons and bodies of persons mentioned in the Statutory List, as if for references in such enactments to trading with the enemy there were substituted references to trading with the persons and bodies of persons mentioned in the Statutory List, and for references to enemies there were substituted references to the persons and bodies of persons mentioned in the Statutory List, and for references to offences under the Trading with the

Enemy Acts, 1914 to 1916, or any of those Acts, there were substituted references to offences under the Trading with the Enemy (Extension of Powers) Act, 1915.

4. Nothing in this Proclamation shall be taken to prohibit:

(a) Any person or body of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom who is engaged in any neutral country in the business of insurance from carrying on such business with or through the agency of any of the persons or bodies of persons mentioned in the Statutory List;

(b) Any person or body of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom who is engaged in working any Railway or other service of Public Utility in any neutral country under any Charter, Grant, or Concession made by the Government of, or by any Provincial or Municipal Authority in, any such country from trading with any of the persons or bodies of persons mentioned in the Statutory List, so far only as is necessary to enable the person or body of persons engaged in working such Railway or other service of Public Utility to comply with or fulfil the obligations or conditions of the Charter, Grant, or Concession under which the working of the Railway or other service of Public Utility is carried on; or

(c) Any person or body of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from entering into any transaction or doing any act which shall be permitted by Our Licence or by any Licence given on Our behalf by a Secretary of State or by any person authorized in that behalf by a Secretary of State whether such Licence be specially granted to an individual or be announced as applying to classes of persons.

5. This Proclamation shall be called "The Trading with the Enemy (Neutral Countries) Proclamation, 1916."

[Here follows the Statutory List.]

Given at Our Court at Buckingham Palace, this Twenty-ninth day of February, in the Year of our Lord One thousand nine hundred and sixteen, and in the Sixth Year of Our Reign.

GOD SAVE THE KING.

File No. 763.72112/2371

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *March 23, 1916, 7 p. m.*

[*Received 5.10 p. m.*]

4006. I have again asked Sir Edward Grey when I may expect his answer to my long note of November 5 about the blockade. He expressed regret that the necessary discussion of the answer with the French Government had unavoidably taken so long a time, and he assured me that now only one point of difference between these two Governments remained to be settled. I have privately heard a rumor that the French wished to make the reply more emphatic and harsher in substance than the English trade are willing to agree to.

AMERICAN AMBASSADOR

File No. 763.72112/2373

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *March 25, 1916.*

[*Received 9.28 a. m.*]

Fifteen apparently German firms, Philippine Islands, proclaimed enemy firms under trading-with-enemy law.

SKINNER

BRITISH ORDER IN COUNCIL OF MARCH 30, 1916, FURTHER MODIFYING THE DECLARATION OF LONDON—PROTEST AGAINST THIS ORDER, APRIL 8, 1916—THE "ZAMORA" DECISION ASSERTING THE PREVALENCE OF INTERNATIONAL LAW OVER ORDERS IN COUNCIL

File No. 763.72112/2398

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, April 4, 1916.

[Received 8 p. m.]

4088. Following order in council dated March 30 published in *London Gazette* March 31:

WHEREAS by the Declaration of London Order in Council No. 2, 1914, His Majesty was pleased to direct that during the present hostilities the provisions of the Convention known as the Declaration of London should, subject to certain omissions and modifications therein set out, be adopted and put in force by His Majesty's Government; and

WHEREAS doubts have arisen as to the effect of Article 1 (iii) of the said Order in Council on the right to effect the capture of conditional contraband on board a vessel bound for a neutral port; and

WHEREAS it is expedient to put an end to such doubts and otherwise to amend the said Order in Council in the manner hereinafter appearing; and

WHEREAS by Article 19 of the said Declaration it is provided that whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade if, at the moment, she is on her way to a non-blockaded port; and

WHEREAS it is no longer expedient to adopt Article 19 of the said Declaration; Now, therefore, His Majesty, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, as follows:

1. The provisions of the Declaration of London, Order in Council No. 2, 1914, shall not be deemed to limit or to have limited in any way the right of His Majesty, in accordance with the law of nations, to capture goods upon the ground that they are conditional contraband, nor to affect or to have affected the liability of conditional contraband to capture, whether the carriage of the goods to their destination be direct or entail transshipment or a subsequent transport by land.

2. The provisions of Article 1 (ii) and (iii) of the said Order in Council shall apply to absolute contraband as well as to conditional contraband.

3. The destinations referred to in Article 30 and in Article 33 of the said Declaration shall (in addition to any presumptions laid down in the said Order in Council) be presumed to exist, if the goods are consigned to or for a person, who, during the present hostilities, has forwarded imported contraband goods to territory belonging to or occupied by the enemy.

4. In the cases covered by Articles 2 and 3 of this Order, it shall lie upon the owner of the goods to prove that their destination was innocent.

5. From and after the date of this Order, Article 19 of the Declaration of London shall cease to be adopted and put in force. Neither a vessel nor her cargo shall be immune from capture for breach of blockade upon the sole ground that she is at the moment on her way to a non-blockaded port.

6. This Order may be cited as "The Declaration of London Order in Council, 1916."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

AMERICAN EMBASSY

File No. 763.72112/2398

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 8, 1916, 6 p. m.

3163. This Government is surprised to be notified in your telegram No. 4088 of April 4 of a British order in council dated March 30 relating among other things to matters which were treated at some length by this Government in its note of October 21 last,<sup>1</sup> to which, after several requests for an answer, no reply from the British Government has been received. The action of the British Government in thus treating with indifference the contentions of the United States by the issuance of an additional order in council making still more rigorous the practice under those to which the United States is objecting, can not be regarded here otherwise than as an act which appears to be intentionally discourteous. Please bring this to the attention of the British Government and formally request an early reply to our note of October 21. As to the merits of the order in council of March 30, while this Government has under consideration a detailed reply, you may state in a preliminary formal reply to the British Government, reserving all rights for further reply, that the evident intention of that Government to make the order in council retroactive must be regarded by this Government as entirely opposed to the fundamental principles of international justice for which Great Britain and the United States have stood in the past, and that this Government therefore contests the validity of such an arbitrary method of endeavoring to clothe with the semblance of wrong, acts which therefore have been committed on the justifiable reliance that they were regarded as legal and unobjectionable by the British Government.

LANSING

File No. 763.72112/2423

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, April 12, 1916, 7 p. m.

[Received 8.10 p. m.]

4149. Your 3163, April 8, 6 p. m. Having continually insisted privately upon the delivery of the British note in reply to Department's instructions of October 21, communicated to the British Government by my note November 5, I to-day again made private inquiry of Sir Edward Grey and intimated that I had instructions from you to make a formal demand. Since I have private information that the note is ready, I hope thus to secure its immediate delivery without making a formal demand. He was apologetic for the delay and confirmed my private information that it is ready. It is now in the hands of a cabinet committee and will be dispatched to the British and French Ambassadors in Washington for delivery to you. I asked if it would go by the next mail and if I might have a copy. He has promised to inform me definitely to-morrow at 4 o'clock what mail

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 578.

will carry it and give me a copy on the day it is sent. If he gives me this definite information to-morrow, I shall assume that I need not make a formal demand. If not, I shall hand him a formal note as instructed by you.

AMERICAN AMBASSADOR

File No. 341.115At6/3

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 13, 1916, 9 p. m.

3194. Representatives Atlantic Export Company, shippers of cargo on steamer *Joseph W. Fordney*, inform Department they have been advised by English lawyers that new order in council, March 30 last, regarding conditional contraband is construed by British authorities as retroactive and will be applied to cargo of this vessel and in other American cases set for early trial. These representatives state that proceedings of this character would amount to denial justice in the case of this cargo. Department agrees with views of shippers as to unwarranted character these proceedings. Department has made known to British Government through you its views that if proper examination warranting the seizure of goods in question was not disclosed by proper examination of vessel at the time its seizure, there could be no lawful seizure of the cargo and, therefore, no subsequent lawful prize court proceedings, and that seizure of a vessel and cargo can not be justified on the strength of evidence of illegal destination cargo discovered, as appears according to the British Government's statement to have been the case with reference to steamer *Joseph W. Fordney*, approximately one-half year after seizure took place. No reply justifying such a course has been made by British Government.

Communicate with Foreign Office in sense foregoing and say that this Government considers it is entitled to receive statement from British Government regarding their views as to how such evidence can warrant a seizure of this kind and prize court proceedings in relation thereto.

LANSING

File No. 300.115/7978

*The Consul General at London (Skinner) to the Secretary of State*

No. 1584

LONDON, April 7, 1916.

[Received April 18.]

SIR: Referring to my No. 1369 of March 10, 1916,<sup>1</sup> transmitting the British list of blacklisted ships, I have the honor to enclose herewith in duplicate a further list corrected to March 31, 1916,

<sup>1</sup> Not printed.

the total tonnage represented amounting to 115,268 tons.<sup>1</sup> The principal changes appearing in the present list take the form of footnotes which refer to particular vessels.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/2454

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, April 19, 1916, 5 p. m.

[Received 5.30 p. m.]

4176. Sir Edward Grey privately informs me that Spring Rice and Jusserand report that they think the present moment inopportune to present their note, but that on an intimation from you they will present it at any time.

AMERICAN EMBASSY

File No. 300.115/8039

*The Consul General at London (Skinner) to the Secretary of State*

No. 1605

LONDON, April 10, 1916.

[Received April 21.]

SIR: I have the honor to enclose herewith the text of a very important decision handed down on April 7 by the Judicial Committee of the Privy Council, giving judgment for the appellants in the matter of the S. S. *Zamora*. According to the decision British prize courts must be governed by international law as against orders in council. On the same day the president of the prize court, giving judgment in another case, and no doubt with the decision in the *Zamora* case in his thoughts, said that "it might be found that the right doctrine now was that orders in council which proposed to alter international law were invalid, in which event he would have to proceed without the assistance of any orders in council."

I have [etc.]

ROBERT P. SKINNER

[Enclosure—Extract]

*Judgment delivered by Lord Parker for the Judicial Committee of the Privy Council, April 7, 1916, in the appeal from the prize court's decision in the case of the "Zamora,"*<sup>2</sup> printed in "Lloyd's List," April 10

In the first place, all those matters upon which the Court is authorised to proceed are, or arise out of, acts done by the Sovereign power in right of war. It follows that the King must directly or indirectly be a party to all proceedings in a Court of Prize. In such a Court his position is in fact the same as in the ordinary Courts of the realm, upon a petition of right which has been duly filed. Rights based on sovereignty are waived and the Crown for most purposes accepts the position of an ordinary litigant. A Prize Court must,

<sup>1</sup>List not printed; it contains the names of 169 ships, of which 14 are American, including 3 "captured and at present engaged on Government service pending a decision by the British prize court." The footnotes consist mainly of notations that certain ships are considered as temporarily removed from the list during particular voyages, time-charters, etc.

<sup>2</sup>*Foreign Relations, 1915, Supplement, pp. 469-72.*

of course, deal judicially with all questions which come before it for determination, and it would be impossible for it to act judicially if it were found to take its orders from one of the parties to the proceedings.

In the second place, the law which the Prize Court is to administer is not the national, or, as it is sometimes called, the municipal law, but the law of nations—in other words, International Law. It is worth while dwelling for a moment on this distinction. Of course, the Prize Court is a municipal Court, and its decrees and orders owe their validity to municipal law. The law it enforces may therefore, in one sense, be considered a branch of municipal law. Nevertheless, the distinction between municipal and International Law is well defined.

A Court which administers municipal law is bound by and gives effect to the law as laid down by the Sovereign State which calls it into being. It need inquire only what that law is. But a Court which administers International Law must ascertain and give effect to a law which is not laid down by any particular State, but originates in the practice and usage long observed by civilised nations in their relations towards each other, or in express international agreement.

It is obvious that, if and so far as a Court of Prize in this country is bound by or gives effect to orders of the King in Council purporting to prescribe or alter the International Law, it is administering, not International but municipal law, for an exercise of the Prerogative can not impose legal obligation on anyone outside the King's Dominions who is not the King's subject. If an Order in Council were binding on the Prize Court, such Court might be compelled to act contrary to the express terms of the Commission from which it derived its jurisdiction.

There is yet another consideration, which points to the same conclusion. The acts of a belligerent Power in right of war are not justifiable in its own Courts unless such Power, as a matter of grace, submit to their jurisdiction. Still less are such acts justifiable in the Courts of any other Power.

As is said by Mr. Justice Story in the case of the *Invincible* (2 Gall. 43, 1814)—

acts done under the authority of one sovereign can never be subject to the revision of the tribunals of another sovereign, and the parties to such acts are not responsible therefor in their individual capacity.

It follows that but for the existence of Courts of Prize no one aggrieved by the acts of a belligerent Power in times of war could obtain redress otherwise than through diplomatic channels, and at the risk of disturbing international amity. An appropriate remedy is, however, provided by the fact that, according to International Law, every belligerent Power must appoint and submit to the jurisdiction of a Prize Court, to which any person aggrieved has access, and which administers International, as opposed to municipal, law—a law which is theoretically the same, whether the Court which administers it is constituted under the municipal law of the belligerent Power or of the sovereign of the person aggrieved, and is equally binding on both parties to the litigation.

It has long been well settled by diplomatic usage that, in view of the remedy thus afforded, a neutral aggrieved by any act of a belligerent Power cognisable in a Court of Prize ought, before resorting to diplomatic intervention, to exhaust his remedies in the Prize Courts of the belligerent power. A case for such intervention arises only if the decisions of these Courts are such as to amount to a gross miscarriage of justice.

It is obvious, however, that the reason for this rule of diplomacy would entirely vanish if a Court of Prize, while nominally administering a law of international obligation, were in reality acting under the direction of the executive of the belligerent Power.

It can not, of course, be disputed that a Prize Court, like any other Court, is bound by the legislative enactments of its own Sovereign State. A British Prize Court would certainly be bound by Acts of the Imperial Legislature. But it is none the less true that if the Imperial Legislature passed an Act the provisions of which were inconsistent with the Law of Nations, the Prize Court, in giving effect to such provisions, would no longer be administering International Law. It would in the field covered by such provisions be deprived of its proper function as a Prize Court.

Even if the provisions of the Act were merely declaratory of the International Law, the authority of the Court as an interpreter of the Law of Nations would be thereby materially weakened, for no one could say whether its decisions were based on a due consideration of international obligations or on the binding nature of the Act itself. The fact, however, that the Prize Courts in this country would be bound by Acts of the Imperial Legislature affords no ground for arguing that they are bound by the executive Orders of the King in Council.

There are two further points requiring notice in this part of the case. The first arises on the argument addressed to the Board by the Solicitor General. It may be, he said, that the Court would not be bound by an Order in Council which is manifestly contrary to the established rules of International Law, but there are regions in which such law is imperfectly determined and defined, and when this is so, it would not be unreasonable to hold that the Court should subordinate its own opinion to the directions of the executive.

This argument is open to the same objection as the argument of the Attorney General. If the Court is to decide judicially in accordance with what it conceives to be the law of nations it cannot, even in doubtful cases, take its directions from the Crown, which is a party to the proceedings. It must determine what the law is according to the best of its ability, and its view, with whatever hesitation it be arrived at, must prevail over any executive order.

Only in this way can it fulfil its functions as a Prize Court and justify the confidence which other nations have hitherto placed in its decisions.

The second point requiring notice is this. It does not follow that because Orders in Council cannot prescribe or alter the law to be administered by the Prize Court such Court will ignore them entirely.

Thus an Order declaring a blockade will, *prima facie*, justify the capture and condemnation of vessels attempting to enter the blockaded ports, but will not preclude evidence to show that the blockade is ineffective, and, therefore, unlawful. An Order authorising reprisals will be conclusive as to the facts which are recited as showing that a case for reprisals exists, and will have due weight as showing what, in the opinion of his Majesty's advisers, are the best or only means of meeting the emergency; but this will not preclude the right of any party aggrieved to contend, or the right of the Court to hold, that these means are unlawful, as entailing on neutrals a degree of inconvenience unreasonable, considering all the circumstances of the case.

A belligerent Power has by International Law the right to requisition vessels or goods in the custody of its Prize Court pending a decision of the question whether they should be condemned or released, but such right is subject to certain limitations. First, the vessel of goods in question must be urgently required for use in connection with the defence of the realm, the prosecution of the war, or other matters involving national security. Secondly, there must be a real question to be tried so that it would be improper to order an immediate release. And, thirdly, the right must be enforced by application to the Prize Court which must determine judicially whether under the particular circumstances of the case the right is exercisable.

If the captors do not promptly bring in the property seized for adjudication, the Court will, at the instance of any party aggrieved, compel them so to do. From the moment of seizure the rights of all parties are governed by International Law. It was suggested in argument that a vessel brought into harbour for search might, before seizure, be requisitioned under the municipal law. This point, if it ever arises, would fall to be decided by a Court administering municipal law, but from the point of view of International Law it would be a misfortune if the practice of bringing a vessel into harbour for the purpose of search—a practice which is justifiable because search at sea is impossible under the conditions of modern warfare—were held to give rise to rights which could not arise if the search took place at sea.

It remains to apply what has been said to the present case. In their Lordships' opinion the Order appealed from was wrong, not because, as contended by the appellants, there is by International Law no right at all to requisition ships or goods in the custody of the Court, but because the Judge had before him no satisfactory evidence that such a right was exercisable.

Their Lordships, therefore, have come to the conclusion that, in proceedings to which under the new practice the Crown instead of the actual captors is a party, both damages and costs may, in a proper case, be awarded against the Crown or the officer who, in such proceedings, represents the Crown.



The proper course, therefore, in the present case is to declare that upon the evidence before the President he was not justified in making the Order the subject of this appeal, and to give the appellants leave, in the event of their ultimately succeeding in the proceedings for condemnation, to apply to the Court below for such damage, if any, as they may have sustained by reason of the Order and what has been done under it.

Their Lordships will humbly advise his Majesty accordingly, but inasmuch as the case put forward by the appellants has succeeded in part only, they do not think that any order should be made as to costs of the appeal.

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File No. 763.72112/2474a

*The Secretary of State to the Consul General at London (Skinner)*

[Telegram]

WASHINGTON, April 22, 1916, 6 p. m.

Referring to personal letter to Holder,<sup>1</sup> can you obtain total value of merchandise in prize court and approximate value of American goods therein to date or up to April 1? Cable amounts if possible.

LANSING

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File No. 300.115/8071

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3493

LONDON, April 14, 1916.

[Received April 24.]

SIR: With reference to my despatch No. 1693 of June 29, 1915, concerning the prize court proceedings against certain shipments of copper, consigned to Swedish buyers, on board the *S. S. Zamora*,<sup>2</sup> I have the honor to report to the Department that on April 7, 1916, the Judicial Committee of the Privy Council delivered their judgment in the appeal from the decision of the prize court in this case.

This reversal of judgment by the Privy Council has aroused extreme interest in all circles, and it is felt by some of the American attorneys who are now practicing in London that this may open the way for other appeals from prize court decisions, and may have an effect upon numerous other British orders in council and prize court decisions depending upon them.

I understand from private sources that the officials of the office of the procurator general are very much upset at the judgment of Lord Parker, and feel that any rulings under the order in council of March 30, 1916, may be set at nought by this decision. I am also informed that the officials of the Foreign Office, and those under Lord Robert Cecil, the Minister of Blockade, are extremely disturbed at the Privy Council's action in this matter and do not know where they stand.

The leading article in the *Times* of April 11, 1916, clippings of which are herewith enclosed,<sup>1</sup> points out that this decision will rank as one of the chief leading cases in prize law and may have important practical consequences.

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<sup>1</sup>Not printed.

<sup>2</sup>*Foreign Relations*, 1915, Supplement, pp. 469-72.

The finding of the Privy Council—a report upon which appeared in the *Times* of April 8, 1916, and of which copies are enclosed<sup>1</sup>—may be summed up in the statement that it did not consider that it was consistent with international equity for the Crown, which appeared as a party in prize cases, to be empowered to make an order in council which would be binding upon the judge of a prize court in proceedings in which the Crown was also a party.

It would appear from this judgment that the Lords of the Privy Council consider that “the law which the prize court was to administer was not the national, or as it was sometimes called, the municipal law, but the law of nations; in other words, international law,” and that if a prize court in the United Kingdom was bound by and gave effect to the orders of the King in Council purporting to prescribe or alter the international law, it was administering not international law but municipal law.

I have as yet had no opportunity of conversing upon this subject with anyone in the British Government, but I have no doubt that it will have great bearing upon future prize court decisions, and that an endeavor to appeal other cases in view of this ruling may be generally made. I will keep the Department informed at length upon any matters which may come up in reference to this judgment of the Privy Council.

I have [etc.]

WALTER HINES PAGE

BRITISH NOTE OF APRIL 24, 1916, IN GENERAL JUSTIFICATION OF MEASURES OF INTERFERENCE WITH NEUTRAL TRADE—THE ABOLITION OF THE DISTINCTION BETWEEN ABSOLUTE AND CONDITIONAL CONTRABAND

File No. 763.72112/2461

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 107

WASHINGTON, April 24, 1916.

SIR: I have the honour, in obedience to instructions received from Sir Edward Grey, His Majesty's Principal Secretary of State for Foreign Affairs, to transmit to you herewith a memorandum embodying the reply to the representations of your Government in regard to restrictions on trade, which were communicated to Sir Edward Grey in Mr. Page's note of November 5 last, in pursuance to your instructions dated October 21.<sup>2</sup>

I have [etc.]

CECIL SPRING RICE

[Enclosure]

MEMORANDUM

The communication addressed by the United States Ambassador in London to Sir E. Grey on the 5th November 1915, has received the careful attention of His Majesty's Government in consultation with their allies the French Government, and His Majesty's Government have now the honour to make the following reply:

<sup>1</sup> See enclosure to despatch No. 1605, April 10, from the Consul General, *ante*, p. 364.

<sup>2</sup> *Foreign Relations*, 1915, Supplement, p. 578.

2. The first section (paragraphs 3-15) of the United States note relates to cargoes detained by the British authorities in order to prevent them from reaching an enemy destination, and the complaint of the United States Government is summarised in paragraph 33 to the effect that the methods sought to be employed by Great Britain to obtain and use evidence of enemy destination of cargoes bound for neutral ports and to impose a contraband character upon such cargoes are without justification.

3. The wording of this summary suggests that the basis of the complaint of the United States Government is not so much that the shipments intercepted by the naval forces were really intended for use in the neutral countries to which they were despatched, as that the despatch of goods to the enemy countries has been frustrated by methods which have not been employed by belligerent nations in the past. It would seem to be a fair reply to such a contention that new devices for despatching goods to the enemy must be met by new methods of applying the fundamental and acknowledged principle of the right to intercept such trade.

4. The question whether the exercise of the right of search can be restricted to search at sea was dealt with in Sir E. Grey's note of the 7th January 1915, and His Majesty's Government would again draw attention to the facts that information has constantly reached them of attempts to conceal contraband intended for the enemy in innocent packages, and that these attempts can only be frustrated by examination of the ship and cargo in port. Similarly, in Sir E. Grey's note of the 10th February 1915, it was pointed out that the size of modern steamships, and their capacity to navigate the waters where the Allied patrols have to operate whatever the conditions of the weather, frequently render it a matter of extreme danger, if not of impossibility, even to board the vessels unless they are taken into calm water for the purpose. It is unnecessary to repeat what was said in that note. There is nothing that His Majesty's Government could withdraw, or that the experience of the officers of the Allied fleets has tended to show was inaccurate.

5. When visit and search at sea are possible, and when a search can be made there which is sufficient to secure belligerent rights, it may be admitted that it would be an unreasonable hardship on merchant vessels to compel them to come into port, and it may well be believed that maritime nations have hesitated to modify the instructions to their naval officers that it is at sea that these operations should be carried out, and that undue deviation of the vessel from her course must be avoided. That, however, does not affect the fact that it would be impossible under the conditions of modern warfare to confine the rights of visit and search to an examination of the ship at the place where she is encountered without surrendering a fundamental belligerent right.

6. The effect of the size and seaworthiness of merchant vessels upon their search at sea is essentially a technical question, and accordingly His Majesty's Government have thought it well to submit the report of the board of naval experts, quoted by the United States Ambassador in paragraph 7 of this note, to Admiral Sir John Jellicoe for his observations. The unique experience which this officer has gained as the result of more than 18 months in command of the Grand Fleet renders his opinion of peculiar value. His report is as follows:

It is undoubtedly the case that the size of modern vessels is one of the factors which renders search at sea far more difficult than in the days of smaller vessels. So far as I know, it has never been contended that it is necessary to remove every package of a ship's cargo to establish the character and nature of her trade, etc.; but it must be obvious that the larger the vessel and the greater the amount of cargo, the more difficult does examination at sea become, because more packages must be removed.

This difficulty is much enhanced by the practice of concealing contraband in bales of hay and passengers' luggage, casks, etc., and this procedure, which has undoubtedly been carried out, necessitates the actual removal of a good deal of cargo for examination in suspected cases. This removal cannot be carried out at sea, except in the very finest weather.

Further, in a large ship the greater bulk of the cargo renders it easier to conceal contraband, especially such valuable metals as nickel, quantities of which can easily be stowed in places other than the holds of a large ship.

I entirely dispute the contention, therefore, advanced in the American note, that there is no difference between the search of a ship of 1,000 tons and one of 20,000 tons. I am sure that the fallacy of the statement must be apparent to anyone who has ever carried out such a search at sea.

There are other facts, however, which render it necessary to bring vessels into port for search. The most important is the manner in which those in command of German submarines, in entire disregard of international law and of their own prize regulations, attack and sink merchant vessels on the high seas, neutral as well as British, without visiting the ship and therefore without any examination of the cargo. This procedure renders it unsafe for a neutral vessel which is being examined by officers from a British ship to remain stopped on the high seas, and it is therefore in the interests of the neutrals themselves that the examination should be conducted in port.

The German practice of misusing United States passports in order to procure a safe conduct for military persons and agents of enemy nationality makes it necessary to examine closely all suspect persons, and to do this effectively necessitates bringing the ship into harbour.

7. Sir John Jellicoe goes on to say :

The difference between the British and the German procedure is that we have acted in the way which causes the least discomfort to neutrals. Instead of sinking neutral ships engaged in trade with the enemy, as the Germans have done in so many cases in direct contravention of Article 113 of their own naval prize regulations, 1909, in which it is laid down that the commander is only justified in destroying a neutral ship which has been captured if—

- (a) She is liable to condemnation, and
- (b) The bringing in might expose the warship to danger or imperil the success of the operations in which she is engaged at the time—

we examine them, giving as little inconvenience as modern naval conditions will allow, sending them into port only where this becomes necessary.

It must be remembered, however, that it is not the Allies alone who send a percentage of neutral vessels into port for examination, for it is common knowledge that German naval vessels, as stated in paragraph 19 of the American note, "seize and bring into German ports neutral vessels bound for Scandinavian and Danish ports."

As cases in point, the interception by the Germans of the American oil-tankers *Llama* and *Platuria* in August last may be mentioned. Both were bound to America from Sweden and were taken into Swinemünde for examination.

8. The French Ministry of Marine shares the views expressed by Sir J. Jellicoe on the question of search at sea, and has added the following statement:<sup>1</sup>

Naval practice, as it formerly existed, consisting in searching ships on the high seas, a method handed down to us by the old Navy, is no longer adaptable to the conditions of navigation at the present day. Americans have anticipated its insufficiency and have foreseen the necessity of substituting some more effective method. In the instructions issued by the American Navy Department, under date of June 20, 1898, to the cruisers of the United States, the following order is found (clause 13) :

"If the latter (the ship's papers) show contraband of war, the ship should be seized; if not, she should be set free *unless by reason of strong grounds for suspicion a further search should seem to be requisite.*"<sup>2</sup>

Every method must be modified having regard to the modifications of material which men have at their disposal, on condition that the method remains humane and civilised.

The French Admiralty considers that to-day a ship, in order to be searched, should be brought to a port whenever the state of the sea, the

<sup>1</sup>The "following statement" was in French in the original manuscript.

<sup>2</sup>Navy Department, General, No. 492, *Instruction to blockading vessels and cruisers*, paragraph 13.

nature, weight, volume, and stowage of the suspect cargo, as well as the obscurity and lack of precision of the ship's papers, render search at sea practically impossible or dangerous for the ship searched.

On the other hand, when the contrary circumstances exist, the search should be made at sea.

Bringing the ship into port is also necessary and justified when, the neutral vessel having entered the zone or vicinity of hostilities, (1) it is a question, in the interests of the neutral ship herself, of avoiding for the latter a series of stoppages and successive visits and of establishing once for all her innocent character and of permitting her thus to continue her voyage freely and without being molested; and (2) the belligerent, within his rights of legitimate defence, is entitled to exercise special vigilance over unknown ships which circulate in these waters.

9. The question of the locality of the search is, however, one of secondary importance. In view of His Majesty's Government the right of a belligerent to intercept contraband on its way to his enemy is fundamental and incontestable, and ought not to be restricted to intercepting contraband which happens to be accompanied on board the ship by proof sufficient to condemn it. What is essential is to determine whether or not the goods were on their way to the enemy. If they were, a belligerent is entitled to detain them, and having regard to the nature of the struggle in which the Allies are engaged they are compelled to take the most effectual steps to exercise that right.

10. The United States note then passes to the subject of the procedure in the prize courts, and maintains that courts of prize have hitherto been bound, by well-established and long-settled practice, to consider at the first hearing only the ship's papers and documents and the answers to the standing interrogatories, and to exclude all other evidence unless and until an order has been made for "further proof." Attention is drawn to the fact that the above practice, which had been followed by the British prize courts for over a century, and also by the prize courts of the United States, was changed by the prize court rules issued by His Majesty's Government at the outbreak of the present war. Upon this matter His Majesty's Government have to point out that they recognised some years ago that modern conditions had rendered the old rules obsolete, and new rules had been prepared under the guidance and supervision of the late Lord Gorell, whose experience as president of the Admiralty Division of the High Court of Justice rendered him well qualified to deal with the subject. Twenty months' experience of the working of the new rules in the prize court has served to show the utility of the changes.

11. It may further be pointed out that the practice and procedure adopted in prize courts are not settled or regulated by international law, but they are determined by each nation for itself. The procedure described in the United States note was gradually evolved in the British courts, and, though it was adopted by the United States, it has never been followed in the prize courts of France or of any other continental nation, nor does the fact that the United States followed the British practice prevent Great Britain or any other of the Allied nations from introducing such changes in the procedure as modern circumstances may call for. International law only requires that the practice in prize courts of the belligerent nation should afford a fair hearing to all claims put forward by neutrals, and should enable the court to arrive at a just conclusion upon the evidence. Subject to that condition, each nation may regulate the practice to be followed in its prize courts. As an instance, the recent Italian decree of 30th May 1915 may be quoted in Article 6 of which it is enacted that the prize court "will draw up rules of procedure for its future guidance." The division of prize court proceedings into two distinct phases, the first hearing and the hearing on further proof, under the early British and the American practice, was merely a rule of procedure. Similarly the exclusion of extraneous evidence until the making of an order for further proof was only a rule of procedure. His Majesty's Government were, therefore, not only at liberty but felt bound to alter these rules so soon as they were advised that the rules were obsolete and might work injustice.

12. The old practice and procedure had become archaic in form and belonged to days long before the modern improvements in legal procedure were developed, days when, for instance, the parties interested were prevented from giving any evidence as witnesses in actions which affected their rights. The alterations in the prize court practice and rules were conceived and made in the spirit

of those improvements. The objects with which the old practice was abolished were to prevent delay, to eliminate technicalities, and to enable the parties to prove all the true and material facts, and to place their respective cases fully before the court.

13. Moreover, it must be remembered that the conditions under which goods are conveyed by sea from one country to another have completely changed. In the days when the old rules were developed the ship's papers were a safe and satisfactory guide as to the nature and destination of the cargo. If the ship's papers had not indicated the true object and purpose of the consignment, the consignee would have been uncertain what to do with the goods when they arrived, and the commercial transaction would have been hampered, for there were in those days no fast mails or telegraph cables by which supplementary information could be conveyed. If there were no ship's papers, or if they obviously were not genuine, it was a ground for condemnation. When there was no reason to doubt them, the court could safely take the papers as indicating the real transaction. Nowadays the conditions have changed; the papers may outwardly be perfectly genuine and complete, yet they may have been prepared with the express purpose of concealing the real nature of the transaction. These misleading papers would not, however, occasion any difficulty in dealing with the goods on their arrival, because the necessary instructions to the consignee can be conveyed by other means. Consequently the old rule that the papers on board the ship must alone be taken into consideration, and evidence from other sources excluded, is no longer practicable; indeed, the system of attributing to the ship's papers the character of final and conclusive proof upheld in the United States note would encourage shippers of contraband to falsify the papers, as they would thereby ensure absolute immunity from capture. It is in the same way due to change of circumstances that the evidence of the master and members of the crew has ceased to be of much importance in the majority of prize cases; they usually now know nothing of the real destination of the cargo they are transporting, and the more skillfully the despatch of goods with an enemy destination is contrived, the more effectually will it be concealed from those on board.

14. It may be doubted whether any belligerent government would be ready to forego the right of capture of goods on their way to an enemy in every case where such destination was not disclosed by the ship's papers or the evidence of those on board the ship. The difficulty which United States naval officers found even as early as 1862 in complying with the old rule is illustrated by the quotation from Lord Lyons' note of the 22d April 1863, in connection with the case of the *Magicienne*, one of the cases which is dealt with in the appendix to this note, in which he drew attention to the habit of the United States cruisers of seizing vessels on the chance that something might possibly be discovered *ex post facto* which would prevent the captors from being condemned to pay damages.

15. The contention advanced by the United States Government in paragraph 9 of their note, that the effect of this new procedure is to subject traders to risk of loss, delay, and expense so great and so burdensome as practically to destroy much of the export trade of the United States to neutral countries in Europe, is not borne out by the official statistics published in the United States—nor by the reports of the Department of Commerce. The first nine months of 1915 may be taken as a period when the war conditions must have been known to all those engaged in commerce in the United States of America, and when any injurious effects of the prize court procedure would have been recognized. During that period the exports from the United States of America to the three Scandinavian countries and Holland, the group of neutral countries whose imports have been most affected by the naval operations of the Allies and by the procedure adopted in their prize courts, amounted to \$274,037,000 as compared with \$126,763,000 in the corresponding period of 1913. It is useless to take into account the corresponding figures of 1914 because of the dislocation of trade caused by the outbreak of war, but taking the pre-war months of 1914, the figures for 1913, 1914, and 1915, were as follows:

1913	-----	\$97,480,000
1914	-----	88,132,000
1915	-----	234,960,000

16. In the face of such figures it seems impossible to accept the contention that the new prize court procedure in Great Britain has practically destroyed much of the export trade of the United States to neutral countries in Europe,

and the inference is suggested that if complaints have been made to the administration of Washington by would-be exporters, they emanated not from persons who desired to engage in genuine commerce with the neutral countries, but from those who desired to despatch goods to the enemy under cover of a neutral destination, and who found it more difficult to conceal the real facts from the prize courts under the new procedure.

17. At this point it would have been opportune to introduce a reply to the contention that appears at first sight to be advanced in paragraph 13 of the United States note that Great Britain, while interfering with foreign trade, has increased her own with neutral countries adjacent to Germany, but this is rendered unnecessary by the explanation given by Mr. Page at the time that he presented the note, and since confirmed by a statement given out to the press at Washington that no such meaning is to be attributed to the paragraph. Moreover, the subject has been dealt with in the note which Sir E. Grey sent to Mr. Page on the 13th August last,<sup>1</sup> and again in the note given to the State Department by the British Ambassador at Washington on the 27th December.<sup>2</sup>

18. The next passage in the United States note (paragraph 14) relates to the principle of non-interference with goods intended to become incorporated in the mass of merchandise for sale in a neutral country, or, as it is more commonly known, with goods intended to be incorporated in the "common stock" of the country. The United States Government urge with some force that trade statistics are not by themselves conclusive in establishing an enemy destination, and that such statistics require careful scrutiny. On the other hand, the mere fact that goods, no matter of what description or in what quantities, are ostensibly destined to form part of the common stock of a neutral country, can not be regarded as sufficient evidence to prove their innocence or to justify the assertion that any attempt to raise questions as to their ulterior destination is unwarranted and inquisitorial. It is a matter of common knowledge that large quantities of supplies have since the war broke out passed to our enemy through neutral ports. It was pointed out in Sir E. Grey's note of the 17th July 1915 that it would be mere affectation to regard some of those ports as offering facilities only for the commerce of the neutral country in which they are situated. They have, in fact, been the main avenues through which supplies have reached the enemy from all parts of the world. In the case of goods consigned to these ports, the ships' papers convey no suggestion as to their ultimate destination, and every device which ingenuity can suggest, or which can be contrived by able and unscrupulous agents, is resorted to for the purpose of giving to carefully organised arrangements for supplying the enemy the appearance of genuine transactions with a neutral country. His Majesty's Government can not bring themselves to believe that it is the desire of the United States Government that traffic of this kind should be allowed to proceed without hindrance.

19. The question whether goods despatched to a neutral port were intended to become part of the mass of merchandise for sale in that country is one of fact. Quite apart from the conclusions suggested by the figures, there is a considerable body of evidence that many of the goods which have been shipped to neutral ports during the war were never intended to become part of the common stock of that country, but were earmarked from the beginning for reexport to the enemy countries. If they had been intended to form part of the common stock they would have been available for use in that country; yet at one time in the early days of the Allies' efforts to intercept all the commerce of the enemy, when they found it necessary to hold up certain cargoes of cotton on their way to Sweden, it transpired that though the quays and the warehouses of Gothenburg [Göteborg] were congested with cotton, there was none available for the use of the spinners in Sweden.

20. Confirmation of the fact that many of the shipments to neutral ports were never intended to become part of the common stock of the country is also to be found in some of the contracts which have come to light since the policy of intercepting all commodities on their way to or from the enemy country was introduced. One of those which has been disclosed is a contract with a firm in Germany for the sale of no less than 50,000 bales of cotton

<sup>1</sup> *Foreign Relations*, 1915, Supplement, pp. 511-15.

<sup>2</sup> The reference should include the Ambassador's memorandum submitted December 13, 1915, to which the note of the 27th is a supplement. *Ibid.*, pp. 630-638, 651.

linters at a price which was about double that which linters were fetching in any other country than Germany. The whole quantity was to be shipped to neutral ports. Various shipments made under this contract have been held up, and in all cases the goods were shipped with papers and under conditions which concealed the enemy destination altogether. Sweden is not in normal times a large importer of cotton linters, and it certainly would not be reasonable to maintain that, because the ship's papers did not disclose this contract of sale or the enemy destination, shipments of linters under this contract should be regarded as intended to become part of the mass of merchandise for sale in Sweden.

21. However sound the principle that goods intended for incorporation in the common stock of a neutral country should not be treated as contraband may be in theory, it is one that can have but little application to the present imports of the Scandinavian countries. The circumstances of a large number of these shipments negative any conclusion that they are *bona fide* shipments for the importing countries. Many of them are made to persons who are apparently nominees of enemy agents, and who never figured before as importers of such articles. Consignments of meat products are addressed to lightermen and dock labourers. Several thousands of tons of such goods have been found documented for a neutral port and addressed to firms which do not exist there. Large consignments of similar goods were addressed to a baker, to the keeper of a small private hotel, or to a maker of musical instruments. Will it be contended that such imports ought to be regarded as *bona fide* shipments intended to become part of the common stock of the country?

22. Similarly several of the shipments which the Allied naval forces are now obliged to intercept consist of goods for which there is in normal circumstances no sale in the importing country, and it has already been pointed out in a recent decision in the British prize court that the rule about incorporation in the common stock of a neutral country can not apply to such goods. The same line was taken in some of the decisions in the United States prize courts during the Civil War.

23. In the presence of facts such as those indicated above, the United States Government will, it is believed, agree with His Majesty's Government that no belligerent could in modern times submit to be bound by a rule that no goods could be seized unless they were accompanied by papers which established their destination to an enemy country, and that all detentions of ships and goods must uniformly be based on proofs obtained at the time of seizure. To press any such theory is tantamount to asking that all trade between neutral ports shall be free, and would thus render nugatory the exercise of sea power and destroy the pressure which the command of the sea enables the Allies to impose upon their enemy.

24. It is, of course, inevitable that the exercise of belligerent rights at sea, however reasonably exercised, must inconvenience neutral trade, and great pressure is being put upon the United States Government to urge the technical theory that there should be no interference at all with goods passing between neutral ports, and thus to frustrate the measures which the Allies have taken to intercept commerce on its way to or from the enemy. It may not be out of place to recall that the position is somewhat similar to that which arose in the United States in the war between the North and the South. All students of international law and of military history are aware that the blockade of the Southern States was the most important engine of pressure possessed by the North, and that it was on the point of being rendered ineffective through the use of blockade runners of neutral ports of access. It is well known that the United States Government took immediate steps to stop such trade, and that the United States Supreme Court extended the doctrine of continuous voyage so as to cover all cases where there was an intention to break the blockade by whatever means, direct or indirect.

25. The configuration of the European coast is such as to render neutral ports the most convenient for the passage of German commerce, and just as it was essential to the United States in the Civil War to prevent their blockade from being nullified by the use of neutral ports of access, so it is essential to the Allied powers to-day to see that the measures which they are taking to intercept enemy commerce shall not be rendered illusory by the use of similar ports. The instructions issued by Mr. Seward during the Civil War show that he regarded the continuance of the blockade against the Southern States as absolutely vital, and he repeatedly instructed American representatives abroad to



assure foreign governments that, while he was fully alive to the great inconveniences caused by the cutting off of the supplies of cotton from Europe, yet he could not, as American Secretary of State, "sacrifice the Union for cotton." The American representatives in Europe in their published reports again and again expressed the opinion that, whatever might be the policy of the Government, the peoples of Europe would never consent to side with the power that upheld slavery against the power which represented freedom. Their opinion was entirely justified by the result, and in fact neither the French nor the English Governments took any decided steps towards breaking the blockade, in spite of the tremendous pressure which was brought to bear upon them, and the terrible suffering of the cotton operatives of this country. Indeed, President Lincoln himself acknowledged, in a message to the labouring classes of Manchester, his high sense of the spirit of self-sacrifice which they had exhibited in their policy towards America. His Majesty's Government have of course no desire to enter upon any examination of the issues involved in that historic conflict, but no one will question the respect which is due to the determination then shown by the French and British peoples not to range themselves on what they believed to be the side of slavery or consent to action which they held might be fatal to the democratic principle of Government, however great the pressure exerted by commercial interests might be.

26. His Majesty's Government desire to assure the United States Government that every effort is being made to distinguish between *bona fide* neutral commerce and that which is really intended for the enemy. The task is one of exceptional difficulty, and the statistics show that a great volume of imports intended for the enemy must have passed through adjacent neutral countries during the war. As an instance, the imports of lard into Sweden during the year 1915 may be taken. In that year the total import of lard into Sweden from all sources was 9,318 tons, of which no less than 9,029 tons came from the United States. In the three years before the war, 1911-13, the annual average import of the same article was only 888, of which 638 tons came from the United States. It is difficult to believe that the requirements of Sweden in respect of lard, even when every allowance is made for possible diversions of trade due to the war, could suddenly have increased more than tenfold in 1915. The inference, indeed, is irresistible that the greater part of these imports must have had another and an enemy destination.

27. It may readily be conceded that the efforts to intercept enemy commerce passing through neutral countries can not fail to produce some soreness and dissatisfaction. His Majesty's Government have therefore spared no pains in their endeavour to mitigate the inconvenience which must inevitably be occasioned to neutral traders. In pursuance of this object they are resorting to the policy of ascertaining the total requirements of the country concerned, and intercepting such imports as may be presumed, because they are in excess of those requirements, to form no part of the normal trade of the country, and therefore to be destined for the enemy.

28. The total net imports of a particular commodity by any country in normal times give a satisfactory index to its requirements, and where these are provided for on a generous scale, suitable allowance being made for the commercial dislocation inseparable from a state of war, it is not unfair, after 18 months of war and in the light of the experience which has now been gained, to invite the prize court to regard with suspicion further consignments of any kind of goods of which the imports have already exceeded a figure ample to satisfy the country's requirements.

29. It ought not to be difficult to arrive at a satisfactory understanding with all parties on the subject, as the official statistics afford information not only as to the quantities of particular commodities required by neutral countries, but also of the sources from which they are usually obtained. Arrangements of this nature will be of great service in removing the friction and misunderstanding which now arise, as it will help the commercial classes in the neutral countries to form an idea of the limits within which their trading operations are not likely to encounter difficulty.

30. The adoption of such a system, although not unattended by difficulty, has been greatly facilitated by agreements made with the organisations which control imports in the neutral countries, as well as by arrangements with some of the shipping lines, and with several of the interests concerned in the import of particular commodities from neutral countries. His Majesty's Government intend to avail themselves of every opportunity which may present itself in order to bring about a more extended adoption of this equitable system.

31. Moreover, the fact that a neutral country adjacent to the enemy territory is importing an abnormal quantity of supplies or commodities, of which her usual imports are relatively small, of which the enemy stands in need, and which are known to pass from that neutral country to the enemy, is by itself an element of proof on which the prize court would be justified in acting, unless it is rebutted by evidence to the contrary. Hostile destination being a question of fact, the court should take all the relevant circumstances into consideration in arriving at its decision, and there seems to be no reason in principle for limiting the facts at which the court is entitled to look in a case of this kind.

32. The second section of the United States note (paragraphs 16-24) deals with the validity of the measures against enemy commerce which were embodied in the British order in council of the 11th March, 1915, and in the French decree of the 13th March, and maintains that these measures are invalid because they do not comply with the rules which have been gradually evolved in the past for regulating a blockade of enemy ports, and which were summarised in concrete form in Articles 1-21 of the Declaration of London.

33. These rules can only be applied to their full extent to a blockade in the sense of the term as used in the Declaration of London. His Majesty's Government have already pointed out that a blockade which was limited to the direct traffic with enemy ports would in this case have but little, if any, effect on enemy commerce, Germany being so placed geographically that her imports and exports can pass through neutral ports of access as easily as through her own. However, with the spirit of the rules His Majesty's Government and their allies have loyally complied in the measures they have taken to intercept German imports and exports. Due notice has been given by the Allies of the measures they have taken, and goods which were shipped or contracted for before the announcement of the intention of the Allies to detain all commerce on its way to or from the enemy countries have been treated with great liberality. The objects with which the usual declaration and notification of blockade are issued have therefore been fully achieved. Again, the effectiveness of the work of the Allied fleets under the orders referred to is shown by the small number of vessels which escape the Allied patrols. It is doubtful whether there has ever been a blockade where the ships which slipped through bore so small a proportion to those which were intercepted.

34. The measures taken by the Allies are aimed at preventing commodities of any kind from reaching or leaving Germany, and not merely at preventing ships from reaching or leaving German ports. His Majesty's Government do not feel, therefore, that the rules set out in the United States note need be discussed in detail. The basis and the justification of the measures which the Allies have taken were dealt with at length in Sir E. Grey's note of the 23d July,<sup>1</sup> and there is no need to repeat what was there said. It need only be added that the rules applicable to a blockade of enemy ports are strictly followed by the Allies in cases where they apply—as, for instance, in the blockades which have been declared of the Turkish coast of Asia Minor or of the coast line of German East Africa.

35. Some further comment is perhaps necessary upon the statements made in paragraph 19 of the United States note, where it is said that, because German coasts are open to trade with Scandinavian countries, the measures of the Allies fail to comply with the rule that a blockade must be effective. It is no doubt true that commerce from Sweden and Norway reaches German ports in the Baltic in the same way that commerce still passes to and from Germany across the land frontiers of adjacent states, but this fact does not render the measures which France and Great Britain are taking against German trade the less justifiable. Even if these measures were judged with strict reference to the rules applicable to blockades, a standard by which, in their view, the measures of the Allies ought not to be judged, it must be remembered that the passage of commerce to a blockaded area across a land frontier or across an inland sea has never been held to interfere with the effectiveness of the blockade. If the right to intercept commerce on its way to or from a belligerent country, even though it may enter that country through a neutral port, be granted, it is difficult to see why the interposition of a few miles of sea as well should make any difference. If the doctrine of continuous voyage may rightly be applied to goods going to Germany through Rotterdam, on what ground can it be contended that it is not equally applicable to goods with a similar destination

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 163.

passing through some Swedish port and across the Baltic or even through neutral waters only? In any case, it must be remembered that the number of ships reaching a blockaded area is not the only test as to whether it is maintained effectively. The best proof of the thoroughness of a blockade is to be found in its results. This is the test which Mr. Seward in 1863, when Secretary of State, maintained should be applied to the blockade of the Confederate States. Writing to Mr. Dayton, the United States Minister in Paris, on the 8th March, he said: "But the true test of the efficiency of the blockade will be found in its results. Cotton commands a price in Manchester and in Rouen and Lowell four times greater than in New Orleans. . . . Judged by this test of results, I am satisfied that there never was a more effective blockade." Similar language was used in the despatch to Mr. Adams in London. The great rise in price in Germany of many articles, most necessary to the enemy in the prosecution of the present war, must be well known to the United States Government.

36. Attention is drawn in the same paragraph to the fact that cotton has since the measures announced on the 11th March been declared to be contraband, and this is quoted as an admission that the blockade is ineffective to prevent shipments of cotton from reaching the enemy countries. The reason for which cotton was declared to be contraband is quite simple. Goods with an enemy destination are not, under the order in council, subject to condemnation; they are restored to the owner. Evidence accumulated that it was only for military purposes that cotton was being employed in Germany. All cotton was laid under embargo, and its use in the textile factories was prohibited except in very special cases or by military permission. In these circumstances it was right and proper that cotton with an enemy destination should be subjected to condemnation and not merely prevented from passing, and it was for this reason that it was declared to be contraband. The amount of cotton reaching the enemy country has probably not been affected in the least by its being made contraband on the 20th August, as supplies from overseas had been cut off effectually before that date. Even the *Konfektionär*, a German technical paper, dealing with the textile industry, admitted in its issue of the 1st July that not a gramme of cotton had found its way into Germany for the preceding four weeks.

37. Before leaving the question of the validity of the measures which France and Great Britain have taken against enemy commerce, reference must be made to the statement made in the 33d paragraph of the United States note that "the curtailment of neutral rights by these measures, *which are admittedly retaliatory, and therefore illegal*, cannot be admitted." His Majesty's Government are quite unable to admit the principle that to the extent that these measures are retaliatory they are illegal. It is true that these measures were occasioned and necessitated by the illegal and unjustifiable proclamation issued by the German Government on the 4th February 1915, constituting the waters surrounding Great Britain, including the whole English Channel, a "war zone," into which neutral vessels would penetrate at their peril, and in which they were liable to be sunk at sight. This proclamation was accompanied by a memorandum alleging that the violation of international law by Great Britain justified the retaliatory measures of the German Government owing to the acquiescence of neutrals in the action of this country. The legitimacy of the use of retaliatory measures was thus admitted by the Germans, although His Majesty's Government and their allies strongly deny the facts upon which their arguments were based. But although these measures may have been provoked by the illegal conduct of the enemy, they do not, in reality, conflict with any general principle of international law, of humanity, or civilisation; they are enforced with consideration against neutral countries, and are, therefore, juridically sound and valid.

38. The more abstract question of the legitimacy of measures of retaliation adopted by one belligerent against his opponent, but affecting neutrals also, is one of which His Majesty's Government think the discussion might well be deferred. It is a subject of considerable difficulty and complexity, but His Majesty's Government are surprised to notice that the Government of the States seem to regard all such measures of retaliation in war as illegal if they should incidentally inflict injury upon neutrals. The advantage which any such principle would give to the determined law-breaker would be so great that His Majesty's Government can not conceive that it would commend itself to the conscience of mankind. To take a simple instance, suppose that one belligerent scatters mines on the trade routes so as to impede or destroy the commerce of his enemy—an action which is illegitimate and calculated to inflict injury

upon neutrals as well as upon the other belligerents—what is that belligerent to do? Is he precluded from meeting in any way this lawless attack upon him by his enemy? His Majesty's Government can not think that he is not entitled by way of retaliation to scatter mines in his turn, even though in so doing he also interferes with neutral rights. Or take an even more extreme case. Suppose that a neutral failed to prevent his territory being made use of by one of the belligerents for warlike purposes, could he object to the other belligerent acting in the same way? It would seem that the true view must be that each belligerent is entitled to insist on being allowed to meet his enemy on terms of equal liberty of action. If one of them is allowed to make an attack upon the other regardless of neutral rights, his opponent must be allowed similar latitude in prosecuting the struggle, nor should he in that case be limited to the adoption of measures precisely identical with those of his opponent.

39. The third section of the United States note deals with the question of the means of redress which are open to United States citizens for any injury or loss which they suffer as the consequence of an unjustifiable exercise of the belligerent rights of the Allies. The contention put forward in these paragraphs appears to be that there is no obligation on neutral individuals who maintain that they have been damnified by the naval operations of the belligerents to appeal to the prize courts for redress, because the prize courts are fettered by municipal enactments which are binding upon them, whereas the very question which those individuals wish to raise is the validity of such enactments when tested by the canons of international law.

40. These arguments seem to be founded on a misunderstanding of the situation, and to overlook all that was said in Sir E. Grey's note of the 23d July on this subject. The extract there quoted from the decisions given by Lord Stowell shows that in Great Britain the prize court has jurisdiction to pronounce a decision on the very point which the United States note indicates, viz., whether an order or instruction to the naval forces issued by His Majesty's Government is inconsistent with those principles of international law which the court is bound to apply in deciding cases between captors and claimants, and is entitled, if satisfied that the order is not consistent with those principles, to decline to enforce it. The jurisdiction of the prize court in Great Britain therefore affords every facility to a United States citizen whose goods are detained and dealt with under the order in council of the 11th March to take his case to the prize court and there claim that the order under which the naval authorities have acted is invalid, and that its enforcement entitles him to redress and compensation.

41. In some matters, it is true that the prize court is bound by the municipal enactments of its own country. It is the territorial sovereign who sets up the court, and who therefore determines the matters which are incidental to its establishment. His Majesty's Government have already pointed out that each country determines for itself the procedure which its prize courts shall adopt; but certainly under the British system—and His Majesty's Government were under the impression that, in this matter, the United States had taken the same course—the substantive law which the court applies as between captor and claimant consists of the rules and principles of international law, and not the municipal legislation of the country. If reference is made to the case of the *Recovery* (6 C. Rob. 341), it will be seen that Lord Stowell refused to enforce in the prize court against a neutral the British navigation laws.

42. Sir E. Grey's note of the 23d July was intended to make this point clear, and so far from having intended to "give the impression that His Majesty's Government do not rely upon its soundness or strength," His Majesty's Government wish to lay stress on the fact that the principal that no encroachment should be made upon the jurisdiction and the competence of the prize court is one which they regard as vital.

43. Apart from the cases where a question may arise as to the validity of orders or instructions on which naval action was based, circumstances frequently give rise to claims for compensation on behalf of individuals who consider they have suffered unjustly from the exercise of rights *jure belli*, as, for instance, from the delay in releasing their ships or so forth. His Majesty's Government desire therefore, to repeat what was said in Sir E. Grey's note of the 10th February, that the British prize court rules give the court ample jurisdiction to deal with any claims for compensation by a neutral arising from the interference with a ship or goods by the naval forces.

44. His Majesty's Government attach the utmost importance to the maintenance of the rule that, when an effective mode of redress is open to individuals in the courts of a civilised country by which they can obtain adequate satisfaction for any invasion of their rights, recourse must be had to the mode of redress so provided before there is any scope for diplomatic action. This is the course which His Majesty's Government have always themselves endeavoured to follow in previous wars in which Great Britain has been neutral, and they have done so because it is the only principle which is correct in theory and which operates with justice and impartiality between the more powerful and the weaker nations. To that principle His Majesty's Government propose to adhere now that they are themselves the belligerent, and that it is against them that the claims are advanced.

45. Enquiry has been made into the four cases of the *Magicienne*, the *Don José*, the *Labuan*, and the *Saxon*, mentioned in the United States note (paragraph 27) as instances during the American Civil War where His Majesty's Government put forward, through the diplomatic channel, claims for damages for seizure and detention of British ships alleged to have been made without legal justification. In two of these instances it is said that at the time the demands were made the cases were before the American prize courts for adjudication. The results of the enquiry are contained in an appendix to this note. The cases have there been dealt with in some detail because they are cited as indicating that it was the practice of Her Majesty's Government during the American Civil War to claim through the diplomatic channel damages for seizures of British ships alleged to have been made without legal justification. The cases do, in fact, establish the very proposition for which His Majesty's Government are now contending, viz., that in cases where the prize court has power to grant relief there is no ground for putting forward claims through the diplomatic channel. In two of the cases the United States Government themselves discontinued the prize court proceedings and admitted the right to compensation, and in the others they maintained the jurisdiction of the prize court, and Her Majesty's Government acquiesced.

46. The statements contained in paragraph 31 of the United States note have led to a careful review of the practice which is now followed in the British courts with regard to vessels and cargoes which are released. It has been ascertained that in the case of vessels brought in for examination and allowed to proceed without discharging any part of their cargo no dues are charged. Where part of the cargo is discharged and passes into the jurisdiction of the prize court, the terms of the release are, of course, subject to the control of the court, and His Majesty's Government are therefore hardly in a position to give any definite undertaking with regard to the incidence of the expenses and charges which may have been incurred. In general, however, they realise that, in cases where goods are released and it transpires that there were no sufficient grounds for their seizure, no dues or charges should fall upon the owner. The statement that waivers of the right to put forward claims for compensation are exacted as a condition of release is scarcely accurate, but they are prepared to concede that such waivers would be a hardship to the owners of the goods released. In these circumstances His Majesty's Government will abstain from exacting any such undertakings in future, and will not enforce those which have already been given.

47. Attached to the United States note are voluminous appendices containing lists of various vessels of all nationalities whose cargoes have been examined by the naval forces of the Allies. These lists are a strong testimony to the vigour and effectiveness with which the naval forces are carrying out the measures which the Allies have deemed it necessary to take against the commerce of their enemies. Perhaps the most striking conclusion which can be drawn from these lists is the rapidity with which the vessels are released and the very small amount of loss and inconvenience to which they are, as a rule, exposed.

48. Into the facts of each particular case His Majesty's Government feel sure the Government of the United States will agree that there is no need for them to enter; for the lists comprise only ships dealt with by the British authorities; no corresponding lists are given of those dealt with by the French forces, and a detailed examination of these cases would be of no assistance in explaining the general principles which are being followed and which are common to both the Allies. Furthermore, any discussion of the cases in this note might

prejudice the chances of the claimants of recovering compensation through the prize court in cases where they consider that they are entitled to redress.

49. Finally His Majesty's Government desire to assure the United States Government that they will continue their efforts to make the exercise of what they conceive to be their belligerent rights as little burdensome to neutrals as possible. Some suggestions have already been referred to in this note which, it is believed, would have that effect, and they are quite ready to consider others. For instance, they have already appointed an impartial and influential commission to examine whether any further steps could be taken to minimize the delays involved in the present methods of dealing with neutral vessels. Again, it has been suggested that it would be a great commercial convenience if neutral shippers knew, before they made arrangements for ship-space and for financing their consignments, whether they would be held up by belligerent patrols. A scheme is already in operation which ought to succeed in accomplishing this object. Other suggestions of a like nature might perhaps be made, and the Allied Governments would be prepared to give favourable consideration to any proposal for the alleviation of the position of neutrals, provided that the substantial effectiveness of the measures now in force against enemy commerce would not be thereby impaired.

50. His Majesty's Government are of opinion that it is to such mitigations that the Allies and the neutrals concerned should look for the removal of the difficulties now encountered rather than to abrupt changes either in the theory or application of a policy based upon admitted principles of international law carefully adjusted to the altered conditions of modern warfare. Some of the changes which have been advocated would, indeed, if adopted in their entirety, render it impossible for the Allies to persist with effect in their endeavours to deprive the enemy of the resources upon which he depends for the prosecution of operations carried on both by land and sea with complete disregard of the claims of humanity; for instance, the practice of visiting exclusively at sea, instead of in port, vessels reasonably suspected of carrying supplies to the enemy, or, again, the adoption of the principle that goods notoriously destined for the enemy may not be intercepted if they happen to be carried by a neutral vessel and addressed to a neutral consignee could not fail to have this result.

51. His Majesty's Government have noted with sincere satisfaction the intimation contained in the concluding passages of the United States note of the intention of the United States to undertake the task of championing the integrity of neutral rights. The first act of this war was the unprovoked invasion by the enemy of neutral territory—that of Belgium—which he was solemnly pledged by treaty to protect. The occupation of this territory was accompanied by abominable acts of cruelty and oppression in violation of all the accepted rules of war, atrocities the record of which is available in published documents; the disregard of neutral rights has since been extended to naval warfare by the wanton destruction of neutral merchant ships on the high seas, regardless of the lives of those on board. In every theatre and in each phase of the war has been visible the same shocking disregard by the enemy of the rights of innocent persons and neutral peoples. His Majesty's Government would welcome any combination of neutral nations, under the lead of the United States which would exert an effective influence to prevent the violation of neutral rights, and they cannot believe that they or their allies have much to fear from any combination for the protection of those rights which takes an impartial and comprehensive view of the conduct of this war and judges it by a reasonable interpretation of the generally accepted provisions of international law and by the rules of humanity that have hitherto been approved by the civilised world.

#### APPENDIX

##### CASES OF THE "MAGICIENNE," THE "DON JOSÉ," THE "LABUAN," AND THE "SAXON"

1. The *Magicienne* was captured on the 27th January 1863, about 400 miles from the Cape Verde Islands, while on a voyage to Matamoros. She was taken to Key West and released on the 2d March, the district attorney of the United States stating that he could see nothing in the depositions, invoices, and other papers on which to base a demand for condemnation or even for a certificate of probable cause of seizure. On the 3d April Lord Lyons was instructed to ask for compensation, and did so in a note to Mr. Seward, dated the 22d April.

In reply, Mr. Seward admitted that compensation ought to be made. The course of procedure suggested by Mr. Seward was adopted, and ultimately the compensation was fixed at \$8,645. No suggestion was made that any other mode of redress was open to the injured party or that it was not a case where compensation should be asked for through the diplomatic channel. On the contrary, the admission that the seizure was illegal was made by the United States, and Mr. Seward himself admitted that compensation should be made.

2. The *Don José* was a small British schooner of 35 tons, which was captured on the 2d July 1863, off Cuba, when on a voyage to Habana. She was released on the 15th July because the district attorney was unable, on examination of the ship's papers and of the depositions of the witnesses, to find any grounds on which to file a libel against the vessel. On the 2d January 1864, Lord Lyons wrote a note to Mr. Seward, pointing out that the seizure appeared to have been one of a very unjustifiable character, and saying that he hoped that the United States Government would have no difficulty in admitting that compensation was due. Mr. Seward, in his reply, admitted that the case seemed to be a strong one. On the 18th May Lord Lyons again pressed for compensation and based his claim upon the ground that the United States law officer could find no ground for bringing the case before the prize court, and that it must be presumed that the court, if the case had come before it, would, in the execution of its duty, have awarded costs and damages. Mr. Seward promised to give the matter attentive consideration. He does not appear to have suggested that the claimant could himself have applied to the prize court for compensation, or to have challenged the point urged by Lord Lyons that it was the failure of the United States authorities to bring the case before the prize court which deprived the court of the opportunity of awarding redress.

3. The case of the *Labuan* gave rise to a voluminous diplomatic correspondence. She was a British steamer which was seized by the United States steamer *Portsmouth* on the 1st February 1862, when lying off the mouth of the Rio Grande within the limits of the port of Matamoros and probably therefore within the territorial waters of Mexico. She had landed a cargo of British goods and was loading a cargo of cotton and other articles. Copies of the reports which Lord Lyons had received as to this case were given to Mr. Seward privately with a suggestion that the United States Government might perhaps think it advisable to release the vessel and give her compensation without subjecting the vessel to judicial proceedings. In another unofficial communication Mr. Seward admitted that the perusal of the information in the Navy Department had not satisfied him that the capture was legal, but preferred that nothing should be done until a judicial decision had been given. The official correspondence that ensued dealt mainly in its earlier stages with the contention urged by Her Majesty's Government that unless the United States Government were going to maintain that the capture was justifiable and valid, it was unreasonable to expose the parties interested to the delay and the expense of judicial proceedings. The United States Government, however, insisted that the case must take its course in the prize court, and in the circumstances Her Majesty's Government could only acquiesce. The trial took place on the 20th May in the District Court at New York, when the immediate release of vessel and cargo was ordered, and the question of damages against the captors reserved for consideration. The subsequent official correspondence was occupied chiefly with the delays in getting the damages assessed. As early as the 9th April 1863 Mr. Seward wrote to Lord Lyons a note reviewing the whole correspondence, in which he said, "I freely admit that I believe the claimants entitled to damages and cost," but he maintained that it was regular and legal to wait for the court to decree them, and that the court would decide the question with more exact justice than could the Executive Government. The period which elapsed before the prize court dealt with the damages payable certainly justified the complaints which Lord Lyons was instructed to make, for the decree awarding \$141,902 was not issued until March 1868, more than six years after the capture, nor was the sum paid until a further period of over two years had elapsed.

4. The case of the *Saxon* also gave rise to a voluminous diplomatic correspondence, but I am at a loss to know what ground there can be for citing the action of Her Majesty's Government in this case as a precedent for maintaining the right of a government to ignore the prize court and to claim compensation through the diplomatic channel. The *Saxon* was seized on the 29th October 1863, by the United States ship *Vanderbilt* while lying at anchor off Penguin Island, on the coast of South Africa. Some confusion occurred at the time of capture, and the mate of the *Saxon* was shot dead by an officer of the *Vander-*

*bitt.* The vessel was sent to New York, and arrived there on the 22d December. Some doubt seems to have arisen as to why the vessel had been captured, and Lord Lyons was instructed by Lord Russell early in 1864 to ask the United States Government either to direct the immediate release of the *Saxon*, with proper compensation to the owners, or at least to explain the ground on which her seizure and detention were supposed to be justified. Meanwhile further information had come into the possession of Her Majesty's Government, and on the 15th February Lord Lyons was instructed, on the advice of the law officers of the Crown, that Her Majesty's Government saw no ground for seeking to withdraw the case from the jurisdiction of the prize court. On the 7th March Judge Betts, in the District Court at New York, decreed the restitution of the vessel and cargo free of all costs, charges, and expenses, reserving for future consideration the question of probable cause of seizure. Lord Lyons was subsequently informed that Her Majesty's Government saw no reason to complain of this sentence. They understood the question of damages still to be open, but they were not prepared to say that, if these should be refused, they [there] would, in the peculiar circumstances of the case, be any necessity for an official complaint on their part. The only suggestion which Her Majesty's Government made through the diplomatic channel as to payment of compensation was a request that some relief might be granted to the widow of the mate of the *Saxon* who was shot by an officer of the *Vanderbilt*, but the request was refused with asperity.

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*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, *April 24, 1916.*

[Received April 25.]

MR. SECRETARY OF STATE: A note in reply to the one which your excellency caused to be delivered on November 5, 1915, to the British Government, and of which a copy was communicated to my Government, will be addressed to your excellency to-day through his excellency the Ambassador of Great Britain, dealing with certain restrictions occasioned by the present war and looked upon as grievances by American merchants.

In compliance with the instructions furnished to me, I have the honor to inform your excellency that the Government of the Republic shares the views expressed by the British Government in the memorandum addressed to your excellency and feels justified in hoping that the American Government cannot but recognize the weight of the facts and arguments upon which they are based.

Please accept [etc.]

JUSSERAND

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File No. 441.11 Am 37/198

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 106

WASHINGTON, *April 22, 1916.*

[Received April 26.]

SIR: You will no doubt remember that early in December last, in response to a request of the United States Government, His Majesty's Government undertook not to detain any of the eight catalogued ships belonging to the American Transatlantic Company unless they were carrying contraband, pending the decision of the prize court in the test cases of the *Hocking* and the *Genesee*.



I have now the honour to inform you that Sir Edward Grey has received the following information obtained from the crew of the S. S. *Winneconne* belonging to the same line, regarding the last voyage of that vessel from New York to Europe.

Leaving New York on the 15th December with a general cargo, the ship doused lights to escape interception by British cruisers off the Hudson River. She then shaped course by the south of Greenland and north of Iceland for the Norwegian coast, having the assistance of a pilot from the sailing port. She arrived on 10th January at Gothenburg, where a quantity of her cargo was discharged into lighters brought over from Germany to receive it, amongst the cargo so discharged being a number of very heavy cases. The vessel stayed at Gothenburg for about a fortnight, and then proceeded to Copenhagen.

I have received instructions from Sir Edward Grey to inform you, while bringing the case against the *Winneconne* to your knowledge, that the immunity from capture at present enjoyed by the American Transatlantic Company's vessels can only be continued provided that an assurance is given by the company that the vessels will not trade with Scandinavia or Holland.

I am [etc.]

CECIL SPRING RICE

File No. 763.72112/2475

*The Vice Consul at London (Westacott) to the Secretary of State*

[Telegram]

LONDON, April 27, 1916.

[Received 6 p. m.]

Department's 22d to Ambassador [Consul General?].<sup>1</sup> Figures showing value merchandise in prize court not available. Total goods sold by prize court to March 31, £6,208,963.

WESTACOTT

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 3, 1916, 4 p. m.

Deliver following to Consul General:

Your 27th *re* value merchandise in prize court. Is it not possible to get reasonably close estimates particularly with reference American goods?

LANSING

File No. 763.72112/2514

*The Edward Maurer Company, Inc., to the Secretary of State*

NEW YORK, May 3, 1916.

DEAR SIR: We beg to call your attention to the [action of] various steamship lines for South America in blacklisting a number of large

<sup>1</sup> *Ante*, p. 367.

import houses in Montevideo because they are of German origin, which interferes very seriously with our export business. We enclose herewith a circular sent out by the Lamport & Holt Line, advising shippers that hereafter all names must be given and intimating that any house which may be unacceptable to the British Government will be blacklisted.

We have done business for over 40 years with the house of Ernest Quincke, Montevideo, exporting for them large quantities of agricultural and hardware implements, and we now find that the name of this house seems to be on the black list and none of the steamship lines will accept freight for them.

We had a contract with the Houston Line for the steamer *Helenuis* sailing on the 13th of May, but they just notified us that they would not receive the freight for this firm. We understand that the Barber Line also, which is an American concern and sending neutral steamers to South America, is in the same combination and refuses to accept freight for this house.

We always thought that any steamship line touching at this port was a common carrier and, as such, was obliged to accept freight for any consignee except naturally for belligerent countries.

It appears to us that if anything is a "combination in restraint of trade" it is this action of all steamship lines to a certain port in neutral South American countries by which certain old established houses are boycotted and shippers here are prevented from executing orders, and we certainly think there should be relief afforded by the authorities. There must be some way of forcing common carriers that make use of the facilities of this port to take freight for all neutrals in South American countries, and we would thank you to let us know whether there is any hope of relief through the Government or whether we shall seek relief through the courts here in bringing suit against the steamship lines under the Sherman anti-trust law.

Our business has been greatly interfered with by the British Government holding up all our cables and cables sent to us from Java, where we have been buying in the past a large quantity of rubber, but which has now entirely stopped as our correspondents advise us that the British censor has intercepted all cables and will not allow any from us to get through or theirs to come to us. This is a serious loss to us, and as there seems to be no warrant for such interference, we also would like to know what remedy there is for relief.

Another unwarranted interference in our import business with Venezuela is that recently all shippers have been notified in Ciudad Bolivar that all freight passing through for transshipment to Trinidad must be consigned in New York to houses acceptable to the British Government and be consigned to the British Consul, New York. Meanwhile certain houses have also been mentioned as being on the black list, so that business houses in Venezuela are prevented from shipping their goods to New York except with the consent and permission of the British Government.

We can understand why the British Government should interfere with trade with neutral countries in Europe, but when it comes to such interference with South American countries, who have for

years been shipping their produce and obtaining their goods from New York, it seems an unwarranted interference with our trade and from which merchants in the United States should be able to obtain relief.

Very respectfully,

EDWARD MAURER CO., INC.  
ED. MAURER, *Pres.*

File No. 763.72112/2527

*The Vice Consul at London (Reed) to the Secretary of State*

LONDON, *April 20, 1916.*

[*Received May 9.*]

[Despatch not printed, as it merely quotes from and summarizes the enclosure.]

[Enclosure]

LIST OF ARTICLES DECLARED TO BE CONTRABAND OF WAR PRESENTED TO  
PARLIAMENT

The articles declared to be contraband of war in the Proclamations now in force have been arranged alphabetically in the accompanying list. It is hoped that this will be convenient to all parties concerned.

The list comprises the articles which have been declared to be absolute contraband as well as those which have been declared to be conditional contraband. The circumstances of the present war are so peculiar that His Majesty's Government consider that for practical purposes the distinction between the two classes of contraband has ceased to have any value. So large a proportion of the inhabitants of the enemy country are taking part, directly or indirectly, in the war that no real distinction can now be drawn between the armed forces and the civilian population. Similarly, the enemy Government has taken control, by a series of decrees and orders, of practically all the articles in the list of conditional contraband, so that they are now available for Government use. So long as these exceptional conditions continue our belligerent rights with respect to the two kinds of contraband are the same, and our treatment of them must be identical.

FOREIGN OFFICE, *April 13, 1916.*

LIST OF ARTICLES

Acetic acid and acetates.	Apparatus designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war material for use on land or sea.
Acetic ether.	Armour plates.
Acetones, and raw and finished materials, usable for their preparation.	Arms of all kinds, including arms for sporting purposes, and their component parts.
Aircraft of all kinds, including aeroplanes, airships, balloons, and their component parts, together with accessories and articles suitable for use in connection with aircraft.	Arsenic and its compounds.
Aluminium, alumina, and salts of aluminium.	Arsenical ore.
Ammonia liquor.	Articles especially adapted for use in the manufacture or repair of tyres.
Ammonium salts.	Asbestos.
Aniline and its derivatives.	Barbed wire.
Animals, saddle, draught, or pack, suitable, or which may become suitable, for use in war.	Barium chlorate and perchlorate.
Antimony, together with the sulphides and oxides of antimony.	Bauxite.
	Benzol and its mixtures and derivatives.

- Bladders, guts, casings, and sausage skins.  
 Bones in any form, whole or crushed, and bone ash.  
 Boots and shoes suitable for use in war.  
 Borax, boric acid, and other boron compounds.  
 Bromine.  
 Calcium acetate, calcium nitrate, and calcium carbide.  
 Camp equipments, articles of, and their component parts.  
 Camphor.  
 Capsicum.  
 Carbon disulphide.  
 Carbon, halogen compounds of.  
 Carbonyl chloride.  
 Carborundum in all forms.  
 Casein.  
 Caustic potash and caustic soda.  
 Celluloid.  
 Charges and cartridges of all kinds and their component parts.  
 Chlorides, metallic (except chloride of sodium) and metalloidal.  
 Chlorine.  
 Chrome ore.  
 Chronometers.  
 Clothing and fabrics for clothing suitable for use in war.  
 Clothing of a distinctively military character.  
 Cobalt.  
 Copper pyrites and other copper ores.  
 Copper unwrought and part wrought, copper wire, alloys and compounds of copper.  
 Cork, including cork dust.  
 Corundum, natural and artificial (alundum), in all forms.  
 Cotton, raw, linters, cotton waste, cotton yarns, cotton piece-goods, and other cotton products capable of being used in the manufacture of explosives.  
 Cresol and its mixtures and derivatives.  
 Cyanamide.  
 Docks, parts of.  
 Emery in all forms.  
 Equipment of a distinctively military character.  
 Ethyl alcohol.  
 Explosives, whether specially prepared for use in war or not.  
 Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-vanadium, and ferro-chrome.  
 Field forges and their component parts.  
 Field glasses.  
 Flax.  
 Floating docks and their component parts.  
 Foodstuffs.  
 Forage and feeding stuffs for animals.  
 Formic ether.  
 Fuel, other than mineral oils.  
 Fuming sulphuric acid.  
 Furs utilisable for clothing suitable for use in war.  
 Glycerine.  
 Gold.  
 Gun mountings and their component parts.  
 Hair, animal, of all kinds, and tops, noils, and yarns of animal hair.  
 Harness and saddlery.  
 Harness of a distinctively military character, all kinds of.  
 Hemp.  
 Hides of cattle, buffaloes, and horses.  
 Horseshoes and shoeing material.  
 Hydrochloric acid.  
 Implements designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war material for use on land or sea.  
 Implements for fixing and cutting barbed wire.  
 Iodine and its compounds.  
 Iron, electrolytic.  
 Iron, hæmatite and hæmatite iron ore.  
 Iron pyrites.  
 Kapok.  
 Lathes capable of being employed in the manufacture of munitions of war.  
 Lead and lead ore.  
 Leather belting, hydraulic leather, pump leather.  
 Leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.  
 Limbers and limber-boxes and their component parts.  
 Lubricants.  
 Machines capable of being employed in the manufacture of munitions of war.  
 Manganese and manganese ore.  
 Manganese dioxide.  
 Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch or any larger scale, and reproductions on any scale, by photography, or otherwise, of such maps or plans.  
 Materials especially adapted for use in the manufacture or repair of tyres.  
 Materials used in the manufacture of explosives.  
 Mercury.  
 Methyl alcohol.  
 Military waggons and their component parts.

- Mineral oils, including benzine and motor spirit.  
 Molybdenum and molybdenite.  
 Motor vehicles of all kinds and their component parts and accessories.  
 Naphthalene and its mixtures and derivatives.  
 Nautical instruments, all kinds of.  
 Negotiable instruments.  
 Nickel and nickel ore.  
 Nitric acid and nitrates of all kinds.  
 Oils and fats, animal, fish, and vegetable, other than those capable of use as lubricants, and not including essential oils.  
 Oleaginous seeds, nuts, and kernels.  
 Oleum.  
 Paper money.  
 Paraffin wax.  
 Peppers.  
 Phenol (carbolic acid) and its mixtures and derivatives.  
 Phosphorus and its compounds.  
 Phosgene.  
 Potassium salts.  
 Powders, whether specially prepared for use in war or not.  
 Projectiles of all kinds and their component parts.  
 Prussiate of soda.  
 Railway materials, both fixed and rolling stock.  
 Ramie.  
 Rangefinders and their component parts.  
 Rattans.  
 Realisable securities.  
 Resinous products.  
 Rubber (including raw, waste, and reclaimed rubber, solutions and jellies containing rubber, or any other preparations containing rubber, balata, and gutta-percha, and the following varieties of rubber, viz., Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc), and goods made wholly or partly of rubber.  
 Sabadilla seeds and preparations therefrom.  
 Scheelite.  
 Searchlights and their component parts.  
 Selenium.  
 Silver.  
 Skins of calves, pigs, sheep, goats, and deer.  
 Skins utilisable for clothing suitable for use in war.  
 Soap.  
 Sodium.  
 Sodium chlorate and perchlorate.  
 Sodium cyanide.  
 Solvent naphtha and its mixtures and derivatives.  
 Starch.  
 Steel containing tungsten or molybdenum.  
 Submarine sound signalling apparatus.  
 Sulphur.  
 Sulphur dioxide.  
 Sulphuric acid.  
 Sulphuric ether.  
 Tanning substances of all kinds, including quebracho wood and extracts for use in tanning.  
 Telegraphs, materials for.  
 Telephones, materials for.  
 Telescopes.  
 Tin, chloride of tin, and tin-ore.  
 Toluol and its mixtures and derivatives.  
 Tools capable of being employed in the manufacture of munitions of war.  
 Tungsten.  
 Turpentine (oil and spirit).  
 Tyres for motor vehicles and for cycles.  
 Urea.  
 Vanadium.  
 Vegetable fibres and yarns made therefrom.  
 Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.  
 Vessels, craft, and boats of all kinds.  
 Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.  
 Wireless telegraphs, materials for.  
 Wolframite.  
 Wood tar and wood tar oil.  
 Wool, raw, combed, or carded; wool waste; wool tops and noils; woollen or worsted yarns.  
 Xylol and its mixtures and derivatives.  
 Zinc ore.

File No. 341.115At6/5

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 9, 1916.

[Received 3.45 p. m.]

4271. Your 3194,<sup>1</sup> April 13, re *Joseph W. Fordney*. Foreign Office informs me in reply to my representations that the general consid-

<sup>1</sup> *Ante*, p. 363.

erations which I submitted in accordance with Department's 3194 as to evidence on which a prize court may properly be asked to act were dealt with in the memorandum which was presented to United States Government by British Ambassador in Washington on April 24,<sup>1</sup> and that as to the particular case of the *Joseph W. Fordney*, as has already been intimated, the British Government must decline to enter into any discussion of points which are awaiting decision in a case pending in the prize court. It is further stated that it is of course open to the claimants to submit to the court any of the considerations advanced in my note based on Department's 3194 on which they may desire to rely.

AMERICAN EMBASSY

File No. 441.11 Am 37/198

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, May 10, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of April 22,<sup>2</sup> 1916, in which you refer to the fact that your Government, in December last, promised not to detain certain vessels belonging to the American Transatlantic Company, unless they should carry contraband, pending the decision of the British prize court in the cases of the steamer *Hocking* and the steamer *Genesee* which also belong to this company, and in which you state that Sir Edward Grey has instructed you to inform me that the vessels which have not been seized can no longer enjoy immunity from seizure unless certain assurances respecting their use are given by the company.

These vessels are owned by an American corporation organized under laws which presumably are similar to British laws respecting incorporation. In the name of this corporation these vessels were registered under the American flag, in accordance with laws which it is understood by this Government are similar to British laws governing registration of vessels under the British flag. Under the laws of the United States, the American Transatlantic Company is regarded as a citizen of the United States and must doubtless be so regarded in accordance with the custom of nations.

British prize court decisions in relation to the ownership of different kinds of property, including vessels, appear to make it clear that a British corporation is British in character regardless of what the political nationality of its shareholders may be.

This Government has observed that in a recent case a British prize court, applying an apparently well-established rule, condemned a vessel flying the German flag and refused an application of neutral claimants to establish that they were the beneficial owners of the vessel, owning the entire capital stock of the nominal owners, a subsidiary concern established according to the laws of Germany. The court ruled that the fact sought to be proved would not benefit the claimants.

<sup>1</sup> *Ante*, p. 368.

<sup>2</sup> *Ante*, p. 332.

This Government has also observed that the British authorities have in several instances requisitioned vessels flying the British flag, although the entire beneficial interest in them was owned by American citizens, and in connection with requests on the part of such beneficial owners for the release of such vessels, the British Government apparently has taken the position that the vessels, flying the British flag and being owned by British corporations, must, of course, be regarded as British and not as American vessels.

It appears, therefore, from different cases of the character just mentioned, that the British judicial and administrative authorities have as a rule attached no importance to beneficial ownership in determining the nationality of the vessels owned by corporate organizations but have uniformly proceeded on the theory that nationality in each case must be determined by the flag the vessels fly or by their corporate ownership.

On the other hand, the British authorities in now seeking to condemn the ships of the American Transatlantic Company, which are owned by an American corporation and fly the American flag, on the ground, as they state, that they believe these vessels to be entirely, or to a large extent, enemy owned, apparently attach great importance to beneficial ownership and no importance to the flag or corporate ownership.

In this relation it should be observed that the company has presented to this Government evidence to show that all the company's stock is owned by American citizens. This Government has no information that the stock is not so owned.

Having in mind these and other facts as well as the applicable principles of international law, the seizure of these vessels appeared to this Government arbitrary and unwarranted. However, after having informed the British Government to that effect, this Government decided to let the matter rest after receiving from the British Government a promise that they were, in the language of a note addressed by Sir Edward Grey to the American Ambassador at London, "willing not to capture the remaining ships of the company, unless they were found to be carrying contraband, until the prize court has given a decision in the cases which are now pending, provided of course that the proceedings in court are not unduly prolonged by the defendants." The owners of the vessels have informed the Department that they have complied strictly with the British Government's conditions, and the Department has no information to the contrary.

If any one of these vessels should carry contraband, the British Government would be warranted in exercising their belligerent right to detain such vessel. But the carrying of contraband by one of these vessels would, of course, furnish no legal justification for interference with other vessels carrying innocent cargoes, and the observance by the British Government of the express language of their promise respecting the immunity of these vessels would prevent any such interference.

I observe from your note that you have been instructed by Sir Edward Grey to inform me that "the immunity from capture at

present enjoyed by the American Transatlantic Company's vessels can only be continued provided that an assurance is given by the company that the vessels will not trade with Scandinavia or Holland."

Under these circumstances, before giving further consideration to the matters referred to in your note I would like to be informed whether, as would appear from your note, it is the intention of the British Government to repudiate their promise respecting the treatment of these vessels which in good faith has been relied on by this Government and by the owners of these vessels.

I am [etc.]

ROBERT LANSING

File No. 300.115/8363

*The Consul General at London (Skinner) to the Secretary of State*

No. 1739

LONDON, May 2, 1916.

[Received May 13.]

SIR: I have the honor to enclose herewith in duplicate list of goods consigned by various American firms to importers in Holland in care of the Netherlands Oversea Trust, and now returned for prize court proceedings.<sup>1</sup>

The attention of the Department is called very particularly to the fact that the British authorities appear to have decided to ignore the pledge expressed in a note dated April 27, 1915,<sup>2</sup> to the Ambassador, stating that "while His Majesty's Government do not require cargoes to be consigned to the Netherlands Oversea Trust, they do accept consignment in that form as proof that the cargo is intended for *bona fide* consumption in Holland."

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/2552

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3702

LONDON, May 3, 1916.

[Received May 15.]

SIR: I have the honor to enclose herewith for the information of the Department, a copy of a communication which I received from the Consul General at London, under date of April 5, in reference to the complaint of various shippers of goods from the United States to Holland relative to the seizure of such consignments by the British authorities, irrespective of the fact that the goods were shipped under permits issued by the Netherlands Oversea Trust.<sup>1</sup> I also transmit herein a copy of the *aide mémoire* which I presented to Sir Edward Grey on April 12, together with a copy of his reply thereto under date of May 2, in reference to this matter.

I have [etc.]

WALTER HINES PAGE

<sup>1</sup> Not printed.

<sup>2</sup> *Foreign Relations*, 1915, Supplement, p. 378.



[Enclosure 1]

*The American Ambassador (Page) to the British Secretary of State for Foreign Affairs (Grey)*

## AIDE MÉMOIRE

The American Embassy has been informed that great anxiety has been caused amongst various American shippers of goods to Holland by the fact that large seizures have been reported within the last three months of various classes of goods shipped under Netherlands Oversea Trust permits, after the shippers had complied with every requirement of His Majesty's Government known to the commercial community.

Many protests have been made by well-known and reputable forwarders of American staple commodities, and the burden of the complaint in each case is that they forwarded goods without hesitancy, relying upon the statement of His Majesty's Government that while His Majesty's authorities did not require American shippers to forward their goods in care of the Netherlands Oversea Trust, they would regard consignment to the Trust as proof of a *bona fide* Dutch destination.

The matter has now become one of great seriousness as it affects not merely the particular consignments under consideration, but has destroyed confidence in the efficacy of the arrangements which have been made for the shipment of goods from the United States to the Netherlands.

It is hoped that some solution may be found in the misunderstanding which would appear now to prevail amongst American exporters, and that such shippers who have taken the precaution to comply with the regulations of His Majesty's authorities and obtain a permit from the Netherlands Oversea Trust, may be permitted to ship their goods to Holland without interference.

LONDON, April 12, 1916.

[Enclosure 2]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 70508/X

LONDON, May 2, 1916.

YOUR EXCELLENCY: Careful consideration has been given to the *aide mémoire* which your excellency was so good as to communicate to me on the 12th April regarding the detention of various classes of goods shipped from the United States to Holland under consignment to the Netherlands Oversea Trust.

I have the honour to state in reply that as a general rule His Majesty's Government do regard consignment to the Trust as an adequate guarantee of the ultimate disposal of imports into Holland so consigned. Such consignment cannot, however, preclude and does not, under the specific provisions of the agreement with the Trust, preclude His Majesty's Government from requesting the Trust to withhold delivery of goods in special cases pending enquiry, and even in certain circumstances to return cargoes to this country for prize court proceedings.

I need hardly assure your excellency that His Majesty's Government, while compelled to take the utmost precautions to prevent the passage of goods to the enemy and any possible evasion of existing arrangements, are sincerely desirous to reduce delays and interference to a minimum, and would consider sympathetically any concrete cases of detention or seizure which your excellency may consider as falling outside the exceptional circumstances referred to.

I have [etc.]

For the Secretary of State:

W. LANGLEY

File No. 763.72112/2514

*The Secretary of State to the Edward Maurer Company, Inc.*

WASHINGTON, May 18, 1916.

GENTLEMEN: The Department has received your letter of May 3, 1916, with reference to the refusal of the steamship lines to accept various goods offered to them for shipment to South America.

The Department has no control over the steamship companies and, therefore, would not appear to be in a position to take any action in connection with their refusal to accept any cargo that may be offered for shipment.

The question of bringing judicial proceedings against the steamship companies would seem to be a private matter in regard to which it would seem that you might deem it advisable to consult private legal counsel.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 763.72112/2605

*The Third Assistant Secretary of State (Phillips) to the Acting Secretary of State*

May 18, 1916.

DEAR MR. POLK: In conversation this morning the British Ambassador referred to our next note to Great Britain on the blockade, which he says he has been given to understand will soon be dispatched. He says that he hopes we fully appreciate the popular sentiment for the blockade in England and France, which is now controlling the parliamentary situation in England; and that the present government has no power to resist the overwhelming sentiment in favor of the blockade.

Sincerely,

WM. PHILLIPS

PROTESTS AGAINST THE BLACK LIST OF SHIPS (MAY 19, 1916) AND AGAINST INTERFERENCE WITH GOODS CONSIGNED TO THE NETHERLANDS OVERSEA TRUST (JUNE 15, 1916)—CONDEMNATION OF THE CARGO OF THE "JOSEPH W. FORDNEY"

File No. 341.115Am319/213

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 19, 1916, 4 p. m.

3341. American Transatlantic Company informs Department that blacklisting company's vessels renders it difficult for company obtain cargoes. The Department regrets the employment by the British Government of methods of this kind which result in such great injury to owners of vessels of neutral country. Continuance these vessels on black list appears to have result of depriving owners of benefits which were expected would follow promise British Government not to seize vessels.

Communicate above to British Government and request removal vessels from black list.

POLK

File No. 763.72112/2564

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 22, 1916.

[Received 6.30 p. m.]

4345. Consul General, London, has requested the Embassy to take up following matter with Foreign Office in view of fact that notwithstanding the assurance of British Government that American goods forwarded to Netherlands Oversea Trust would be regarded as intended *bona fide* for Holland, such goods have been placed in prize court. Skinner suggests that, as Foreign Office has expressed its willingness to consider sympathetically any concrete cases of detention or seizure of goods consigned to the Trust, goods actually in Holland should not be brought to this country until the facts in each case have been examined. Awaiting instructions before presenting matter to Foreign Office.

AMERICAN EMBASSY

File No. 763.72112/2566

*The Ambassador in France (Sharp) to the Secretary of State*

No. 3174

PARIS, May 12, 1916.

[Received May 23.]

SIR: In confirmation of my telegram No. 1387, of the 11th instant,<sup>1</sup> concerning amendments to, and modifications of, the decree of November 6, 1914, relating to the French adoption of the Declaration of London, I have the honor to enclose herewith, in copy and translation, the decree upon which the telegram was based, together with a preliminary statement of the reasons for amending and modifying the earlier decree.

I have [etc.]

For the Ambassador:  
ROBERT WOODS BLISS

[Enclosure—Translation]

*Report to the President of the French Republic concerning the decree modifying the Declaration of London*

PARIS, April 12, 1916.

MR. PRESIDENT: The decree of November 6, 1914, prescribed with various additions and modifications for the duration of the present war the rules of international maritime law formulated by the declaration signed at London on the 26th of February 1909.

After an agreement with our Allies it seemed necessary to state more precisely that merchandise which, by its nature, is either absolute or conditional contraband of war, is liable to seizure by the sole fact of its hostile destination direct or indirect, manifest or concealed.

On the other hand experience has shown that, so far as blockade is concerned, the rule formulated in Article 19 of the Declaration of London, exempting from seizure ships transporting cargo to a non-blockaded port, destined for a blockaded port, results in authorizing an indirect traffic with blockaded ports and thus renders a blockade non-effective. The application of this article is not therefore justified.

<sup>1</sup> Not printed.

It is under these conditions that we have the honor to submit to your high approbation the following project of a decree.

We beg you to accept [etc.]

*The President of the Council,  
Minister of Foreign Affairs,*  
ARISTIDE BRIAND  
*The Minister of War,*  
ROQUES  
*The Minister of Marine,*  
LACAZE  
*The Minister of Colonies,*  
GASTON DOUMERGUE

[Subenclosure]

*Decree modifying the Declaration of London*

The President of the French Republic, on the report of the President of the Council, Minister of Foreign Affairs, of the Ministers of War, Marine, and Colonies, with reference to the decree of November 6, 1914.

Decreets:

ARTICLE 1

To the provisions of the decree of November 6, 1914, are appended the following additions and modifications to the rules inscribed in the declaration signed at London, February 26, 1909, relative to the law of naval warfare:

I. The rule formulated relative to proof of enemy destination of articles of absolute contraband in Article 31 of the Declaration of London is completed as follows:

The destination contemplated in Article 30, in default of proof to the contrary, is presumed:

(1) When the merchandise is consigned in an enemy or neutral port to or for an agent of an enemy state; it is the same if the merchandise is consigned to or for a person having shipped during the present war articles of contraband to an enemy country or to a country occupied by the enemy;

(2) When the merchandise laden on a ship destined for a neutral European port is consigned to order, or when the papers on board do not indicate the consignee, or when they indicate a consignee in an enemy country or in a country occupied by the enemy;

II. Article 19 of the Declaration of London ceases to be applicable and no ship and no cargo will be exempt from capture for violation of the blockade for the sole reason that they may be at the moment of search *en route* for a non-blockaded port.

ARTICLE 2

Paragraph 4 of Article 1 of the decree of November 6, 1914, is completed as follows:

The same holds good if the merchandise is consigned to or for a person who, during the present war, has shipped contraband goods to an enemy country or territory occupied by the enemy.

ARTICLE 3

The President of the Council, Minister of Foreign Affairs, the Ministers of War, Marine, and Colonies are charged, each in his own province, with the execution of the present decree.

Done at Paris, April 12, 1916.

RAYMOND POINCARÉ

By the President of the Republic:

*The President of the Council,  
Minister of Foreign Affairs,*  
ARISTIDE BRIAND  
*The Minister of War,*  
ROQUES  
*The Minister of Marine,*  
LACAZE  
*The Minister of Colonies,*  
GASTON DOUMERGUE

File No. 763.72112/2552

*The Acting Secretary of State to the Ambassador in Great Britain  
(Page)*

No. 3662

WASHINGTON, *May 23, 1916.*

SIR: The Department has received your No. 3702,<sup>1</sup> of May 3, 1916, enclosing a copy of a communication from the Consul General at London, in reference to the complaints of various shippers of goods from the United States to the Netherlands that shipments have been seized by the British authorities despite the fact that the goods were forwarded under permits issued by the Netherlands Oversea Trust, and transmitting a copy of your note to the Foreign Office, expressing the hope that some solution may be found of the misunderstanding that would appear to prevail among American exporters in this relation.

The Department approves the action taken by you in the matter.  
I am [etc.]

FRANK L. POLK

File No. 763.72112/2461

*The Acting Secretary of State to the Minister in Sweden (Morris)<sup>2</sup>*

[Telegram]

WASHINGTON, *May 26, 1916, 6 p. m.*

74. Refer Information Series M. 90, Restraints on Commerce, British reply April 24, 1916.<sup>3</sup>

Furnish at once by mail reference paragraph 28 thereof any obtainable statistics tending to show that receipts by Sweden of particular American export commodities since war, and especially in recent months, have been less than actually needed under existing circumstances in legitimate trade of country, describing in detail if possible nature of British or Allied interference which prevented import in particular instances. Consider in this connection paragraph 17 and comparison of imports of British and American origin before war and at present, particularly cocoa, petroleum and its products, copper, dried and fresh fruits, tanning materials, tobacco, coffee, lard, and animal fats.

Furnish any obtainable statistics tending to refute allegations of fourth and succeeding sentences of paragraph 18.

Verify allegation in last sentence, paragraph 19, and that concerning lard in paragraph 26, adding pertinent comments.

Add other data or comment which you believe would be of interest or value to Department in consideration of these and other points raised by note. General allegations valueless. Specific instances and details necessary.

POLK

<sup>1</sup> *Ante*, p. 390.<sup>2</sup> The same with the omission of the penultimate paragraph, on the same date, to the Ministers in the Netherlands (No. 317), Denmark (No. 108), and Norway (No. 54).<sup>3</sup> *Ante*, p. 368.

File No. 763.72112/2609

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, June 6, 1916.

[Received 2 p. m.]

Department's May 3.<sup>1</sup> Only information available *re* value of detained cargo is statement that on June 2 "estimated value such cargo so far as can be gauged amounts approximately to four million pounds."

SKINNER

File No. 763.72112/2592

*The Secretary of State to Representative George F. O'Shaunnessy*

WASHINGTON, June 7, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of June 1, 1916, with reference to arrangements effected with Great Britain for the uninterrupted shipment of goods of German and Austrian origin for the benefit of American industries.<sup>2</sup>

In addition to a large number of applications for assurances of non-interference with the shipment of goods of German or Austrian origin ordered prior to March 1, 1915, and filed by individuals or firms with the office of the Foreign Trade Adviser of this Department prior to November 1, 1915, which have been favorably acted on by the British authorities after having been unofficially submitted by the Foreign Trade Adviser to the British Embassy at this capital, assurances of non-interference have been obtained from the British authorities for shipments of sugar-beet seed, salvarsan, neosalvarsan and novocaine, porcelain guides for textile machinery, and dyestuffs for the benefit of American industries.

Assurances for the uninterrupted shipment of sugar-beet seed to the United States were favorably acted upon by the British authorities in the fall of 1915 to the amount of 140,300 bags, which is stated to be the normal annual consumption of sugar-beet seed in the United States. It was arranged that shipments in the case of sugar-beet seed should come forward consigned to the Secretary of Agriculture who would satisfy himself that the seed was required for domestic consumption and would not be reexported.

Arrangements were also made for the uninterrupted shipment of consignments of salvarsan, neosalvarsan, and novocaine to Mr. Herman A. Metz, the American agent of the Farbwerke Hoechst, who entered into arrangements by which this supply of salvarsan and neosalvarsan was made available to all users in the United States. The shipments of porcelain guides came forward to the Mitchell-Bissell Company who in turn were to supply them to the various textile works in the United States requiring these porcelain guides.

An application filed by the National Association of Hosiery and Underwear Manufacturers, Inc., on behalf of all the importers of

<sup>1</sup> *Ante*, p. 383.<sup>2</sup> Not printed. Correspondence regarding the various commodities for which assurances were obtained is printed *post*, p. 523, and in *Foreign Relations, 1915, Supplement*, p. 207.

knitting needles of German origin was forwarded on May 29, 1916, by the Department to the American Ambassador at London with instructions to endeavor unofficially to obtain assurances of non-interference with the shipment of these needles for the benefit of the American knitting industry. The Department, of course, has not had time to receive any intimation as to the attitude of the British authorities toward this application which, if favorably acted upon, will result in a supply of knitting needles which it is estimated will be sufficient for a period of approximately one year.

In February 1916, the British authorities gave an assurance of non-interference with the shipment of two cargoes of dyestuffs valued at approximately \$5,000,000, to be consigned to the Republic Trading Corporation, an organization composed of the agents of the German dyestuff manufacturers, which entered into arrangements by which this supply of dyestuffs, if obtained, would be equitably distributed among users of dyestuffs in the United States. In April 1915, the German Government indicated its willingness to release 15,000 tons of dyestuffs for shipment to this country, and after a contract had been entered into between the Republic Trading Corporation and the representatives of the German manufacturers of dyestuffs, the Department instructed the American Ambassador at London to make appropriate unofficial representations to the British authorities in an endeavor to arrange for the uninterrupted shipment of at least \$5,000,000 worth of the dyestuffs that had been released by the German Government.

Any application filed on behalf of American industries, although it may be filed in the name of one importer or association, should be made on behalf of all importers of the goods in question, and arrangements should be made so that the goods, if obtained, will be made available to all users thereof in the United States. Proof should also be furnished that the goods in question can not be obtained elsewhere than from Germany or Austria and that there is an urgent need for the goods in question in the United States.

In certain cases where it has been possible to obtain assurances of non-interference from Great Britain with the shipment of goods of German origin it has not been possible to obtain the consent of the German Government for their exportation upon conditions that are practicable. This has been the situation with reference to the shipment of potash salts from Germany, no shipments of which have come forward in view of the German prohibition on their exportation, although the Department, through the American Ambassador at Berlin, has made frequent representations in regard to the matter.

I have [etc.]

ROBERT LANSING

File No. 763.72112/2564

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 15, 1916, 6 p. m.

3426. Your 4345,<sup>1</sup> May 22. You may bring to attention of Foreign Office the complaints of American shippers that, notwith-

<sup>1</sup> *Ante*, p. 393.

standing the assurances given by the British Government with respect to goods forwarded by them to Netherlands Oversea Trust, such goods have been placed in the prize court. And while pointing out that, as this Government has already made known to the British Government, irrespective of what arrangements British Government may make with authorities of a neutral country or with private persons to extend their authority or operations into a neutral country, this Government must object to interference by British Government with property of its citizens in such country, you may inquire whether the British Government do not consider it fair to the shippers as well as expedient so far as the British Government themselves are concerned that, until the facts in each case have been examined, goods in the Netherlands should not be brought to England.

LANSING

File No. 763.72112/2649

*The Minister in Denmark (Egan) to the Secretary of State*

No. 927

COPENHAGEN, *May 31, 1916.*

[*Received June 19.*]

SIR: With reference to the Department's telegraphic instruction No. 108 of May 26, 1916,<sup>1</sup> I have the honor to state that it will be very difficult to obtain accurate statistics tending to show that the receipts by Denmark of particular American export commodities since the beginning of the war, and especially in recent months, have been less than actually needed under existing circumstances in legitimate trade. At present, the Government will give out no statistics on this point and the great shippers confess frankly that they are afraid to make even confidential statements of the restrictions on their trade for fear that the British will turn the screws more tightly. A comparison of British and American imports made before the war with those since the beginning would be unfair, unless one could discover the amount of imports necessary for Denmark which were prevented from reaching her from Russia, Germany, and Austria for instance, because of the war. In the first few months of this struggle there is little doubt that copper, coffee, lard, animal fats, etc., passed rather freely into Germany. The British policy is to prevent the accumulation of foodstuffs, etc., here—the Danes, for political reasons agreeing in this—as well as the exportation of goods into Germany. Under the agreements made between the Chamber of Manufacturers and the Merchants' Guild in Denmark and the British Government, only the "rations"—that is, the quantity of imports permitted under guarantees—have been allowed to enter. A great grievance with the Danish importers of American goods is that their orders should be absolutely controlled by the British Ambassador at Washington and that only such American firms as are approved by the British authorities are allowed to export copper. They find it intolerable that goods from the Faroe Islands, Iceland, Greenland, and the Danish West Indies should be at the mercy of the British Government.

<sup>1</sup> Not printed.



There is a copper famine here at present, and, as to rubber, not even tennis balls can be imported. The import of petroleum has been normal since the war. At present there is a great dearth of benzine and fuel oil. The Standard Oil people have been trying for some time to induce the British Government to permit the entrance of extra quantities of fuel oils, to be used in the creameries, etc., owing to the shortage of coal. More benzine is also demanded because of the increase in the number of automobiles.

This, of course, is merely a preliminary statement. I shall do my best to send a report, defective as it possibly may be, as soon as possible.

I have [etc.]

MAURICE FRANCIS EGAN

File No. 763.72112/2672

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

No. 493

THE HAGUE, June 13, 1916.

[Received June 27.]

SIR: In compliance with the Department's telegraphic instruction 317, of May 26,<sup>1</sup> and referring to my provisional reply of May 30, despatch No. 484,<sup>1</sup> I have the honor to report as follows in regard to restraints upon commerce between the United States and the Netherlands, more particularly in connection with the British reply of April 24, 1916, concerning the blockade. (Information Series M. No. 90.)

#### A. WHEAT SUPPLY

The greater part of the wheat importation of the Netherlands comes from the United States of America. The net imports of wheat (and wheat flour equivalent) just previous to the war were as follows:

METRIC TONS	
1912	1913
616,917	671,594

being a yearly average of 644,255, or about 54,000 tons per month.

The net import during 1915 was 603,587 tons. This appeared to be sufficient for the needs of the country until towards the end of the year, but a serious shortage began to become evident, partly brought about by the British regulations limiting the amount of grain which could be shipped to Holland (even when consigned to the Dutch Government) within certain periods. This prevented the obvious and natural remedy of accumulating large stocks whenever it might be possible in order to provide for periods when the lack of ship room or other reasons might prevent importation.

This alarming situation influenced the Dutch Minister of Agriculture to prohibit the baking of bread from white flour. This was done on April 24, 1916.

<sup>1</sup> Not printed.

At a recent session of Parliament the Minister of Agriculture was requested to explain the shortage of wheat and wheat flour. The Minister's response sets forth that the stocks of wheat in the country on September 1, 1915, had run down to about 120,000 tons (about 9 weeks supply) and that some of that was showing signs of being damaged, and that the Commission for Relief in Belgium was earnestly asking for 26,000 tons of that stock.

He said the principal troubles were:

- I. There had been great difficulty in securing freight room; and even after securing it, the freight did not arrive promptly, because of the roundabout journeys enforced on the ships by war conditions.
- II. The detention of ships on the British coast.
- III. The destruction of ships by mines.
- IV. Ships on their way from Chile to Holland with cargoes of saltpeter had been chartered to carry grain after the discharge of their saltpeter. These ships were greatly delayed on their route hither by the closing of the Panama Canal and by the "well-known indefinite detention of the Chile ships in the Channel."

The Minister of Agriculture gave the following data on the chartering and arrival of wheat ships for seven months:

METRIC TONS FREIGHT		Engaged	Arrived
August 1915	-----	39,000	
September	-----	40,000	35,790
October	-----	20,000	23,012
November	-----	55,000	47,306
December	-----	65,000	34,734
January 1916	-----	53,000	61,465
February	-----	50,000	45,376
March	-----		36,040
Total 7 months	-----	322,000	283,723

The detention in the Channel by British authorities of ships carrying saltpeter has been of great detriment to the Netherlands. This article is imported for use as a fertilizer, and is consigned to the Dutch Government. Almost without exception these ships are detained for long periods. The latest example is the S. S. *Andyk* which arrived in the British Channel May 12 and was not permitted to reach Holland until June 4.

#### B. IMPORTS OF FODDER GRAINS IN JANUARY, FEBRUARY, MARCH, AND APRIL

METRIC TONS			
1913	1914	1915	1916
185,187	287,804	415,768	133,831

These fodder grains—rye, barley, corn and oats—should be considered together, because one of them may be substituted for others, according to availability and price.

The above figures show that in the first four months of 1913, 1914 (before the war) the average net import of fodder grains was 236,490. The importation in the corresponding period of 1916 was 102,659 less than the average, a shortage of 43 per cent. But it must be noted that in the first four months of 1915 the importation of fodder grains was 179,278 tons above the average, an increase of 76 per cent. This very large addition to the normal imports must have been either stored as reserve or exported to Germany. The appetite of Dutch cows could hardly have increased to that extent in that year.

#### C. DETENTION AND NON-DELIVERY OF GOODS SHIPPED UNDER NETHERLANDS OVERSEA TRUST PERMITS

Formerly all vessels proceeding from America to Holland were detained by the British for examination. The delay incident to this examination was so great (sometimes more than two weeks) that an arrangement was made in July 1915 between the British Government and the Netherlands Oversea Trust under which it was agreed that vessels proceeding to Holland under the Netherlands Oversea Trust license would be permitted to pass the British Channel and discharge in Dutch ports under the supervision of the Netherlands Oversea Trust, with the understanding that if requested by the British authorities the Netherlands Oversea Trust bound itself to return contraband articles to the prize court or to withhold the delivery (until further notice) in Holland of non-contraband articles "where information is in the possession of His Majesty's Government which shows that the contraband articles (in question) were not intended for home consumption in Holland." (See Exhibit A attached hereto.<sup>1</sup>)

It was thought that this arrangement would greatly facilitate the delivery of foreign goods in Holland. It did so for several months. But later the British authorities began sending unqualified orders to the Netherlands Oversea Trust to withhold delivery of certain shipments or to send the goods to a British prize court, without specifying that they had any "information" showing or tending to show that the goods in question were not intended for domestic use in Holland.

A striking case of this method of procedure was that of the two shipments of gold from New York consigned to the Netherlands Oversea Trust with British permit: namely, 10 kegs of "gold dollars" for A. Boissevain, arriving in Rotterdam on the S. S. *Rotterdam*, November 15, 1915, and the 20 kegs of "American gold coin" for the Rotterdamsche Bankvereeniging, arriving in Rotterdam per S. S. *Noordam*, December 2, 1915.

These shipments of gold were contracted to be bought, on arrival, by the Bank of the Netherlands which is the Government depository. The Dutch Royal embargo on the export of gold from the Netherlands made it absolutely certain that these shipments must be intended solely for the use of this country. Nevertheless the British authorities peremptorily and arbitrarily forbade the delivery of this gold and ordered it returned to the British prize court for adjudica-

<sup>1</sup> Not printed.

tion. This order was not accompanied by any statement of "information" justifying the assumption of enemy interest or destination. The status of this case is fully set forth in my despatch No. 397 of December 27, 1915 and my despatch No. 402 of January 6, 1916. The Netherlands Oversea Trust with the approval of the Netherlands Government refused to send the gold back to Great Britain, and it is now lying in the vaults of the Netherlands Bank, in the name of the Trust, but still undelivered and undeliverable to the Dutch owners. This fact is the reason alleged by the Netherlands Oversea Trust for its refusal to accept the shipments of American gold for the purchase of Dutch tobacco, referred to in the Department's cabled instructions 282, March 20; 295, April 13; and 302, April 19, and my cablegrams 552, April 11, and 559, April 14, and my despatch No. 457 of April 25.<sup>1</sup>

In regard to other goods, the Trust has complied in many cases with the order to send them back from Holland to the British prize court. In other cases it has refused to send them back, but has them here undelivered. I am assured confidentially by officers of the Trust that no more goods will be sent back, except in strict accordance with the terms of Article 3 of the Amended Contract (Exhibit A<sup>1</sup>) and actual production of "information" on which the suspicion of enemy use or destination is based. From the same source I learn that the orders to detain goods have been and are being complied with in all cases. Commercial Attaché Thompson informs me that "practically every item now arriving from oversea is ordered detained or sent to prize court."

Knowing that great quantities of American goods had been held up in Rotterdam and were still lying there undelivered, I requested Mr. Thompson to obtain from the officers of the Trust if possible the latest figures from their official records. They have obligingly complied, and the list of figures, as made up to May 31, is herewith enclosed. (Marked Exhibit B.<sup>1</sup>)

The notations in the margin indicate that some portions of the goods listed have been delivered since the list was made; but this is certainly balanced by other goods arriving in the meantime and detained. The list therefore represents approximately the quantity of goods now held up in Rotterdam under British orders.

The list does not give their values. Mr. Thompson has made a provisional estimate, and reckons the merchandise at \$1,900,000, which added to the \$1,500,000 mentioned above makes a total of about \$3,400,000, comprised in 432 entries and arriving in 54 cargoes.

You will observe that the first arrival noted on this list came by the S. S. *Oosterdyk*, September 16, 1915. This shipment has therefore been held up for nearly nine months without delivery or adjudication. The average time of detention of shipments as shown by the list is about 105 days. These detentions are entirely due to the peremptory orders issued by the British authorities to the Netherlands Oversea Trust. I may add from personal observation that the officials of the Trust are seriously chafing against the restraints imposed upon commerce by these orders, and against the arbitrary manner in which they are issued without the submission of "information."

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<sup>1</sup> Not printed.

## D. GOODS NEEDED IN LAWFUL TRADE OF THE NETHERLANDS

The Netherlands Oversea Trust list of detained goods gives an approximate idea of the articles now most needed in this country (in addition to wheat and wheat-flour which must be consigned in all cases to the Government).

The above-mentioned list does not show that there is an appreciable shortage of tobacco, cocoa, or petroleum. But quantities of motor cycles, automobiles, tires, tanning extracts, dried fruits, honey, canned meats, bacon, fatbacks, cornstarch, leather and hides, copper in various forms, typewriters, and machine tools and supplies, imported for Dutch consumption, are held up and refused delivery at Rotterdam. They are therefore presumably needed.

The shortage of oversea goods in Holland may be attributed to the following causes:

- I. The long detention of ships in British waters.
- II. The long withholding of goods after arrival in Dutch ports by the Netherlands Oversea Trust in obedience to British orders.
- III. The scarcity of tonnage space, which is due in part to the above-mentioned detention of ships, and in part to the destruction of ships at sea by floating mines and German torpedoes, and in part to the requisitioning of ships by belligerent nations.
- IV. Some shortage is probably caused by the inability of American traders to fill the orders with which they are overwhelmed.

The Netherlands Government monthly statistics of imports are so abbreviated and inexact that it is difficult to draw accurate conclusions from them in matters of detail. A few inferences, however, may be made with assurance.

(1) The statistics of wheat, quoted by the Minister of Agriculture and given in paragraph A, show a shortage of 25 per cent within the last seven months. The only way in which this shortage has been affected by British action has been through the detention of ships, which has helped to create the lack of tonnage for wheat shipments from America.

(2) There is good ground for the common understanding that there is a lack of machinery and of many kinds of raw material coming from America and used by manufacturers in the Netherlands. The current official statistics, however, do not exhibit this in detail.

Commercial Attaché Thompson reports to me on this subject as follows:

Numerous complaints have come to this office about difficulties of obtaining raw material, such as copper wire, rubber, and cotton yarns, by manufacturers who, though possessing detailed information with regard to their difficulties of importation from the United States, are usually unwilling to have their names used openly as complainants, for fear of being put on the British list of persons to whom permits are not to be granted.

One of these complainants was Henri Wynmalen, manufacturer of automobiles and flying machines in Amsterdam. He said that, although he was engaged largely in work for the Dutch Government, it was practically impossible for him to import his needed raw materials from the United States, while it was always easy to obtain import permissions for British goods. He said he had asked assistance of the Dutch Government in the matter of obtaining per-

mits for the importation of needed raw material from the United States to be used for the Dutch Army, and he had been told by officials of the War Department they were not willing to make any complaints in the matter to the British authorities.

Mr. Jo Elias, a cotton manufacturer of Eindhoven told me that he had been trying for months to arrange for the importation of cotton yarns from the United States, but was unable to obtain the permit, whereas he could arrange the permits for the importation from Manchester, England, without any difficulty, whenever yarns were available in Manchester.

Mr. van Aalst, president of the Netherlands Oversea Trust, admitted to me that the Netherlands Oversea Trust would often issue permits for the importation of goods from England, while refusing permits for similar goods from the United States.

I have now on my desk a letter from Mart C. van de Wal, of Amsterdam, dated May 25, 1916, in which he claims that he represents in Holland a number of American exporters of motor cycles, boat motors, typewriters, and so forth, and that large amounts of these goods intended for him have been in Rotterdam for months detained by the Netherlands Oversea Trust. (This is confirmed by the Netherlands Oversea Trust list, Exhibit B.<sup>1</sup>) He also states that he has several hundred motor cycle tires shipped from the United States, which are now being detained in London without apparent hope of being released. He says that during all this time his competitors, Hugo Smit and J. Witmondts of Amsterdam, and Messrs. Croese & Co., of Bussum, are regularly receiving motor cycles from British concerns, and that these goods are regularly delivered upon arrival in Holland without undue difficulties.

#### E. PARAGRAPH 18 OF THE BRITISH REPLY OF APRIL 24, 1916<sup>2</sup>

This paragraph is an answer to paragraph 14 of the American note of November 5, 1915,<sup>3</sup> in which protest is made against interference with goods "intended to become incorporated in the mass of merchandise for sale in a neutral country."

The British practice in this matter at present amounts in effect to the detention and examination of all goods entering the Netherlands from the United States. The importation of fodder grain is restricted on the theory that the animals which eat it may be exported to Germany. Cornstarch from America is restricted for Dutch importation on the ground that equivalent amounts of domestic potato starch may be exported from the Netherlands to Germany. Cotton yarns from America are refused on the ground that the cloth made from them may be sent to Germany.

Entirely apart from the consideration of the argument of belligerent interest which lies behind this line of action, it must be remarked that its propriety is greatly impaired by the fact that Great Britain grants permissions and privileges to her own merchants and traders which she refuses to merchants and traders of the United States. I specify as follows:

(1) The import of gold from the United States to Holland has been prevented, while the import of gold from Great Britain has been allowed, to a very large extent, during the same period. (See my despatch No. 402,<sup>1</sup> of January 6 and my 397,<sup>1</sup> of December 27, 1915.

(2) The import of coffee from the United States has been prevented, through the Netherlands Overseas Trust, while the import of coffee from Great Britain and France has been allowed during the same period. (See my despatch No. 472, May 16, 1916.<sup>4</sup>)

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 373.

<sup>3</sup> Date on which the note of October 21 was delivered at London. See *Foreign Relations*, 1915, Supplement, p. 582.

<sup>4</sup> *Post*, p. 584.

(3) The import of motor cycles, machinery, cotton yarns, rubber, and other articles from the United States has been obstructed, while the import of similar goods from Great Britain has been permitted. (See the report of Commercial Attaché Thompson which is herewith enclosed, Exhibit C.<sup>1</sup>)

In regard to Mr. Thompson's report I wish to say that it seems to me somewhat colored by an anti-British feeling. I cannot, however, deny that I have received an impression from the general course of commercial affairs that certain persons in Great Britain, although probably not the British Government, are taking advantage of the present situation to promote the interest of British merchants and traders at the expense of merchants and traders of the United States.

Nevertheless I must record again my opinion that the trade of the United States with the Netherlands has in general prospered during the war, through the intermediation of the Netherlands Oversea Trust, which is a corporation of Dutch origin and a charter, but practically, through its contract, under British control.

I have [etc.]

HENRY VAN DYKE

File No. 763.72112/2677

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, June 29, 1916.

[Received 9 a. m.]

Proclamation dated June 27 supplements previous contraband proclamations as follows:

Following articles will be treated as absolute contraband in addition to those set out in our Royal proclamation aforementioned: electric appliances adapted for use in war and their component parts, asphalt, bitumen, pitch and tar, sensitized photographic films, plates and paper, feldspar, gold-beaters' skin, talc, bamboo.<sup>2</sup>

SKINNER

File No. 341.115Am319/226

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 195

WASHINGTON, July 3, 1916.

[Received July 5.]

SIR: I did not fail to communicate to His Majesty's Principal Secretary of State for Foreign Affairs your note of the 10th May last, with regard to the vessels belonging to the American Transatlantic Company, in which you state that Sir E. Grey had informed the American Ambassador in London that His Majesty's Government "were willing not to capture the remaining ships of the com-

<sup>1</sup> Not printed.

<sup>2</sup> Notice of the same additions by the French Government was given by the Consul General at Paris in his telegram of June 28, 1916 (File No. 763.72112/2674).

pany unless they were found to be carrying contraband, until the prize court has given a decision in the cases which are now pending, provided of course that the proceedings are not unduly prolonged by the defendants." Referring to this communication and to my note No. 106<sup>1</sup> of the 22d April, in which it was stated, in connection with the voyage of the *Winneconne* on which she carried goods to Gothenburg which were forwarded to Germany, that the immunity from capture at present enjoyed by the company's vessels could only be continued provided that an assurance was given by the company that their vessels would not trade with Scandinavia or Holland, you enquire whether it is the intention of the British Government to repudiate their promise with regard to the treatment of these vessels, which has been relied upon by the United States Government, and by the owners of the ships.

I am now instructed to inform you, in reply to this enquiry, that His Majesty's Government have certainly no intention of repudiating this promise. The conditional undertaking, as quoted in your note under reply, was that His Majesty's Government would not capture the vessels, i. e., that they would not capture them as being enemy property, and from this undertaking there is no intention of departing. This undertaking, however, cannot be taken as implying more than is actually stated, and the vessels cannot be allowed any special facilities, nor can His Majesty's Government consent to the removal of any disabilities under which they may be, except on the usual conditions applicable to all vessels in similar circumstances.

As regards the legal questions relative to the status of the company's ships, and to the attitude of the British prize courts as indicated in previous cases, I am instructed to observe that the arguments on behalf of the company on these points will no doubt be fully presented to the court at the hearing of the cases now pending, and His Majesty's Government trust that the United States Government will, in accordance with the practice usually obtained in such matters, be ready to postpone the discussion of such legal points as may arise until the cases shall have come before the competent court.

I have [etc.]

For the Ambassador:  
COLVILLE BARCLAY

File No. 300.115/9045

*The Consul General at London (Skinner) to the Secretary of State*

No. 2115

LONDON, June 21, 1916.

[Received July 6.]

SIR: I have the honor to enclose herewith a copy of the prize court judgment in the case of cargo shipped in the American steamer *Joseph W. Fordney*. As the circumstances under which this ship and cargo were detained have been the subject of considerable correspondence, the Department may like to have this judgment for its files.

I have [etc.]

ROBERT P. SKINNER

<sup>1</sup> *Ante*, p. 382.



[Enclosure—Extract]

*Judgment of Prize Court in the case of the "Joseph W. Fordney" and three other ships, printed in "Lloyd's List," June 10, 1916*

. . . The last case concerns the goods laden upon the *Joseph W. Fordney*. They consisted of nearly 10 million lbs. of feed and cake, and formed the whole of the vessel's cargo. The cargo was consigned by the Atlantic Transport Company, of New York, to Mr. Klingener or his assigns at Malmö. The freight was prepaid, and was not to be returned, cargo lost or not lost. . . .

This case has all the common features of the three already referred to, and I draw similar inferences as to the position of Mr. Klingener and as to the ultimate destination of the goods; and I condemn them as good and lawful prize.

Before concluding this judgment, I must draw attention to a misconception of the law which runs through the claimants' cases, and which is made prominent in this last case. They seem to think that it is sufficient for the consignors to show that the legal property in the goods had not passed from them at the time of the seizure. They appear to seek to apply the decision in the *Miramichi* to their cases. But the *Miramichi* was a case of *ante bellum* shipment. I pointed out in the judgment that it would not apply to *post bellum* shipments.

The shipment in each of the cases now before the Court was after the war. Very different principles apply in the Prize Courts when war has intervened. In such cases it is not only the vendor and vendee who are affected; belligerent rights have come in. The test is no longer whether according to the rules of commercial law under the contract between the buyer and seller the strict legal property has or has not been divested from the one and vested in the other. [See the decision of Lord Mansfield and the other Lords of Appeal in the *Sally* (1795) 3 Ch. Rob. 300 (note); and the *Packet de Bilbao* (2 Ch. Rob. 133).]

If the right of capture of goods shipped during war were made to depend upon such questions as affect the passing of the legal property under the Sale of Goods Act, it would dwindle to vanishing point, because nothing would be easier than for neutral vendors and consignors so to frame the contract that the legal property in goods contracted to be sold to, and intended to become ultimately the property of, the enemy should remain in the vendors until actual delivery. In such cases the law of Prize, which has regard to the rights of belligerents, is that capture is regarded as delivery, and the goods on their way to the enemy are regarded and treated as his property.

I may add that the claimants have not satisfied me that the legal property in the strict legal sense remained vested in them in either of the cases, even if the shipments had been ante-war shipments. That would be enough to dispose of the claims. But in each case I am fully satisfied that the goods—conditional contraband—were on their way to be delivered to and for the enemy Government through the nominal consignees, who acted merely as intermediaries. . . .

File No. 763.72112/2699

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 6, 1916.

[Received 5 p. m.]

4532. Your 3426,<sup>1</sup> June 15. *Re* goods forwarded under Netherlands Oversea Trust permits which have been placed in prize court. Foreign Office replies to previous correspondence in which general question was dealt with and referring to its notes dealing with cases of Corn Products Company's shipments and of adding machines *ex S. S. Gorredick*, states facts of these are being reexamined in accordance with my request. Foreign Office assures me British Government ready to give fullest consideration to concrete cases to which United States Government may wish to draw attention.

PAGE

<sup>1</sup> *Ante*, p. 397.

BRITISH ORDER IN COUNCIL AND FRENCH DECREE OF JULY 7, 1916,  
WITHDRAWING ALL RECOGNITION OF THE DECLARATION OF LONDON  
AND PROCLAIMING OTHER RULES—THE INCLUSION OF AMERICAN  
FIRMS IN THE "STATUTORY LIST" (JULY 19, 1916)

File No. 763.72112/2707

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, July 8, 1916.

[Received July 9, 2 p. m.]

1479. Foreign Office request me to inform you that French and British Governments have decided to discontinue the observance of rules of Declaration of London, and to be guided by the principles of international law instead. Reasons for such action are set forth in memorandum of which the following is the substance:<sup>1</sup>

Successive modifications in Declaration of London having led to false interpretations of the Allies' intention, they declare solemnly that they will continue to observe the ancient rules of international law and will conform notably to the dispositions of international conventions regarding the laws of war and that, respectful of law and humanity, they reject any idea of menacing the existence of non-combatants, that they will not make any unjustified assault upon the property of neutrals, and that in case damages be caused by their naval action to *bona fide* merchants, they will always be prepared to investigate the claims and to make due reparation.

Full text of memorandum by mail.

SHARP

File No. 763.72112/2717

*The Chargé in Sweden (Magruder) to the Secretary of State*

No. 647

STOCKHOLM, June 23, 1916.

[Received July 11.]

SIR: With reference to the Department's telegraphic instruction No. 74 of May 26, 1916,<sup>2</sup> directing the Legation immediately to procure all available statistics tending to refute the contentions put forth in the British reply of April 24, 1916, relating to restraints on commerce, and to my despatch No. 637 of May 31, 1916,<sup>3</sup> I now have the honor to report that the Swedish Foreign Office informs me that it considers it inadvisable to give out any of the desired statistics in view of the fact that they might tend adversely to affect the interests

<sup>1</sup> Telegram No. 1480, same date, giving the decree, and telegram of July 10, 1916, from the Consul General at London, reporting identical action by the British Government, are not printed. Full text of the memorandum, order in council, and decree, as received by mail July 24, 25, 1916, are printed *post*, pp. 413, 414, 417.

<sup>2</sup> *Ante*, p. 395.

<sup>3</sup> Not printed.

of Sweden, since practically all of these statistics show an increase of importation over and above the normal importation of the commodities in question. The reason for this apparent increase is, according to the Foreign Office, the fact that during normal times a great deal of merchandise is imported into Sweden from Hamburg and from the free port of Copenhagen and is listed in the official statistics as of German and Danish origin, respectively, although these countries are not the true countries of origin. It is further stated that as there is no manner of determining what part of the goods ordinarily imported from Germany and Denmark actually originates in these countries, there is no possibility of securing statistics which will not be misleading.

As a result of the foregoing attitude of the Swedish Government and of the fact (reported in my despatch No. 637 of May 31, 1916, cited above) that all statistics bearing on the subject are withheld from publication by the authorities, I am unable to supply the Department with the statistics called for in its telegraphic instruction under acknowledgment.

I have [etc.]

ALEXANDER R. MAGRUDER

File No. 763.72112/2726

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 3488

BERLIN, June 29, 1916.

[Received July 17.]

SIR: At the request of the Imperial Foreign Office I have the honor to enclose herewith an original copy of a "memorandum prepared by the Imperial German Government, respecting the British measures, in violation of international law, against neutral firms which maintain commercial relations with Germans." A translation of this document is appended hereto.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

MEMORANDUM OF THE IMPERIAL GERMAN GOVERNMENT ON ENGLAND'S MEASURES  
CONFLICTING WITH INTERNATIONAL LAW AGAINST NEUTRAL FIRMS MAINTAINING  
COMMERCIAL RELATIONS WITH GERMANS

In an act of December 23, 1915, the Government of Great Britain was authorized to deal with firms located in neutral countries, because of their hostile nationality or their connections with the enemy, on the same footing as with the enemy, in accordance with the rules of the Prohibition of Trade Act. This measure, as determined more definitely in the executive ordinance of February 29, 1916, not only signifies a prohibition of the conclusion of new business engagements with British firms, but also a far-reaching encroachment upon the well-established private rights of the undertakings affected; in particular, such undertakings are subject to the following provisions:

The capital of the firms, which is in England, is sequestered, i. e., without permission from the Government they cannot dispose of same; for example, they may not draw from their accounts with English banks, or collect outstanding accounts with English firms or turn these over to others (Section 6 of Trading with the Enemy Amendment Act), or transfer securities issued in England (Section 8 of same act).

The equivalent value of coupons or other securities which are due, may be deposited in court at the debtors pleasure (Section 7 of said act).

According to the opinion of the Chamber of Commerce, every article of value in their possession in the United Kingdom, especially every share in English stock companies or other corporations, even if the certificate is not under control of the British Government, may be sold forcibly and the proceeds deposited (Section 4 of Trading with the Enemy Amendment Act, 1916).

According to British law, as developed in this war, in contravention of the less rigid practice of former times, the prohibition of trade as a rule leads to the canceling of contracts for purchase and delivery by affected parties with British firms, and such parties may not appear before British courts in the character of plaintiffs.

The British Government, through a notice in the press which was evidently published with official sanction, and by an exchange of notes with the American Embassy in London which was communicated to Parliament, has endeavored to justify its encroachments upon the private rights of neutrals—unprecedented in history—by pretending to merely assume, in a modified way, the principle of nationality, adopted by the French Government in the line of trade restrictions, a principle which is alleged to have been adopted by many neutral countries as the basis for their attitude in case of war; the British Government has even gone to the point of holding up her measures as inspired by consideration of the interests of neutrals. The weakness of this attempt at justification is obvious.

It is true the French Government, soon after the outbreak of the war, confiscated the private property of German subjects under its control, irrespective of their residence, by a prohibitive trading act, thereby disavowing the principles recognized by itself shortly prior to the war. But, with a few exceptions, which have led to diplomatic protests, so far as is known, it has not gone as far as to lay hands on neutral property. Nor has any neutral state made known its decision to adopt such a course, in case of its being involved in war.

The British provisions not only concern Germans living in neutral countries, but also neutral firms if German capital is in any way involved, even when they maintain business relations of any kind with German commercial houses. Moreover, the British Government has not hesitated to apply the provisions in the sense that the list of ostracized firms, working entirely or partly with neutral capital, has already assumed large proportions and affects many neutral countries. This list contains especially many neutral joint stock companies, although according to a generally recognized principle of international law such companies with individual legal responsibility are to be considered as subjects of the state in which they were legally established and as entitled to the full protection of this state against other powers.

As these encroachments by England on the private rights of the neutrals who have been placed on the "black list" are unusual and void of all justification, so is their real effect magnified by the manner in which the British authorities enforce the law which exceeds its real authority. By threats of inclusion in this list, the agents of Great Britain in many neutral countries bring unprecedented pressure to bear on a great part of the local commercial world. Whoever refuses to acquaint these agents with his journals and business secrets, to dismiss German employees on their demand, or to follow in detail their directions as to the operation of their business, is threatened with inclusion in the "black list." Often this fight against alleged German influences serves merely as an easily perceptible mask for arbitrary policies to advance British interests.

The German Government must leave it to the discretion of the individual neutral governments, how far, by force of vital reasons, they will submit to British interference, although such complaisance does not appear to conform to the spirit of true neutrality. In the light of international law, however, there can be no doubt that the right of neutrals to maintain peaceable relations of a commercial and financial nature with subjects of a belligerent nation may only be restricted by the principles of maritime prizes, and not in the way of sequestration or official boycott.

BERLIN, June 17, 1916.

File No. 763.72112/2731

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, July 19, 1916.

[Received 8 a. m.]

Proclamation published blacklisting 85 concerns domiciled in United States with whom trade relations prohibited as provided in Trading with Enemy (Extension of Powers) Act. List follows by mail unless otherwise ordered.<sup>1</sup>

SKINNER

*Memorandum of the Acting Secretary of State*<sup>2</sup>

July 20, 1916.

I lunched with the British Ambassador. After lunch I discussed with him the recent blacklisting announcement of the British Government. I pointed out that this would cause tremendous irritation and great hardship. I also pointed out that there was a danger that they would put American corporations on the black list on account of German ownership of stock, and that this was a violation of their rule laid down by their own prize courts. I said that if they would make some general announcement showing a disposition to deal fairly and liberally with those cases, with no intention of interfering with legitimate American concerns, it would have a favorable effect. In addition to that, I thought the cases of actual blacklisting should be taken up and dealt with in a liberal spirit, and where there were companies that actually had contracts for delivery of goods in Great Britain and France, that those companies should be permitted to carry out their contracts. I said there was a danger that these companies would sue the English companies and attach their property in this country, in case of a refusal to accept their trade. I told him I knew that they would put in the defense that it was a municipal law making performance impossible, but, in any event, there would be litigation and trouble. He said he had not thought of that and he would at once send a message to the Government, urging that a statement be given out and that the cases be dealt with liberally and that firms or corporations with contracts be permitted to carry out those contracts. He said he thought the course for us to pursue would be to make vigorous representations. I told him that at this time it was most unfortunate if his Government should do anything to cause irritation while the President was not and would not be influenced by the politics of the situation. It made it all the more difficult for him and the action of the British Government had given the German sympathizers a great deal of pleasure in this matter and the matter of the mails.

F[RANK] L. P[OLK]

<sup>1</sup> Not printed.<sup>2</sup> Substance repeated to the Ambassador in Great Britain in telegram No. 3552, July 21, 1916, 8 p. m. (File No. 763.72112/2731).

File No. 763.72112/2859

*Memorandum of the Acting Secretary of State*

July 22, 1916.

The British Ambassador called at my request. I told him that the matter of the black list had been discussed in Cabinet and while the President had expressed no opinion, he was deeply concerned and some members of the Cabinet seemed to feel that it might be necessary for this Government to take some decided steps to protect its interests. I told him I felt something should be done right away to relieve the situation. If his Government would give out a statement assuring the public that it had no intention of interfering with neutral firms and that it had no intention of interfering with existing contracts, it would have a happy effect; that this in no way would interfere with our taking up the question of principle.

He cited what had been done in the Civil War. He read the proclamation and the act of Congress. I pointed out that blacklisting went much farther than anything of this kind in the Civil War. He said he discussed the matter with the French Ambassador and they felt that the publication had been unfortunate. He pointed out that there were many firms under suspicion which had not been blacklisted, although they had been actually trading with the enemy, such as Guaranty Trust Company and Kuhn Loeb and Company. I pointed out that they were practically destroying our trade in South America. He said this was not their intention as they wanted to help build up our trade in order to destroy German trade, and that the question would be taken up sympathetically.

F[RANK] L. P[OLK]

File No. 763.72112/2738

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 22, 1916, 6 p. m.

[Received July 23, 2 p. m.]

4600. Your 3552, July 21, 1 [8] p. m. just received.<sup>1</sup> Sir Edward Grey is absent for a few days. I had already emphatically informed Cecil that the blacklisting of American firms is most irritating even to the Allies' zealous friends in the United States, and is in fact no less offensive because it may possibly be legal. This policy is already causing the Government an avalanche of protests and much practical trouble at home and abroad.

The difficulty of rescinding the whole American list is that firms have been blacklisted in practically every Allied and neutral country in the world. But I shall on Monday make mitigating suggestions along the lines of your telegram. The British Government's mistake is so gross and now so obvious that I have some hope of securing at least some leniency towards American firms.

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<sup>1</sup> See footnote 2, *ante*, p. 411.

Certain severe criticisms by American pro-Ally newspapers which have come here and may be read on the tape in clubs are yet suppressed from newspaper publication.

The origin of the world-wide black list, as nearly as I have found out, was in the ignorant zeal of academic advisers to the Government. So far as I know, no neutral government or diplomatic representative was consulted, and its purpose is to punish everybody who has traded with the Germans since the war began rather than to punish firms and companies in which Germans have an interest. Bankers are on the list who subscribed to the German war loan; but the gross inconsistency of the plan is illustrated by the omission of Kuhn Loeb because although they subscribed to the German loan they also subscribed to the Allies' loan.

PAGE

File No. 763.72112/2753

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4181

LONDON, July 10, 1916.

[Received July 24.]

SIR: I have the honor to enclose herewith, for the information of the Department, a copy, in duplicate, of the text of an order in council dated the 7th instant, which has been received from the Foreign Office, called "The Maritime Rights Order in Council, 1916," which effects a change in the rules hitherto adopted by the British Government to govern their conduct of warfare at sea during the present hostilities.

There is also transmitted herewith a copy, in duplicate, of a memorandum which has been drawn up by the British and French Governments explaining the grounds for the issue of the aforementioned order in council.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1]

## ORDER IN COUNCIL

At the Court at Buckingham Palace, the 7th day of July, 1916. Present, the King's Most Excellent Majesty in Council.

WHEREAS by an Order in Council, dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the provisions of the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government:

And WHEREAS the said Declaration was adopted as aforementioned in common with His Majesty's Allies:

And WHEREAS it has been necessary for His Majesty and for His Allies from time to time to issue further enactments modifying the application of the articles of the said Declaration:

And WHEREAS Orders in Council for this purpose have been issued by His Majesty on the 29th day of October, 1914, the 20th day of October, 1915, and the 30th day of March, 1916:

And WHEREAS the issue of these successive Orders in Council may have given rise to some doubt as to the intention of His Majesty, as also as to that of his

Allies, to act in strict accordance with the law of nations, and it is therefore expedient to withdraw the said Orders so far as they are now in force:

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that the Declaration of London Order in Council No. 2, 1914, and all Orders subsequent thereto amending the said Order are hereby withdrawn;

And His Majesty is pleased further to declare, by and with the advice of His Privy Council, and it is hereby declared, that it is and always has been His intention, as it is and has been that of His Allies, to exercise their belligerent rights at sea in strict accordance with the law of nations;

And WHEREAS on account of the changed conditions of commerce and the diversity of practice doubts might arise in certain matters as to the rules which His Majesty and His Allies regard as being in conformity with the law of nations, and it is expedient to deal with such matters specifically;

It is hereby ordered that the following provisions shall be observed:

(a) The hostile destination required for the condemnation of contraband articles shall be presumed to exist, until the contrary is shown, if the goods are consigned to or for an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or to or for a person who, during the present hostilities, has forwarded contraband goods to an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or if the goods are consigned "to order," or if the ship's papers do not show who is the real consignee of the goods.

(b) The principle of continuous voyage or ultimate destination shall be applicable both in cases of contraband and of blockade.

(c) A neutral vessel carrying contraband with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(d) A vessel carrying contraband shall be liable to capture and condemnation if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

And it is hereby further ordered as follows:

(i) Nothing herein shall be deemed to affect the Order in Council of the 11th March, 1915, for restricting further the commerce of the enemy or any of His Majesty's Proclamations declaring articles to be contraband of war during the present hostilities.

(ii) Nothing herein shall affect the validity of anything done under the Orders in Council hereby withdrawn.

(iii) Any cause or proceeding commenced in any Prize Court before the making of this Order may, if the Court thinks just, be heard and decided under the provisions of the Orders hereby withdrawn so far as they were in force at the date when such cause or proceeding was commenced, or would have been applicable in such cause or proceeding if this Order had not been made.

This Order may be cited as "The Maritime Rights Order in Council, 1916."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY

[Enclosure 2]

MEMORANDUM

At the beginning of the present war the Allied Governments, in their anxiety to regulate their conduct by the principles of the law of nations, believed that in the Declaration of London they would find a suitable digest of principles and compendium of working rules. They accordingly decided to adopt the provisions of the declaration, not as in itself possessing for them the force of law, but because it seemed to present in its main lines a statement of the rights and the duties of belligerents based on the experience of previous naval wars.



As the present struggle developed, acquiring a range and character beyond all previous conceptions, it became clear that the attempt made at London in time of peace to determine, not only the principles of law, but even the forms under which they were to be applied, had not produced a wholly satisfactory result. As a matter of fact, these rules, while not in all respects improving the safeguards afforded to neutrals, do not provide belligerents with the most effective means of exercising their admitted rights.

As events progressed, the Germanic powers put forth all their ingenuity to relax the pressure tightening about them, and to reopen a channel for supplies; their devices compromised innocent neutral commerce and involved it in suspicions of enemy agency. Moreover, the manifold developments of naval and military science, the invention of new engines of war, the concentration by the Germanic powers of the whole body of their resources on military ends, produced conditions altogether different from those prevailing in previous naval wars.

The rules laid down in the Declaration of London could not stand the strain imposed by the test of rapidly changing conditions and tendencies which could not have been foreseen.

The Allied Governments were forced to recognise the situation thus created, and to adapt the rules of the Declaration from time to time to meet these changing conditions.

These successive modifications may perhaps have exposed the purpose of the Allies to misconstruction; they have therefore come to the conclusion that they must confine themselves simply to applying the historic and admitted rules of the law of nations.

The Allies solemnly and unreservedly declare that the action of their warships, no less than the judgments of their prize courts, will continue to conform to these principles; that they will faithfully fulfil their engagements and in particular will observe the terms of all international conventions regarding the laws of war; that mindful of the dictates of humanity, they repudiate utterly all thought of threatening the lives of non-combatants; that they will not without cause interfere with neutral property; and that if they should, by the action of their fleets, cause damage to the interests of any merchant acting in good faith, they will always be ready to consider his claims and to grant him such redress as may be due.

FOREIGN OFFICE,  
July 7, 1916.

File No. 763.72112/2743

*The Norwegian Minister (Bryn) to the Acting Secretary of State*

BLUE RIDGE SUMMIT, PA., July 22, 1916.

[Received July 24.]

MY DEAR MR. POLK: In the newspapers it is stated that you have made a request to the British Government for explanations in regard to the British black list against concerns in the United States. If I had been in Washington I would have called upon you and asked if said notice is true, in order that I might have been able to report to my Government. I now venture to approach you in this informal way asking you to be kind enough to let me know, if possible, whether it is correct that such steps as stated have been taken.

I also should be extremely obliged to you for giving orders to your Department to keep me informed about the further steps that may be taken in this matter in order that I may be able to report on the same to my Government, provided of course that this is entirely agreeable to you.

Believe me [etc.]

H. BRYN

File No. 763.72112/2752

*The Ambassador in France (Sharp) to the Secretary of State*

No. 3392

PARIS, July 11, 1916.

[Received July 25.]

SIR: In confirmation of my telegrams No. 1479,<sup>1</sup> 1480,<sup>2</sup> of July 8, 1916, relating to a memorandum<sup>3</sup> and decree published in the *Journal officiel* of July 8, 1916, stating that the French and British Governments would no longer be governed by the rules of the Declaration of London in maritime warfare, I have the honor to enclose herewith, in copy and translation, the complete text of the memorandum and decree as it appeared in the *Journal officiel*. The memorandum merely gives the reasons of the Allies for abandoning the Declaration of London, while the decree specifies the conditions under which ships carrying merchandise of a contraband nature will henceforth be liable to capture.

I may add that the memorandum was sent to me by the Minister for Foreign Affairs with the request that it be transmitted to the Government of the United States.

I have [etc.]

For the Ambassador:

ROBERT WOODS BLISS

[Enclosure—Translation]

*Decree repealing previous decrees relating to the Declaration of London, with report of reasons therefor*

## REPORT TO THE PRESIDENT OF THE FRENCH REPUBLIC

MR. PRESIDENT: By decree of August 25, 1914, later superseded by the decree of November 6, of the same year, the Government of the Republic, in agreement with its allies, made the rules of international maritime law, formulated by the declaration signed in London on February 26, 1909, and which remained without ratification, applicable.

Experience having, little by little, led to the conclusion that these rules were not susceptible of assuring for the belligerents the exercise of the rights accruing to them from the general principles of the law of nations, several modifications were successively made. Certain doubts and certain obscurity were the result of this. It seems opportune to eliminate them by suppressing entirely the application of the rules formulated at London and for us to observe the principles of international law such as they have been for a long time consecrated by French legislation as well as by the treaties in force and whose application is assured by naval instructions concerning international law in time of war, published in the Official Bulletin of Marine of January 30, 1916.

The same point of view has been adopted by our allies and appropriate measures have been taken by them to maintain in this, as well as in other matters, unity of action and uniformity of practice in the conduct of hostilities.

It is under these conditions and with this spirit that the memorandum hereto annexed, addressed by the Allied Governments to the neutral governments, is conceived.

According to our regulation (rule of July 26, 1778, Article 1), ships carrying contraband are not susceptible of confiscation unless the merchandise forms

<sup>1</sup> *Ante*, p. 408.

<sup>2</sup> Not printed.

<sup>3</sup> Not printed; it is identical with the memorandum enclosed in despatch No. 4181 from the Ambassador in Great Britain, *ante*, p. 414.

more than three-fourths of the value of the entire cargo; but this restriction is subordinated to an identical practice on the part of the enemy. The Governments of Germany and Austria-Hungary prescribe confiscation when contraband merchandise forms, either by its value, or by its weight, or by its bulk, or by its burden, more than one-half the cargo. There is, therefore, reason to follow an analogous rule, which our allies propose to observe likewise.

On the other hand, our regulation above mentioned (Article 1), clearly states the principle according to which contraband merchandise may be seized when it is intended for the enemy and, in this respect, this text makes no restriction or limitation and no distinction between cases where the hostile destination of the merchandise is direct or indirect, manifest or dissimulated.

The adoption of the rules of the Declaration of London had to be accompanied in the decrees of application by certain dispositions intended to exclude restrictions or to complete the stipulations which the Declaration of London had consecrated as a conventional transaction between contracting powers. Although liability to seizure of contraband merchandise, in case of hostile destination indirect and dissimulated had been elucidated by jurisprudence (prize court [*conseil*], May 26, 1855, the case of the *Vrouw-Houwina*) the fear was expressed that the abrogation of these decrees might give rise to doubts and it has seemed necessary to recall certain circumstances from which, if they are established, one is entitled to deduct, in default of proof to the contrary, the hostile destination of a contraband cargo.

If these different considerations seem to you justified, we beg of you to sign the project of the following decree.

With the assurance [etc.]

*The President of the Council,  
Minister of Foreign Affairs,*

ARISTIDE BRIAND

*The Minister of War,*

ROQUES

*The Minister of Marine,*

LACAZE

*The Minister of Colonies,*

GASTON DOUMERGUE

DECREE

The President of the French Republic, on the report of the President of the Council, Minister of Foreign Affairs, of the Ministers of War, Marine, and Colonies,

In view of the decrees of November 6, 1914, of October 23, 1915, and of April 12, 1916;

In view of the maritime decree of August 1681, Book III, title 9, the regulation of July 26, 1778, the decree of the consuls of 29 Frimaire, An VIII;

In view of the Declaration of Paris of April 16, 1856, and the conventions signed at The Hague on October 18, 1907;

Decrees:

ARTICLE 1. The decree of November 6, 1914, making applicable with certain modifications and additions the rules formulated by the Declaration of London of February 26, 1909, concerning the law of maritime warfare, as well as the decrees of October 23, 1915, and of April 12, 1916, adding new modifications to the said rules, are hereby repealed.

ARTICLE 2. Whenever contraband merchandise seized on a ship forms by its value, its weight, its volume, or its burden more than one-half of the cargo, the ship and its entire cargo are subject to confiscation.

ARTICLE 3. If the documents accompanying a cargo constituting by its nature contraband of war and found on board a ship bound for a country bordering the enemy countries or a country occupied by the enemy do not specify the final and definitive destination of the said cargo in a neutral country, or if the importation into the said neutral country of the articles composing the cargo is out of proportion to normal importation, implying an ulterior hostile destination, the said cargo shall be subject to capture unless the interested parties can prove that the destination was really innocent.

ARTICLE 4. The President of the Council, Minister for Foreign Affairs, the Ministers of War, Marine, and Colonies, are charged, each within his own province, with the execution of the present decree.

Done in Paris on July 7, 1916.

R. POINCARÉ

By the President of the Republic:

*The President of the Council,  
Minister of Foreign Affairs,*

ARISTIDE BRIAND

*The Minister of War,*

ROQUES

*The Minister of Marine,*

LACAZE

*The Minister of Colonies,*

GASTON DOUMERGUE

File No. 763.72112/2742

*The Russian Ambassador (Bakhméteff) to the Acting Secretary of State*

[Translation]

No. 523

NEWPORT, R. I., *July 20, 1916.*

[Received July 25.]

MR. ACTING SECRETARY: I am instructed to inform you that the Imperial Government, desirous of acting in perfect accord with its allies on questions of maritime warfare, joins the English and French Governments in denouncing the Declaration of London of 1909.

Begging you to make the foregoing known to the Federal Government, I take this opportunity [etc.]

G. BAKHMÉTEFF

File No. 763.72112/2744

*The Swedish Minister (Ekengren) to the Acting Secretary of State*

EDGARTOWN, MASS., *July 21, 1916.*

[Received July 25.]

MY DEAR MR. POLK: From the newspapers I have seen that the British Government has, on the strength of the so-called "Trading with the Enemy Act," forbidden any commercial intercourse from the part of British subjects with certain firms in this country, enumerated in a special list which some days ago was published by the said Government. It has also in certain newspapers been stated, or at least intimated, that the Government of the United States were going to protest against the measure thus taken by England as involving an unlawful restraint on the free commerce of this country.

As the blacklisting of a comparatively large number of American business houses in the manner done by the English may cause considerable inconvenience also to such of my own countrymen who may maintain business connections with one or more of those houses, and as this case also for other reasons seems to be of interest to my own country, I have thought myself justified in this informal way to address myself to you for, if possible, obtaining some first-hand information as to the present situation with regard to this matter

and, maybe also some indication concerning the course your Government may take. Had I been in Washington these days I should have taken the liberty to call on you in person. As I am way out in the country and a trip down to the Capital this season does not appeal to me too strongly, I venture to address myself to you in this informal manner in the hope that you will not consider it all too inappropriate and that you kindly will excuse the encroachment I thus may make upon your valuable time. It is hardly necessary for me to add that any information you should deem proper to give as an answer to this letter would by me be regarded as strictly confidential.

With best regards [etc.]

W. A. F. EKENGREN

File No. 763.72112/2860

*Memorandum of the Acting Secretary of State*

*July 25, 1916.*

The British Ambassador called and showed me a despatch from his Government as to the black list. He said it was not their intention in any way to interfere with neutrals trading with neutrals, or neutrals trading with Germans, and that the fear that American firms will be blacklisted because they trade with blacklisted firms was, in his opinion, unfounded. He showed me a despatch, the substance of which was: (1) That in general there is no intention that the black list should affect existing contracts except in certain specific cases which will be explained. (2) The act is not directed against neutrals which prevent British capital and credit being used for the support of the enemy. (3) Specific cases will be taken up and the British Government will welcome any statement from individuals in support of the request that they be removed from the black list.

He added that it was not the intention to blacklist any firm because it traded with Germans in South America. I pointed out that the black list amounted to a boycott and logically no Englishman could trade with any corporation in which there was German money. I knew the British Government was trading with a number of firms of British capital and it should be made very clear that if the British Government intended to merely blacklist firms which were dummies for German concerns in Germany, that should be made very clear. I pointed out the fact that Morris and Company feared to trade with a firm on the black list because it might put them on the black list. He drafted a telegram on that subject. I also pointed out that certain concerns, American corporations with alleged German interests, were unable to collect money due them in Canada. I pointed out that this would hopelessly destroy our credit arrangements if such a policy were carried out. He drew up a message on that subject.

In neither case did I express any opinion as to the form or the advisability of sending a telegram. He said he would give a statement out to the papers that I was authorized to state the result of our interview, and he also told me that he would shortly give out a statement.

F[RANK] L. P[OLK]

File No. 763.72112/2747

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 25, 1916, 1 p. m.

[Received 5.10 p. m.]

4606. Your 3552,<sup>1</sup> July 21, 1 [8] p. m. In discussing the black list again with Lord Robert Cecil, I suggested that the British Government authorize some of its officials in the United States to receive statements by the blacklisted and to have authority to remove names from the list when good reason for removal is shown. He thought that this suggestion could be carried into effect, and he promised to make an early statement on the subject in the House of Commons. I emphasized to him and Lord Crewe together the most unfortunate effect for them as well as for us that the list is having in the United States. European neutrals also as well as Britannic business interests are remonstrating. I think they see they have made a bad tactical error and I expect a gradual correction of it.

They have had such a list for a year in China and for a shorter time in South America where they say [it] has worked advantageously for them. I reminded them that this gave no reasons for applying it to the United States.

PAGE

File No. 763.72112/2754

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 26, 1916, 1 p. m.

[Received 3.45 p. m.]

4610. My 4606, July 25, 1 p. m. In reply to a question in the House of Commons yesterday regarding publication of statutory black list Lord Robert Cecil said:

I have noticed the criticisms referred to. They appear to be largely based on misapprehension. The action taken by His Majesty's Government is not novel. The act under which the statutory list for the United States has recently been issued was passed last December and lists have already been published referring to most neutral countries since then. Nor are the provisions of the act unduly stringent. By the French law all persons of enemy nationality, wherever living, are enemies of France, whatever their conduct, during the present war, and it is illegal for French subjects to trade with them. By the British law only those persons, whatever be their nationality, who have shown themselves hostile to this country are put upon the list of persons with whom British subjects may not deal. Nor do we seek by this list to affect the cooperative action of neutral citizens. All we have done is to declare that British shipping, British goods, and British credit should not be used for the support and enrichment of those who are actively assisting our enemies. If in the compilation of the list any persons have been unjustly included, they will be removed. And as I have more than once stated, great care will be taken in applying the law to existing contracts to avoid anything in the nature of injustice. I may add that we are informed that the German Government have taken action of a similar character.

PAGE

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<sup>1</sup> See footnote 2, *ante*, p. 411.

PROTEST OF JULY 26, 1916, AGAINST THE BLACKLISTING OF AMERICAN  
FIRMS

File No. 763.72112/2758a

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, July 26, 1916, 10 p. m.

3578. You are instructed to deliver to Grey a formal note on the subject of the enemy-trading act, textually as follows:

The announcement that His Britannic Majesty's Government has placed the names of certain persons, firms, and corporations in the United States upon a proscriptive "black list," and has forbidden all financial or commercial dealings between them and citizens of Great Britain, has been received with the most painful surprise by the people and Government of the United States, and seems to the Government of the United States to embody a policy of arbitrary interference with neutral trade against which it is its duty to protest in the most decided terms.

The scope and effect of the policy are extraordinary. British steamship companies will not accept cargoes from the proscribed firms or persons or transport their goods to any port, and steamship lines under neutral ownership understand that if they accept freight from them they are likely to be denied coal at British ports and excluded from other privileges which they have usually enjoyed and may themselves be put upon the black list. Neutral bankers refuse loans to those on the list and neutral merchants decline to contract for their goods, fearing a like proscription. It appears that British officials regard the prohibitions of the black list as applicable to domestic commercial transactions in foreign countries as well as in Great Britain and her dependencies, for Americans doing business in foreign countries have been put on notice that their dealings with blacklisted firms are to be regarded as subject to veto by the British Government. By the same principle, Americans in the United States might be made subject to similar punitive action if they were found dealing with any of their own countrymen whose names had thus been listed.

The harsh and even disastrous effects of this policy upon the trade of the United States, and upon the neutral rights upon which it will not fail to insist, are obvious. Upon the list of those proscribed and in effect shut out from the general commerce of the world may be found American concerns which are engaged in large commercial operations as importers of foreign products and materials and as distributors of American products and manufactures to foreign countries, and which constitute important channels through which American trade reaches the outside world. Their foreign affiliations may have been fostered for many years, and when once broken cannot easily or promptly be reestablished. Other concerns may be put upon the list at any time and without notice. It is understood that additions to the proscription may be made "whenever on account of enemy nationality or enemy association of such persons or bodies of persons it appears to His Majesty expedient to do so." The possibilities of undeserved injury to American citizens from such measures, arbitrarily taken, and of serious and incalculable interruptions of American trade are without limit.

It has been stated on behalf of His Majesty's Government that these measures were aimed only at the enemies of Great Britain and would be adopted and enforced with strict regard to the rights of neutrals and with the least possible detriment to neutral trade, but it is evident that they are inevitably and essentially inconsistent with the rights of the citizens of all the nations not involved in war. The Government of the United States begs to remind the Government of His Britannic Majesty that citizens of the United States are entirely within their rights in attempting to trade with the people or the governments of any of the nations now at war, subject only to well-defined international practices and understandings which the Government of the United States deems the Government of Great Britain to have too lightly and too frequently disregarded.

There are well-known remedies and penalties for breaches of blockade, where the blockade is real and in fact effective; for trade in contraband; for every unneutral act by whomsoever attempted. The Government of the United States cannot consent to see these remedies and penalties altered or extended at the will of a single power or group of powers to the injury of its own citizens or in derogation of its own rights. Conspicuous among the principles which the civilized nations of the world have accepted for the safeguarding of the rights of neutrals is the just and honorable principle that neutrals may not be condemned nor their goods confiscated except upon fair adjudication and after an opportunity to be heard, in prize courts or elsewhere. Such safeguards the black list brushes aside. It condemns without hearing, without notice, and in advance. It is manifestly out of the question that the Government of the United States should acquiesce in such methods or applications of punishment to its citizens.

Whatever may be said with regard to the legality, in the view of international obligation, of the act of Parliament upon which the practice of the black list as now employed by His Majesty's Government is understood to be based, the Government of the United States is constrained to regard that practice as inconsistent with that true justice, sincere amity, and impartial fairness which should characterize the dealings of friendly governments with one another. The spirit of reciprocal trade between the United States and Great Britain, the privilege long accorded to the nationals of each to come and go with their ships and cargoes, to use each the other's shipping, and be served each by the other's merchants, is very seriously impaired by arbitrary and sweeping practices such as this. There is no purpose or inclination on the part of the Government of the United States to shield American citizens or business houses in any way from the legitimate consequences of unneutral acts or practices; it is quite willing that they should suffer the appropriate penalties which international law and the usage of nations have sanctioned; but His Britannic Majesty's Government cannot expect the Government of the United States to consent to see its citizens put upon an *ex parte* black list without calling the attention of His Majesty's Government, in the gravest terms, to the many serious consequences to neutral right and neutral relations which such an act must necessarily involve. It hopes and believes that His Majesty's Government, in its natural absorption in a single pressing object of policy, has acted without a full realization of the many undesired and undesirable results that might ensue.

On account of intense feeling aroused here by the publication of British black list it will be necessary to give this note to the press for publication on Saturday morning. Please so explain to British Foreign Office.

POLK

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File No. 341.115Am319/236

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4292

LONDON, July 19, 1916.

[Received July 31.]

SIR: With reference to the Department's cablegram No. 3393 of June 3,<sup>1</sup> and to previous correspondence in regard to the American Transatlantic Company, I have the honor to enclose herewith, for the information of the Department, a copy of the note which has been received from the Foreign Office, under date of July 18, in reply to the Embassy's representations in the premises based upon the Department's cablegram above mentioned.

I have [etc.]

WALTER HINES PAGE

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<sup>1</sup> Not printed; see No. 3341, May 19, 1916, *ante*, p. 392.



[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 130558/X

LONDON, July 18, 1916.

YOUR EXCELLENCY: With reference to the note which you were good enough to address to me on the 6th ultimo in regard to the case of the American Transatlantic Company and to your request therein to be more fully informed as to the bearing of the statement in my note of the 31st May<sup>1</sup> that His Majesty's Government can not admit that the conditional undertaking not to capture these vessels implied any promise of favourable treatment in the matter of British bunker coals, the supply of which, in present circumstances, they are compelled to subordinate to whatever conditions appear to them desirable in the interests of this country and its allies, I have the honour to inform your excellency that British bunker coal is only supplied to vessels actually engaged in voyages beneficial to some extent to the United Kingdom or to our allies, or to vessels upon the ships' white list. The particular vessels in question not complying with any of these conditions, they can not in existing circumstances receive British bunkers.

I have [etc.]

For the Secretary of State:  
MAURICE DE BUNSEN

File No. 763.72112/2770

*The Consul General at London (Skinner) to the Secretary of State*

No. 2308

LONDON, July 21, 1916.

[Received July 31.]

SIR: Referring to my No. 2123 of June 22, 1916,<sup>1</sup> and various other despatches transmitting lists of blacklisted firms in various parts of the world, I have the honor to enclose herewith the most recent list made public on July 18, in which will be found, for the first time, a list of names of concerns doing business in the United States.<sup>1</sup> The publication of this American list has created much surprise, even in Great Britain, and it is extremely doubtful whether the action of the Government meets with general approval.

It is difficult to understand precisely why the authorities deem it necessary at this time to select some 80 American concerns for inclusion in what is called the statutory list, inasmuch as all of these firms, and many others besides, are already included in the real black list, and commercial operations with all of these concerns are practically impossible as far as lies within the power of the British Government to render them so. Apparently there is only a shadowy difference between inclusion in the statutory list and in the general list, the main difference being that if British firms undertake to trade with those who are proclaimed in the statutory list they are at once subject to severe and clearly defined penalties, while if they trade with those in the general list their legal responsibilities are uncertain. No firm in either list is allowed to ship goods through the British blockade, the mere appearance of the name of a blacklisted firm being regarded as creating a presumption that an enemy destination of the goods is intended.

Some days ago a London firm, being desirous of entering into business relations with Messrs. Herskovits & Co. of New York, and

<sup>1</sup> Not printed.

having found that they were not regarded as desirable consignors or consignees, applied to me for information. Inasmuch as the New York concern was not on the statutory list, I requested the Ambassador to ascertain precisely what legal disabilities attended the carrying on of trade with Messrs. Albert Herskovits & Co. The Foreign Office replied some days ago in the following terms:

With reference to the note which you were good enough to address to me on the 7th instant, I have the honor to inform your excellency that, as Messrs. Herskovits and Son are not regarded at present as suitable consignees for British goods for the reasons stated in my previous note, firms in this country have been advised not to trade with them. His Majesty's Government are unable to contemplate the possibility of such advice being disregarded by any British firm.

The American firms now named in the statutory list comprise only a small proportion of the total number with whom commercial relations are discouraged. Some firms of German origin, or with Germanic names, have not been included, such firms having purchased Anglo-French bonds. Still others have been omitted who, I am reasonably sure, are more objectionable than others whose names are published.

In the case of Messrs. Knauth, Nachod and Kuhne, the Department may recall that some time last year this firm went to great trouble in order to accommodate itself to the wishes of the British Government, as a means of remaining in correspondence with Parrs Bank Limited of London.

I deem it quite likely that the names of other American firms will be added to the statutory list from week to week unless the Government should see fit to revise its point of view respecting this question.

I have [etc.]

ROBERT P. SKINNER

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File No. 300.115/9287

*The British Embassy to the Department of State*

MEMORANDUM

The British steamship *Chinese Prince* entered Manila on July 8 with 1,987 packages short which had been discharged at Penang under instructions from the British naval authorities. The Manila customs authorities fined the ship 25 pesos for each package short, on the ground of negligence in accordance with section 1506 of the Philippine code.

His Majesty's Consul General at Manila reports that the decision of negligence was given on the grounds that (1) the master failed to produce a receipt or proper list of cargo said to have been removed at Penang or otherwise properly to account for all the cargo in his care; (2) the master did not submit, in the interests of the consignees, and retain an authenticated copy, for presentation at the port of destination, of a formal written protest addressed to the authorities responsible for the removal of the packages; (3) the master was also negligent in failing to present to the insular collector of customs, within 24 hours after the arrival of his vessel at Manila, the customary marine protest relative to the removal or alleged removal of part of his cargo at Penang.

The Consul General reports that the master produced (1) a certificate from the harbour master at Penang showing that the cargo had been discharged by His Majesty's Government; (2) a notarial protest by the master at Penang against the removal of the cargo, which he states that he handed to the harbour master; (3) a notarial protest made at Manila on July 11, the master having given directions to the notary on July 8, the date of his arrival. This protest was refused by the customs authorities as evidence.

His Majesty's Consul General produced at the hearing an official telegram from the Governor of the Straits Settlements stating that the missing packages were held by the Government and enumerating the numbers of the bills of lading concerned.

The British Embassy understand that the vessel has now been released, the owners having given a bond under protest. They have, however, received instructions from His Majesty's Government to represent the case to the United States Government with a view to the cancellation of the bond, on the ground that the ship was not responsible for the action of the British authorities at Penang, and with a view to the prevention of similar action in the case of the *Tuscan Prince* which is due at Manila at the end of July, and of other ships.

WASHINGTON, July 29, 1916.

[Received July 31.]

File No. 763.72112/2772

*The Swedish Minister (Ekengren) to the Acting Secretary of State*

EDGARTOWN, MASS., July 28, 1916.

[Received August 1.]

MY DEAR MR. POLK: Referring to my letter addressed to you under the date of July 21<sup>1</sup> and whereby I took the liberty to ask you if such would be agreeable to you, to kindly furnish me with some information as to the standpoint taken by the United States with regard to the so-called "blacklisting" by the English Government of certain American business firms, I herewith have the honor to inform you that I to-day have received from my Government a cable by which I am asked for information in this matter and wherein my Government expresses a great interest in the steps which in the near future may be taken by this country with a view of protesting against this measure or for the purpose of neutralizing by some other way the unfavorable effects it without doubt will have on American and other neutral commerce. At the same time my Government declares itself willing and ready, if such should be agreeable to the United States, to cooperate for the purpose of rectifying the unsatisfactory conditions which the English "blacklisting" undoubtedly has created.

Upon the receipt of this telegram it was my intention to immediately go down to Washington to personally have an interview with you on this subject, but the constant cold and rainy weather we have had here for over a week has given me a bad neuralgia

<sup>1</sup> *Ante*, p. 418.

which for the present makes traveling rather impossible for me. I therefore took the liberty of sending the following telegram to you in the hope that you would excuse my inability to come to you in person.

THE HONORABLE FRANK L. POLK [etc.]: Having an important communication for you from my Government and for the present not feeling well enough for immediately going to Washington, I venture to ask whether you would do me the great favor to receive my private secretary, Miss Hendrickson, who is perfectly posted in the matter and who has my instructions.

If this request be granted, kindly please let your secretary telephone the Legation to that effect under number North 802.

Very respectfully,

W. A. F. EKENGREN

Hoping that you would see fit to grant my secretary the interview and to give the information desired by my Government in this matter, which will be more fully explained by Miss Hendrickson, I beg to remain [etc.]

W. A. F. EKENGREN

File No. 763.72112/2744

*The Acting Secretary of State to the Swedish Minister (Ekengren)*

WASHINGTON, August 1, 1916.

MY DEAR MR. MINISTER: I enclose a copy of the note sent by this Government to the British Government on the subject of the black list.<sup>1</sup>

Please accept my very sincere apologies for the delay in answering your letter of the 21st, received here July 25. By a very stupid mistake, the letter was sent to the Trade Adviser's office and for some unknown reason held by him until to-day. I have taken steps to see that nothing of this kind occurs again.

I am only too glad at any time to save you a trip to Washington, as this is no place to be in weather like this. Further, on the subject of the black list I may say that we have taken up a number of individual cases, and while there has been no admission of a mistake on the part of the British authorities, we have been able to secure some modifications. In all of these cases we state distinctly that we in no way waive the principle in taking up particular cases.

Again with many apologies, believe me [etc.]

FRANK L. POLK

File No. 763.72112/2743

*The Acting Secretary of State to the Norwegian Minister (Bryn)*

WASHINGTON, August 1, 1916.

MY DEAR MR. MINISTER: Please accept my most sincere apologies for the delay in answering your letter of July 22.<sup>2</sup> Through some very stupid mistake, it was sent to the wrong bureau and did not reach me until to-day. I took the matter of the delay up at once and I feel sure it will not occur again.

<sup>1</sup> Not printed. See *ante*, p. 421.

<sup>2</sup> *Ante*, p. 415.

The information that you sought was in regard to the black list, and you probably have now learned from the newspapers all the details you need. However, I enclose for your information a copy of the note sent to Great Britain. I will give instructions that you are to be kept informed regarding any further action taken by us in this connection.

Believe me [etc.]

FRANK L. POLK

File No. 763.72112/2819

*The Swedish Minister (Ekengren) to the Secretary of State*

WASHINGTON, July 25, 1916.

[Handed by the Minister to the  
Acting Secretary, August 4.]

SIR: His Majesty's Government has instructed me to bring to your excellency's knowledge that the Swedish, Norwegian, and Danish Ministers at London and Paris, have this day, because of the British order in council and the French decree of July 7, 1916, presented to the British and French Governments, respectively, a communication which, translated into English, and *mutatis mutandis*, reads as follows:

With reference to the British order in council (French decree) of July 7, 1916, which declares definitely null and void the Declaration of London and which establishes certain rules concerning marine rights, His Majesty's Government considers that these rules are not in conformity with the recognized rules of international law, and therefore makes the reservation to present such requests and demands as the application of the said rules to Swedish ships and cargoes may make necessary.

In view of the very great importance attached to concordant action on the part of the neutral powers His Majesty's Government has further instructed me to make the proposition to your excellency that the Government of the United States make similar presentation in this matter to the British and French Governments.

Complying with these instructions from His Majesty's Government, I have [etc.]

W. A. F. EKENGREN

File No. 763.72112/2796

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, August 7, 1916, noon.

[Received 9.30 p. m.]

1517. The following notification by Foreign Affairs committee for restriction of enemy reprovisioning and commerce, published in *Journal officiel* of August 6:

French merchants are notified, in view of an eventual application of the law of April 4, 1915, that the Government of the Republic considers as enemies, or as playing with regard to the enemy the rôle of intermediaries, the persons, firms or companies published in the following list or upon additional lists which may be published later in the same form, and that in consequence all com-

mercial transactions are forbidden with such persons, firms, or companies. As the lists cannot be complete, the fact of not being inscribed thereon can in no case be invoked and French merchants who entertain commercial relations with neutral countries should in case of doubt continue to take as regards their customers or their correspondents the dispositions embraced in the declaration annexed to the declaration of custom exit, that is to say, the [circular of the?] Dalmatica customhouse administration of May 2, 1916.

Black list as regards United States corresponds with British black list published in trading with the enemy continuance of statutory list No. 5, complete to July 18, 1916.

SHARP

File No. 763.72112/2810

*The Consul General at Guayaquil (Goding) to the Secretary of State*

[Telegram]

GUAYAQUIL, August 9, 1916, 3 p. m.

[Received 9.20 p. m.]

I have been notified by Grace and Company all their steamers refuse to carry cargo belonging black-list Americans as well as others to any port. Shall I refuse bills health?

GODING

File No. 763.72112/2837

*The Consul General at London (Skinner) to the Secretary of State*

No. 2308

LONDON, August 4, 1916.

[Received August 14.]

SIR: Referring to my No. 2326 of July 25<sup>1</sup> on the above subject, I have the honor to report that while the Department note to the British Government dealing with this question has been published here, the newspapers generally abstained from comment. The one noticeable exception to this rule is the Manchester *Guardian*, a newspaper which exerts wider influence than many better known London publications. I am enclosing cuttings favorable to the American viewpoint from the paper named.<sup>1</sup>

I observe that the Department, in its note on the statutory black list, enters upon no discussion of the general black list, the names in which are not publicly announced, although efforts to prevent trading with such firms are of the same character as in the case of firms in the statutory list. Apparently the only difference between the two lists is one of legal responsibility, the penalties provided for trading with those in the statutory list being fixed, while firms named in the general list are subjected to a far-reaching boycott.

In the case of Albert Herskovits and Company of New York, whose London correspondents desire to engage with them in a perfectly normal British-American transaction, the Foreign Office said that Messrs. Albert Herskovits and Company were not regarded as desirable consignees. I asked, through the Embassy, for a more definite statement, and particularly whether the Foreign Office declaration was an expression of opinion, or, if trading were persisted in, whether such acts

<sup>1</sup> Not printed.

would subject the British correspondent to prosecution. The reply was in the following terms:

With reference to the note which you were good enough to address to me on the 7th instant, I have the honor to inform your excellency that, as Messrs. Herskovits and Son are not regarded at present as suitable consignees for British goods for the reasons stated in my previous note, firms in this country have been advised not to trade with them. His Majesty's Government are unable to contemplate the possibility of such advice being disregarded by any British firm.

In the case of J. Aron and Company of New York, a firm in the general but not in the statutory list, they have been allowed to give bail for certain lots of coffee in the prize court, with permission to sell the released coffee for delivery in Great Britain; but as they are still on the general black list, local buyers will not give consideration to their offers, and unless the Foreign Office can be induced to grant some measure of relief, for which application is pending, they are in the position of being allowed by the Government to sell their goods if they can find a buyer, while all possible buyers are warned not to deal with them.

Apparently this attitude towards J. Aron and Company, unless altered in consequence of the pending application, is in contravention of Article 1 of the treaty of 1815, the concluding words of which are that:

Generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

I have [etc.]

ROBERT P. SKINNER

File No. 341.115Am319/226

*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1281

WASHINGTON, August 15, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 3d ultimo,<sup>1</sup> in regard to the status of certain vessels belonging to the American Transatlantic Company.

The Department has observed the statement in your note that the undertaking made by your Government to the effect that they would not capture the company's vessels unless they were found to be carrying contraband, until the prize court had given a decision in the cases which are now pending "can not be taken as implying more than is actually stated, and the vessels can not be allowed any special facilities, nor can His Majesty's Government consent to the removal of any disabilities under which they may be, except on the usual conditions applicable to all vessels in similar circumstances."

While the Department is not clear as to the meaning of this statement, it may be observed that, as stated in the Department's note to you of May 10, 1916,<sup>2</sup> the owners of the vessels have informed the

<sup>1</sup> *Ante*, p. 405.

<sup>2</sup> *Ante*, p. 388.

Department that they have complied strictly with the British Government's condition, and the Department has no information to the contrary.

I have [etc.]

ROBERT LANSING

PROTESTS AGAINST THE DENIAL OF BUNKER COAL TO AMERICAN VESSELS NOT ON THE "WHITE LIST" (CASES OF THE "RIZAL" AND "CHARLTON HALL") AND AGAINST INTERFERENCE WITH PHILIPPINE COMMERCE (CASES OF THE "CHINESE PRINCE", "KAFUE", AND "AYMERIC")

File No. 300.115/9362

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 15, 1916, 6 p. m.

3687. Department informed that American steamer *Rizal* carrying a Philippine cargo refused coal at Colombo because it is not on the so-called white list, and that it is therefore unable to proceed to Gibraltar pending action at London. This Government is loath to believe that British Government, instead of being content with exercise belligerent rights, recognized under international law, of imposing penalties on vessels which may commit offenses punishable by a belligerent, will continue to permit local authorities to resort to such arbitrary practices as this in a case in which there apparently are no grounds recognized by law for interference with neutral trade. Practices of this character resorted to generally by the nations of the world would undoubtedly be most disastrous to international commerce.

Bring matter to attention Foreign Office in sense foregoing.

LANSING

File No. 341.115Am319/236

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

No. 4057

WASHINGTON, August 16, 1916.

SIR: The Department has received your Embassy's No. 4292,<sup>1</sup> of the 19th ultimo, enclosing a copy of a note received from the British Foreign Office under date of July 18 last, replying to the representations made by your Embassy regarding the American Transatlantic Company.

The complaint of the American Transatlantic Company regarding the blacklisting of that company's vessels referred to in the Department's telegrams No. 3341<sup>2</sup> of May 19, 1916, and No. 3393<sup>3</sup> of June 3, 1916, did not relate to the supplying of bunker coal but related to the difficulty which the company experienced in obtaining employment for its vessels because shippers were unwilling to ship their

<sup>1</sup> *Ante*, p. 422.

<sup>2</sup> *Ante*, p. 392.

<sup>3</sup> Not printed.



cargoes on vessels which were carried on the British black list. It is clear, therefore, that the note from the British Foreign Office, dated July 18, is not responsive to representations such as you were instructed to make to the British Government.

You will so inform the Foreign Office and will send to the Department a copy of the Embassy's note of July 6 referred to in the Foreign Office's note of July 18.

I am [etc.]

For the Secretary of State:  
FRANK L. POLK

File No. 300.115/9287

*The Department of State to the British Embassy*<sup>1</sup>

MEMORANDUM

The Department of State, with further reference to the British Embassy's memorandum of July 29, 1916,<sup>2</sup> regarding the seizure of certain goods shipped from the United States to the Philippines on the British steamer *Chinese Prince* and regarding the imposition of a fine on the vessel for failure to deliver certain cargo listed in its manifest, has the honor to inform the Embassy that the Department is now in possession of fairly complete information regarding these matters, and to advise the Embassy respecting this Government's position with reference to them.

The Department has observed the statement in the Embassy's memorandum to the effect that they have received instructions from His Majesty's Government to represent the case to the Government of the United States with a view to the cancellation of the bond which the master of the vessel was required in accordance with provisions contained in the code of the Philippine Islands to give in connection with the imposition of a fine on the vessel, and with a view to the prevention of similar acts by authorities in the Philippine Islands in the case of other vessels.

The Department considers that it is extremely important that the manifest of a ship should contain a correct statement of the articles on board. Any deviation from such a requirement or any weakening of the application of the laws in regard thereto would apparently have a tendency to result in dishonesty, and the enforcement of such a requirement would appear to be of greater importance in times of war than in times of peace.

The fine in question appears to have been imposed on the vessel in accordance with a local law the propriety and reasonableness of which appear unquestionable, and it would seem that the local collector of customs would have been guilty of a serious neglect of duty had he not required satisfactory proof of the absence of blame on the part of the master of the steamer *Chinese Prince* for the conditions which prompted the local authorities to proceed against the vessel.

The Department is not prepared to take the view that the papers which it appears from the Embassy's memorandum of July 29, 1916,

<sup>1</sup> Copy sent to the Chargé in Great Britain, September 1, 1916.

<sup>2</sup> *Ante*, p. 424.

were produced by the master of the vessel to the Philippine authorities undoubtedly released him from any charge of negligence. The questions at issue are such as it would appear should properly be determined by the appropriate courts of the Philippine Islands. And the Department has no present intention of interfering with the action of the local authorities in this or other similar cases which may arise in the future. If British subjects have been incidentally inconvenienced by acts of British authorities directed against commerce between the United States and the Philippine Islands, the British Government of course are in a position speedily to put an end to complaints of this character on the part of their subjects by promptly directing British naval authorities that such inexplicable and intolerable acts as the seizure, under the circumstances of the case under consideration, of neutral goods shipped by merchants in one American port to merchants in another American port must cease. Clearly measures for the relief of all parties who have suffered as a result of the acts of the British authorities should be initiated by the British Government.

In this relation the Department may call the Embassy's attention to the fact that it has been informed by the American Consul General at Hongkong that acts of the character just mentioned have recently been perpetrated by British authorities in the seizure at that place of goods shipped on the steamer *Kafue*.

The Department may further inform the Embassy that the American Ambassador at London has been instructed to bring to the attention of the British Government the seizure of these goods and to inquire as to what belligerent rights they consider justify seizure of these goods shipped from neutral merchants in the United States to neutral merchants in the Philippine Islands; also to request that the Embassy be informed promptly as to what disposition it is the intention of the British authorities to make of the goods, and that they be forwarded at once. The Ambassador was further instructed to reserve all rights of reclamation for damages sustained by American citizens on account of the seizure of the goods.

The interference with goods shipped from New York to the Philippines creates a situation similar to that which would be presented should the British authorities interfere with coastwise trade between New York and New Orleans. This Government can not permit interference on the part of British authorities with commerce between American ports such as that which took place with regard to the cargoes of the steamers *Chinese Prince* and *Kafue*, by acts ostensibly directed against the trade of enemies.

WASHINGTON, August 16, 1916.

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File No. 763.72112/2824

*The Secretary of State to Representative Claude Kitchin*

WASHINGTON, August 17, 1916.

SIR: I have the honor to acknowledge receipt of your letter of August 11, 1916,<sup>1</sup> in which you ask for information regarding the

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<sup>1</sup> Not printed.

so-called British blacklisting of American firms. It is noted that you desire to use this information in meeting certain statements made in the course of a recent discussion of this subject in the House of Representatives. In order fully to meet your request I have thought it best to submit from facts in possession of the Department the following brief history of the blacklisting measure, which is as follows:

On August 5, 1914, the day following a declaration of war between the German Empire and Great Britain, a proclamation was issued by King George forbidding British subjects to trade with the enemy, and on August 12 an amendment was proclaimed making the first proclamation applicable to Austria-Hungary. A new proclamation was issued on September 11 substituting the first two and defining more fully than was done at first the duties of British subjects during the war in respect of their dealings with the enemy.

The following quotation of paragraph 3 of the proclamation last mentioned will show what the scope of the action then intended by the British Government was:

The expression "enemy" in this proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

On October 9 following, another proclamation relating to the subject was issued in which the prohibition of trading with the enemy was extended to enemy branch houses in the "business of insurance or reinsurance" in either British, Allied, or neutral territory.

On June 25, 1915, the provisions of previous proclamations on the subject of trading with the enemy were made to extend as from July 26, 1915, to persons of enemy nationality residing or carrying on business in China, Siam, Persia, or Morocco, in the same manner as applied to persons or bodies of persons residing or carrying on business in enemy country.

The extraordinary powers under which the King was permitted to issue the proclamations described were further extended by an act of Parliament of December 23, 1915, authorizing the issuance of proclamations forbidding trading with persons of "enemy association." The extended powers thus provided for were exercised by the King in proclamations of February 29 and April 26, 1916, when further lists (statutory lists) of persons of enemy nationality or enemy association with which British subjects were forbidden to trade were proclaimed. A further proclamation consolidating these lists was issued on May 23 following. Paragraph 3 of the proclamation just mentioned contains the following statement further defining the meaning of enemy trading:

For the purposes of this Proclamation a person shall be deemed to have traded with a person or body of persons mentioned in the Statutory List if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, any such person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of, an enemy would be trading with the enemy, and accordingly Our Proclamation relating to Trading with the Enemy, of the 9th day of September, 1914, as amended by any subsequent Proclamation, shall

apply with respect to the persons or bodies of persons mentioned in the Statutory List as if for references in such Proclamations to enemies there were substituted references to the persons and bodies of persons mentioned in the Statutory List. . . .

On July 18 last past, the names of 85 firms and persons established in business in this country were included in the black list. At the same time a consolidated list of all firms and persons previously black-listed was published, this list embracing 1,530 different names of firms in all countries.

The preceding brief history will acquaint you with the subject of blacklisting from the initiation of the practice up to July 18. Immediately following news in this country of the publication of 85 American firms in the black list a number of the firms affected applied to the Department for aid in securing the removal of their names from the black list, and at the same time these were joined by many others not directly interested in urging that the blacklisting measure be strongly protested. The Department has found it proper to inform Great Britain of its serious objection to the measure as affecting the rights and interests of American citizens and the welfare of our commerce, and has also, pending diplomatic discussion of the subject, sought to aid particular firms that have sought to secure the removal of their names from the black list.

Regarding the reported existence of a secondary or confidential black list, to which reference has been made in the press at various times and which is referred to specifically in your letter, I may say that the Department has been unable to find any substantial confirmation of these reports. In fact, it may be said that the British Embassy at this capital has stated in response to unofficial inquiries on the subject that there is no list of proscribed firms other than that known as the "statutory list."

Especial note has been taken of your question, "Is it true, as charged, that an American who desires to ship goods, contraband or non-contraband, to parties in South America, must first obtain a permit from the British Embassy here in the United States?" and the Department can only say in reply that it has no knowledge of any such practice as you mention. It is understood, however, that shipping companies operating boats to South and Central American ports are refusing to accept cargo offered for shipment to or from blacklisted firms. To complaints made by shippers who have sought the aid of the Department in overcoming difficulties of this kind the Department has invariably replied that it has no power to compel shipping companies to alter their course in discriminating in acceptance of cargo. The Department has no information that it is necessary for shippers to treat with the British authorities in negotiating for cargo space.

I may add that an examination of the so-called confidential black list of firms in Brazil and Argentina transmitted with your letter has been made, with the result that these are found to be identical with the published statutory list for the countries named. These and the other enclosures with your letter are returned herewith.

I have [etc.]

ROBERT LANSING

File No. 763.72112/2865b

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 18, 1916, 4 p. m.

3703. In connection with taking up individual cases of American firms on the black list, it might be well to state that our action in taking up these individual cases is not to be regarded as an admission of the correctness of Great Britain's course, but were made to show under the British rules that these particular persons should not be on the list.

LANSING

File No. 763.72112/2868a

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 19, 1916, 11 a. m.

3710. Following extract from British shipping paper *Fairplay*, July 13 or 16, 1916, has been called to my attention.

The following intimation is made on behalf of the Marine Department of the Board of Trade to the parties concerned: I am directed by the Board of Trade to direct your attention to the fact that one of the conditions upon which the owners of neutral steamers can obtain facilities for the supply of bunker coal for their vessels is that they shall not sell or time-charter any of their vessels without the previous consent of His Majesty's Government. As there have been several breaches of this condition, inquiries were made which showed that the omission was generally due to a charterer's sub-chartering without the owner's knowledge, and consequently without the consent of His Majesty's Government having been obtained under the provisions of the charter, which contained a clause to the effect that "the charterers shall have the right of sub-letting the steamer, giving due notice to owners, but the original charterers always to remain responsible to the owners for due performance of this charter." As it is of great importance to owners and charterers of neutral steamers that the conditions of the supply of bunker coal should be strictly observed, the Board of Trade would suggest that when negotiating charters on behalf of owners of neutral ships who have agreed to the conditions of supply of bunker coal, you should ascertain whether the consent of His Majesty's Government has been obtained, and also secure the insertion of a provision in the charter that the vessel is not to be sub-chartered without previous consent of His Majesty's Government. This may be effected by adding the words "subject to the British Government's approval" after the words "the steamer" in the clause quoted above.

Please investigate immediately as to whether this statement is official and report at earliest moment by cable, as it is possible that the question may come up for discussion in Congress. Does prohibition include sale of time-charter between neutrals?

LANSING

File No. 763.72112/2895

*The Chargé in Sweden (Magruder) to the Secretary of State*

No. 659

STOCKHOLM, July 29, 1916.

[Received August 24.]

SIR: I have the honor to report that on July 23, 1916, the Governments of Denmark, Norway, and Sweden telegraphically instructed

their respective representatives at London and Paris simultaneously to present a formal reservation of rights, by means of identic notes, in respect of the action taken by the British and French Governments in declaring the Declaration of London to be null and void. The text of the reservation presented to the British Government (together with a translation thereof) is herewith enclosed.<sup>1</sup>

The Swedish Ministry of Foreign Affairs informs me that the Swedish Minister at Washington has been telegraphically instructed to bring to the attention of the United States Government the joint action of Denmark, Norway, and Sweden herein reported, and earnestly to urge the United States to take similar action in the premises.

The Spanish Minister at Stockholm has already informed the Swedish Government that he is in receipt of a telegraphic instruction from his Government to the effect that the Spanish Ministers at London and Paris have been directed to make formal reservations analogous to those made by the Scandinavian representatives.

I have [etc.]

ALEXANDER R. MAGRUDER

File No. 763.72112/2877

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 25, 1916.

3736. F. E. Childs Company, Inc., telegraphs August 23:

This company, an entirely United States corporation having no foreign parties or capital interested, bought from L. Guzman and Hijos, Guayaquil, an entirely Ecuadorian firm, 1,500 bags cocoa for shipment to us for an American manufacturer of chocolate for domestic use. Space for shipment was engaged on steamer *Paraiso*, an American ship owned or chartered by W. R. Grace and Company, an American corporation, New York, for transportation to New York. Grace and Company are refusing to take shipment for reason that Guzman and Hijos are on British black list. The cocoa belongs to us. To avoid further difficulty we suggested to Guzman and Hijos to sell cocoa for us in Guayaquil, but are informed by them they are unable to do so as British Consul at Guayaquil threatens to blacklist buyers from them. As steamer is about to sail, we ask your immediate assistance through proper channels to have cocoa come forward as contracted for.

Unofficially insist upon prompt direction to steamship company to accept goods *bona fide* contracted for by American firm.

LANSING

File No. 300.115/9543

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 25, 1916.

3741. Consul, Colombo, telegraphs steamer *Charlton Hall* refused coal at that place. Bring this matter to attention Foreign Office in connection with case steamer *Rizal* referred to in Department's 3687, August 15.<sup>2</sup>

LANSING

<sup>1</sup> Printed *ante*, p. 427, in note from the Swedish Minister of July 25, 1916.

<sup>2</sup> *Ante*, p. 430.

File No. 763.72112/2810

*The Secretary of State to the Consul General at Guayaquil (Goding)*

[Telegram]

WASHINGTON, August 29, 1916, 6 p. m.

Your telegram August 9, 3 p. m.<sup>1</sup> This Department has no authority to refuse bills of health on grounds stated.

LANSING

File No. 763.72112/2938

*The Netherland Minister (Van Rappard) to the Secretary of State*

[Translation]

No. 4063

WASHINGTON, August 30, 1916.

[Received August 31.]

MR. SECRETARY OF STATE: By order of my Government I have the honor to forward herewith to your excellency, for your information, the text of notes that the Queen's Government has addressed to the British, French, and German Governments with respect to the British order in council<sup>2</sup> repealing the order in council of October 29, 1914, making the rules framed by the Declaration of London of February 26, 1909 applicable with certain amendments and additions, the French decree of July 7 last<sup>3</sup> which also repeals the above-mentioned declaration, and the German decree of July 22 last<sup>4</sup> containing additional lists of contraband of war and further amendments and additions to the German prize code of September 30, 1909.

Be pleased to accept [etc.]

W. L. F. C. VAN RAPPARD

[Enclosure 1—Translation]

*The Netherland Minister of Foreign Affairs (Louden) to the Netherland Minister at London for transmission to the British Government*

By an order in council of July 7 last, the British Government repealed the order in council of October 29, 1914, making the rules framed by the Declaration of London of February 26, 1909, concerning the law of maritime war, applicable with certain modifications and additions, and also, the order in council of October 20, 1915 and March 30, 1916, further amending the aforesaid rules. The same order sets forth certain rules that will be henceforth applied by the British authorities and which the British Government deems to be in accordance with international law with which it declares it is now and always was its strict intention to comply.

Notwithstanding this declaration, the order in council of July 7 last expressly continues in force that of March 11, 1915; by its note of March 19, 1915, the Netherland Government made known to the Minister of Great Britain its objections to the provisions found in that order.

Likewise, most of the special rules laid down by the order in council of July 7 last merely reproduce the provisions contained in the repealed orders against which the Netherland Government had occasion to protest.

For the rest, the new order sanctions, *literatim*, the practice already followed under the previous orders which eliminates every distinction, as to treatment, between conditional and absolute contraband. Now, under the formerly accepted rules of international law conditional contraband is only liable to seizure when found on a vessel bound for territory owned or occupied by the enemy or for its armed forces and only when it is intended for the armed forces or government of a belligerent state.

<sup>1</sup> Ante, p. 428.<sup>2</sup> Ante, p. 413.<sup>3</sup> Ante, p. 417.<sup>4</sup> Not printed.

In view of the foregoing the Netherland Government cannot concur in the opinion of the British Government that the new order in council is in strict conformity with international law. It reserves to itself the right to prefer, if occasion should arise, such claims as may grow out of the enforcement of the aforesaid order in council.

THE HAGUE, August 2, 1916.

[Enclosure 2—Translation]

*The Netherland Minister of Foreign Affairs (London) to the Netherland Minister at Paris for transmission to the French Government*

By a decree dated July 7 last, the French Government repealed the decree of November 6, 1914, making the rules framed by the Declaration of London of February 26, 1909, concerning the law of maritime war, applicable with certain modifications and additions, and, also, the decrees of October 23, 1915, and April 12, 1916, further amending the said rules.

By a memorandum, also dated July 7 last, and addressed to the neutral governments, the French Government undertakes, in consent with its allies, to comply with the "formerly accepted rules of international law."

In spite of that undertaking, the new decree contains certain rules which, in the opinion of the Netherland Government, are at variance with the accepted principles of the law of nations.

Article 2 provides that whenever contraband merchandise seized on a ship forms by its value, weight, volume, or freightage, more than one-half of the cargo, all the goods found on board are liable to confiscation.

This provision is at variance with the prescripts of the Declaration of Paris of April 16, 1856, which state that the neutral flag covers even enemy's goods with the exception of contraband of war, and that on the other hand, neutral goods, with the exception of contraband of war, are not liable to seizure even under an enemy's flag.

Article 3 sets up two presumptions of enemy destination in regard to a cargo constituting by its nature contraband of war and found on board a ship proceeding to a country bordering the enemy countries or countries occupied by the enemy.

By virtue of the first presumption, the cargo is liable to capture, unless innocent destination is proven, if the documents accompanying it do not show the final and definitive destination of the cargo to be in a neutral country. The Netherland Government cannot recognize this as a legitimate presumption.

It has repeatedly expounded its viewpoint respecting the conditions under which belligerents may proceed with the capture of either absolute or conditional contraband carried on neutral vessels; it now confines itself to a reference to the contents of those earlier statements.

Under the second presumption created by Article 3, the cargo above discussed is even liable to capture, unless innocent destination is proven, if the importation into the country above described of the articles composing the cargo is out of proportion to normal importation, implying an ulterior hostile destination.

Yet the assumption on which the presumption rests does not afford any evidence that the captured merchandise has enemy destination according to the rules of international law.

For the rest, the new order sanctions, *literatim*, the practice already followed under the previous orders which eliminates every distinction, as to treatment, between conditional and absolute contraband. Now, under the formerly accepted rules of international law conditional contraband is only liable to seizure when found on a vessel bound for territory owned or occupied by the enemy or for its armed forces, and only when it is intended for the armed forces or government of a belligerent state.

In view of the foregoing the Netherland Government cannot concur in the opinion of the British Government that the new order in council is in strict conformity with international law. It reserves to itself the right to prefer, if occasion should arise, such claims as may grow out of the enforcement of the aforesaid order in council.

THE HAGUE, August 7, 1916.



[Enclosure 3—Translation]

*The Netherland Minister of Foreign Affairs (Loudon) to the Netherland Minister at Berlin for transmission to the German Government*

By a decree dated July 22 last the German Government promulgated new lists of contraband of war and also new amendments and additions to the German prize code of September 30, 1909.

These amendments and additions tend *inter alia* to eliminate even to a greater degree than had been done by the decree of April 18, 1915, the distinction as to treatment between conditional and absolute contraband. Now, under the accepted rules of the law of nations, conditional contraband is only liable to seizure when found on a ship bound for a territory belonging to the enemy or for its armed forces, and only when it is intended for the armed forces or government of a belligerent state.

For that reason the Netherland Government is of opinion that the new decree is not in conformity with the law of nations. It therefore reserves to itself the right to prefer, if occasion should arise, such claims as may grow out of the enforcement of the aforesaid decree.

THE HAGUE, August 7, 1916.

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File No. 300.115/9687

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 1, 1916, 12 noon.

[Received 2.20 p. m.]

4814. Your 3687<sup>1</sup>, August 15. Foreign Office states that *Rizal* was not at once accorded bunkers on arrival at Colombo on homeward journey in accordance with general policy of British Government regarding supply of British coal as bunkers, as neither owners nor charterers had agreed to conditions to which British Government had found it necessary to subordinate the grant of bunkering facilities to neutral ships.

However, charterers subsequently signified their assent to conditions and the ship duly proceeded, and even during negotiations care was taken to subject voyage to as little delay as possible. *Rizal* cleared from Colombo on August 16 and instructions were telegraphed to Port Said to supply fuel if required at that port.

LAUGHLIN

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File No. 763.72112/2921

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 4, 1916.

[Received 5.30 p. m.]

4823. Your 3736, August 25. Foreign Office states that in view of assurances given respecting genuine purchase of cocoa by American firm, a telegram has been sent to British Consul, Guayaquil, instructing him that the shipment in question should be facilitated, and adds that the charterers of the ship have also been notified no objection now exists to acceptance for shipment of this cargo.

LAUGHLIN

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<sup>1</sup> *Ante*, p. 430.

File No. 763.72112/2924

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 4, 1916, 7 p. m.*[Received *September 5, 11.30 a. m.*]

4830. Your 3703,<sup>1</sup> August 18, 4 p. m. To-day the following note was received from the Foreign Office:

Viscount Grey of Falldon presents his compliments to the United States Chargé d'Affaires, and has the honour to acknowledge the verbal note which Mr. Laughlin was good enough to address to him on the 25th August, informing him that the representations made by the United States Embassy on behalf of American firms whose names occur on the statutory list are not to be considered as an admission of the correctness of the course taken by His Majesty's Government in placing these names on the list, but that such action was taken in order to show that the particular firms under the British rules should not be included in the list in question.

The note communicated by Mr. Page on July 28, which expresses the views of the United States Government on the general principles involved in the publication of the statutory list, has received the most careful consideration of His Majesty's Government, and a reply will be returned thereto at no distant date.

In the meantime, however, His Majesty's Government note the interpretation which the United States Government desire should be placed upon the representations which have been made on behalf of individual firms and persons, and they are prepared, as in the past, to accept such representations without prejudice to the general question involved, and to give them their closest attention with a view to meeting as far as may be possible, on the information in their possession, the representations of the Embassy establishing that the inclusion of particular persons on the list was not justified.

LAUGHLIN

File No. 300.115/9736

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 6, 1916, 5 p. m.*[Received *5 p. m.*]

4848. Your 3741,<sup>2</sup> August 25. Foreign Office refers to its note of the 31st, cabled in my 4815 [4814], September 1 and states that bunkers have now been granted the *Charlton Hall* which is reported to have sailed from Colombo on the 26th and the authorities in Egypt have been notified by telegraph in order that, if requested, similar facilities may be assured her on arrival at Suez or Port Said.

LAUGHLIN

File No. 763.72112/2906

*The Acting Foreign Trade Adviser of the Department of State (Letcher) to the Commercial Adviser of the British Embassy (Crawford)*WASHINGTON, *September 7, 1916.*

MY DEAR SIR RICHARD: The Department is in receipt of a communication from the Secretary of War under date of August 28,

<sup>1</sup> *Ante*, p. 435.<sup>2</sup> *Ante*, p. 436.

1916, quoting a telegram from the Governor General of the Philippine Islands, in which it is stated that the British consular officer (presumably at Manila) has advised orally that certificates of interest signed by British consular officers will be required for all exports from the Philippine Islands to the United Kingdom.

As I recall that the British Consul General at New Orleans some time ago issued written advices to shippers to the same effect as the foregoing with respect to this country and that you declared this action to have been taken without authority, may I venture to ask your good offices unofficially in ascertaining if the measure now being proposed by British consular representatives with respect to the Philippines has the sanction of your Government.

Very truly yours,

MARION LETCHER

File No. 763.72112/2948a

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, *September 8, 1916, 6 p. m.*

3806. Your 4814,<sup>1</sup> September 1, 12 noon. You will say to Foreign Office that this Government would like to be informed as to conditions under which the British Government subordinate the granting of bunkering facilities to neutral ships.

LANSING

File No. 300.115/9679

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, *September 9, 1916, 2 p. m.*

3809. Department has been informed through Consul General, Hongkong, colonial authorities have discharged from S. S. *Aymeric* at that place 1,260 packages freight from New York consigned to importers in Philippines. Department desires that in connection with representations regarding seizure of goods from *Chinese Prince* and *Kafue*, you request of British Government an explanation of this further interference with shipments between American ports.

LANSING

File No. 763.72112/2954

*The Chargé in France (Bliss) to the Secretary of State*

No. 3558

PARIS, *August 26, 1916.*

[*Received September 11.*]

SIR: I have the honor to enclose for the Department's information a copy and translation of a circular instruction from the French

<sup>1</sup> *Ante*, p. 439.

Ministry for Foreign Affairs to its diplomatic and consular officers abroad relative to the issuance in foreign countries of certificates of nationality to individuals or firms doing business with France or her colonies.<sup>1</sup> There is also forwarded herewith several examples of the blank forms of said certificates.<sup>1</sup>

Although the Department may have already been made acquainted by the French Ambassador with the procedure of his Government in endeavoring to determine the nationality of foreign firms, with a view to preventing transactions with the enemies of France, nevertheless I venture to transmit the said circular instruction as of possible interest to the Department.

This Government requires persons and firms in Spain, and in neutral countries contiguous to the territory of the nations with which it is at war, to furnish these certificates of nationality whenever they engage in commercial transactions with the French Government or its citizens. As regards other neutral countries, the production of such certificates by persons or firms doing business with France is not obligatory, but may be required under certain circumstances, which will be found enumerated in the instructions of the Foreign Office. On the other hand, individuals or commercial houses desirous of facilitating their transactions with France may obtain, on request of French consuls, certificates of nationality upon submission of proofs required to this end.

I have recently had several informal conversations at the Foreign Office in regard to the so-called black list, with a view to ascertaining the attitude towards American firms. I have understood that the French Government is only desirous of preventing its nationals from engaging in business with subjects of the enemy nations, and that it desires to proceed in a way to inconvenience as little as possible the interests of *bona fide* neutral firms.

I am led to believe that the Government, which has heretofore adhered to the British black list, will henceforth reach its own conclusions in adding names to the French list. As I have already telegraphed the Department (see my No. 1539 of the 18th instant<sup>1</sup>), the French Government will examine in the most liberal spirit all requests for the removal of names found on the list whenever the interested person or persons consider that unjust action has been taken.

On the certificate of nationality will be found a footnote to the effect that, in order for stock companies and corporations not to be classed as enemy firms, their presidents should not be citizens (*ressortissants*) of countries at war with France, nor the majority of their board of directors (*conseil*); it is also required that certain principal employees should not be citizens of enemy nations. According to the certificate, the capital used in the current business of the person or persons mentioned thereon should not come from enemy subjects.

I have [etc.]

ROBERT WOODS BLISS

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<sup>1</sup> Not printed.

File No. 600.419/142

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *September 11, 1916.*

[Received 1.20 p. m.]

Announcement made that no further export licenses or other facilities will be given until October 1 or further notice by British Government for shipment of following goods to countries named:

Denmark: Animal oils and fats, apricot kernels, borate of lime, borax and boron compounds, bristles, egg yolk and albumen, grass seeds, hair, meat, sago, starches, sulphur, talc (powdered), tapioca, tea, vegetable fibres, vegetable oils and oil seeds (excluding soya beans).

Norway: Beef casings, borax and boron compounds, cocoa, coffee, nickel, pitch, sheepskins, talc (powdered), tar, tar oil.

Sweden: Antimony, apricot kernels, binder twine, bristles, carnauba wax, casein, casings, cocoa, corkwood, coffee, dried fruit, gums (except shellac), hair, honey, leather, margarine (raw materials used in manufacture of), meat, peach kernels, plum kernels, rice, rosin, spices, starches, sisal, steel (high speed), tea, turpentine, turpentine oil.

Holland: Biscuits, bristles, eggs, egg yolk and egg albumen, fish oil, fruit, nuts and kernels, gums, hair, honey, matches, pitch, preserved and canned goods, sulphur, spirits, spices, starches, rubber and balata, talc (powdered), tar, vegetable fibres, yeast.<sup>1</sup>

Holders of unexhausted licenses for shipment of goods named are told to communicate with War Trade Department. Foregoing restrictions agreed to by Allies and apply to shipments from United States. Articles are those which have been supplied to countries concerned in quantities alleged to be over normal requirements. As stocks decline articles will be removed from list. Netherlands Oversea Trust has been advised to issue no further permits for goods covered by this notice. It is presumed that American goods already covered by letters of assurance will not be stopped.

SKINNER

File No. 611.519/474

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 12, 1916, 1 p. m.*

[Received 6.30 p. m.]

4878. In reply to representations based on communication from Embassy at Paris regarding white list, Foreign Office replies in sense of following:

The list in question comprises the names of those neutral vessels which have been noted for favorable treatment in regard to supply of oil or coal fuel in virtue of their owners' acceptance of certain conditions which it has been found indispensable to formulate in view of the extreme importance which attaches to securing a proper control of that supply and insuring that no trade

<sup>1</sup> Reports of later lists and removals not printed.

is carried on or other service performed by firms or persons who are supplied with British fuel, in the interest of countries with which Great Britain and her allies are at war or of the subjects of those countries.

The conditions above alluded to are of necessity subject to certain variations rendering them applicable to different circumstances of the various steamship companies and others desirous of securing bunkering facilities for their vessels in different parts of the world, but they have no other object than that indicated above.

LAUGHLIN

ACTS OF CONGRESS AUTHORIZING RETALIATION AGAINST MEASURES  
DETRIMENTAL TO AMERICAN COMMERCE (SEPTEMBER 7 AND 8,  
1916)—BRITISH PROTEST AGAINST THESE ACTS<sup>1</sup>

File No. 763.72112/2981a

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, September 16, 1916, 4 p. m.

3839. Press is publishing report from London that Great Britain has issued instructions practically closing Scandinavia and the Netherlands to American commerce. Investigate and report what is the nature of the new restrictions, if any, that apparently give rise to this report. Also, if such action has been taken or appears to be contemplated, ascertain if possible what relation may exist between this and retaliatory legislation by recent Congress.

LANSING

File No. 763.72112/2964

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 16, 1916, 11 a. m.

[Received 11.20 p. m.]

4897. Referring to your 3710,<sup>2</sup> August 19, 11 a. m. Foreign Office replies in sense of the following:

The notice to which attention was called was issued to British ship-broking firms in their own interests as well as in those of neutral shipowners who have accepted the conditions in question, its object being to call their attention to the necessity of taking steps to prevent the position of the owners from being prejudiced by a particular clause commonly inserted in certain standard forms of charter party.

British Government anxious in the first place to make it clear that there is no question of any prohibition involved nor in the nature of things can any such prohibition exist.

What is aimed at is in all cases the arrival at a mutually satisfactory understanding regarding prompt and regular supply of bunker coal to the vessels belonging to such neutrals as are willing

<sup>1</sup> For a discussion of the retaliatory provisions of these acts and of possible methods of putting them into effect, see the report transmitted by the Department of Commerce, October 23, 1916, *post*, p. 466.

<sup>2</sup> *Ante*, p. 435.

to accept these conditions, in all parts of the world where that supply is to any extent under control.

The very first of the conditions in question is that the agreement shall cover not merely individual vessels belonging to the firm or person accepting them, but all the vessels which [are under] their or his ownership or control at the time of acceptance, or which may come under the same subsequently. The vessels covered by the agreement constitute a fixed unit, to which both the privileges accorded and conditions imposed in compensation are applicable, and it will be readily understood that the larger the number of vessels involved, the greater is the value of the arrangement concluded. Therefore it seems only reasonable that the shipowner who has obtained the assurance of certain facilities for his vessels which, in point of fact, considerably augment their value, in consideration of his undertaking to observe certain conditions in respect to all of them, should not be able to subtract any portion of consideration given without previous notice and consent.

A further reason for necessity of insisting on this particular condition of the grant of bunkering facilities to neutral vessels is to be found in the comprehensive and somewhat complicated arrangements which it has been necessary to set on foot all over the world with a view to insuring the regular provision of the required facilities, involving, as this does, an elaborate system of notification of all removals from, and additions to, the number of vessels entitled to them. If a neutral owner who has obtained the inclusion of his ships in that number, in return for certain undertakings, were free at any time to transfer one or more of his ships without previous knowledge and consent of British Government, it would be unable to obviate the danger of those vessels continuing to enjoy the advantages resulting from those undertakings after they had passed into the hands of others who had refused to accept or who possibly had accepted and subsequently violated the conditions of supply.

The requirements of British Government in this respect are carefully set forth in an explanatory letter which is addressed to neutral shipowners immediately on their notification to British Government of their willingness to accept the said conditions and in which they are clearly warned of the necessity of consulting the British Government before either selling or time-chartering any of the vessels which might have been under their control at the time of their acceptance.

LAUGHLIN

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File No. 763.72112/3044

*The British Secretary of State for Foreign Affairs (Grey) to the  
British Ambassador at Washington (Spring Rice)*

[Substance of telegram]

*[Left by the Ambassador with the Secretary  
of State, September 17, 1916.]*

Legislation has recently been passed by the Congress of the United States which confers on the President powers to resort, in certain circumstances, to retaliatory measures against the Allied powers. In the meanwhile, the submarine warfare conducted by the Germans against merchant shipping, which formed the subject of President Wilson's protests, proceeds uninterrupted save that the submarines

have left liners carrying passengers alone. Enemy submarines are known to have sunk 258 merchant ships since June 1, 68 of these being neutral, 69 British, and 121 of Allied nationality. In many of these cases no warning was given before the ships were sunk, and the crews have in the greater number of cases been exposed on the high seas in open boats without any other chance of saving their lives; and in this way merchant seamen's lives have in some cases been sacrificed.

It might, I think, be advisable that you should cause these facts to come to the knowledge of the Department of State. You could at the same time convey to them a private warning as follows: A course of action may now be adopted by the United States Government, calculated to force on Allied ships the carrying of enemy trade and on nationals of Allied countries the necessity of trading with the enemy, while preventing any pressure being brought by the Allies to bear on enemy commerce. Such action by the United States will present an inconceivably invidious contrast to that of refraining from action, or even (as has been the case for the last four or five months) protest, regarding German submarine warfare against merchantmen, which is being allowed to proceed all the time.

It has now become more necessary than ever, owing to the losses which German submarines have inflicted on shipping generally, to see that in the interest of the Allies British shipping is employed. The action of the United States will certainly be regarded as most surprising if, after tolerating without protest the continued reduction of the world's shipping by the activities of German submarines, that power now adopts a course the result of which must be to compel the shipping of Great Britain and her allies to carry goods in the interest of their enemies' trade.

I understand that Congress has failed to enact certain legislation which is admitted to be necessary for the purpose of restraining our enemies from illegal action on United States territory and the prevention of unneutral acts. You might bring this matter also to the attention of the State Department.

I may mention that the justification and necessity for the defensive armament of merchantmen is shown by the fact that, while German submarines have attacked more than 69 British vessels, the attack has been successfully beaten off in the case of certain defensively armed ships which regained their port in safety.

AMERICAN PROTEST OF SEPTEMBER 18, 1916, AGAINST THE RULES OF THE ORDER IN COUNCIL OF JULY 7, 1916—THE REQUIREMENT OF "CERTIFICATES OF INTEREST" FOR GOODS EXPORTED FROM THE PHILIPPINE ISLANDS TO TERRITORIES OF THE BRITISH EMPIRE

File No. 763.72112/2753

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

No. 4191

WASHINGTON, September 18, 1916.

SIR: The Department has received the Ambassador's No. 4181,<sup>1</sup> of July 10, 1916, enclosing for the information of the Department a

<sup>1</sup> *Ante*, p. 413.



copy, in duplicate, of the text of an order in council, dated July 7, 1916, entitled "The Maritime Rights Order in Council, 1916," which effects a change in the rules hitherto adopted by the British Government to govern its conduct of warfare at sea during the present war, and transmitting, also in duplicate, a copy of a memorandum which has been drawn up by the British and French Governments explaining the grounds for the issue of the order in council mentioned.

You are instructed to address a formal note to Lord Grey, with reference to the order in council of July 7, 1916, and the memorandum of the same date on this subject, and say that the Government of the United States, after giving these documents careful consideration, deems the rules therein set forth for the guidance of British authorities as at variance with the law and practice of nations in several respects, in regard to some of which the United States has already made known its views in prior correspondence, and that the Government of the United States reserves all of its rights in the premises, including the right not only to question the validity of these rules, but to present demands and claims in relation to any American interests which may be unlawfully affected directly or indirectly by the application of these rules.

I am [etc.]

ROBERT LANSING

File No. 300.115/10036

*The British Embassy to the Department of State*

MEMORANDUM

His Majesty's Embassy has the honour to state with reference to previous communications of the State Department on the subject of the seizure of certain goods shipped from the United States to the Philippines on the British steamers *Chinese Prince* and *Kafue*, that instructions were issued some time ago for the release of those goods.

The State Department will doubtless have already been informed of the above by the United States representative in London.

COLVILLE BARCLAY

WASHINGTON, September 19, 1916.

[Received September 20.]

File No. 763.72112/2999

*The Commercial Adviser of the British Embassy (Crawford) to the Acting Foreign Trade Adviser of the Department of State (Letcher)*

WASHINGTON, September 19, 1916.

[Received September 20.]

MY DEAR MR. LETCHER: I have received your letter of the 7th instant,<sup>1</sup> calling my attention to a report which has reached the State Department from the Governor General of the Philippine Islands to the effect that the British Consul General at Manila has stated

<sup>1</sup> *Ante*, p. 440.

that certificates of interest signed by a British consular officer will be required for all exports from the Philippine Islands to the United Kingdom.

You are undoubtedly aware that under the British trading with the enemy acts, it is a penal offence for British subjects under British jurisdiction to purchase or handle the merchandise of, or in any other way to trade directly or indirectly with, persons or firms whose names appear on the British statutory list. This being so it has become necessary for His Majesty's Government to devise some means by which British subjects and British ships may continue freely to purchase the products of neutral countries and import them into the United Kingdom with some assurance that while engaging in particular transactions with persons in neutral countries, they are not trading indirectly or through misrepresentation with proclaimed firms and thus exposing themselves to the penalties provided by British law.

The readiest and best means for affording this facility to trading is that all shipments to British destinations from neutral countries in which there is a considerable number of firms of enemy nationality, or with enemy interests, should be accompanied by a consular certificate stating that no firm with whom British subjects are forbidden to trade has a substantial interest in the goods transported by British ships for consumption in British dominions.

In the case of shipments from continental United States it has been found possible to dispense with this safeguard and to leave it entirely optional with the shipper or the importer to ask for a certificate, if there should be any doubt in his mind as to the real nature of the transaction. On the other hand, in the case of the Philippine Islands, where the number of proclaimed enemy firms, or firms with enemy associations is proportionately large, and where such firms, having adopted American and British names, could thereby cloak their attempts to trade with the British Empire, it is essential that British subjects should be afforded such security as is provided by the issue of consular certificates of interest.

Yours very truly,

R. CRAWFORD

File No. 763.72112/2982

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 20, 1916, 6 p. m.

[Received 8.55 p. m.]

4915. Your 3839,<sup>1</sup> September 16, 4 p. m. So far as Embassy has been able to ascertain, the press report referred to in your above telegram was based on the announcement regarding goods to Norway, Sweden, Denmark, and Holland for which no further facilities will be given until October 1 or further notice, a complete list of

<sup>1</sup> *Ante*, p. 444.

which Consul General telegraphed Department September 11.<sup>1</sup> So far as Embassy can learn this action on part of British Government bears no relation to recent legislation by Congress.

Investigations by the Embassy would be greatly facilitated if, in cases of this kind, the date of publication and name of the American paper publishing articles referred to be given, and I respectfully request that such additional information be given in the future so that the Embassy can ascertain from the correspondent here exactly what information he has transmitted, his authority, etc.

LAUGHLIN

File No. 763.72112/2983

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 21, 1916, 2 p. m.

[Received 1.10 p. m.]

4920. Your 3806,<sup>2</sup> September 8, 6 p. m. Foreign Office states that inquiry as to "the conditions to which His Majesty's Government have found it necessary to subordinate the granting" is practically the same as that made regarding inclusion in white list, and refers to its note of September 11, the contents of which I telegraphed in my 4878,<sup>1</sup> September 12, 7 [1] p. m.

LAUGHLIN

File No. 300.115/10034

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, September 23, 1916.

[Received September 25.]

MY DEAR MR. SECRETARY: It was recently reported in the press that 1,200 packages shipped from New York to Manila on the British steamer *Aymeric* had been removed by the authorities at Hongkong on the ground that the goods were destined for a blacklisted firm, and I immediately telegraphed to the Foreign Office to enquire as to the facts of the case.

I have now received a reply from which it appears that the authorities at Hongkong have been instructed to release the goods in question. Viscount Grey also informs me that instructions have been issued which, it is hoped, will preclude the recurrence of similar incidents.

Believe me [etc.]

For the Ambassador:  
COLVILLE BARCLAY

<sup>1</sup> *Ante*, p. 443.

<sup>2</sup> *Ante*, p. 441.

File No. 841.711/1858a

*The Secretary of State to the Counselor of the British Embassy  
(Barclay)*WASHINGTON, *September 28, 1916.*

MY DEAR MR. BARCLAY: Although the Ambassador is absent, I feel that I must bring to your immediate attention a matter which has given me some concern.

I understood in an interview I had with Sir Richard Crawford on Thursday the 21st, that he intended to go to New York to inquire into certain complaints arising from the British and French censorship of mails. It was with surprise, therefore, that I read in the newspapers that Sir Richard had, according to the reports published, taken the opportunity as a member of the British Embassy and an officer of your Government, to expound to a body of American business men, who I am advised came together at his suggestion, the blacklisting plan of your Government, to impress them with the advantages of the plan, and to open the way for further discussion of certain phases of the censorship or blacklisting plans.

The exact purpose of this movement I do not know, but it is at least open to the inference of being aimed at modifying the harshness of a policy which is fundamentally objectionable to my Government, and of inducing American business men to submit to the proposed modification rather than to claim their just rights through the interposition of their Government—in short, to endeavor, to weaken my Government's efforts to maintain the rights of American traders by substituting in a degree direct discussion with them for a diplomatic discussion of the subject by our Governments. The ill effects of such a practice are so evident that I need not set them forth here, nor present other grounds, which perhaps may be more serious, regarding activities of this sort on the part of diplomatic or other agents of His Majesty's Government in this country which appear to overstep the bounds of diplomatic propriety and usage in dealing with subjects affecting the rights of nationals.

It is hardly necessary to add that I am making my Government's position on this subject clear to you in order to avoid possible misunderstandings and regrettable incidents in the future, which I am sure is our mutual desire in conducting the relations between our countries.

I am [etc.]

ROBERT LANSING

File No. 841.711/1231

*The Counselor of the British Embassy (Barclay) to the Secretary  
of State*WASHINGTON, *September 29, 1916.*

[Received September 30.]

MY DEAR MR. LANSING: I am in receipt of your letter of the 28th instant and wish to thank you for giving me an early opportunity of

removing the misapprehension you appear to be under as regards the character and object of Sir Richard Crawford's recent visit to New York. He thought that you had understood from your conversation with the Ambassador and with himself that he was going for an informal talk with some representatives of banking interests as to the application of the censorship to certain classes of technical correspondence. This discussion arose primarily out of certain complaints as to delays to which his attention had been directed on various occasions by the vice presidents of two of the principal banks. In this connection Sir R. Crawford was eventually asked to lunch by a banking friend who had likewise invited several colleagues for a frank and informal discussion of the difficulties. Sir R. Crawford's remarks on this subject were confined strictly to an explanation of the methods of the censorship, with examples of the delays involved, and of the facilities accorded for the rapid examination of certain classes of documents. His observations were in fact a summary of the explanatory statements already published in the *Philadelphia Public Ledger* of August 27 and in various other papers, of which copies are enclosed herewith.

In the course of conversation on this subject some of those present referred to the statutory list of persons in the United States with whom British subjects are prohibited from trading, and Sir Richard Crawford was pressed for an explanation of the reasons which had made it necessary to publish such a list. He then briefly described the provisions of the Trading with the Enemy Act and of the later measure extending that act to trading with persons outside enemy territory under heavy penalties on all British subjects who infringed these provisions. This explanation of the operation and effect of these laws and the consequent necessity to publish the statutory list has, as you are no doubt aware, been given over and over again.

Throughout these informal conversations Sir Richard Crawford was careful to avoid any remarks which could be interpreted as touching upon any points of law or principle which are the subject of diplomatic negotiation between our Governments, and he expressly reminded those present that it was not in his province, and that he was indeed unable, to express any opinion upon such aspects of the matters discussed.

It will be obvious to you from the above that there was no intention on the part of Sir Richard Crawford nor, indeed, has it ever been the desire of any member of this Embassy to endeavour to weaken the efforts of the United States Government "to maintain the rights of American traders by substituting in a degree direct discussion with them for a diplomatic discussion on the subject by our Governments."

I need hardly add that both Sir Richard Crawford and I fully appreciate and reciprocate the sentiments expressed in the last paragraph of your letter and we much regret that any misunderstanding should have arisen.

I am [etc.]

COLVILLE BARCLAY

File No. 341.115Am319/258

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

No. 4810

LONDON, *September 19, 1916.*[*Received October 2.*]

SIR: Adverting to the Department's instruction No. 4057<sup>1</sup> and the Embassy's despatch No. 4698,<sup>2</sup> dated August 16 and September 5, respectively, in reference to the complaint of the American Transatlantic Company respecting the blacklisting of the company's vessels, I now have the honor to transmit herewith, for the information of the Department, a copy of a note which has been received from the Foreign Office, under date of September 18, in response to the Embassy's representations based upon the Department's instruction above referred to.

I have [etc.]

IRWIN LAUGHLIN

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Chargé (Laughlin)*

No. 176653/X

LONDON, *September 18, 1916.*

SIR: 1. I have the honour to acknowledge the receipt of your note of the 4th instant, in which you refer to one which I had the honour to address to Mr. Page on May 31st last, in reply to his of the 20th of the same month, and in which you inform me that you have been instructed by your Government to point out that my answer does not seem to them responsive to the representations made.

2. In the note referred to, Mr. Page stated in effect that the placing of the names of certain vessels, belonging to the American Transatlantic Company, on the "black list" rendered it difficult for them to obtain cargoes and therefore "appeared to bring about the result of depriving their owners of those benefits which it was expected would follow as a consequence of the undertaking on the part of His Majesty's Government not to seize the company's ships."

3. In reply, I pointed out that the "undertaking" given by His Majesty's Government in December last was strictly limited to a promise not to exercise their right of capture, in regard to the vessels in question, pending a decision in the test cases then before the prize court, to which I should perhaps have added that even this concession was subordinated to certain conditions; it certainly could not be interpreted in such a way as to make it imply a promise to extend to the vessels of the American Transatlantic Company the special privileges or facilities which are accorded to those neutral vessels whose owners have accepted certain well-understood conditions.

4. As I have recently had the honour of explaining to you, in my note of the 11th instant, what is called the "ships' white list" consists of an enumeration of the vessels, the owners of which have accepted those conditions. On the other hand the "ships' black list" referred to in your note and that of Mr. Page, comprises the names of vessels to which, on account either of the refusal of their owners to accept the required conditions or of some other sufficient reason (such for instance as known enemy trading, or enemy interest in their ownership), it is considered undesirable that the special privileges or facilities referred to should be accorded.

If the public attention which has been drawn to the somewhat exceptional circumstances connected with the transfer of the vessels in question to the American flag has had for one of its results, as would appear from your note now under reply, that shippers in America are unwilling to entrust them with cargoes, that is clearly not a circumstance with which His Majesty's Government have any concern.

I have [etc.]

For the Secretary of State:

W. LANGLEY

<sup>1</sup> *Ante*, p. 430.<sup>2</sup> Not printed.

File No. 763.72112/3033

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *October 4, 1916.*

[Received 10.15 a. m.]

Proclamation dated 3d gives notice:

Following articles will be treated as absolute contraband in addition to those set out in our Royal proclamations aforementioned: Insulating materials, raw and manufactured fatty acids, cadmium, cadmium alloys and cadmium ore, albumen; and we do hereby further declare that as from this date the following amendments shall be made in schedule I of our Royal proclamation of the 14th day of October 1915 aforementioned: for item 6 "paraffin wax" there shall be substituted "waxes of all kinds"; and we do hereby further declare that following article shall be treated as conditional contraband: Yeast.<sup>1</sup>

SKINNER

File No. 763.72112/3046

*The Consul General at London (Skinner) to the Secretary of State*LONDON, *September 28, 1916.*

[Received October 9.]

SIR: I have the honor to enclose herewith a circular announcement of official character, setting forth that under certain circumstances British goods, before being exported, must be accompanied by certificates of interest indicating that the buyers are not on the black list.<sup>2</sup>

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

*Circular issued by the Foreign Trade Department of the Foreign Office**September 25, 1916.*

The Secretary of State for Foreign Affairs desires to bring to the notice of all concerned that with a view to preventing breaches of the trading with the enemy acts and proclamations, particularly the Trading with the Enemy (Extension of Powers) Act, 1915, all goods exported from the countries marked "A" below on and after October 1 next, to the United Kingdom, Australia, Newfoundland, New Zealand, Union of South Africa, all colonies not possessing responsible governments and protectorates, as well as India, must be accompanied by certificates of interest. These certificates will be issued by His Majesty's consular officers, who will require documentary evidence that no enemy or person with whom trade is for the time being prohibited (e. g., persons on the statutory list) has any interest in the goods.

A—Abyssinia, Argentina, Azores, Bolivia, Brazil, Canary Islands, Cape Verde Islands, Chile, Colombia, Costa Rica, Cuba, Danish West Indies, Dominican Republic, Ecuador, Greece, Guatemala, Honduras, Liberia, Madeira, Mexico, Morocco, Muscat, Netherland East and West Indies, Nicaragua, Panama, Paraguay, Persia, Peru, Philippine Islands, Portuguese East and West Africa, San Salvador, Spain, Spanish West Africa, Uruguay and Venezuela.

<sup>1</sup> Notice of the same additions and changes by the French Government was given by the Consul General at Paris in his telegram of October 13 (File No. 763.72112/3055).

<sup>2</sup> The terms of the enclosure indicate that, in place of the "British goods," should have been said "goods intended for territories of the British Empire" and, in place of "buyers," "sellers."

In the case of exports from the countries marked "B" below where certificates of origin have hitherto been required, certificates of origin and interest will be required for goods exported on and after October 1 on the same conditions, except that the additional evidence required for a certificate of interest will have to be produced to the consular officer to whom application is made for the issue of the combined certificate.

B—Norway, Sweden, Denmark, Holland, and Switzerland.

(In the case of these five countries goods for which certificates of origin are not at present required will not have to be accompanied by the new form of certificate of origin and interest).

All goods exported on and after October 10 from the five countries marked "B" above to Canada must be accompanied by a certificate of origin and interest.

In other cases certificates are not compulsory, but many traders, and particularly British shipowners and masters, will no doubt require, for their own protection against possible breaches of the trading with the enemy acts, to be furnished with certificates for goods consigned to any destination whatsoever. His Majesty's consular officers have accordingly been instructed to furnish certificates in such circumstances on application.

The period of validity shown on certificates of interest and certificates of origin and interest will in no case exceed two months. It is required that shipment shall have been effected from the country of origin within the period of validity stated on the certificate, and it is not necessary that the goods shall have arrived at their ultimate destination within that period. The onus of proving that the goods were shipped within the period required will, if necessary, rest in cases of doubt with the importer of the goods.

FOREIGN TRADE DEPARTMENT,  
Lancaster House, St. James's, S. W.

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File No. 763.72112/3057a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, October 9, 1916, 6 p. m.

3908. Personal for the Ambassador. Press on Saturday morning widely featured interview given Friday, October 6, to Associated Press by Lord Robert Cecil. It related to black list and made unfavorable impression here. Ambassador was sent for and Polk expressed amazement that a responsible minister should issue such a statement when blacklisting negotiations were under discussion, particularly as British Government had failed to reply to note on protest. He also expressed a fear that Great Britain did not fully appreciate the seriousness of the situation and the real irritation that existed in this country. Ambassador after examining interview stated he was convinced that interview refers only to Swedish dispute on black list and that although Cecil referred to all neutrals, he did not have the dispute of this country in mind. Ambassador seemed disturbed and said he fully realized seriousness of situation and he felt that something would be done to relieve situation.

LANSING



File No. 300.115/10209

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, October 10, 1916, 5 p. m.

3913. Department's 3872.<sup>1</sup> Consul, Trinidad, telegraphs American S. S. *Pathfinder* delayed there at cost \$1,500 daily while awaiting permit from London for bunker coal. Bring matter to attention Foreign Office in connection with similar cases and inquire if it is established practice of British Government to accord to American vessels treatment this character which has in several instances resulted in serious loss to vessels. Request prompt reply.

POLK

BRITISH NOTES IN DEFENSE OF THE BLACK LIST AND IN REPLY TO THE  
AMERICAN PROTEST OF SEPTEMBER 18, 1916—FURTHER CORRESPONDENCE  
REGARDING RESTRICTIONS ON BUNKER COAL (CASE OF THE  
"PATHFINDER")

File No. 763.72112/3049

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 11, 1916, 10 p. m.

[Received October 12, 8.30 a. m.]

5003. Your 3908, October 9, 6 p. m. \* Lord Grey has given me copies of the long British reply to our note of July 28<sup>1</sup> about the black list and he has sent other copies on the *Kroonland* to Spring Rice to be delivered to you. He requests that no statement be given out till the full text may be published simultaneously in the United States and here. Please advise me when you receive it on what day publication will be agreeable to you.

The main points of this long reply are: (1) that the statutory list is purely municipal legislation, an exercise of the sovereign right of an independent state over its own citizens and nothing more; (2) the only disability that black-list persons suffer is that British subjects are prohibited from the support of British credit and British property; (3) the measure is not directed against neutral trade in general, still less against American trade in particular; (4) it is a necessary part of a general belligerent campaign meant only to weaken the enemy; (5) it is not used to advance British trade at the expense of American.

I have had a long conference with Lord Grey on this subject and made appointments with him and other members of the Government for further discussions. There is no doubt they now clearly see they had made a bad blunder and I think they will at least greatly reduce the list, but they are afraid of criticism in Parliament and in other

<sup>1</sup> Not printed.

neutral countries than ours. An American black list was sheer stupidity—they did not foresee the effect on American opinion. I am privately but authoritatively informed that Cecil in his interview of October 6 had only Sweden in mind.

PAGE

File No. 611.419/938

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, October 13, 1916.

3936. Department's 3945, July 26.<sup>1</sup> Merck and Company report that drugs specified are badly needed. Make endeavor to hasten consideration, if license not definitely refused. Firm says they have heard it stated that shipments to other firms have been licensed.

LANSING

File No. 763.72112/3056

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 13, 1916, 1 p. m.

[Received 8.10 p. m.]

5014. My 5003. At a further conference yesterday with Lord Grey and Lord Robert Cecil it came out that they had had no particular wish to make a black list in the United States, but since it was of military importance to make such a list in certain South American countries, they thought it best to include all countries. They will reduce the list in the United States and will not add to it as they will elsewhere. I again explained at length that such actions, while agreeable, did not touch the root of the matter. Further conferences are to follow.

It came out also that the British Government has not the slightest idea of entering any trade agreement after the war which would discriminate against trade with the United States. "We could not afford to if we so wish," Grey remarked. "Your commercial good will will be more useful to us than it has ever been."

PAGE

File No. 763.72112/3058

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 14, 1916, 1 p. m.

[Received 5.20 p. m.]

5021. From my conferences on the black list, it has occurred to me that possibly I may secure its removal in the following way:

The British to withdraw the whole American list since it gives us annoyance which they did not intend nor wish to give us.

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<sup>1</sup> Not printed.

We, on our side, grant the British Government's legal right to forbid its subjects from trading with their enemies wherever domiciled. This I understand is the French law and I am told that this principle has been affirmed in a decision of the Supreme Court of Massachusetts.

If I may personally and informally suggest this plan, the British Government may express a willingness to accept it. If they do, you can then instruct me officially to propose or accept it. Please telegraph me whether this meets with your approval.

PAGE

File No. 763.72112/3070

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, *October 16, 1916.*

[*Received October 18.*]

DEAR MR. SECRETARY: In reply to your letter of the 2d instant, addressed to Mr. Barclay, I may inform you that the enquiries instituted by this Embassy have shown that so far as can be traced no notice of the character referred to in the enclosure to your communication has been sent to American coal dealers by my Government either directly or through any consular or other agency in the United States.<sup>1</sup>

<sup>1</sup>Letter not printed; the enclosure referred to is the following article from the *Coal Trade Journal*, September 20, 1916:

#### AMERICAN COAL EXPORTERS WARNED

Great Britain has sent to American coal dealers a warning that any company which supplies coal to any German vessels, or one controlled by German or "enemy interests," will be placed on its black list. American coal dealers are asked to sign contracts they will not supply "enemy ships" with bunker coal, and also to report every delivery of bunker coal made by the company to the British consul at the port where the coal is sold.

To make certain that the coal dealers do not violate the agreement, the British Admiralty has caused to have embodied in coal contracts with American firms, a paragraph stipulating that the contract is subject to England's coal rules.

The following notice issued by the British vice consulate at Newport News, Va., is self-explanatory:

His Britannic Majesty's Government, in view of their interests as belligerents give notice that any firm or person who supplies coal to any German vessel or any agency or branch thereof will henceforth be refused supplies or British facilities of any kind whatever.

It may even be necessary that the names of such firms or persons be placed upon the government black list.

The following is the affidavit coal dealers must make to the British Consul's office:

I, representing \_\_\_\_\_, hereby agree that my company will not deal directly or indirectly with enemy ships or concerns, that every delivery of bunker coal made by me at \_\_\_\_\_ and elsewhere will be reported to the British Consul General at \_\_\_\_\_

This agreement must be signed by a notary public.

Here is the section of the coal contract England insists must be in every contract:

The contract is subject to the suppliers giving a guarantee to His Majesty's consul at \_\_\_\_\_ that they will not deal directly or indirectly with enemy ships or concerns.

'Tis not likely this will curtail business at Newport News to any material extent.

In this connection however you are probably aware that after the outbreak of the present war precautionary measures were taken with the object of conserving the supplies of British coal and the services of British ships for the interests of Great Britain and her allies, with as little disturbance as possible to the facilities hitherto accorded to neutrals, provided that these were not utilised directly or indirectly to serve enemy interests. To prevent the sale of British bunker coal to enemy ships in neutral ports, owners of British vessels were first required to give an undertaking that no coal other than that consigned to named firms approved by the British customs would be sold in foreign ports without the written sanction of a British consular authority. This requirement was subsequently supplemented by the Order in Council of October 4, 1915 which, besides prohibiting the export of coal except under license, subjected the supply of bunker coal to neutral vessels to the conditions specified in the enclosed circular. Vessels which have been employed in enemy interests or which have refused to observe the bunkering conditions are noted on a list of vessels to which British bunkering facilities are not accorded, and neutral steamship agents were informed that the name of any vessel whose coal cargo was delivered either in whole or in part to any enemy ship or enemy coal depot would be placed on that list.

A further precautionary measure had to be taken because British ships had been used to carry coal to enemy firms and depots in South America, and in some cases the coal even found its way via British ships to enemy cruisers. To put a stop to incidents of this character neutral coal companies chartering British ships are requested to give an assurance that the vessels will not be used for carrying supplies of coal destined directly or indirectly for enemy ships or enemy coal depots or interests wherever situated. Companies failing to give this assurance might be noted as ineligible as charterers of British ships.

I am [etc.]

CECIL SPRING RICE

[Enclosure]

*Circular issued by the British Government Regarding the Supply of Bunker Coal to Neutral Vessels*

Bunker coal can be supplied to neutral vessels if the following conditions are complied with in the case of all the vessels owned, chartered, or controlled by a particular firm wherever they are trading. Failure to comply with any of the conditions in the case of any one vessel may involve refusal of bunkers to all the vessels:

(1) The British authorities to be kept informed of the names of all the vessels owned, chartered or controlled by the firm.

(2) No vessel to be chartered to an enemy subject or company, or to any person whose name may be specially notified to the firm; and no vessel to be let on time-charter without informing the British authorities beforehand.

Particulars of all existing time-charters to be given to the British authorities.

(3) No vessel to trade with any port in any country at war with Great Britain.

(4) No cargo to be carried which proceeds from, or is destined for, a country at war with Great Britain.

For this purpose—

(a) All vessels when inward or outward bound to or from northern Europe must call in the United Kingdom for verification of papers, and special consideration will be shown to vessels which proceed via the

English Channel. If vessels are bound to or from the Mediterranean they should not pass Gibraltar without communicating with the British authorities. If early notice is given of the intended call it will facilitate clearance.

- (b) All goods carried from Scandinavian ports to be accompanied by certificates of origin.
  - (c) No goods to be carried which are consigned "to order," and the firm to stipulate that no cargo is to be loaded which it is known would expose steamers to detention by British authorities.
  - (d) A clause to be inserted in all bills of lading of all steamers bound to neutral ports in Europe or North Africa enabling the firm to withhold delivery of goods until a satisfactory guarantee is produced to the effect that the goods will not be reexported.
- (5) No coal, petroleum or its products, lubricating oil, or castor oil from neutral countries to be carried unless the consignee is approved by the British minister in the country of destination, or unless the vessel is calling for verification in the United Kingdom or at Gibraltar on the voyage in question.

(6) No subject of any country at war with Great Britain, if of military age, to be carried.

(7) Contraband goods destined for the United Kingdom or an Allied country only to be refused on reasonable grounds (e. g., that ship itself becomes liable to condemnation, that State insurance becomes invalid, etc.). Vessels carrying cargoes, contraband or other, to Allied ports will receive special consideration.

NOTE—If a firm elects to comply with these conditions, it is requested to forward the lists mentioned in paragraphs (1) and (2) to the Undersecretary of State, Foreign Office, London, as soon as possible, in order that arrangements may be made for facilitating the bunkering of the vessels at all stations. To save delay, the envelope should be marked "Bunker coal."

If a firm is unable to guarantee the observance of the conditions in the case of vessels already chartered to other firms, the names of these vessels should be specially indicated. It will then be for the time-charterer to approach the British authorities if he desires bunkering facilities.

October, 1915.

File No. 341.115Am319/258

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

No. 4351

WASHINGTON, October 18, 1916.

SIR: The Department has received the Embassy's No. 4810,<sup>1</sup> of September 19, 1916, with which, having reference to previous correspondence concerning the complaint of the American Transatlantic Company respecting the blacklisting by the British Government of that company's vessels, there is enclosed a copy of the note from the Foreign Office in response to the Embassy's representations in the matter based upon the Department's instruction No. 4057,<sup>2</sup> of August 16, 1916.

The Department notes the following statement contained in the note of September 18 from the Foreign Office:

If the public attention which has been drawn to the somewhat exceptional circumstances connected with the transfer of the vessels in question to the American flag has had for one of its results, as would appear from your note now under reply, that shippers in America are unwilling to entrust them with cargoes, that is clearly not a circumstance with which His Majesty's Government have any concern.

<sup>1</sup> *Ante*, p. 452.

<sup>2</sup> *Ante*, p. 430.

This Government is surprised that the British Government should appear to be under a misapprehension as to the cause of the inconvenience and loss of which the American Transatlantic Company complain. In the note referred to, the Foreign Office states, "Mr. Page stated in effect that the placing of the names of certain vessels belonging to the American Transatlantic Company on the black list rendered it difficult for them to obtain cargoes." It would appear, therefore, that the notes from the Embassy to the Foreign Office have made it clear and that the British Government understood that the unwillingness of shippers to ship their cargoes on the vessels of the American Transatlantic Company was not due to circumstances attending the transfer of the vessels of that company to the American flag, but was due entirely to the action of the British Government in placing the names of certain vessels belonging to the company on the black list.

This Government, therefore, dissents from the statement contained in the note from the Foreign Office, dated September 18, that the circumstances that American shippers are unwilling to entrust the vessels of the American Transatlantic Company with cargoes is not one with which His Majesty's Government have any concern.

You will so inform the Foreign Office and will renew the request for the removal of the vessels of the American Transatlantic Company from the black list.

I am [etc.]

FRANK L. POLK

File No. 300.115/10373

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 19, 1916.*

[Received 8.55 p. m.]

5049. Your 3913,<sup>1</sup> October 10. Foreign Office informs that on receipt of Embassy's note the British Government was at once requested to authorize the granting of bunkers to the S. S. *Pathfinder*.

PAGE

File No. 763.72112/3058

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *October 20, 1916, 6 p. m.*

3962. Your 5021, October 14. As English black list note is on its way, do not think it is desirable to make any suggestion of compromise at this time. Do not believe this Government could at this time reverse rule laid down by our courts and by British courts and supported by the United States-British Claims Commission of 1853 and 1910, and other international commissions.

Regret that British note is apparently entirely unsatisfactory. Have had two informal talks with Sir Richard Crawford on par-

<sup>1</sup> *Ante*, p. 455.

ticular cases on black list. He thinks several names can be removed at once and I have urged prompt action. I pointed out there were two classes of cases in which British Government could not justify itself on principle: (1) where British are punishing strictly American firms, who had attempted to break blockade and trade with enemy as in McNear and Kempner cases, by extending black list to innocent lines of trade; and (2) where British place on statutory list names of American corporations created before the war, because of German ownership of stock, as in International Hide and Skin Company and National Zinc Company, in which cases there is no evidence of any trading with enemy or of corporations being formed to secure protection of United States.

POLK

File No. 763.72112/3089

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4988

LONDON, October 11, 1916.

[Received October 24.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 4191,<sup>1</sup> of September 18, with respect to the Maritime Rights Order in Council, 1916, and in reply to enclose herewith, for the information of the Department, a copy of the note which has been received from the Foreign Office, under date of October 10, in response to the Embassy's representations in the premises.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

FOREIGN OFFICE, October 10, 1916.

YOUR EXCELLENCY: I have had the honour of receiving Mr. Laughlin's note of the 3d instant (No. 241) in which he makes a communication under instructions from your Government with respect to the Maritime Rights Order in Council, 1916.

I would point out that, if the rules cited in the order in council are not deemed by the United States Government to be in accordance with international law, they should be challenged in the prize court.

I have [etc.]

For the Secretary of State:

MAURICE DE BUNSEN

File No. 763.72112/3088

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 5021

LONDON, October 12, 1916.

[Received October 24.]

SIR: With reference to the Department's telegram No. 3578,<sup>2</sup> of July 26, 1916, 10 p. m., and to my telegram No. 5003,<sup>3</sup> of the 11th

<sup>1</sup> Ante, p. 446.<sup>2</sup> Ante, p. 421.<sup>3</sup> Ante, p. 455.

instant, I have the honor to enclose herewith a printed copy of a note I have received from the Foreign Office concerning the Trading with the Enemy Act.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

FOREIGN OFFICE, October 10, 1916.

YOUR EXCELLENCY: His Majesty's Government have had under consideration the note which your excellency was good enough to communicate to me on the 28th July last, with respect to the addition of certain firms in the United States of America to the statutory list compiled and issued in accordance with "The Trading with the Enemy (Extension of Powers) Act, 1915."

2. You will recall that shortly after this act became law, I had the honour, in my note of the 16th February last, in reply to your note of the 26th January, to explain the object of the act. It is a piece of purely municipal legislation, and provides that His Majesty may by proclamation prohibit persons in the United Kingdom from trading with any persons in foreign countries who might be specified in such proclamations or in any subsequent orders. It also imposes appropriate penalties upon persons in the United Kingdom who violate the provisions of this statute.

3. That is all. His Majesty's Government neither purport nor claim to impose any disabilities or penalties upon neutral individuals or upon neutral commerce. The measure is simply one which enjoins those who owe allegiance to Great Britain to cease having trade relations with persons who are found to be assisting or rendering service to the enemy.

4. I can scarcely believe that the United States Government intend to challenge the right of Great Britain as a sovereign state to pass legislation prohibiting all those who owe her allegiance from trading with any specified persons when such prohibition is found necessary in the public interest. The right to do so is so obvious that I feel sure that the protest which your excellency handed to me has been founded on a misconception of the scope and intent of the measures which have been taken.

5. This view is strengthened by some of the remarks which are made in the note. It is, for instance, stated that these measures are "inevitably and essentially inconsistent with the rights of the citizens of all nations not involved in war." The note then proceeds to point out that citizens of the United States are entirely within their rights in attempting to trade with any of the nations now at war. His Majesty's Government readily admit that the citizens of every neutral nation are free to trade with belligerent countries. The United States Government will no doubt equally readily admit that they do so subject to the right of the other belligerent to put an end to that trade by every means within his power which is recognised by international law, by such measures, for instance, as the seizure of neutral goods as contraband, or for breach of blockade, etc. The legislation, however, to which exception is taken does not belong to that class of measures. It is purely municipal. It is an exercise of the sovereign right of an independent state over its own citizens, and nothing more. This fact has not, I feel sure, been fully realised by the Government of the United States of America, for the note maintains that the Government cannot consent to see these remedies and penalties altered and extended at will in derogation of the right of its citizens; and says that "conspicuous among the principles which the civilised nations of the world have accepted for the safeguarding of the rights of neutrals is the just and honourable principle that neutrals may not be condemned nor their goods confiscated, except upon fair adjudication and after an opportunity to be heard in prize courts or elsewhere."

6. As I have said above, the legislation merely prohibits persons in the United Kingdom from trading with certain specified individuals, who, by reason of their nationality or their association, are found to support the cause of the enemy, and trading with whom will therefore strengthen that cause. So far as that legislation is concerned, no rights or property of these specified individuals are interfered with; neither they nor their property are condemned or confiscated; they are as free as they were before to carry on their business. The only



disability they suffer is that British subjects are prohibited from giving to them the support and assistance of British credit and British property.

7. The steps which His Majesty's Government are taking under the above-mentioned act are not confined to the United States of America; the policy is being pursued in all neutral countries. Nay, more. With the full consent of the Allied Governments, firms, even in Allied countries, are being placed on the statutory list if they are firms with whom it is necessary to prevent British subjects from trading. These considerations may, perhaps, serve to convince the Government of the United States that the measures now being taken are not directed against neutral trade in general. Still less are they directed against American trade in particular; they are part of the general belligerent operations designed to weaken the enemy's resources.

8. I do not read your note of the 28th July as maintaining that His Majesty's Government are obliged by any rule of international law to give to those who are actively assisting the cause of their enemies, whether they be established in neutral or in enemy territory, the facilities which flow from participation in British commerce. Any such proposition would be so manifestly untenable that there is no reason to refute it. The feelings which I venture to think have prompted the note under reply must have been that the measures which we have been obliged to take will be expanded to an extent which will result in their interfering with genuine neutral commerce; perhaps, also, that they are not exclusively designed for belligerent purposes, but are rather an attempt to forward our own trade interests at the expense of neutral commerce, under the cloak of belligerency; and, lastly, that they are, from a military point of view, unnecessary.

9. Upon these points I am able to give to the Government and people of the United States the fullest assurances. Upon the first point it is true, as your note says, that the name of a firm may be added to the statutory list of persons with whom British persons may not trade whenever, on account of the enemy association of such firm, it seems expedient to do so. But the Government of the United States can feel confident that this system of prohibitions will not be carried further than is absolutely necessary. It has been forced upon us by the circumstances of the present war. To extend it beyond what is required in order to secure its immediate purpose—the weakening of the resources of our opponents—or to allow it to interfere with what is really the genuine neutral trade of a country with which we desire to have the closest commercial intercourse, would be contrary to British interests. The advantage derived from a commercial transaction between a British subject and a foreigner is mutual, and for His Majesty's Government to forbid a British subject to trade with the citizen of any foreign country necessarily entails some diminution of commercial opportunity for that British subject, and therefore some loss both to him and to his country. Consequently the United States Government, even if they are willing to ignore the whole tradition and tendency of British policy towards the commerce of other nations, might be confident that self-interest alone would render His Majesty's Government anxious not to place upon the statutory list the name of any firm which carries on a genuine *bona fide* neutral trade. If they did so, Great Britain herself would be the loser.

10. As to the second point, there seem to be individuals in the United States and elsewhere whom it is almost impossible to convince that the measures we take are measures against our enemies, and not intended merely to foster our own trade at the expense of that of neutral countries. I can only reiterate what has been repeatedly explained before, that His Majesty's Government have no such unworthy object in view. We have, in fact, in all the steps we have taken to prevent British subjects from trading with these specified firms, been most careful to cause the least possible dislocation of neutral trade, as much in our interests as in those of the neutral.

11. I turn now to the question whether the circumstances of the present war are such as to justify resort on the part of His Majesty's Government to this novel expedient.

12. As the United States Government are well aware, the Anglo-American practice has in times past been to treat domicile as the test of enemy character, in contradistinction to the continental practice, which has always regarded nationality as the test. The Anglo-American rule crystallized at the time when means of transport and communication were less developed than now, and when in consequence the actions of a person established in a distant country could have but little influence upon a struggle.

13. To-day the position is very different. The activities of enemy subjects are ubiquitous, and under modern conditions it is easy for them, wherever resident, to remit money to any place where it may be required for the use of their own government, or to act in other ways calculated to assist its purposes and to damage the interests of the powers with whom it is at war. No elaborate exposition of the situation is required to show that full use has been and is being made of these opportunities.

14. The experience of the war has proved abundantly, as the United States Government will readily admit, that many Germans in neutral countries have done all in their power to help the cause of their own country and to injure that of the Allies; in fact, it would be no exaggeration to say that German houses abroad have in a large number of cases been used as an integral part of an organisation deliberately conceived and planned as an engine for the furtherance of German political and military ambitions. It is common knowledge that German business establishments in foreign countries have been not merely centres of German trade, but active agents for the dissemination of German political and social influence, and for the purpose of espionage. In some cases they have even been used as bases of supply for German cruisers, and in other cases as organisers and paymasters of miscreants employed to destroy by foul means factories engaged in making, or ships engaged in carrying, supplies required by the Allies. Such operations have been carried out in the territory even of the United States itself, and I am bound to observe, what I do not think will be denied, that no adequate action has yet been taken by the Government of the United States to suppress breaches of neutrality of this particularly criminal kind, which I know that they are the first to discountenance and deplore.

15. In the face of enemy activities of this nature, it was essential for His Majesty's Government to take steps that should at least deprive interests so strongly hostile of the facilities and advantages of unrestricted trading with British subjects. The public opinion of this country would not have tolerated the prolongation of the war by the continued liberty of British subjects to trade with and so to enrich the firms in foreign countries whose wealth and influence were alike at the service of the enemy.

16. Let me repeat that His Majesty's Government make no such claim to dictate to citizens of the United States, nor to those of any other neutral country, as to the persons with whom they are or are not to trade. They do, however, maintain the right, which in the present crisis is also their duty towards the people of this country and to their Allies, to withhold British facilities from those who conduct their trade for the benefit of our enemies. If the value to these firms of British facilities is such as to lead them to prefer to give up their trade with our enemies rather than to run the risk of being deprived of such facilities, His Majesty's Government can not admit that their acceptance of guarantees to that effect is either arbitrary or incompatible with international law or comity.

17. There is another matter with which I should like to deal.

18. The idea would seem to be prevalent in some quarters that the military position is now such that it is unnecessary for His Majesty's Government to take any steps which might prejudice, even to a slight extent, the commerce of neutral countries, that the end of the war is in sight, and that nothing which happens in distant neutral countries can effect the ultimate result.

19. If that were really the position, it is possible that the measures taken by His Majesty's Government might be described as uncalled for, but it is not. We may well wish that it were so. Even though the military situation of the Allies has greatly improved, there is still a long and bitter struggle in front of them, and one which in justice to the principles for which they are fighting imposes upon them the duty of employing every opportunity and every measure which they can legitimately use to overcome their opponents.

20. One observation which is very commonly heard is that certain belligerent acts, even though lawful, are too petty to have any influence upon a struggle of such magnitude. It is, I know, difficult for those who have no immediate contact with war to realise with what painful anxiety men and women in this country must regard even the smallest acts which tend to increase, if only by a hair's breadth, the danger in which their relatives and friends daily stand, or to prolong, if only by a minute, the period during which they are to be exposed to such perils.

21. Whatever inconvenience may be caused to neutral nations by the exercise of belligerent rights, it is not to be compared for an instant to the suffering and loss occasioned to mankind by the prolongation of the war, even for a week.

22. One other matter should be mentioned, namely, the exclusion from ships using British coal of goods belonging to firms on the statutory list. This is enforced by rendering it a condition of the supply of bunker coal. What legal objection can be taken to this course? It is British coal; why should it be used to transport the goods of those who are actively assisting our enemies? Nor is this the only point. It must be remembered that the German Government by their submarine warfare have sought to diminish the world's tonnage; they have sunk illegally and without warning hundreds of peaceful merchant ships belonging not only to Allied countries but to neutrals as well. Norwegian, Danish, Swedish, Dutch, Spanish, Greek ships have all been sunk. Between the 1st June and the 30th September 1916, 262 vessels have been sunk by enemy submarines; 73 of these were British, 123 Allied, and 66 neutrals. These totals included 10 British vessels which were sunk without warning and involved the loss of 81 lives; 2 Allied, 1 of which involved the loss of 2 lives, no information being available as to the other; and 3 neutral, involving the loss of 1 life. Even so the list is incomplete. Probably other vessels were sunk without warning and more lives than those enumerated were lost. It may be added that where those on board did escape it was, as a rule, only by taking to open boats.

23. One of the first enterprises to feel the loss of tonnage has been the Commission for Relief in Belgium. Relief ships have themselves been repeatedly sunk; and in spite of all the efforts of His Majesty's Government, in spite of the special facilities given for the supply of coal to ships engaged in the commission's service, that body is constantly unable to import into Belgium the food-stuffs absolutely necessary to preserve the life of the population. Can it then be wondered that the British Government are anxious to limit the supply of British coal in such a way as to reserve it as far as possible to ships genuinely employed in Allied or neutral trade?

24. There is, indeed, one preoccupation in regard to this use of coaling advantages by His Majesty's Government which is no doubt present in the minds of neutrals, and which I recognise. I refer to the apprehension that the potential control over means of transportation thus possessed by one nation might be used for the disruption of the trade of the world in the selfish interests of that nation. His Majesty's Government therefore take this opportunity to declare that they are not unmindful of the obligations of those who possess sea-power, nor of that traditional policy pursued by the British Empire by which such power has been regarded as a trust and has been exercised in the interests of freedom. They require no representations to recall such considerations to mind, but they can not admit that, in the circumstances of the times, their present use of their coal resources, a use which only differs in extent from that exercised by the United States in the Civil War in the case of vessels proceeding to such ports as Nassau, is obnoxious to their duties or their voluntary professions.

25. In conclusion, I can not refrain from calling to mind the instructions issued by Lord Russell on the 5th July 1862, to the merchants of Liverpool in regard to trade with the Bahamas. His Lordship there advised British subjects that their "true remedy" would be to "refrain from this species of trade" on the ground that "it exposes innocent commerce to vexatious detention and search by American cruisers."

26. His Majesty's Government do not ask the Government of the United States to take any such action as this, but they cannot believe that the United States Government will question their right to lay upon British merchants, in the interests of the safety of the British Empire, for which they are responsible, the same prohibitions as Lord Russell issued 50 years ago out of consideration for the interests and feelings of a foreign nation. Suspicious and insinuations which would construe so simple an action as an opening for secret and unavowed designs on neutral rights should have no place in the relations between two friendly countries.

27. I trust that the explanations contained in this note will destroy such suspicions and correct the erroneous views which prevail in the United States on the subject.

I have [etc.]

GREY OF FALLODON

File No. 763.72112/3094

*The Secretary of Commerce (Redfield) to the Secretary of State*

WASHINGTON, October 23, 1916.

[Received October 25.]

SIR: During my absence from the city, Mr. Woolsey,<sup>1</sup> of your Department called upon Mr. Sweet, then Acting Secretary of Commerce, and requested a statement showing what measures could be taken in regulating trade that would be effective and, at the same time, least injurious to this country, and also a statement showing the exports of ammunition from the United States to the various belligerent countries.

In compliance with the first request, a memorandum compiled in the Bureau of Foreign and Domestic Commerce of this Department is enclosed. It was understood that the request for information was directed primarily to the Act to Establish a United States Shipping Board, approved September 7, 1916, Section 36, and the Act to Increase the Revenue and for Other Purposes, approved September 8, 1916, Sections 804 to 806. The memorandum treats the subject from the commercial point of view, not the legal. The interpretation of the different provisions of law is, of course, a question for your Department to determine, and, accordingly, the memorandum has not been submitted to the legal officers of this Department for an opinion. At the same time, some of the provisions that seemed open to more than one construction have been indicated, but only so far as they are involved in the consideration of the commercial phases of the subject. In a memorandum covering so wide a subject, and one of such great delicacy and importance, only the main features of the situation could be discussed, and these could be treated only in a rather cursory manner. A more detailed study of the probable commercial effect of any measures that in your judgment merit further consideration will gladly be made.

In compliance with the second request, two statements are submitted: one showing the exports of firearms, cartridges, gunpowder, and other explosives (except dynamite), from the United States to the various countries of Europe and Canada, Japan, Russia in Asia, Australia, New Zealand, and other countries during the fiscal years ending June 30, 1915 and 1916; and, for purposes of comparison, a statement extracted from *Commerce and Navigation* showing the exports of these same articles to the various foreign countries during each of the five years ending June 30, 1915.<sup>2</sup>

Respectfully,

WILLIAM C. REDFIELD

[Enclosure 1]

*Memorandum on the means of combating foreign restrictions on American commerce*

## LEGAL PROVISIONS

The Act to establish a United States Shipping Board, approved September 7, 1916, Section 36, and the Act to increase the revenue and for other purposes,

<sup>1</sup> Law Adviser to the Secretary of State.

<sup>2</sup> For the statement showing exports of firearms, etc., see Enclosure 2, *post*, p. 478. The latter statement is not printed.

approved September 8, Sections 804 to 806,<sup>1</sup> contain certain provisions designated to combat restrictions placed by foreign countries on American commerce. Some of the provisions are concerned particularly with restrictions applied by nations now at war. An abstract of the several provisions contained in the two laws cited follows:

<i>Nature of restriction</i>	<i>Remedy provided</i>	<i>Reference</i>
<b>Import restrictions:</b>		
If any country prohibits importation of any non-injurious product of United States.	President may prohibit importation of similar (or, if such are not imported into United States) other products of such country.	Revenue, Sec. 804
If (during a war, by laws, regulations or practices, contrary to the law and practice of nations) any country prevents or restricts importation of any non-injurious product of United States into same or other country.	President may prohibit or restrict importation of similar or other products of such country.	Revenue, Sec. 805
<b>Discrimination by vessel:</b>		
If any vessel refuses appropriate cargo.	Secretary of Treasury may refuse clearance to such vessel.	Shipping, Sec. 36
If (during a war, on account of laws, regulations, or practices of a belligerent Government) any vessel gives undue preference to, or unduly discriminates against any particular shipper or particular description of cargo.	President may detain vessel.	Revenue, Sec. 806
<b>Discrimination against American vessel or American citizens:</b>		
If (during a war, by laws, regulations or practices) any belligerent country withholds from American vessels or American citizens any facilities enjoyed in United States by vessels or citizens of such belligerent, or accorded by such belligerent to vessels or citizens of other nationality.	President may withhold clearance from one or more vessels of such belligerent, or may refuse similar facilities in United States to vessels or citizens of such belligerent.	Revenue, Sec. 806

#### *Import prohibitions*

There are two provisions directed against import prohibitions of foreign countries, the one general in its character, and the other concerned directly with the restrictive measures of belligerents. The general provision authorizes the President to prohibit the importation of products of any country that prohibits the importation of any product of the United States that is not injurious to health or morals. The products selected by the President, according to a strict wording of the provision, must be similar to those prohibited from the United States. Other articles may be selected by the President "in case the United States does not import similar articles from that country." The legal interpretation of the word "similar" offers considerable difficulty. If interpreted in a broad way, it would be very difficult to show that "similar" articles are not imported, and, therefore, the President would be required to select such articles for prohibition. The very fact of the foreign prohibition against imports would indicate that normally the foreign country would import the articles in question from the United States. If such is the case, economic conditions would prevent any considerable import of the same articles, unless of widely different grade or class, from such countries into the United States, and accordingly our legal prohibition would be of little effect.

<sup>1</sup> 39 Stat. L. 738, 799-800.

In several respects the provision intended to offset restrictions imposed by belligerent countries by Section 805 of the Revenue Act offers greater latitude. The restriction, as well as the prevention of importation by a belligerent may be penalized; the action may affect importation into the country itself or into any other country; the President may restrict, as well as prohibit, the importation of products of such country into the United States; and he may select any article—"similar or other articles"—for retaliation. So far, therefore, as action on the part of this country may be desirable because of import restrictions imposed by belligerent countries, it will be found more convenient to use the authority conferred by Section 805 than that conferred by Section 804 of the Revenue Act.

#### *Discrimination by vessels*

The next phase of restriction is discrimination on the part of vessels. Here again there are two remedial provisions, one contained in the Shipping Act, Section 36, and the other contained in the first paragraph of Section 806 of the Revenue Act. According to the former, the Secretary of the Treasury may refuse clearance to any vessel that refuses appropriate cargo. According to the latter, the President may detain any vessel that gives undue preference to any particular shipper or particular description of cargo, or unduly discriminates against any particular shipper or particular description of cargo. The first provision is general in its application, while the second is limited to discrimination occurring during a war in which the United States is not engaged and resulting from the laws, regulations, or practices of a belligerent government.

In order for the Secretary of the Treasury to refuse clearance to a vessel in accordance with the Shipping Act, five things must be shown to his satisfaction:

1. That the vessel has refused to accept freight;
2. That the freight was offered in good condition;
3. That the proper transportation charges were tendered;
4. That the vessel had space available with due regard to its proper loading;  
and
5. That the vessel is "adaptable" for the freight.

On account of the rigid wording of the section, it is unlikely that any action will be taken under this provision, if the discrimination complained of can be regarded as due to the law or practices of a belligerent government. The provision under the Revenue Act is much wider in scope. It covers any undue preference granted to one shipper over another, or to one kind of freight over other kinds. The President may either withhold clearance or give formal notice forbidding the departure of the vessel.

#### *Discrimination against American vessels and citizens*

The third kind of restriction for which the Revenue Act, in the second paragraph of Section 806, provides a remedy, is discrimination by belligerent countries against American vessels or American citizens. The discrimination may consist not merely of preference granted to other nationalities over Americans, but also of failure to accord reciprocal privileges to American vessels and American citizens—that is, in other words, withholding from American vessels and American citizens privileges or facilities granted by the United States to vessels or citizens of such belligerent country. The language used is very broad and might well be construed to cover any direct discrimination against American vessels or American citizens, or any failure to observe full reciprocity of trading privilege. If thus construed, it would cover, for example, any restrictions placed on citizens of the United States whose names might appear on the black list of a belligerent country, or any curtailment of the right of American citizens to deal with blacklisted firms in other countries; and it would also cover any failure to allow coaling or other privileges to vessels carrying cargo shipped by, or consigned to, blacklisted firms. At the same time it would doubtless be argued by a belligerent country that there was no discrimination in such cases—that American vessels were treated just like vessels of any other nationality, and American citizens like those of any other nationality. While trade by blacklisted firms, it might be admitted, is prevented so far as possible, the restriction applies equally to blacklisted firms of American nationality and those of all other nationalities.

In case of discrimination or failure to grant reciprocal privileges, the President has two options:

1. He may withhold clearance from one or more vessels of such belligerents,  
or
2. He may refuse to vessels or citizens of such belligerents "similar privileges and facilities, if any, enjoyed . . . in the United States or its possessions."

#### INJURIES SUFFERED

The formal acts of belligerent countries that have operated to restrict American commerce fall under four items as follows:

1. Embargoes or export restrictions;
2. Import prohibitions or restrictions;
3. Orders prohibiting trade with the enemy; and
4. Penalization of specified firms suspected of having aided the enemy commercially (black list) or confining trade exclusively to approved firms (white list).

A distinction may properly be drawn between export and import restrictions on the one hand, and the restrictions on neutral trade with the enemy, or with blacklisted firms on the other hand. In theory at least, the former are intended to determine merely the lines of trade in which the country itself shall engage; their principle is sanctioned by international law; exception may be taken only to their extension beyond the point of commercial necessity, or their application in such a manner, as to discriminate against particular neutral countries, or conflict with treaty stipulations. Restrictions on neutral trade with the enemy in non-contraband goods have, on the contrary, no sanction in international law. Official black lists constitute a new device in trade warfare, and are equally repugnant to international law. In other words, the prohibition against dealing with blacklisted concerns applies only to citizens of the country issuing the list. American houses are nominally free to trade with blacklisted concerns, say in Argentina, but in practice, the carrying trade of the world is so largely controlled by the belligerents that it is practically impossible to make a shipment to foreign countries that is not at some stage shipped by a vessel or handled by an intermediary that owes allegiance to the United Kingdom, or some other belligerent. Since no British vessel or British citizen is allowed to trade with blacklisted firms, the prohibition operates indirectly as a restriction on American commerce.

In general, the laws and orders have been very carefully framed so as to avoid, at least nominally, any discrimination against individual countries, or the vessels or citizens of such countries. By commercial treaty most of the countries at war have guaranteed equality of treatment to other countries, and every effort has been made to avoid any apparent infringement of the treaty provisions. Only Russia in its embargo gives certain advantages to Allied countries that are withheld from neutrals. All other belligerent countries place neutral countries, outside of Europe, on terms as favorable as are accorded to any foreign countries. There was for a time one exception in the British embargo. From May to August 1915, the United Kingdom prohibited the exportation of coal to all countries except British possessions and the Allies. Similarly in the case of import prohibitions, the position of the United States has been the same as that of the Allies.

In actual practice, however, it is at least possible that the Allied countries have enjoyed greater privileges than were accorded the United States. Exceptions are granted in individual cases, both for exportation and for importation. Recently arrangements have been made whereby licenses for importation into France may be granted in London and licenses for importation into the United Kingdom may be granted in Paris. No black list has been published of firms in Allied countries. It might naturally be argued, of course, that no black list is necessary in such cases, since the country itself has presumably taken action to prevent the commercial activity of enemy firms there resident.

#### *Embargoes on exports*

In order of time the embargoes against exportation come first. The effect of these measures has been to render extremely difficult the purchase of many important raw materials. Such as have been obtained have frequently had

to be purchased under guarantee not to export the finished product into which the raw material entered. Indirectly, therefore, the embargo in its actual operation may be deemed a practice that restricts the importation of non-injurious products of the United States in countries other than that laying the embargo. While the Revenue Act provides no special remedy to combat foreign embargoes, the embargo viewed as an indirect restriction on importation into a third country may justify the prohibition, or restriction of importation into the country laying the embargo. Moreover, since no embargo has been imposed by this country, the European embargoes may be viewed as withholding from American citizens the facilities or privileges granted by the United States to citizens of the belligerent countries. In accordance with that view the President may withhold clearance from one or more vessels of the belligerent, or may refuse corresponding privileges to citizens of the belligerent country. Indirectly, therefore, under a broad construction of the law, it might be held that the President may impose an embargo to offset the European embargo. The failure of Congress explicitly to authorize the laying of embargoes might well lead to the adoption of a narrower construction of the second paragraph of Section 806 of the Revenue Act.

#### *Import restrictions*

The import prohibitions of belligerent countries came much later. Originally the lists were confined to articles of luxury and were justified as a means of enforcing economy on citizens of the warring countries, and as a means of conserving cargo space. In Italy the list is still limited to articles that may be deemed luxuries. In France the list has been extended considerably beyond that point, and in the United Kingdom a much longer list is now in force. In spite of the special licenses for importation that have been granted, the prohibition has resulted in much loss to American exporters, especially in the case of goods for individual use, as distinct from Government purchases. At the same time, import prohibitions cut off only a single market for our output, while export prohibitions may affect the whole supply of the selected raw materials, and thus indirectly restrict the exportation of the whole output manufactured therefrom.

#### *Trade with the enemy*

The British orders in council, by preventing trade between neutral countries and enemy countries, have proved to be the most serious restriction that has been applied to American commerce since the war began. Trade, both import and export, has been cut off between the United States and the Central powers. The restrictions imposed by the United Kingdom and other countries at war are in effect applied by the steamship companies. To carry cargo contrary to the regulations in force means stoppage, delay, and loss, and consequently the owners and officers of vessels observe strictly the commercial regulations of the belligerent countries.

For this reason the refusal of a vessel to accept non-contraband goods directly or indirectly for a port or city of Germany or Austria-Hungary, may be deemed undue discrimination on account of the laws, regulations, or practices of a belligerent government, and as such, would justify the President, under the first paragraph of Section 806 of the Revenue Act, in detaining the vessel.

Preference given to shipments accompanied by a license from a belligerent over shipments without such license may similarly be deemed to fall under the same provision of law. At the same time, if preferred, the regulations may be deemed to constitute a restriction or prohibition of American products in countries other than those that impose a restriction, and as such, to authorize the President to prohibit or restrict the importation of any products of the countries prescribing the regulation in question.

#### *Blacklisting*

The situation in respect to the blacklisting of specified American concerns and concerns in neutral countries is much the same. It may be regarded (1) as a restriction of the importation of American products into certain countries; (2) as an undue discrimination on the part of vessels that refuse cargo shipped by or to a blacklisted concern; or (3) as a failure to extend to certain American citizens the same privilege that the United States accords to all citizens of the belligerent country. According to the first view, the restriction falls under



Section 805 of the Revenue Act, and the President is authorized to prohibit or restrict the importation of any product from the country imposing the restriction; according to the second view, the restriction falls under Section 806, first paragraph, of the Revenue Act, and consequently the President may detain the vessel that refuses the freight offered; according to the third view, the restriction falls under Section 806, second paragraph, of the Revenue Act, and the President may withhold clearance from one or more vessels of the belligerent, or may refuse the commercial privileges in the United States to some or all citizens of the belligerent country that issues any black list against American firms.

#### FEASIBLE MEASURES

Without question, the measures taken by the United Kingdom during the present war have proved much more injurious to American commerce than the restrictions imposed by any other belligerent country. This is due in part to the comprehensive character of the restrictions imposed by the United Kingdom, and in part, to the enormous volume of trade between the United States and the United Kingdom in normal times. The control by the United Kingdom of the most important sea routes, and the preponderance of British shipping over the shipping of any other nationality combine to make the restrictions imposed by the United Kingdom effective and injurious to American commerce. What steps, if any, can be taken under the Shipping Act and the Revenue Act to induce the United Kingdom to relax its requirements, and at the same time cause the least injury and friction to American business?

Three means of retaliation are provided in the two acts:

1. Prohibition or restriction of imports;
2. Refusal of clearance or positive detention of vessels;
3. Withdrawal of privileges from vessels or citizens of the country imposing the restriction.

#### *Restriction of imports*

The prohibition or restriction of imports is the most natural means provided for combating foreign import prohibition. It may equally well be used to combat the orders in council forbidding trade with enemy countries. Under a broad interpretation of the law, it may be used to combat foreign black lists; and, under a still broader construction, foreign embargoes.

If import prohibitions or restrictions are imposed in the United States, the authority conferred upon the President by Section 805 of the Revenue Act is more elastic and better adapted to the purpose than the authority conferred by Section 804. All of the acts complained of on the part of foreign countries have occurred during the European war and have been justified as war measures.

An import prohibition, to have the maximum effect, should cover articles produced largely by the country against which the prohibition is directed and at the same time procurable in sufficient quantities from other countries. Unless the country against which the prohibition is directed is a large producer of the article, the loss of a foreign market for it will not prove a severe injury. On the other hand, if the importing country has no alternative source from which to draw its supply, it may suffer from the prohibition more than the country against which the action is taken.

Under present conditions it is difficult, if not impossible, in many cases to find several sources of supply in adequate quantities for a given article. In the great majority of lines, therefore, a prohibition of imports by the United States as a retaliatory measure is likely to react more to the disadvantage of consumers, importers, and the trade generally in this country than to the detriment of exporters in the United Kingdom.

Such action would, moreover, without question be regarded as unfriendly, and might lead to retaliation, perhaps in the form of additional embargoes. The United Kingdom through its numerous possessions controls the source of supply of many important industrial materials. Any extension or more rigid application of the British embargo is therefore to be averted.

Almost every article is imported to a greater or less extent from the United Kingdom. The products of the British Empire and of many foreign countries are reshipped from British ports to the United States. There are few distinctive products in comparison with our import trade with most other countries.

Nineteen articles have been selected on account of the large proportion imported from the United Kingdom. Imports into the United States of these 19 articles from all countries represent 4 per cent of all imports for the fiscal year ending June 30, 1916; while the imports from the United Kingdom represent over 21 per cent of all imports from that country. The articles, with the values imported from all countries, and from the United Kingdom, during the fiscal year 1916, are as follows:

Articles	From all countries	From the United Kingdom
Cotton thread and yarn.....	\$5, 085, 000	\$5, 056, 000
Cotton cloth.....	8, 846, 000	7, 394, 000
Cotton laces.....	11, 173, 000	5, 226, 000
Cotton nets or nettings.....	2, 113, 000	2, 064, 000
Cotton plushes and other pile fabrics (except corduroys).....	1, 706, 000	1, 654, 000
Earthen and crockery ware, decorated or ornamented.....	1, 369, 000	1, 101, 000
Ostrich feathers.....	2, 195, 000	678, 000
Linsens.....	11, 256, 000	10, 850, 000
Linoleum.....	513, 000	487, 000
Sausage casings.....	3, 866, 000	1, 189, 000
Mother of pearl.....	1, 873, 000	958, 000
Artificial silk yarns and threads.....	2, 924, 000	1, 293, 000
Diamonds, uncut.....	11, 443, 000	10, 676, 000
Pearls, not strung or set.....	10, 474, 000	4, 683, 000
Malt liquors.....	1, 457, 000	1, 308, 000
Gin.....	750, 000	603, 000
Whisky.....	3, 678, 000	2, 903, 000
Woolen cloth.....	6, 479, 000	6, 318, 000
Woolen dress goods.....	1, 806, 000	1, 663, 000
Total, 19 articles.....	\$88, 906, 000	\$66, 104, 000
Total imports.....	\$2, 197, 884, 000	\$308, 443, 000

This list might be extended almost at will. Taking it as it stands, however, four groups of items seem to call for particular consideration in connection with possible import prohibitions. These four groups are: cotton manufacture; woolen manufacture; diamonds and pearls; and alcoholic liquors.

In cotton manufacture, the three items most largely imported from the United Kingdom are cotton thread and yarn, cotton cloth, and cotton laces. Nettings and plushes are also imported, though to a smaller value than the items previously named. Our imports from the United Kingdom consist both of partly manufactured goods, such as the finer counts of yarns for weaving in this country, and of the more elaborate goods such as machine-made laces, nettings, plushes, and colored cloth. The only goods that may be considered strictly competitive are bleached and unbleached cloth, and even in these grades it is understood that the imports from the United Kingdom consist in the main of finer fabrics than are produced in large quantities in the United States. That an import prohibition would encourage a larger domestic production of the finer grades for which we now depend chiefly on imports, goes without saying. To some extent this might prove a permanent advantage, but only in the case of those lines in which the British and the American cost of production most closely approach. When it comes to those weaves that require a relatively large expenditure in wages, American mills can scarcely hope permanently to overcome the advantages of lower labor cost enjoyed by British mills. So far as the import prohibition encourages domestic makers to go into lines unsuited to our economic position, the permanent result would doubtless be a loss. Against the permanent gain that may be expected in certain lines, must be offset the very considerable disarrangement of trade and consequent loss to American importers and consumers.

In the case of woollen goods, the situation is similar, with this exception—nearly all the raw cotton used in our cotton mills is American grown, while our woollen mills depend largely for their raw materials on foreign sources. The effect of an import prohibition against woollen cloth and woollen dress goods would undoubtedly be a stimulus to the woollen mills located in this country. The encouragement to them might result in a lasting gain to American mills and a lasting injury to British export trade. It must be realized, however, that protection to woollen factories over a long period has not resulted in establishing domestic industries capable of supplying all demands of this country. The decisive objection to an import prohibition on woollens is the fact of our dependence on British raw wool. Any restriction placed upon the importation of British woollen goods into this country would undoubtedly result in the rigid application of the British embargo against the exportation of raw wool to the United States. This might prevent American manufacturers from replacing by their own products, the finer grades of woollen cloth now imported from England, since the raw materials needed for the manufacture of such fabrics is obtained mainly from the British Empire. To cut off from our factories Australian and New Zealand wool would undoubtedly prove more hurtful than the suspension of British competition in cloth and dress goods would be helpful.

The prohibition against diamonds and pearls might cause some inconvenience and dissatisfaction, but no real hardship to consumers in this country. The natural effect of cutting off additional supplies would be an enhancement in price. Diamonds imported from the United Kingdom are mostly uncut, while those imported from the Netherlands are received already cut. To some extent, therefore, a prohibition against the United Kingdom might tend to discourage diamond cutting in the United States. The difficulty of enforcing the prohibition against an article so small in bulk and so large in value is almost insuperable.

Malt liquors are largely imported from England and Ireland, gin is largely imported from England, and whisky is largely imported from Scotland, with a considerable amount also from Ireland. A prohibition of all alcoholic beverages from the United Kingdom might be approved not merely as a reprisal on account of British restrictions, but also as a step toward reducing the consumption of liquor in the United States. It is likely, however, that the imported spirits would be replaced by larger quantities produced in the United States; if so, the measure might be favored by distillers and brewers in this country. Such an encouragement would probably prove merely temporary, since the foreign beverages are called for on account of differences in flavor and quality rather than cheaper prices.

As has been pointed out, a prohibition against the importation of woollens from the United Kingdom would doubtless result in cutting off supplies of British wool to the serious loss of manufacturers in this country. The prohibition against cotton manufacturers would not be open to this objection, but the injury it might cause to British exporters would probably be only temporary, except in a few lines in which American mills are now competing with British mills on terms almost of equality. The prohibition against diamonds and pearls and against alcoholic beverages is likely to cause much less injury to consumers in this country than the prohibition against cotton or woollen manufacture. Such measures might be advocated as indicative of our national resentment against British restrictions, but it could scarcely be expected that any loss so inflicted on British trade would bring about the removal of the objectionable restrictions. As long as the war lasts British statesmen may be expected to subordinate commercial gains to military advantage. In the long run any reprisals taken by the United States that do not accomplish their purpose are likely to injure our prestige. In view of the probability of a vast modification of commercial relations after the war, the maintenance of our prestige as a commercial nation is of prime importance.

If it be decided, as suggested in the foregoing argument, that it is undesirable to place an import prohibition against British merchandise, the question may be raised whether the prohibition of the importation of gold from the United Kingdom is advisable. The belligerent countries are in imperative need of goods from the United States. Those goods must be paid for by commodities, by securities, by loans or other instruments of credit, or by specie. It may be argued that, if the importation of gold is cut off, the belligerent must import less American goods, or ship more commodities in exchange, or sell more securities on our market, or obtain by loans or otherwise, larger credits

in this country. The pressing need of supplies would probably render a contraction of imports from the United States more hurtful to the importing country than to the United States. The exports from the United Kingdom are now probably as large as the present industrial capacity of the country permits. There would remain, then, as the most feasible means to offset the prohibition against the importation of gold, either the sale of securities on our market or the contraction of further loans, probably at higher rates of interest. The impossibility of enforcing a prohibition against gold, as pointed out in the next paragraph, is a decisive objection to such a measure.

So long as import restrictions are limited to countries that restrict, contrary to international law, the movement of American products into foreign countries, it will be difficult, if not impossible, to make any import prohibition fully effective. Even if the existing legal provisions are construed so as to authorize the prohibition of the indirect importation, through a neutral country, of the proscribed products of the belligerent country, the enforcement of the prohibition in all cases would be impossible. Proofs of origin would be necessary for all imports of such articles, and in spite of that requirement, some goods covered by the prohibition would probably be admitted into this country. Shipping charges and ease of identification differ vastly according to the nature of the article selected. The extra cost of shipping cottons or woollens by way of a third country might prove a sufficient deterrent, but in the case of gold, and still more in the case of diamonds, transshipment would entail comparatively little expense. British woollens and British spirits could generally be recognized, even if imported from another country; but gold can be readily exchanged and cannot be identified, and its prohibition could not be made effective, unless applied to all countries.

#### *Detention of vessels*

The detention of vessels is the second means of reprisal sanctioned by the Shipping Act and the Revenue Act. As a means of correcting restrictive measures of belligerents this method seems most appropriate in the case of the orders in council, although it may be also applied probably as a method of retaliation against the blacklisting of American firms.

Against the use of this weapon it may be urged that the result would be to tie up a large volume of shipping of which our commerce is in dire need. If the British orders in council and the British black list are treated as a discrimination against the United States, or as a failure to accord reciprocal treatment, one or more vessels of British nationality may be detained by the refusal of clearance. Or any vessel refusing cargo because of these British regulations may be detained, no matter what its nationality. The last measure would simply cause the enforcement of the regulations to be placed in the hands of British naval officers instead of the officers of merchant vessels. Vessels refuse cargo merely to enjoy free and unhindered passage. If, by our laws, the vessels were compelled to accept such cargo, search and seizure of vessels by the British Navy would be more frequent. The goods would not, however, reach their intended destinations unless conveyed by an American naval vessel with imminent risk of armed conflict.

Probably the most effective remedy would be to refuse clearance to vessels carrying war supplies until the orders in council and the black list are withdrawn. This would seem to be strictly within the authority granted to the President by the Revenue Act, Section 806, paragraph 2, "To withhold clearance from one or more vessels of such belligerent country." In effect, however, this would be to lay an American embargo, and Congress failed to authorize expressly the laying of an embargo. Moreover, it may be doubted whether an embargo on arms and ammunition would be as successful now, as a year or more ago. More factories in the United Kingdom have been converted into munition plants. While our exports of arms and ammunition have been continuously on the increase, their need is now probably less pressing. In some cases, it is understood, American concerns have taken up this work only after a contract was given for a sufficiently long period to justify the necessary alterations or enlargement of the establishment. As a result, the embargo might prove in some cases more injurious to American manufacturers than to the countries at war, and might, in practice, effect the cancellation of a contract more highly regarded by the American concern than by the British Government.

If, instead of placing a virtual embargo on munitions, one be placed on wheat, it would, without question, prove highly inconvenient, if not distinctly harmful

to the United Kingdom. One advantage of the wheat embargo is that it might be justified by economic conditions within our own country. Faced by a great shortage in our wheat crop as compared with the last few years, and with an abnormal export demand, the United States is confronted by the danger of a rise in price to a famine level. To offset similar dangers the belligerent nations have resorted to the embargo, and they could scarcely deem it an unfriendly act if the United States followed their example. On the other hand, the measure would arouse the strongest antagonism on the part of the vast number of wheat growers in this country. They would argue that it would be grossly unfair by legal action to depress the price of wheat below that which would result from the unrestricted operation of economic causes, and would scarcely admit the force of the counterargument that the embargo would merely remove the excessive demand from the nations at war.

It is very doubtful whether, under existing law, an embargo could be made really effective. Clearance might be refused to belligerent vessels but not to neutral vessels unless there was proof of actual discrimination between different shippers or different classes of freight. Moreover, the practical difficulty of enforcing the embargo is as great as the legal difficulty. If direct shipment to a belligerent was made difficult or impossible, the shipments might be made indirectly through a neutral country, and it would be difficult to justify an embargo against neutral countries or to require, in the case of shipments to such countries, a guarantee that the wheat or the munitions would be retained there.

#### *Withdrawal of privileges*

The third remedy provided by the recent laws is the withdrawal of reciprocal privileges from vessels or citizens of a country that impose restrictions upon American vessels or American citizens. This remedy is most appropriate against the black list, although it might also be directed against the British embargo.

It should be repeated that there is no discrimination as such against American vessels, nor as such against American citizens. American vessels are treated like those of British nationality; if they are suspected of carrying enemy goods or unlicensed goods subject to an embargo, or goods belonging to persons on the black list, they are stopped and searched, and if found to carry any objectionable cargo, may be ordered into a British port, or coaling or other privileges may be withheld. Against most other countries, as well as the United States, there is an official black list or an official white list; and British citizens and other residents of the British Empire are even more strictly enjoined against trading with the enemy.

Coaling privileges in the United States might be withheld from one or more vessels. Trading privileges might be refused to certain British firms. The privileges of British subjects resident in the United States might be curtailed. Any of these steps, however, might be deemed an infraction of our commercial treaties, just as we deemed the action of the British authorities an infraction of our treaties, and without the excuse of being war measures. And any such step is likely to lead to a further withdrawal of privileges from American citizens.

The case of the United Kingdom has been considered in detail on account of its importance. Other belligerent countries have taken action that affected adversely our commercial interests. Many of these countries are more open to reprisals than is the United Kingdom. To take action against any of them, however, without similar measures against the United Kingdom would be unjustifiable.

#### CONCLUSIONS

##### *Measures authorized by existing law*

Various possible measures have been pointed out. None of them, however, seem to promise any likelihood of success in the withdrawal of restrictions on American trade and would probably jeopardize our present position. In the belligerent countries, war for the moment is supreme; commercial considerations take a subordinate place. We can attack their commerce, but our own commerce will unavoidably suffer in consequence even more than it has suffered from the restrictions placed on it by the countries at war. There is little likelihood by these means of obtaining the withdrawal of the objectionable regula-

tions. Counterreprisals would be almost inevitable. The warring nations have not hesitated to place embargoes on their exports, thus suffering commercial loss for military gain. And they would probably not hesitate to enforce more strictly existing embargoes, besides extending the present embargo list, in retaliation for any commercial restrictions that we might impose. At present, rubber, wool, jute, tin, plumbago, and certain other raw products essential to our industries are under export prohibition in Great Britain and in the various colonies and self-governing dominions which are the principal sources of supply. Shipments of these articles have been continuously imported into the United States from British countries, however, under special agreements between the British Government and associations of leading importers of the various products. It is obvious that by a termination of these agreements, Great Britain could paralyze many of our industries.

We have suffered the effect of embargoes and orders in council for a long period, under protest but without retaliation. The restrictions are no more hurtful now than a year and a half ago. But the weapon then in our hands—an embargo on war munitions and supplies—has become dulled.

The most effective measure at our disposal is still a virtual embargo of arms and ammunition. It might still be applied if fully authorized by the Revenue Act, Section 806, second paragraph, and if, upon investigation, it promises to be effective. To determine the first condition an authoritative legal opinion is necessary; to determine the second condition a report from a competent military authority should be had. A virtual embargo on wheat, though open to serious objections, comes second in point of availability.

Before any action is taken, however, one other point must be carefully weighed. For success in commerce after the war we need the friendship of the belligerents if it can be obtained and held without undue sacrifice. Is not their good will then likely to be worth more to us than the present temporary restrictions have cost us?

#### *Conference of neutral nations*

If it should be decided to take no direct action under the provisions of the Shipping Act and the Revenue Act, one other step might well receive consideration. An international congress of neutral powers might be called to discuss means of terminating or ameliorating the commercial restrictions imposed during the present war. Concerted action would cause less hard feeling than would the action of a single country. There would be time and opportunity for a full discussion of the restrictions, their effect, and the most appropriate means to insure their abrogation. An embargo by one neutral country might be nullified by exportation first to a neutral country and reshipment thence to the belligerent against which the embargo was laid; to be effective an embargo must be observed or at least recognized by all neutral countries. While the United States is commercially the most powerful country now at peace, its action would be strengthened if it had the moral and legal support of other nations affected by the restrictive measures.

Since the Allies have recently held at Paris a conference to discuss commercial policy after the return of peace, a conference of neutrals could scarcely be viewed as unfriendly by any of the belligerents. It might be well to extend the scope of the conference to include a discussion of appropriate means to insure the "open door" policy in Europe. The calling of a conference would not bind this country to any definite course until after the recommendations of the conference were ratified.

Against the conference two objections might be raised: (1) The delay before positive retaliatory measures could be enforced; (2) the close commercial and political relations between some of the neutral countries and some of the belligerents.

It must also be recognized that the call for a conference is likely to be criticized by opponents of the administration as an evidence of reliance upon moral suasion instead of force.

Some months' delay is inevitable. But if no measures so far authorized are considered feasible, delay at least until the next session of Congress is certain in any case, and the time could be well spent in a study of actual conditions by all the powers that would participate in the conference.

Some of the neutral powers might, on account of their close relations with the belligerents, hesitate to send representatives to the conference. Actual refusal to participate, however, seems unlikely, at least by those countries most affected by the existing regulations. It is more likely that the nations most closely affiliated with the belligerents would attend, in order to counsel moderation. And conservative argument may well prove salutary to offset any unduly radical proposals that may be made.

*Summary*

The general conclusions reached by this survey are:

(1) That immediate reprisals as authorized by recent laws afford no assurance of success, and threaten even the present basis of neutral commerce.

(2) That an international conference of neutral powers might be desirable to discuss the effect of trade restrictions imposed by belligerents and the best means of obtaining their relaxation, and also to consider the general question of international tariff relations after the conclusion of the war.

EXPORTS OF FIREARMS AND EXPLOSIVES (EXCEPT DYNAMITE) FROM THE UNITED STATES TO EUROPE, CANADA, JAPAN, RUSSIA IN ASIA, AUSTRALIA AND NEW ZEALAND, AND OTHER COUNTRIES DURING THE YEARS ENDING JUNE 30, 1915 AND 1916

Countries	Firearms		Cartridges		Gunpowder		Other explosives	
	1915	1916	1915	1916	1915	1916	1915	1916
Austria-Hungary	\$275							
Azores and Madeira Islands				\$36				
Belgium	4,031		2,137	\$28,000				
Denmark	4,858	\$1,379	4,623	9,386				\$741
France	1,253,318	3,192,414	4,926,294	6,786,591	\$2,501,833	\$47,514,775	\$6,644,347	25,654,526
Germany	13,488		2,485					
Greece	127,222	212,236	19,144	8,730	23,000		3,655	233
Italy	3,404	209,908	3,714	21,197		7,053,240	25,681	1,834,227
Netherlands	104	4,094		2,574		50,050	12,169	275,347
Norway	16,339	19,544	6,859	41,871			47,962	52,289
Portugal	48,321	210,913	11,011	111,692			127	5,898
Russia in Europe	231,218	3,893,437		218,428	923,571	25,228,417	754,591	18,619,411
Serbia, Montenegro, and Albania							125,000	
Spain	30	157,605	9,675	1,958,484	7,600	927,546	86,327	676,389
Sweden	1,648		927	14,867			17,247	81,454
Switzerland	470							
Turkey in Europe	1,724							
England	944,998	3,933,064	7,697,865	23,523,125	732,692	57,107,391	6,914,670	179,854,441
Scotland	702,975	74,561	55,622	10,675		1,628,914	98,454	562,056
Ireland	711,821	3,942		382				58
Canada	823,404	3,019,690	377,608	257,663	157,814	1,852,435	1,722,475	7,241,683
Japan	4,958	11,198	297	871	200	2,118	195	213,987
Russia in Asia	1,755,328	1,505,536	11,424	232,514	487,118	31,719,428	552,098	15,500,912
Australia	163,344	250,234	219,987	376,091	878		40,847	275,254
New Zealand	33,883	54,051	38,436	66,072			1,883	6,141
Other countries	2,627,786	1,311,679	4,326,061	3,414,275	256,836	652,060	698,634	1,750,366
Total	\$9,474,947	\$18,065,485	\$17,714,205	\$37,083,488	\$5,091,542	\$173,736,374	\$17,746,362	\$252,605,413



File No. 341.115Am319/273a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, October 26, 1916, 8 p. m.

3980. Walter S. Field, attorney for American Transatlantic Company, has returned from London and reports that all negotiations with British officials for a settlement of the cases of the *Hocking* and the *Genesee* and the other ships of that company failed. He has submitted to Department a statement, which is fortified by documents and correspondence, containing specific allegations that although British officials suggested as a possible plan of settlement the sale or charter by the American Transatlantic Company of all of its ships to a company that would be acceptable to the British Government, they finally blocked a deal for their sale at \$8,000,000 by interposing an objection to a price beyond \$7,500,000; that the ships of Albert Jensen, which had been seized by the British authorities, were released from prize proceedings under an arrangement with Jensen, but that the Wagner ships are dealt with more severely notwithstanding the ground upon which the latter were seized and are held consists, so the Department understands, in the part which Jensen is alleged to have taken in their purchase. Mr. Field contends that the terms and conditions upon which the Jensen ships were discharged involve a tacit admission that Jensen's activities in the matter of purchasing ships did not involve in reality an enemy ownership of them. He also reports that the proceedings through which the *Hocking* and *Genesee* were requisitioned for use by the British Government have now been dismissed or non-suited and that other proceedings have been or will be begun by the British Government to the same end.

You will present these matters to the Foreign Office in a note stating that the Department is deeply concerned over the seizure of the ships in question and the proceedings which have been taken thereunder; that the course of the British authorities can not be regarded otherwise than as wanting in legality and as constituting an infringement of the rights of the American Transatlantic Company, as was set forth in previous representations; and that, in the light of the proceedings and incidents as reported by Mr. Field, the Department is being driven to the conclusion that British officials having charge of the matter are inclined to regard the seizure of these ships lightly and to trifle with the large American interests involved. If the report made by Mr. Field and the documents and correspondence submitted by him are to be accepted, there are strong grounds for believing that the legal aspects of the seizures and detentions are being subordinated to other considerations by British officials.

You will renew the insistence that the ships of this company which have been seized shall be released and that the others shall not be denied a place on the British white list.

LANSING

File No. 300.115/10529

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 30, 1916, 5 p. m.

[Received October 31, 8.15 a. m.]

5089. Your 3913,<sup>1</sup> October 10, 5 p. m. I took up in a long conversation with Lord Robert Cecil, the Cabinet minister in whose department this matter falls, the whole subject of selling coal or refusing to sell it to American ships in the British West Indies. After explaining the inconvenience and losses to several ships, I asked him if the experience of the *Pathfinder* was to be regarded as indicating the fixed policy of the British Government. His reply was quite clear, in substance as follows:

There was no disposition and no wish on the part of his Government to cause any neutral ships loss or even inconvenience, least of all American ships. There was no policy based on such a purpose.

But the scarcity of ships and the abnormal cost of hauling, as well as the abnormal demand for coal caused by the war, made the available supply in such places as the West Indies precarious and therefore precious. The British Government was obliged to adopt the policy of conserving all its capital resources of every sort for its own use since nobody could see when the war would end or what unexpected uses for coal or any other commodity might arise. He would not say that no more coal would be sold to neutral ships in West Indian ports, but he would say that British ships must be given the preference and it might be necessary in the interest of coal economy to deny it to other ships.

He expressed regret at this probable necessity and assured me that any such action would be based not on a disregard of the convenience of American ships, but entirely on the economic necessities of the war. He did not say in so many words that he hoped American ships wishing to coal in the West Indies would make arrangements to do so at other than British ports, but this is a clear inference from his remarks.

Referring to your 3972, October 24, 6 p. m.,<sup>2</sup> copies of all correspondence on this subject go by the next pouch.<sup>2</sup>

PAGE

File No. 611.419/1055

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 2, 1916, 3 p. m.

[Received 9.10 p. m.]

5107. Your 3936,<sup>3</sup> October 13. In a private and confidential note which I have received from Lord Robert Cecil, who is in charge of department to which this matter was referred, it is stated that inquiry is being made into the case of Merck and Company, the

<sup>1</sup> *Ante*, p. 455.<sup>2</sup> Not printed.<sup>3</sup> *Ante*, p. 456.

result of which will be at once communicated, and further assures me British Government does not desire to interfere in any way with trade of firms on black list "B" on which name of company appears. It is further set forth that inclusion on that list means only that the trade of such firms should be watched, and if the facts are as stated, the complaint of the United States Government has been caused by the unauthorized action of one of the British consular officials which has not the support or approval of the Government.

PAGE

File No. 763.72112/3135

*The Consul General at London (Skinner) to the Secretary of State*

No. 2989

LONDON, October 26, 1916.

[Received November 6.]

SIR: I have the honor to inform the Department that Mr. R. A. Rothermel, of 18 Poland Street, London, W., who informs me that he is an American citizen, and represents some 50 American manufacturers, has just received a letter from the blacklisting department of the Government, as follows:

I am directed by Viscount Grey of Fallodon to say that he has before him a letter addressed to you by Messrs. Tuthill Spring Company, of Chicago, which has been detained by the Postal Censor, but which is being sent on to you. In this letter the firm of Trompenberg of Amsterdam is referred to, and I am to say that, from information in his possession, Lord Grey thinks you would be well advised to have no dealings with this firm.

Mr. Rothermel has asked me to advise him what to do under the circumstances, and I have written him as per copy enclosed.

The Department will not fail to note again that the British statutory list is merely one element in a chain of measures which involve a great many firms, ships, and classes of goods.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

*The American Consul General (Skinner) to Mr. R. A. Rothermel*

LONDON, October 26, 1916.

SIR: I am in receipt of your letter of October 21, in which you bring my attention to an intimation from the blacklisting department that correspondence is undesirable with a certain concern in Amsterdam. You ask me to state your legal position in the event that you should continue to correspond and do business with the Dutch firm named. In view of the suggestion which has been conveyed to you by the blacklisting department, I cannot advise you to persist in corresponding with Messrs. Trompenberg of Amsterdam. You must be aware that the Government are possessed of very large powers, and that aliens who reside in this country are subject for the time being to the same rules as those which apply to British subjects. If, therefore, you should deliberately pursue a course known to be objectionable to the blacklisting department, the ultimate results would certainly be disastrous to yourself, for even though this course might not bring you to the bar as a defendant, it would with reasonable certainty result in your expulsion.

Should you wish to discuss the matter more at length with me, I should be very glad to see you at any time for that purpose.

Very respectfully yours,

ROBERT P. SKINNER

File No. 763.72112/3132

*The Consul General at London (Skinner) to the Secretary of State*

No. 2931

LONDON, October 27, 1916.

[Received November 6.]

SIR: I have the honor to transmit, for the information of the Department, copies of letters exchanged with the Procurator General in regard to the position of consignments of American goods forwarded to Holland in care of the Netherlands Oversea Trust.

The Department will recollect that on April 27, 1915, the Foreign Office urged that no objections be raised by the American Government to the consigning of goods to the Netherlands Oversea Trust, in the following communication:

The S. S. *Segurança* was allowed to proceed on April 22, all the consignees having agreed to receive their goods through the Netherlands Oversea Trust.

While His Majesty's Government do not "require" cargoes to be consigned to the Netherlands Oversea Trust, they do accept a consignment in that form as proof that the cargo is intended for *bona fide* consumption in Holland, and they find by experience that no objection to that course is raised by reputable shippers and consignees.

As this practice has greatly facilitated and expedited the release of vessels bound for Dutch ports when brought in or calling for examination, it is hoped that the United States Government will not do anything to interfere with its smooth working in the future.

In asking the Procurator General to release American goods consigned to the Trust, I have frequently referred to the above-quoted note of April 27, 1915. On October 17 he replied to one such letter as per copy enclosed. I thereupon asked him to state the meaning which he himself attached to the Foreign Office note of April 27, 1915, and I have received a reply, dated October 23. As a matter of convenience, I am enclosing also a copy of the Foreign Office note of May 2, 1915 [1916],<sup>1</sup> to which reference has been made by the Procurator General.

I have [etc.]

ROBERT P. SKINNER

[Enclosure 1]

*The British Procurator General (Mellor) to the American Consul General (Skinner)*

TREASURY, S. W., 17 October 1916.

SIR: I am directed by H. M. Procurator General to refer to your letter of the 3d instant, enclosing a copy of a letter from the claimants, and to say that he is unable to consent to the release of the goods and the claim must be made in the prize court. It is hoped that this case will be brought on for trial shortly and I am to invite your special attention to the proceedings, as it is anticipated that they will afford a complete justification for that which throughout has been the contention of this Department: viz., that the guarantee of the British Government of the 25th April 1915 was not intended to give complete immunity to all consignments of goods which might be made to the Netherlands Oversea Trust, no matter what evidence of ultimate destination might be forthcoming, and that full liberty of action was reserved in any cases in which such a destination could, in fact, be established.

I am [etc.]

R. W. WOODS

<sup>1</sup> *Ante*, p. 391.

[Enclosure 2]

*The British Procurator General (Mellor) to the American Consul General (Skinner)*

TREASURY, S. W., 23 October 1916.

## NETHERLANDS OVERSEA TRUST

SIR: I am directed by H. M. Procurator General to acknowledge the receipt of your letter of the 19th instant, relative to consignments of goods to the Netherlands Oversea Trust, and to say that the meaning which he attaches to the Foreign Office communication to which you have frequently adverted is that acceptance by the Trust would be regarded as *prima facie* evidence of neutral destination, but that in cases in which His Majesty's Government consider that they have evidence that, notwithstanding the acceptance by the Trust, goods are intended to be forwarded to an enemy destination, they are not restrained from exercising the right of capture which belongs to every belligerent.

While the Procurator General gladly acquaints you with his interpretation of the note in question, it would perhaps be more satisfactory if you were to obtain, through the usual channels, the meaning which the Secretary of State himself attaches to it.

The matter, however, appears to be comprehensively dealt with in the note addressed to Doctor Page by Lord Grey of Fallodon on the 2d May 1916 (No. 70508/X), with which you are already familiar.

I am [etc.]

R. W. Woods

RESERVATION OF AMERICAN RIGHTS IN CONNECTION WITH THE ABOLITION OF THE DISTINCTION BETWEEN ABSOLUTE AND CONDITIONAL CONTRABAND, NOVEMBER 11, 1916—REFUSAL OF THE UNITED STATES TO RESORT TO BRITISH COURTS FOR MAINTENANCE OF NATIONAL RIGHTS—PRIZE COURT DECISIONS UPHOLDING THE LEGALITY OF THE ORDER IN COUNCIL OF MARCH 11, 1915 (CASES OF THE "STIGSTAD" AND "UNITED STATES")

File No. 763.72112/2527

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

No. 4467

WASHINGTON, November 11, 1916.

SIR: With reference to the announcement made by the British Foreign Office, under date of April 13, 1916, of the intention of the British Government to treat alike absolute and conditional contraband, you are instructed to communicate to the Foreign Office a formal reservation, in regard to this announcement, in the sense that, in view of the established practice of a number of maritime nations, including Great Britain and the United States, of distinguishing between absolute and conditional contraband, the Government of the United States is impelled to notify the British Government of the reservation of all rights of the United States or its citizens in respect of any American interests which may be adversely affected by the abolition of the distinction between these two classes of contraband, or by the illegal extension of the contraband lists during the present war by Great Britain or her allies.

I am [etc.]

ROBERT LANSING

<sup>1</sup> Repeated to the Ambassadors in France (No. 1418), Italy (No. 444), and Russia (No. 247), with instructions to present copies to the Governments of those countries for their information.

File No. 763.72112/3159

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 16, 1916, 6 p. m.

[Received November 17, 10.40 a. m.]

5169. I have been continuing my insistent representations on the black-list question and have had a long series of informal conversations, sometimes with Lord Grey, sometimes with Lord Robert Cecil, and sometimes with both together, until they have come thoroughly to understand the feeling aroused by it in the United States. They did not anticipate this feeling. They are surprised by it, and they wish to remove it. They had no intention of disturbing American trade by it nor of annoying anybody but their enemies. The unmistakable inference I draw is that they regret their action in extending the publication of the black list to the United States and they are now disposed to take sweeping measures to remedy it.

Yesterday during a long conversation with both these Ministers, Lord Grey expressed his Government's willingness to go over the case of every name on the list with some eminent authority designated by our Government who is familiar with the subject, and after frank consideration of every case, to "whittle the list down to the smallest number of names possible."

When the conversation turned on the personnel that this plan would involve, he requested that I convey to you by telegraph an earnest invitation from His Majesty's Government to the Government of the United States to send Mr. Polk to London for the purpose, definitely promising that as the result of such an examination of the whole subject the list should be greatly reduced and that no new names should be added to it. Lord Grey supplements his oral invitation with a personal note this morning in which he repeats it and says "we shall most cordially welcome Mr. Polk's visit."

Their invitation to send him is meant as proof of their good will and of their desire to yield to our wishes as far as they can go without feeling compelled to remove their lists in other countries where they are of real military importance.

Lord Grey told me that he was much impressed by my report of the unfortunate results of the black list in the United States and that he desires to give the strongest proof to our Government and to our people that his Government earnestly wishes to avoid all possible disturbance to American trade and all possible annoyance.

PAGE

File No. 300.115/10757

*The Vice Consul at London (Westacott) to the Secretary of State*

LONDON, November 10, 1916.

[Received November 21.]

SIR: I have the honor to enclose herewith, in duplicate, a return of shipping detentions at Kirkwall during the month of October 1916.

I have [etc.]

RICHARD WESTACOTT

[Enclosure—Extract]

Number of ships detained during:

January, 1916	51
February, 1916	51
March, 1916	53
April, 1916	72
May, 1916	99
June, 1916	93
July, 1916	115
August, 1916	98
September, 1916	110
October, 1916	107

File No. 763.72112/3089

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 4502

WASHINGTON, November 24, 1916.

SIR: The Department has received your No. 4988<sup>1</sup> of October 11, 1916, with which, having reference to the Department's instruction No. 4191 of September 18,<sup>2</sup> in relation to the Maritime Rights Order in Council of 1916, you enclose a copy of a note received from the Foreign Office in response to the Embassy's representations in the matter.

You will address to the Foreign Office a note in reply to the effect that without admitting that even individual rights when clearly violated by orders in council must be maintained by resort to local tribunals, this Government must announce that it, of course, has no intention to resort to British courts for the maintenance of such of its national rights as may be infringed by orders in council of Great Britain.

I am [etc.]

ROBERT LANSING

File No. 763.72112/3159

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 24, 1916, 8 p. m.

4082. Your 5169, November 16, 6 p. m. For the Ambassador. You may reply cordially to Lord Grey's invitation, orally or in a personal note, expressing my appreciation and gratification of this evidence of good will and desire to comply with our wishes in regard to the blacklisting. Express my regret that it is impossible for Mr. Polk to leave for a period long enough to go to London on such a mission, on account of the burden of work of Department, which requires closest attention of every officer.

I am pleased at your impressing Lord Grey and Lord Cecil with the feeling aroused in United States against blacklisting and their taking a more conciliatory attitude toward the matter. I can see no advantage to be gained over the present method of discussing the cases with Sir Richard Crawford and the Embassy, by sending Polk

<sup>1</sup> Ante, p. 461.<sup>2</sup> Ante, p. 446.

to London. Polk is discussing this matter with the Embassy and feels that if Lord Grey and Lord Cecil will sufficiently empower Sir Richard or some other member of the Embassy, as much can be accomplished here with respect to the removal of names as by a trip to London. Such discretion is necessary for further discussion here as Crawford recently stated that in view of the evidence in the hands of the Embassy he saw no prospect of removing any more names.

LANSING

File No. 763.72112/3167

*The Vice Consul at London (Westacott) to the Secretary of State*

[Telegram]

LONDON, November 25, 1916.

[Received 10.45 a. m.]

Following articles declared as from 23d absolute contraband: diamonds suitable for industrial purposes, silk in all forms and manufactures thereof, silk cocoons, artificial silk and manufactures thereof, quillaia bark, zirconium, cerium, thorium and alloys and compounds thereof, zirconia and monazite sand. For gold, silver, paper money, etc., substitute gold, silver, paper money, securities, negotiable instruments, cheques, drafts, orders, warrants, coupons, letters of credit, delegation or advice, credit and debit notes or other documents which in themselves or if completed or if acted upon by recipient authorize, confirm, or give effect to the transfer of money, credit, or securities. Following declared conditional contraband: sponges raw and prepared, glue, gelatine and substances used in the manufacture thereof, empty barrels and casks of all kinds and their component parts.<sup>1</sup>

WESTACOTT

File No. 763.72112/3178

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 27, 1916, 4 p. m.

[Received November 28, 8.15 a. m.]

5219. To the Secretary and the President:

I fear my telegram 5169, November 16, 6 p. m., did not make the situation clear. I have striven to bring about a willingness to settle by exchange of courtesies many of our differences with the British Government with which legal controversy is at a standstill. Please refer to the memorandum about British feeling which I left with you and the President.<sup>2</sup> I have hoped that this method may succeed in very considerably lessening our docket. The black list happens to be the first concrete item in this general plan.

<sup>1</sup> Notice of the same additions and changes by the French Government was given by the Consul General at Paris in his telegram of November 23 (File No. 763.72112/3163).

<sup>2</sup> *Ante*, p. 40.



I have convinced the British Government that the black list has had a universally bad effect on American opinion which may outlast any of us who now have to do with it, and that whatever their intentions were, it would be received in the United States as a discourteous disregard of American feeling. They have declared, I am sure with truth, that they had no such intent, and they are ready to make amends on a basis of high courtesy between principals. In effect they say that if our Government will come here in the person of some distinguished legal representative sent for this specific purpose, they will go the furthest they can to remove the trouble. The mass of evidence on which they proceeded is here, not in Washington. They wish, moreover, personally to explain how they came to make a black list in the United States, with the hope of convincing us that they had no intention to offend us. They told me they had it in mind, since this is not a partisan subject, to ask me to ascertain whether Mr. Root might not come. They wish to see the most eminent American lawyer who knows the Department that our Government will send. I feared possible embarrassment to you if Root were invited, and explained that Polk had handled the subject from the beginning and is an important trained officer of the administration, and they agreed with me that this suggestion was better.

They intimate that they wish not only to go over the papers in this particular subject, but personally to explain their aims and methods. What they ask for is in effect a sort of friendly conference between the two Governments, and an exchange of courtesies and a reassurance of friendly intent. Polk will meet all important members of the Cabinet, will have frank and even intimate conversations with them, and the talk will inevitably take in other subjects of controversy and possible ways of making the whole situation better. I can not promise or guarantee definite results in general, but results of the greatest importance are inherent in the situation if it be properly handled.

It is this level of (procedure?) that I have striven for for months. They have made the first move. If we decline to meet them on this basis the effect may be somewhat discouraging. They may construe our answer as a declination of a courteous and kindly proposal which, if accepted, may lead to further amelioration of the present attitude of the two Governments.

I again respectfully express the hope that Polk may come. If not, can you give me a suggestion to meet the situation.

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File No. 341.115Am319/286

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 27, 1916, 8 p. m.

[Received November 28, 10.20 a. m.]

5224. Your 3980,<sup>1</sup> October 26, 8 p. m. Foreign Office note received to-day which will be forwarded next pouch. Its substance

<sup>1</sup> *Ante*, p. 479.

follows: Field's statement gives misleading impression. Nothing has occurred since the note quoted in my 3376, December 10,<sup>1</sup> to change British Government's idea of enemy ownership in the American Transatlantic ships and their consequent liability to condemnation. They were, however, willing as a matter of grace to reach agreement both with Jensen and with American Transatlantic Company which would obviate prize court proceedings and secure the employment of the ships in a manner acceptable to British Government. They offered terms which were accepted in very short time by Jensen, but not accepted by American Transatlantic Company, though further concessions were extended the latter firm. In view of company's inability or unwillingness to make acceptable arrangement such as resulted in Jensen case the only alternative was to allow prize court proceedings to continue; hence no foundation exists for the statement that the company has received severer treatment than Jensen. The fact that an arrangement was made with Jensen involves no admission that British Government's case against company was not well founded, Jensen's willingness to accept terms offered being evidence the other way.

Field was misinformed in stating that proceedings by which two of the vessels were requisitioned for use were non-suited or dismissed. Real facts are that St. Lucia and Halifax prize courts which ordered requisitions did so before judicial committee of Privy Council decided *Zamora* case, and such requisitions did not strictly comply with conditions subsequently prescribed by that judgment in the respect that the affidavits only proved the necessity of requisitioning the vessels and did not show that there was a real question to be tried so as to make the immediate release of the vessels improper. After *Zamora* judgment fresh application to prize court in London to regularize position was decided upon.

To refrain from capturing company's other ships, as guaranteed in note quoted in my 3376, December 10, was concession showing due consideration to American interests involved and no more could have been conceded in view of facts. The seven free vessels have doubtless earned considerable profits for the company.

The British Government are anxious for a prize court decision in this case whose terms, however, can not be discussed pending the proceedings. Such a decision has been delayed by claimants and not by British Government, for the court order of last July to the company to produce certain documents has not been obeyed in spite of the fact that the company's representations to the Department show that there could be no objection to their producing them.

The undertaking not to capture the company's remaining ships as quoted in my 3376, December 10, was conditioned upon prize court proceedings not being unduly prolonged by the company. If the company continues to decline to produce these documents, the proceedings will be unduly prolonged and the British Government will be free to take steps in the matter inasmuch as they will be released from their undertaking.

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 625.

File No. 763.72112/3198

*The British Embassy to the Department of State*

[Received December 6, 1916.]

The American Ambassador in London having suggested the desirability of some explanation of the principles on which the policy of the British Government is based in dealing with the question of the supply of bunker coal, the following memorandum has been drawn up for public information:

His Majesty's Government have for some time past found it necessary, owing to the shortage and increasing scarcity of tonnage, to make special arrangements at British ports and coaling stations abroad whereby coaling facilities of all kinds should be reserved for vessels belonging to British and Allied owners and to neutral owners who have undertaken to utilize their vessels in such a way that British or Allied interests are benefitted. His Majesty's Government are in fact unable to guarantee that facilities can be provided to other ships.

File No. 763.72112/3201

*The Secretary of State to Mr. Carl S. Stern*

WASHINGTON, December 15, 1916.

SIR: The Department has received your letter of December 6, 1916, with reference to the arrangement by which the British Embassy at this capital issues letters of assurance for shipments to Scandinavia.<sup>1</sup>

The Department notes the statement in your letter that your client has been unable to obtain certain letters of assurance for the shipment of cotton goods to Scandinavia and that where these letters have been issued it has been done after long periods of delay, but that at the same time other American firms have been able to get letters of assurance covering the same merchandise to the same consignees in Scandinavia, and also that the same consignees have been able to get the same goods without difficulty from England.

Without detailed information as to the transactions referred to, the Department can, of course, make no representations in regard thereto. However, if you will forward specific facts in support of these statements to the Department, the Foreign Trade Adviser of the Department will give his attention to the matter, with a view of taking up the matter unofficially with the British Embassy at this capital.

With reference to your request for information in regard to the steps taken by the Government under the provisions of the shipping and revenue bill to remedy the situation with reference to shipments to Scandinavia, you are informed that the Department is giving its consideration to the provisions of these bills, with a view to determining whether or not any action that it may take thereunder might effectively remedy this situation.

I am, [etc.]

For the Secretary of State:  
ALVEY A. ADEE

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<sup>1</sup> Not printed.

File No. 763.72112/3228a

*The Secretary of State to the Consul General at London (Skinner)*

[Telegram]

WASHINGTON, December 16, 1916, 5 p. m.

Department is not aware that question as to legality under international law of provisions of order in council under which goods not contraband have been seized on ground of enemy destination has been squarely presented to prize court and decided. If point has been decided, forward copies of opinion of prize court as soon as possible. If not decided, Department would like your views as to circumstances which have prevented decision on this point.

LANSING

File No. 763.72112/3247

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, December 23, 1916.

[Received 3.20 p. m.]

Proclamation issued to-day requires that all articles exported to Holland be consigned to Dutch Government, diplomatic or consular officers, with permission of Ministry of Foreign Affairs, or Netherlands Oversea Trust, except printed matter, returned containers, worn clothing and personal effects, live animals not used for food, sanitary earthenware, pottery and common earthenware, books, dolls, toys, wooden clock cases, slate and slate pencils, postage stamp and postcard albums. Proclamation apparently intended to permit free shipment of articles here mentioned.

SKINNER

File No. 763.72112/3254

*The Consul General at London (Skinner) to the Secretary of State*

No. 3281

LONDON, December 11, 1916.

[Received December 26.]

SIR: Referring to my telegram of December 8,<sup>1</sup> stating that the president of the prize court had consented to receive claims submitted in writing, without the intercession of local counsel, I have the honor to report that the course, whenever adopted, will enable claimants to obtain judgments at practically no expense to themselves.

Up to the present time, after informal negotiations with the Procurator General have terminated without settlement being reached, claimants have had no alternative but to employ counsel. . . . The disadvantage to claimants who fail to enter appearance and defend

<sup>1</sup> Not printed.

their claims in court is that, at present, the Foreign Office holds that persons who do not first exhaust their legal remedies have no right to ask for compensation through diplomatic channels.

I brought the foregoing points to the personal attention of Sir Samuel Evans, the president of the prize court, on the 8th instant, who stated, verbally, that claimants who wished to do so might submit their claims to him in writing. In order to take advantage of this opportunity claimants must first "enter appearance." This they can do by power of attorney, the agent selected for this purpose, who may be the Consul General (if the Department approves), being authorized in the following form:

Ship S. S. \_\_\_\_\_  
Goods \_\_\_\_\_

I \_\_\_\_\_ of \_\_\_\_\_ the owner of the above-mentioned goods hereby authorize and request you to enter appearance in my behalf as my duly authorized agent at the British Prize Court in respect of the above goods.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 191

(Signature)

(Authentication of Signature by Notary.)

To \_\_\_\_\_

London

The legal fee for "entering appearance" in such cases is two shillings. Having complied with this formality, the claimant may then submit his case in writing, in the form of an affidavit, supported by such documentary evidence as may be available. In the preparation of the affidavits claimants would be well advised to consult their legal representatives with a view to the drafting of a strong presentation of their cases.

Sir Samuel Evans has promised that when cases are called and affidavits of this kind are filed, he will cause them to be read, and will consider them in reaching his decisions. Obviously, claimants who adopt this course will have no opportunity to reply to counsel on the other side, and must rely on the strength of their own declarations to overcome the skill of the Crown's representatives.

I have [etc.]

ROBERT P. SKINNER

File No. 300.115/11150

*The Consul General at London (Skinner) to the Secretary of State*

LONDON, December 18, 1916.

[Received January 2, 1917.]

SIR: I have the honor to enclose herewith, in duplicate, the latest revised list of ships blacklisted by the British authorities bearing date of December 1, 1916, the total tonnage for which is 188,787.<sup>1</sup>

I have [etc.]

ROBERT P. SKINNER

<sup>1</sup>Not printed; it contains the names of 306 ships, of which 11 are American, including 3 "captured and at present engaged on Government service pending a decision by the British prize court."

File No. 763.72112/3269

*The Consul General at London (Skinner) to the Secretary of State*

No. 3327

LONDON, December 19, 1916.

[Received January 2, 1917.]

SIR: I have the honor to acknowledge the receipt of the Department's cabled instruction of December 16 inquiring whether a judicial decision had been given respecting the validity in international law of the order in council whereunder the goods presumably destined for belligerent countries may be detained in the United Kingdom. This point is dealt with in the prize court judgment handed down on April 14, 1916, in the case of the Swedish ship *Stigstad*, a print of which I am enclosing herewith.<sup>1</sup>

It is an interesting circumstance that although the British Government has appointed a Minister of Blockade, although a blockade in northern European waters is frequently referred to in official correspondence, and in popular discussion of current topics, legally speaking there is no blockade, and in dealing with questions arising out of the detention of ships and cargo the president of the prize court has taken particular pains to indicate the difference between the measures enforced as reprisals, and those that would be enforced if a blockade should be attempted. The detention of non-contraband goods forwarded, presumably, to belligerent countries, is enforced by virtue of the order in council of March 11, 1915. This order in council is officially entitled "Reprisals Restricting German Commerce," and the paragraph under which non-contraband goods are detained provides for this restriction as follows:

Every merchant vessel which sailed from her port of departure after the 1st March, 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or Allied port.

The legality in international law of this much discussed order in council appears not to have been dealt with in the prize court until April 14, 1916, following a decision of the Privy Council handed down on April 7, 1916, in the case of the Swedish ship *Zamora*. In the *Zamora* case, which reached the Privy Council on appeal from the prize court, the Procurator General had sought for a decree that the ship should be condemned on the ground that she was carrying contraband "or in the alternative, for the order for the detention and/or sale of the cargo on the ground that the steamship sailed from a port other than a German port after March 1, 1915, having on board cargo which had an enemy destination, or was enemy property." While in the *Zamora* case it was decided chiefly that a prize court administers international law and not municipal law, and is not bound by executive orders of the King in Council, an important light was also shed upon the order in council of March 11, 1915, in the following paragraph of the judgment.

Further, the Prize Court will take judicial notice of every Order in Council material to the consideration of matters with which it has to deal, and will give the utmost weight and importance to every such Order, short of treating

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<sup>1</sup> Not printed.

it as an authoritative and binding declaration of law. Thus an Order declaring a blockade will *prima facie* justify the capture and condemnation of vessels attempting to enter the blockaded ports, but will not preclude evidence to shew that the blockade is ineffective and therefore unlawful. An Order authorising reprisals will be conclusive as to the facts which are recited as shewing that a case for reprisals exists, and will have due weight as shewing what, in the opinion of His Majesty's advisers, are the best or only means of meeting the emergency; but this will not preclude the right of any party aggrieved to contend, or the right of the Court to hold, that these means are unlawful, as entailing on neutrals a degree of inconvenience unreasonable, considering all the circumstances of the case. Further, it cannot be assumed, until there be a decision of the Prize Court to that effect, that any Executive Order is contrary to law, and all such Orders, if acquiesced in and not declared to be illegal, will, in the course of time, be themselves evidence by which international law and usage may be established. See Wheaton's *International Law* (4th English ed.), pages 25, 26.

The *Stigstad* case was decided in the prize court on April 14, 1916, the cargo of this ship having been detained exclusively upon the ground that it was forwarded in violation of the retaliatory order, article 3, of March 11, 1915. The owners of the ship appeared in court to claim compensation for the detention of their vessel while the cargo was being discharged. In the course of the proceedings the following discussion occurred:

MR. MILLER: In the case of a blockade anyone attempting to run it knows what the penalty is for so doing.

THE PRESIDENT remarked that this vessel sailed after the Order in Council was published.

MR. MILLER said it would be an intolerable burden if a shipowner of a neutral country was required to ascertain whether any portion of his cargo was ultimately intended for an enemy destination, which he might have no means of knowing.

THE PRESIDENT remarked that it was a serious matter if the contention was, as Mr. Miller suggested, that the Order in Council was invalid "because it inconvenienced neutrals." In blockade the result to innocent shipowners was still more serious—they lost their ships altogether.

The president, in giving judgment, again pointed out the difference between the effect of the reprisals order and an order establishing a blockade, quoted the decision of the Privy Council in the *Zamora* case setting forth that any order in council authorizing reprisals will be conclusive as to the facts which are recited as showing that cause for reprisals existed, and finally reached the conclusion that the order in council was lawful, and that he must obey it. The following is the concluding paragraph of the judgment:

In the result I am of opinion that the Order in Council is lawful as an Order enjoining reprisals in accordance with the principles of international law. The result, in my opinion, is that, whatever delay or inconvenience may inevitably or necessarily be caused, as in this case, neutrals must suffer that delay and that inconvenience, as the consequence of the exercise of legitimate belligerent rights on the part of this country. I repeat that I should have been glad to have had fuller arguments, and to have had time to refer to the authorities and put my reasons into better form; but the matter being so important, I think it right to pronounce my opinion now that there is nothing invalid in this Order in Council, and that it is an Order to which this Court ought to and will give effect.

The Procurator General and other British authorities regard the decision in the *Stigstad* case as meeting every attack upon the legality of the order in council of March 11, 1915, and propose to continue to do so unless the judgment should be reversed in the Privy Council.

Appeal has been made to the Privy Council and it is expected that the case will be heard some time in February next.

It is not entirely without interest in this connection to mention that in the course of the hearing of the *Zamora* case in which Sir Robert Finlay, now Lord Chancellor, appeared for the appellants, he made the following claims:

The question is whether there is power to requisition before the condemnation. . . . The rules cannot supersede the provisions of the statute. . . . A neutral has a right to carry on the seas unless the cargo is contraband, or is destined for a hostile port. In this case the cargo was consigned to a Swedish port, and if the case had been tried the question would have been whether the intention was that it should ultimately find its way to Germany, or whether it was *bona fide* the property of Swedish subjects. . . . The rules are only rules of practice or procedure. . . . The destination to an enemy's port is essential, and this copper could only be condemned on that ground, of which, there is no proof. *The burden of proof is on the captor.* The assumption that as soon as a neutral vessel is brought into port she is subject to requisition is erroneous. . . . The Order in Council must be construed so as not to violate the principle of international law.

I have [etc.]

ROBERT P. SKINNER

File No. 300.115/11231

*The Consul General at London (Skinner) to the Secretary of State*

No. 3355

LONDON, December 28, 1916.

[Received January 10, 1917.]

SIR: I have the honor to enclose herewith a print of a prize court judgment made public on December 18, 1916, in the course of which the president of the prize court states the following principle:

Where goods are sent by sea, captors' rights cannot be defeated by a mere transfer of legal ownership, by documents, without actual delivery of the goods themselves; such rights cannot be defeated unless and until the actual possession of the goods, as well as the property in them, has been changed before the seizure.

Accordingly the president decided that large quantities of goods purchased in Germany by American firms, and detained while being shipped from Germany to the United States, were enemy property, as well as of enemy origin, and he ordered their detention until the conclusion of peace, with liberty to the Crown to apply for an order for their sale, and the detention of the proceeds.

I understand that an effort will be made by some of the claimants to appeal to the Privy Council.

I have [etc.]

ROBERT P. SKINNER

[Enclosure—Extract]

*Judgment of Prize Court in the case of the "United States," printed in "Lloyd's List" December 18, 1916*

The President, in giving judgment said: The Crown claims an order for the detention or sale of certain goods seized on a voyage from Copenhagen to the United States on the double ground (a) that the goods were of enemy origin, and (b) that they were enemy property.



The application is made under Article IV, of the Reprisals Order in Council of March 11, 1915.

It is disputed that the goods were of enemy origin. But the claimants contended that they were neutral property, on the ground that before seizure the property had passed from the respective vendors in Germany to the respective purchasers in America.

The goods were despatched by the parcel mail on the *United States*, a Danish vessel.

They were goods of multifarious kinds, and not such as would be sent by mail in times of peace. It is well known in this Court that since the war the mails have been used for the clandestine transmission of contraband and other goods and merchandise from foreign countries to Germany, and of goods and merchandise of various kinds from Germany to foreign countries. . . .

The Reprisals Order in Council deals with maritime commerce between belligerents (and of necessary consequence with that commerce in relation to neutrals also) in a state of war.

As I have pointed out before, it does not add to the articles which are confiscable and subject to condemnation as maritime prize of war. In that respect it deals more tenderly and generously with neutral commerce than was done under the old and existing law of strict blockade. Under the latter, ships and cargoes were condemned out and out as prize on breach or attempted breach of blockade.

Under the Reprisals Order in Council the ships are released, and the cargoes or their proceeds, if sale is ordered, are only detained until the conclusion of peace.

But although there is this important distinction between the results of the working of the Order, and of the strict application of the law of blockade, it is obvious that the Order deals with maritime commerce during war upon the analogy of the law of prize. Indeed, it is under the international law of prize that the Order, as one of Reprisal, derives its validity.

It is essential, therefore, to see how the question of the passing of property was regarded by the International Law of Prize.

Stating the rule quite shortly it is this: Where goods are sent by sea, captors' rights cannot be defeated by a mere transfer of legal ownership, by documents, without actual delivery of the goods themselves; such rights cannot be defeated unless and until the actual possession of the goods, as well as the property in them, has been changed before the seizure.

Such transfers have been described as transfers *in transitu*. This does not mean transfers made only while the goods are on the seas, between the shipment and the delivery. I take some concrete cases. If goods of a contraband nature had been bought by the enemy in America before shipment at New York, in circumstances where the legal ownership would remain in a neutral vendor according to the law in time of peace, they could still be captured on the voyage to Germany to the enemy purchaser, on the ground that they would be his on delivery, on whatever vessel, neutral or otherwise, they might be carried. So if goods of any kind so bought were shipped on an enemy vessel, or on a British or Ally ship they would be capturable. It would be no answer to say that the matter had been so arranged that by Municipal Law the property would not pass until the goods had safely reached the hands of the enemy. The goods would be regarded in such cases as enemy property.

So in regard to goods shipped from the enemy country; if purchased by neutrals during a state of war, the contract is held invalid, and the property is deemed to continue as it was at the time of shipment, until the actual delivery. (See Pratt's *Story on Prize Courts*, page 64.)

Having regard to the doctrine of continuous voyage, it makes no material difference that at the one end or the other there is a transit by land. And just as goods from New York to Germany intended to be delivered to the enemy are regarded as "enemy property," so goods from Germany to New York are also regarded as "enemy property," *qua* the rights of the captors. . . .

**INFORMAL ARRANGEMENTS WITH GREAT BRITAIN AND HER ALLIES REGARDING THE EXPORTATION OF AMERICAN GOODS TO ENEMY AND NEUTRAL EUROPEAN COUNTRIES**

**BRITISH "LETTERS OF ASSURANCE" TO AMERICAN SHIPPERS**

File No. 763.72112/2330

*The Assistant Secretary of Commerce (Sweet) to the Secretary of State*

WASHINGTON, March 9, 1916.

[Received March 11.]

SIR: There is enclosed herewith for your information and such comment as you may care to make a copy of a circular signed by the British Vice Consul. This circular sets forth that an arrangement has been made whereby American shippers may inform themselves in advance whether their consignments will be regarded as unobjectionable under the British military regulations, or whether any of the circumstances would require investigation, and to this end an office has been established provisionally at the British Embassy, Washington, D. C., which will give to intending shippers in satisfactory cases letters of assurance to facilitate the passage of shipments through the British naval patrol.

Very truly yours,

E. F. SWEET

[Enclosure]

*Circular issued by the British Consulate General in New York*

Circular—D. 1467.16.4343

NEW YORK, March 4, 1916.

GENTLEMEN: It has been represented to His Majesty's Government that it would be of service to American exporters intending to ship goods to Scandinavian countries if, before shipment, they could ascertain through some British authority in the United States, whether their consignments would be regarded as unobjectionable under the British military regulations, or whether any of the circumstances would require investigation.

Arrangements have accordingly been made to provide applicants with this information through an office established provisionally at the British Embassy, Washington, D. C., which will give to intending shippers in satisfactory cases, "Letters of Assurance" to facilitate the passage of their shipments through the British Naval Patrol.

I am directed by H. M. Consul General to acquaint you that shippers who desire to avail themselves of the facilities offered should be informed that applications for information must relate to particular consignments and should be made at least two weeks before the date proposed for the shipment of the goods.

No general assurances can be given; but all applications must state for each proposed shipment the following details which should be furnished in duplicate, on separate sheets, and signed in writing:

- (1) The name and address of the consignor.
- (2) The complete description and quantity of the goods.
- (3) The name and address of the consignee in Norway, Sweden, or Denmark as the case may be.
- (4) The name of the steamship line which will transport the goods; the approximate date of shipping, and the name of the vessel, when this is known.
- (5) Consignments of the same description of goods to different consignees, or of different descriptions of goods to the same consignees must be separately indicated.

I am to add that in cases where applications involve inquiries by cable, the applicants will be invited to bear their share of the cable expenses.

The machinery of the new office in Washington will not be in operation for about a week or ten days.

All of the goods in a particular consignment for which a letter of assurance is given should be shipped on the same vessel. If the quantity shipped is less than that covered by the assurance the latter will not be regarded as valid for the later shipment of the unexhausted balance, which should be the subject of a fresh application.

Shippers desiring to submit cases to the new office should address their applications either directly, or through the steamship line which will carry the goods, to The Trade Department, British Embassy, Washington, D. C.

I am [etc.]

M. M. RICHARDSON  
Vice Consul

File No. 763.72112/3414a

*The Foreign Trade Adviser of the Department of State (Holder)  
to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, May 20, 1916.

MY DEAR SIR RICHARD: Salmon packers and fruit shippers in the United States have written me with reference to their desire to obtain a more liberal issuance of letters of assurance for the shipment to Scandinavia of the products in which they are interested. The season for salmon shipments is now at its height and many shipments have gone forward to the seaboard, where they have been for some time awaiting the issuance of letters of assurance without definite results. The same situation is true with reference to shipments of dried and fresh fruit. Shippers of malt, barley, and other food-stuffs have also complained and written to their Senators and Representatives in reference to the matter.

I trust that you will take this matter up by cable with the Foreign Office so that a more liberal policy with reference to the issuance of these letters may be instituted and unnecessary delays avoided.

Very truly yours,

CHARLES A. HOLDER

File No. 763.72112/3415

*The Commercial Adviser of the British Embassy (Crawford) to the  
Foreign Trade Adviser of the Department of State (Holder)*

WASHINGTON, May 23, 1916.

[Received May 24.]

MY DEAR DOCTOR HOLDER: In reply to your letter of the 20th, the matter to which you call our attention had already come before us, and we are in communication with the Foreign Office with regard to it.

Yours very truly,

R. CRAWFORD

File No. 763.72112/2696

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, July 6, 1916, 10 a. m.

[Received 11.15 a. m.]

Concerning proposed letters of assurance to be issued by the British Minister [Ambassador] at Washington, D. C., for shipments from United States to Greece, does the Department of State approve that requests for permits to import from United States pass solely through the local British and French consulates? It appears advisable as a matter of record that such requests should first pass through our consulates.

AMERICAN CONSUL

File No. 763.72112/2715

*Mr. Carl S. Stern to the Secretary of State*

NEW YORK, July 7, 1916.

DEAR SIR: The British Embassy for the purpose of serving the convenience of American shippers, established the practice of issuing so-called letters of assurance. The practice has so far engrafted itself upon the American export business that, at the present time, no steamship company will accept a shipment for export to the Scandinavian countries unless it is covered by such a letter.

One of our clients, an exporter, has called to our attention that this system, designed for the benefit of the American export trade, has proved, instead, to be a menace. Exporters cannot tell in advance whether they will get letters of assurance; they know that no steamship company will take their shipment without such a letter; they know also that such a letter may be issued within a week, a month, two months, or may not be issued at all. Consequently, the American exporter is in straits. He does not know what orders to give to manufacturers or what orders to take for shipments. Letters are delayed and sometimes refused, although the goods are on the embargo list of the Scandinavian countries.

In the case of articles with fluctuating markets—and many of the articles exported are such—the danger and inconvenience is greatly magnified.

The American shipper can usually so contract as to place the risk of loss after shipments upon his foreign customer, so that the risk of seizure would be upon the customer. In any event, there are remedies for unlawful seizure; but the American exporter is entirely without a remedy if he cannot obtain shipments of his goods.

Moreover, the British Embassy, though it promptly charges the exporter with the cable charges involved in making its investigations concerning requests for letters, is in no haste to announce its decision. In instances cited by our clients, action upon applications was delayed for five weeks and seven weeks respectively, and in one of these cases the market has advanced 10 per cent in the meantime.

The practice of issuing letters of assurance, as it has worked out, enables the British Government to place a very real embargo upon

any class of American merchandise destined for the Scandinavian countries by consistently refusing letters upon that class of merchandise. In this way American trade in any particular commodity could be destroyed and English export trade fostered at its expense.

Passing the serious inconveniences and delays even when the letters are granted and the obnoxiousness of what is, in practice, a requirement that American exporters must obtain the permission of the British Government before embarking in thoroughly lawful trade, we call to your attention that the power over American trade that this system places in the hands of the British Embassy is a dangerous one. It has been suggested, in consequence, that the American Government ought in order to protect American trade to take steps to obtain the prompt discontinuance of the practice of issuing letters of assurance, or if this cannot be done immediately, it should require steamship companies to take shipments without such letters and should penalize companies showing any preference to shipments accompanied by letters of assurance over those not so accompanied.

Will you kindly let me know, so far as is consistent with the practice of your Department, whether any action has been taken or is planned to be taken by our Government in this connection.

Thanking you [etc.]

CARL S. STERN

File No. 763.72112/2696

*The Acting Secretary of State to the Consul at Saloniki (Kehl)*

[Telegram]

WASHINGTON, July 8, 1916.

Department has not given its approval to arrangements for issuance [of] letters of assurance by British Embassy, Washington. American consuls in Greece should have nothing to do with requests of this character.

POLK

File No. 763.72112/2715

*The Acting Foreign Trade Adviser of the Department of State (Letcher) to Mr. Carl S. Stern*

WASHINGTON, July 11, 1916.

SIR: The receipt is acknowledged of your letter of July 7, 1916, addressed to the Secretary of State, in regard to the difficulty which the American exporter experiences in making shipments to Scandinavia.

This Government recognizes the right of American firms to ship goods, whether contraband or not, to neutral consignees in neutral countries. The Department, however, is informed that the steamship companies are refusing to accept various consignments of goods even though destined for neutral countries, and there is no power in this Department to require them to alter their decision. The Department has had no part in the arrangement announced by the British Embassy in the public press that it will assist American firms wishing to ship goods to Scandinavia by the issuance of letters of assurance, nor has it given its approval thereto.

The whole subject of interference with neutral trade and the circumstances that may have induced the steamship companies to assume their present attitude are being given the careful consideration of the Department.

Very truly yours,

MARION LETCHER

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[For the report from the Consul General at London, September 1, 1916 (received September 13), regarding a shipment of apples to Scandinavian countries, containing a denial by the British authorities of the allegations of undue delay in granting letters of assurance, see *post*, page 504.]

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File No. 763.72112/3131

*The Minister in Norway (Schmedeman) to the Secretary of State*

No. 287

CHRISTIANIA, *October 20, 1916.*

[*Received November 7.*]

SIR: Owing to the increased number of complaints which I have received lately from Norwegian buyers relative to the difficulties encountered in obtaining shipments from the United States, I requested Mr. Horace Upton Gade, an American citizen and a responsible business man doing a considerable amount of trade in Norway, to state to me in writing the nature of the difficulties and the exact position of Norwegian business men. I now have the honor to enclose copy of a letter from him, under date of the 18th instant, which I have every reason to believe is accurate in every respect and, as it contains a practical suggestion as to how it might be possible to overcome the difficulties in question, I should be pleased to hear whether the Department considers it advisable to take any action with a view, if possible, to alleviating the situation and facilitating trade between the United States and Norway.

I have [etc.]

A. G. SCHMEDEMAN

[Enclosure]

*Mr. H. U. Gade to the American Legation in Norway*

CHRISTIANIA, *October 18, 1916.*

GENTLEMEN: I wish to call your attention that the present system established by the British Foreign Office by which shipping permits are granted for goods to be forwarded from New York to Norwegian ports via the Norwegian-American Line is working most unsatisfactorily and with great needless expense and loss of time to the Norwegian buyer as well as to the American exporter.

By this present system it becomes necessary, after a business transaction has been concluded between a Norwegian buyer and American firm, for the latter to apply to the British Embassy at Washington for permission to ship—for letter of assurance—and, as the Embassy has no final authority, they are obliged to cable the London Foreign Office (at American shippers' expense) for instructions. If a reply is received, the American firm is advised in due course, but it very frequently happens that the Embassy is repeatedly appealed to before advice comes through. There is a serious delay while cabling is going on, and not being sure that a permit is forthcoming, the shipper is unable to engage steamer space which again results in further delays. It is also most

annoying to the Norwegian importer who wishes to buy American goods and who has to conform with the present established American terms of payment—cash against documents in New York—to be obliged to arrange for the credit being available so long before being used and paying interest during such period. Should permit be refused, the credit is opened to no purpose and the buyer incurs heavy cable and other expenses before withdrawing.

My contention is that a system might be arranged which would work rapidly and to the satisfaction of all concerned, and from the point of view of the British Foreign Office be quite safe.

I should suggest that the American exporter, through his Norwegian representative, when wishing to conclude a transaction, put the matter before the British Legation in Christiania, giving H. B. M.'s Minister such information as to the name of the buyer, the quality and quantity of the goods and their ultimate use, which is required by the British Embassy at Washington and by them now cabled to the London Foreign Office who [which], I believe, again cables to Christiania for local information.

Being in possession of such facts direct from the American representative, and having all the local facts and merits of the case, the British Legation at Christiania is at once able to wire their Foreign Office asking for or recommending a permit to be granted and can, within a few days' interval, advise definitely, thereby enabling the seller to go ahead and conclude the transaction.

By this arrangement the buyer is at once advised if he is allowed to buy and receive his goods, and not until after having this definite information does he have to incur the expense of exchanging cables and arranging for credits. He is able at once to secure the necessary tonnage and can figure on obtaining his goods in somewhat scheduled time.

It must be quite evident when considering this matter that the present system which must be adhered to is impractical and should at once be changed. My suggestion of having the question of "letter of assurance" fixed and settled between Norway and England direct can not but be a simpler and easier way and does not in any way afford the chance of letting shipments through, other than those which would have been allowed to pass were the application for permit to ship have originated with the American firm through the Washington Embassy.

It is the buyer on this side who is first and foremost interested, and after he is satisfied and knows he may receive the goods he wishes to purchase then it is time to communicate with the shipper.

Your valued interest in this matter will be greatly appreciated.

Yours very truly,

H. U. GADE

*The Acting Foreign Trade Adviser of the Department of State  
(Letcher) to the Commercial Adviser of the British Embassy  
(Crawford)*

WASHINGTON, December 9, 1916.

MY DEAR SIR RICHARD: There is enclosed a copy of a letter from Mr. H. U. Gade, an American citizen established in Christiania, engaged in trade between the United States and Norway, in regard to the difficulties experienced in connection with the present system of issuing "letters of assurance" for shipments to Scandinavia.

The difficulties which he points out, particularly with reference to the delays and uncertainties and expense in regard to credits, seem to be very real ones and I transmit this letter to you so that you may examine it with a view to determining whether the suggestions of Mr. Gade or some similar plan may not be feasible.

I am sure you will give sympathetic consideration to the matter and I shall be glad to discuss the question raised with you if you will indicate to me your willingness to do so.

Very truly yours,

MARION LETCHER

File No. 763.72112/3379

*The Commercial Adviser of the British Embassy (Crawford) to the Acting Foreign Trade Adviser of the Department of State (Letcher)*

WASHINGTON, December 11, 1916.

MY DEAR MR. LETCHER: In reply to your letter of December 9, the only case we could discover in which Mr. Gade is interested was an application made for letter of assurance to the Trade Department on July 17. This letter was issued on July 26. Four months later, namely on November 20, we were advised that the letter had not been used and we were asked to issue a fresh one to replace it. This was issued on November 27.

I think that any suggestions that Mr. Gade may have to offer would be best made through the Norwegian Financial Department, Christiania.

Yours very truly,

R. CRAWFORD

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[For the letter from the Secretary of State to Mr. Carl S. Stern, December 15, 1916, inviting him to submit the facts regarding his complaint of difficulty in obtaining letters of assurance, "with a view to taking up the matter unofficially with the British Embassy at this capital," see *ante*, page 489.]

### SHIPMENTS OF FRUIT

File No. 763.72112/2020

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 3197

WASHINGTON, February 8, 1916.

SIR: With reference to your telegram of September 30, 1915,<sup>1</sup> in regard to the shipment of fruit from Mediterranean countries and Portugal to the Netherlands without consignment to the Netherlands Oversea Trust, you are instructed, unofficially and without recognizing the British order in council of March 11, 1915, to bring this matter again to the attention of the British Foreign Office and urge that the same privileges be extended to American fruit as those granted fruit from Spain and other Mediterranean countries.

You are instructed to inform the Foreign Office that it seems impossible to escape the conclusion that, whatever the intention of the British Government may be, the effect of the arrangement by which Mediterranean and Portuguese fruits are allowed free shipment to the Netherlands without consignment to the Netherlands Oversea Trust, is to discriminate against fruit from the United States. In view of the fact that the privileges of this arrangement previously granted Mediterranean fruit have subsequently been extended to Spain, the

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 197.



Department does not understand why the same privileges may not be extended to the United States.

The Department has noted the statement in your telegram that the Foreign Office adds "that if the United States Government are disposed at any time to afford to British Government, in regard to the control of contraband trade, the same assistance and cooperation as the Netherlands have done, British Government will no doubt be prepared to make some concession in return."

Cooperation on the part of the Netherlands Government regarding the control of contraband trade in the interests of Great Britain does not, in the opinion of the Department, justify discrimination against imports into Holland from the United States in favor of like imports when coming from Spain or the Mediterranean countries. It is not understood that the Government of the Netherlands is the recipient of favors or considerations from Spain or the Mediterranean countries through the arrangements negotiated by Great Britain with the Netherlands Government for the latter's assistance in preventing contraband from reaching Germany and Austria, as a result of which the Netherlands Government might undertake to discriminate in favor of trade with those countries as against trade from the United States.

American exporters of fruit are greatly exercised over what they regard as a discrimination against American fruit.

I am [etc.]

For the Secretary of State:  
FRANK L. POLK

File No. 763.72112/2390

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3223

LONDON, *March 14, 1916.*  
[Received March 31.]

SIR: With reference to the Department's instruction No. 3197 of February 8, and to previous correspondence, relative to the shipment of fruit from Mediterranean countries and Portugal to the Netherlands without consignment to the Netherlands Oversea Trust, and the desire of the Government of the United States that the same privileges be extended to American fruit as those granted to fruit from Spain and other Mediterranean countries, I have the honor to enclose herewith, for the information of the Department, a copy of a note which has been received from the Foreign Office in reply to the representations of the Embassy in this connection.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 42414/X

LONDON, *March 13, 1916.*

YOUR EXCELLENCY: In reply to the memorandum which you were so good as to address to me on the 2d March regarding the shipment of fruit from the Mediterranean countries and Portugal to the Netherlands, I have the honour

to state that the concession whereby fruit from the Mediterranean countries and Portugal might be shipped to the Netherlands without consignment to the Netherlands Oversea Trust was originally made to the Trust acting on behalf of Dutch trade in return for the advantages which the arrangement with the Trust accorded to His Majesty's Government.

The concession in question was extended to Spanish fruits not as a concession to the Spanish Government but as a further concession to Dutch trade as carried on by a Dutch steamship company—the Royal Netherlands Steamship Company—and because Spain being a Mediterranean country and the privilege applying to Mediterranean countries, His Majesty's Government could not fairly exclude Spanish fruits from the concession.

I would, however, observe that there has been no question of cooperation on the part of the Netherlands Government in this matter. The whole arrangement was concluded with the Netherlands Oversea Trust and no agreements have been negotiated with the Netherlands Government on the matter.

I would add that all dried fruits are now excluded from the concession and must be consigned to the Netherlands Oversea Trust in future, and that the extent to which fresh fruits from the Mediterranean may be shipped to Holland free of consignment to the Trust by the Dutch steamship line in question has been considerably curtailed as the result of further negotiations with the Netherlands Oversea Trust and the steamship company.

I have [etc.]

[File copy not signed]

File No. 763.72112/2704

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, July 7, 1916.

[Received 3 p. m.]

Danish Merchants' Guild representative here has asked Guild not to submit further applications for dried fruit import permits owing to excessive importations over ration allotted by British Government; consequently not probable that further dried fruit shipments will be allowed in Denmark until end this year.

SKINNER

File No. 763.72112/2967

*The Consul General at London (Skinner) to the Secretary of State*

LONDON, September 1, 1916.

[Received September 13.]

Exporters of fresh apples intended for Scandinavian countries will be gratified to know that shipments addressed to acceptable consignees are not now subject to interference, but it is not proposed by the British authorities to dispense with letters of assurance as issued by the British Embassy in Washington on this account. Some complaint has been made that although shipping space can often be secured for apples on short notice, it requires as much as two weeks to secure the necessary letters of assurance, but it is thought in London official circles that the delay in obtaining letters of assurance can scarcely be as great as that. They state, on the contrary, that if goods are not open to objection applications are dealt with very quickly in London in spite of a very heavy rush of applications.

While it is reasonably certain that consignments of fresh apples intended for Scandinavia will not be subject to any special limita-

tions as to quantities, it is quite certain that consignments addressed to blacklisted firms will not be allowed, and great care should be exercised in selecting consignees.

ROBERT P. SKINNER

File No. 763.72112/3007

*The Consul General at London (Skinner) to the Secretary of State*

No. 2725

LONDON, *September 14, 1916.*

[*Received September 25.*]

SIR: Referring to my commercial report dated September 1, stating that exportations of fresh apples from the United States were not being interfered with, and to my telegram of the 14th instant,<sup>1</sup> stating that this policy had been modified, I have the honor to report that since some days the British authorities have been declining to issue letters of assurance covering fresh fruit intended for neutral European destinations. It is reported that this is a temporary measure and that the whole question is being examined with care. It is claimed that the Dutch, particularly, have already sold four-fifths of their domestic apple crop to German buyers, intending to import equivalent supplies from the United States. The Netherlands Government have now prohibited the export of apples, but apparently the British blockade authorities are not fully satisfied that this legislation will be effective in preventing the forwarding of fruit already under contract.

In view of this situation it has been decided, for the present, at least, to prevent shipments from going forward from the United States. I am also informed, privately, that the subject of importations of fresh apples from the United States is undoubtedly associated with the difficulties respecting the shipment of oranges from Italy. I deem it quite possible that, but for the necessity of assisting the Italians in disposing of their oranges, the British authorities would take strong grounds against the shipment of apples from the United States, not as a temporary, but as a definite measure. The Italians are understood to be very insistent in respect of their desire to forward oranges without restraint to Holland and other northern countries, and it is recognized that if this source of revenue were cut off, Italian fruit growers would be placed in a very precarious position. On the other hand, it will be difficult to grant free transit to oranges without doing as much for apples.

I rather anticipate that eventually a scheme will be formulated whereby oranges will be permitted to go forward in full cargoes only. As apples are invariably forwarded in connection with miscellaneous cargoes, it will be interesting to note whether or not the final measure for controlling fruit shipments will include arrangements satisfactory to American interests.

The Department no doubt has taken note of my recent telegrams, indicating that the policy of rationing the Scandinavian countries and Holland has assumed fairly definite metes and bounds. Hitherto the public were kept in a state of uncertainty on this subject, only knowing that certain commodities were being prevented from

<sup>1</sup> Not printed.

going forward when their shipments were refused. Within the last few days, however, announcements have been made stating the particular commodities for which no further export licenses, or other facilities, would be given. It is proposed to modify this list from time to time, according to circumstances, and particulars will be transmitted by cable as they become known to me. It is my understanding that the restrictions will apply to goods of American origin as well as goods forwarded from this country, and no doubt shipping companies in the United States will refuse to accept commodities of the prohibited classes.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/3074

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *October 18, 1916.*

[Received 9.50 a. m.]

My 2725, September 14. British authorities now state no objection will be raised to fresh apple shipments to Norway, Sweden, and Denmark against usual guarantees of non-exportation in importing country and "provided figures of total imports for corresponding pre-war period of each Scandinavian country for home consumption are not exceeded. Any shipments of apples to Denmark which may be *bona fide* reexported to Russia will not be calculated against Danish imports for home consumption."

SKINNER

#### SHIPMENTS OF TOBACCO

File No. 763.72112/2067

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2713

LONDON, *December 20, 1915.*

[Received January 4, 1916.]

SIR: Referring to my cablegram No. 3281 of November 25<sup>1</sup> in regard to the shipment of tobacco to neutral consignees in neutral countries, and giving the text of a circular issued by the Foreign Office on November 23 in this connection, I have the honor to enclose herewith for the information of the Department, a copy of a further circular which has to-day been received from the Foreign Office, and in which it is stated that it is not proposed to extend the non-interference with cargoes of tobacco, so far as exports from the United Kingdom are concerned, to shipments destined for consignees whom the British Government have reason to suspect of trading with the enemy.<sup>2</sup>

I have [etc.]

WALTER HINES PAGE

<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 206.*

<sup>2</sup> Enclosure not printed.

File No. 763.72112/2144a

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, January 10, 1916.

SIR: I have the honor to inform you that on November 25, 1915, the American Ambassador at London telegraphed the Department that he is in receipt of assurances from the Foreign Office that the "British Government agree for the present not to interfere with cargoes of tobacco shipped to neutral consignees and state that in these circumstances tobacco in all its forms destined for Holland will no longer be required to be consigned to the Netherlands Oversea Trust."

The British Embassy at this capital subsequently informed the foreign trade advisers of this Department that it is feared by the British Government that other goods, such as rubber, may be shipped concealed in the bales or hogsheads in which this tobacco is shipped. In order that the present facilities with reference to the uninterrupted shipment of tobacco to neutral European countries without regard to ultimate destination may not be lost to American tobacco exporters, this Department will be glad to know whether it would be possible for the Treasury Department to provide facilities at the ports where tobacco for Europe is exported, whereby such cargoes of tobacco may be examined by customs officials in order that it may be determined that shipments purporting to consist of tobacco only, do not in fact include rubber or other goods. As this Government does not recognize the British order in council of March 11, 1915, it is believed that the customs officials would have to render this service in the nature of a verification of the manifest of the goods, unofficially, as the agents of the shippers and possibly at their expense. The Treasury Department would then, when requested to do so, be in a position to note on the manifest the fact that the shipment has been examined and found to contain only tobacco.

I am [etc.]

ROBERT LANSING

File No. 763.72112/2117

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 15, 1916, 4 p. m.

[Received January 16, 9.30 a. m.]

3587. Your 2667, 5th.<sup>1</sup> Am now informed by Foreign Office, after bringing matter to their attention, that British Government have decided that substances which are not tobacco and might be used for other purposes than smoking could and should not be treated as tobacco and share advantages enjoyed by tobacco as such, and that therefore tobacco extracts and tobacco substitutes must be consigned to Netherlands Oversea Trust. Information conveyed to you in my

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<sup>1</sup> Not printed.

3317, November 30,<sup>1</sup> was based on statement made by official of the Foreign Office who now apologizes for unwittingly giving me information which was not correct.

AMERICAN AMBASSADOR

File No. 763.72112/2246

*The Assistant Secretary of the Treasury (Peters) to the Secretary of State*

WASHINGTON, February 19, 1916.

[Received February 21.]

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo,<sup>2</sup> further in regard to the inspection of tobacco intended for exportation, such inspection to be for the satisfaction of the British Government that packages purporting to contain tobacco do not in fact contain contraband goods, such as cotton or rubber.

This Department will be glad to investigate any suspected shipment of tobacco before it is actually laden on the exporting vessel, provided timely notice of such suspicions is given to this Department or to the collector of customs at the port of exportation.

I shall also be glad to caution collectors of customs to take all reasonable steps to secure accuracy in export manifests. To this end this Department is perfectly willing to station customs inspectors at the larger tobacco factories to supervise the packing of such tobacco upon request of the manufacturers, the salaries of such officers to be reimbursed by the manufacturers.

Should the larger tobacco factories desire such supervision in the packing of their tobacco and make application for the same, the necessary action will be taken by this Department.

Respectfully,

A. J. PETERS

*The Foreign Trade Adviser of the Department of State (Holder)  
to the Assistant Secretary of the Treasury (Peters)*

WASHINGTON, March 6, 1916.

SIR: The receipt of your letter of February 19, 1916, addressed to the Secretary of State, in further reference to the inspection of tobacco intended for exportation, is acknowledged.

I have recently had a further interview with Sir Richard Crawford in reference to this matter, and he informs me that in the course of a few days the British authorities are to issue instructions to the British consular officers in this country at various ports, instructing them to request that in shipments of tobacco an occasional bale or crate be opened by the United States customs authorities. The Embassy will notify this office before issuing such instructions to their consuls,

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 206.

<sup>2</sup> Not printed.

so that we may request the British Embassy to inform exporters that such course is contemplated and that it can be done by the customs authorities of the United States but that it will be at the expense of the shippers. From the conference that you had with Sir Richard Crawford and me a few weeks ago, I presume that there will be no difficulty in arranging for such inspections, provided the exporters are advised by the British authorities that such action will be necessary if they wish to continue making exports and that we advise them if such inspections are made they will have to pay for them. Will you please let me know if I am right in assuming that this can be done by the Treasury Department? Upon receipt of the notice in question from Sir Richard Crawford or the British Embassy, I will at once advise you and we can discuss the matter further if necessary.

I am [etc.]

CHARLES A. HOLDER

File No. 763.72112/2341

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, March 10, 1916.

[Received March 13.]

SIR: I have the honor to acknowledge the receipt of a letter dated the 6th instant, from Mr. Charles A. Holder, foreign trade adviser, further in regard to the inspection of tobacco intended for exportation.

It is proposed that in shipments of tobacco "an occasional bale or crate" shall be opened by the customs officers in order to make sure that no other article than tobacco is packed therein, the expense of such inspection to be borne by the shippers.

I confirm the trade adviser's understanding that such inspection can be made under the conditions mentioned, due application to be made in writing by the shippers, and the necessary information furnished as to dates, place of shipment, etc.

In this connection I enclose herewith copies of a letter dated the 8th instant, from the collector of customs at Baltimore and a letter therewith from Ed. C. Geyer and Company,<sup>1</sup> in which latter communication request is made that the British consul be permitted to break the seals and inspect the cases of tobacco shipped from Government-bonded manufacturing warehouses for exportation. In such cases where the goods have been manufactured in a bonded factory in charge of a Government officer and have already been officially inspected and sealed, another inspection and certificate would be merely a duplication and apparently entirely unnecessary.

As it is understood the vessel carrying this tobacco will sail very soon, your early advice in the matter is requested.

By direction of the Secretary.

Respectfully,

WM. P. MALBURN  
*Assistant Secretary*

<sup>1</sup> Neither printed.

File No. 763.72112/2341

*The Acting Secretary of State to the Secretary of the Treasury  
(McAdoo)*

WASHINGTON, *March 18, 1916.*

SIR: I have the honor to acknowledge the receipt of your letter of March 10, 1916, enclosing a copy of a letter dated the 8th instant from the collector of customs at Baltimore with a subenclosure from E. C. Geyer and Company of Baltimore, in reference to a shipment of tobacco which the latter firm wishes to make.

I am informed by Doctor Holder, foreign trade adviser, that the British Embassy is telegraphing the British consul at Baltimore to allow the shipment of Geyer and Company to proceed without inspection.

The question of future shipments it is hoped will be arranged for either to-day or Monday when a further communication will be addressed to you on this subject.

I have [etc.]

FRANK L. POLK

File No. 763.72112/2421

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, *April 10, 1916.*

[*Received April 12.*]

SIR: Referring to a memorandum dated the 28th ultimo of Mr. Charles A. Holder, foreign trade adviser,<sup>1</sup> I have the honor to transmit herewith for the information of your Department, a copy of a letter this day addressed to collectors of customs in whose districts customs-bonded manufacturing warehouses are located, instructing them relative to the issuance of certificates as to the contents of packages of manufactured tobacco exported from such warehouses.<sup>1</sup>

By direction of the Secretary.

Respectfully,

WM. P. MALBURN  
*Assistant Secretary*

File No. 763.72112/2679

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *June 29, 1916.*

[*Received 5.30 p. m.*]

4507. My 3281,<sup>2</sup> November 25 and 2713,<sup>1</sup> December 20, *re* shipment tobacco to neutral consignees in neutral countries. Am to-day in receipt circular from Foreign Office stating British Government unable continue policy of permitting unrestricted importation tobacco into enemy countries and cannot guarantee future continuance non-interference which they have hitherto extended to such shipments. Copy circular follows in next pouch.

PAGE

<sup>1</sup> Not printed.

<sup>2</sup> *Foreign Relations*, 1915, Supplement, p. 206.



File No. 763.72112/2679

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, July 20, 1916, 4 p. m.

3543. Your 4507, June 29. You are instructed to approach Foreign Office regarding change notified in status tobacco shipments from this country to neutral consignees in neutral countries and to urge arguments previously advanced in course discussions preceding arrangement that has been in force. You may say that Department feels grave concern about contemplated restrictions upon exportation tobacco from this country and would find itself unable to view the possible action suggested by your telegram as other than an unnecessary change in policy and a most serious interference with our trade. You may point out that there has been no formal complaint against operation of the agreements which have been in force for some months preceding present time, but that, notwithstanding, Commercial Adviser British Embassy advised in writing on July 11 that British consuls had been instructed to discontinue inspections tobacco at American ports prior to shipment and intimated unofficially at same time that inspections of tobacco packages to ascertain whether or not they might contain extraneous matter of a contraband nature would thenceforth be made by the British naval authorities, although he stated that he was without information as to the exact manner in which these examinations were to be made. It is feared that the examinations forecasted may cause greater delay and give rise to more unsatisfactory conditions than those which have hitherto customarily been made. Following receipt of your cablegram under acknowledgment, the Commercial Adviser of the British Embassy promised unofficially to recommend to Foreign Office strongly and sympathetically the cancellation of order mentioned therein and continuance former *status quo*, and he has now promised to supplement first recommendation with another of equal force. Discreetly endeavor to ascertain how far these recommendations are likely to be considered, and if believed likely to prove ineffective you should press for consideration along lines indicated. Former attitude of British Government made favorable impression on large interests affected and change in policy will unquestionably cause endless irritation among tobacco growers and their many representatives in Congress.

POLK

File No. 763.72112/2779a

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, July 21, 1916, 6 p. m.

3549. Department informed that all tobacco for Holland must now be consigned to Netherlands Oversea Trust. Ascertain if true, and what action British authorities propose to take *re* American tobacco now on high seas shipped or laded awaiting shipment in

good faith under old arrangement without consignment to Netherlands Oversea Trust. Unofficially and urgently request prompt assurances that such shipments be not interfered with.

POLK

File No. 763.72112/2789

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 5, 1916, 3 p. m.

[Received, August 6, 12 noon.]

4661. Your 3549, July 21, 6 p. m. Foreign Office advises that Netherlands Oversea Trust have agreed to accept consignment of all tobacco except Dutch colonial tobacco and that the arrangement which existed last year has accordingly been reestablished and is again in force. Tobacco for Holland from United Kingdom already has to be consigned to Netherlands Oversea Trust. Regarding over-sea shipments British Government do not insist on such consignment in the case of American tobacco now on high seas or loaded in good faith under suspended arrangement and at present awaiting shipment.

LAUGHLIN

*The Acting Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 9, 1916, 5 p. m.

3654. Your 4661, August 5, 3 p. m., fails to give any satisfactory reason for British change in attitude. As tobacco growers have made large plantings in reliance on British assurances that shipments might be made without interference to neutral European ports without regard to ultimate destination and contracts with neutral consignees have been entered into on that basis, Department must insist that pending further discussion British attitude, assurance of non-interference be given with reference to all contracts entered into *bona fide* before notice change attitude on part Great Britain and that these shipments may go forward without consignment Netherlands Oversea Trust.

POLK

File No. 763.72112/2869

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 22, 1916, 6 p. m.

[Received 8 p. m.]

4755. In reply to representations based on your 3654, August 9, Foreign Office replies that having regard to the importance which they attach to cutting off all enemy supplies, the French and British Governments have concluded to make every endeavor to prevent as

far as possible tobacco from reaching the enemy. With this object in view British Government has again obtained the consent of the Netherlands Oversea Trust to accept consignment of tobacco. Similarly in the case of tobacco for Scandinavia, British Government has arranged that all shipments shall be covered by the usual guarantee in force in those countries. However, British Government will take into careful consideration the question of United States contracts entered into in good faith and prior to notice of this change of attitude.

Referring to representations based on your 3631, August 4,<sup>1</sup> Foreign Office adds that it would appear that strictly speaking these cargoes are not carried by British Government's concession of August 3[5] cabled in my 4661. However, in order to meet wishes of United States Government, British Government is prepared to extend that concession so that all shipments made before August 31, provided that tobacco has been both bought and paid for prior to August 4, need neither be consigned to Netherlands Oversea Trust nor covered by guarantee provided for in the case of Scandinavian countries.

LAUGHLIN

File No. 763.72112/2897

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 23, 1916, 4 p. m.

3727. Department's 3549, July 21, 6 p. m., and 3654, August 9, 5 p. m., Commercial Adviser British Embassy stated yesterday that he was just informed that tobacco shipments for Holland, if purchased and paid for prior to August 1, 1916, may go forward without consignment to Netherlands Oversea Trust up to August 31. This proposed arrangement if announced earlier might have gone far toward covering difficulties *re* contracts already entered into pending discussion future arrangements, but in view of short period—nine days—within which arrangements for shipment to seaboard, loading, and dispatch vessel must be made, it is of little practicable utility. Unofficially endeavor have period for shipment extended for at least three weeks after August 31, so that contracts actually entered into may be taken care of.

LANSING

*The Commercial Adviser of the British Embassy (Crowford) to the Acting Foreign Trade Adviser of the Department of State (Letcher)*

WASHINGTON, August 24, 1916.

DEAR MR. LETCHER: We are advised that the British Government have informed your Embassy in London that tobacco shipments made before August 31 to the Netherlands need not be consigned to the Netherlands Oversea Trust, and if shipped to Scandinavia, need

<sup>1</sup> Not printed.

not be covered by the consignees' guarantees, provided that the tobacco shipped before August 31 had not only been bought, but had been paid for before August 4.

Yours very truly,

R. CRAWFORD

File No. 763.72112/332

*The Conference of Tobacco Growers of the United States to the Secretary of State*

WASHINGTON, August 29, 1916.

MY DEAR MR. SECRETARY: A large delegation of citizens representing the tobacco growers of Kentucky, Tennessee, Virginia, and Maryland, and other tobacco-growing states, have assembled in Washington for the purpose of entering a protest against the action of the British Government in withdrawing from the agreement made November 15, 1915, whereby tobacco produced in the United States and exported to neutral countries was no longer required to be consigned to the Netherlands Oversea Trust, but was permitted to enter all neutral ports free from restrictions.

You are, of course, familiar with the steps which have been taken by this Government since March 1915, when the original orders in council were issued upon this subject, to secure a free and open market for this manifestly non-contraband product of the American farm; and we desire to express our appreciation of your distinguished services in securing a modification of those orders in November 1915, which permitted the shipment of tobacco into the Central countries; but, in view of the situation that existed among the growers, before and after this modification, we are convinced, and desire most earnestly to impress our Government, that a repetition of those conditions will mean disaster to a great portion of the tobacco growers of those states which produce this product.

The recent action of Great Britain will restore the conditions existing prior to November 15, 1915, and the grower will again find himself at the mercy of the speculator and compelled to accept prices for the product of his labor which will not pay for the actual cost of production. The result will be far-reaching and disastrous. The dark type of tobacco produced in large quantities in Kentucky, Tennessee, Virginia, and Maryland is practically all exported, and we call your attention to the fact that tobacco of different types is produced in more than 20 states of the Union. Many thousands of citizens are entirely dependent upon this product for the support of themselves and families, and they and those with whom they do business will be most seriously affected by this unexpected and unreasonable action on the part of the British Government.

After the embargo was released in November 1915, and before the time arrived for the planting of the crop of 1916, it was caused to be generally understood among the farmers and others that the order of November 23, 1915, permitting shipments of tobacco to Germany and Austria would be continued in force. Consequently an unusually large acreage of tobacco was planted and is now in the field. To

permit the present order, recently issued, denying shipment of tobacco to the Central empires, and thus cutting off a very large natural market for this American product, will be so disastrous to the growers of tobacco in this nation that we feel justified in urging the most persistent effort possible on the part of our Government to afford relief from this unjust restriction.

Tobacco is not a contraband of war. Whether a soldier had or did not have it would not affect his military efficiency. Tobacco cannot be used in any manner as munitions, food, or other equipment in connection with military operations. For this reason, the American people, and especially those who are directly and indirectly affected by the growing and marketing of tobacco, are unable to understand how there can be any justification for this treatment of their neutral products. If this situation is permitted to continue, it will bring about a repetition of the distressing conditions which prevailed during the season of 1915 when the farmers were compelled to sell their products at prices in many instances below the cost of production. They do not want a repetition of those conditions. They ought not to have to submit to such a repetition.

May we say that it is difficult to understand why Great Britain should insist upon imposing these restrictions, thus hampering the movement of this important product of American labor, which is admittedly a non-contraband. Why, it may be asked, should any nation seek to impose restrictions, or attempt to interfere with the shipment of this non-contraband American product to any neutral port? May we venture the suggestion that to do so is a plain violation of our neutral rights, and would appear under all the facts and circumstances to be the part of a deliberate purpose to depress the price of tobacco in the hands of the grower.

Attention is called to the further fact that while our Government has consistently maintained its strict neutrality, the Allies, and Great Britain in particular, have profited greatly by the opportunity offered to secure supplies of all kinds from this country, and in the immense volume of credit extended. No effort has been made to place any restrictions on this trade. In view of these facts, we believe that Great Britain should at least stand in a reciprocal attitude, and that her attitude in practically forestalling the shipment of an American product which is so clearly non-contraband as tobacco is neither warranted nor justified from any standpoint. It cannot be expected that hundreds of thousands of citizens, whose families are dependent for the actual necessities and comforts of life upon securing a fair price for the product of their labor, will willingly and quietly acquiesce in this interference with the shipment of their non-contraband product to a neutral market, coming as it does at the very time when it is to be harvested and placed on the market.

Realizing, as we are sure you do, the seriousness of the situation and the importance of immediate action, we beg to ask that you use your best efforts to secure from Great Britain an adherence to her agreement of November 15, 1915. Failing in this, we respectfully ask that such steps be taken as will impose proper penalties on the trade and credit relations with such foreign countries as unwarrantably seek

to interfere with the shipment to neutral countries of our non-contraband products.

Permit us to say further that public sentiment is becoming greatly aroused in those states which are interested in the growing of tobacco, and if present laws are inadequate to exact that degree of reciprocity which is our due, then we are sure that our Senators and Representatives may be relied upon to enact such legislation as will bring about the desired result.

Respectfully,

CONFERENCE OF TOBACCO GROWERS OF THE UNITED STATES

By R. E. COOPER, *Chairman*

By JOHN C. CONROY, *Secretary*

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File No. 662.116/16

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 31, 1916, 1 p. m.

3767. American Ambassador, Berlin, cables:

August 7, German Government prohibited until further notice the importation of tobacco and tobacco products, not including Oriental and similar tobacco. Exceptions permissible for consignments shipped to Germany from abroad by mail or rail prior to August 7 and for oversea shipments that arrived in Europe before August 7 purchased by firms residing in Germany. In latter case appropriate certificate from German consul at place of dispatch required.

In view these restrictions on importation tobacco into Germany, again unofficially urge upon British Government removal restrictions as to consignment Netherlands Oversea Trust and guarantees in case Scandinavia.

LANSING

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File No. 763.72112/2923

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 4, 1916, 5 p. m.

[Received September 5, 8.15 a. m.]

4828. Your 3728 [3727], August 23, 6 [4] p. m. To-day Foreign Office replies that it regrets that it does not see its way to extend any further facilities for shipment of tobacco to Holland beyond those for which arrangements have already been made as requested in note communicated in my 4755, August 22, 6 p. m. Draws attention to fact that date of purchase is August 4, not August 1.

Points out that for several weeks past all tobacco from United Kingdom for Holland has been required to be consigned Netherlands Oversea Trust; other neutral countries are subject to same requirements as those from United States.

LAUGHLIN

File No. 662.116/19

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 18, 1916, 12 noon.*

[Received 2 p. m.]

4902. Your 3767, August 31, 1 p. m. Am to-day in receipt of a note from the Foreign Office in the sense of the following:

British Government unable to regard a German prohibition of import of tobacco as evidence of intention on the part of the Germans to stop all importation. It is well known that such prohibitions are commonly created with a view to regulating and not stopping import, and in this case British Government is unaware of any circumstances tending to show that German Government will not issue licenses for import. In fact British Government is in possession of reliable information to the effect that the German Government is negotiating with the Swedish Government for the importation of large quantities of tobacco into Germany. It also appears to British Government that it is quite possible that action of the German Government is attributable to a desire to facilitate import of tobacco by inducing British Government to modify or withdraw the restrictions which it has sought to impose; therefore British Government regrets inability to remove restrictions as to guarantees required in case of shipment to Scandinavia and consignment to the Netherlands Oversea Trust of shipments to Holland.

LAUGHLIN

File No. 763.72112/2991

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *September 23, 1916.*

[Received 10.50 a. m.]

Department's August 5.<sup>1</sup> Agreement to give free transit to American tobacco paid for August 4 construed by Foreign Office to mean paid for by European importer. This decision injuriously affects shippers who bought for export to selves or European buying houses which they control. These interests urgently desire broader construction of expression "paid for," especially as to goods afloat.

SKINNER

File No. 763.72112/2923

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, *September 23, 1916, 4 p. m.*

3860. Your 4828, September 4, 5 p. m. You are instructed to express to Foreign Office unofficially Department's keen disappointment that measures offered apparently in amelioration of hardships produced by change in practice regarding unrestricted shipment of tobacco to Holland and Scandinavia have given no relief to tobacco interests in this country seriously affected by the change. You will

<sup>1</sup> Not printed.

point out in addition to what was said in Department's 4828 of September 4, 5 p. m. regarding impossibility for shippers to book, ship from interior, and put aboard steamer their tobacco between August 23 and August 31; that condition that tobacco be bought and paid for by European consignees is most unreasonable and is doubtless due to misunderstanding of true condition, as it is contrary to the custom and practice of tobacco merchants, as practically no tobacco is bought for continental Europe in this way. Local brokers receive foreign orders and buy from farmers with their own funds and ship under c. i. f. arrangements. As dealers who bought old crop under contracts of this kind have invested large sums of money in dark fire-cured tobacco which can only be marketed in a restricted area which is now closed to them, seriousness of question is apparent. Furthermore the relaxation of conditions in case of tobacco bought and paid for by consignee would have been only beneficial to European buyer. The Department continues to hope that the British Government will reconsider its decision in view of these statements and relax restrictions in regard to all *bona fide* contracts entered into prior to July 15 in the spirit manifested in its reply to representations reported in your 4744 of August 22, 2 p. m.<sup>1</sup>

LANSING

File No. 300.115/10362

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, October 21, 1916, 5 p. m.

3967. Your 5036, October 18, 12 noon.<sup>1</sup> Department unable to understand why only shipment made on *Trafalgar* by Rudolph, Hach and Company released, since same firm has 1,796 hogsheads, and Suhling and Company 993 hogsheads shipped under similar conditions and now detained at Copenhagen under British control because of guarantees of non-exportation given by consignees on demand of British consular authorities and to which assurances reported in your 4661,<sup>2</sup> August 5, 3 p. m. and 4755,<sup>2</sup> August 22, 6 p. m., are clearly applicable. You will repeat unofficially that Department is constrained to express its surprise and disappointment that its various communications respecting the release without restrictions of all tobacco shipped under these assurances have apparently not received the consideration to which the nature of such assurances entitles them. The subsequent amendment to these assurances whereby the term "bought and paid for" as interpreted to mean purchased abroad was made to apply cannot be recognized as releasing the British Government from compliance with its first assurances which upon receipt were promptly communicated to tobacco shippers who then in good faith shipped their tobacco abroad. Department is now greatly embarrassed by bitter complaint which

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 512.



these shippers are making. Some firms interested have all available capital invested and are threatened with ruin. Situation in detail has been discussed with Sir Richard Crawford who has already cabled laying the justice of Department's contentions before Foreign Office. Situation intensely irritating among tobacco merchants who claim that they relied upon the assurances mentioned, only to be met with present technical spirit in which matter is being treated. Department trusts that you have not failed to present its various communications on subject most earnestly to Foreign Office.

POLK

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 File No. 763.72112/3098

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 26, 1916, 10 a. m.

[Received 2.25 p. m.]

5076. Before I could present your 3967 I was privately advised by Foreign Office that instructions covering matter had already been sent to British Embassy at Washington, and to-day following note received by Embassy:

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honour to state that careful consideration has been given to the Embassy memorandum No. 65 of September 26 regarding the shipment of tobacco from the United States to Holland and Scandinavia.

His Majesty's Government are prepared to accept the view that there has been a misunderstanding, and to meet the views expressed in the Embassy's memorandum referred to they are willing to accept the suggestion put forward in the last paragraph of the memorandum, namely, that shipments made under all *bona fide* contracts entered into before the 15th July last need not be consigned to the Netherlands Oversea Trust or covered by the appropriate guarantees in the case of shipments to Scandinavia subject to the condition that the tobacco shall have been put on rail under through bill of lading for land and sea carriage or shipped under direct steamship bill of lading before the 31st of August.

Viscount Grey trusts that the United States Ambassador will appreciate the spirit in which his observations have been met. He desires to state that a communication to the above effect has already been made to His Majesty's Ambassador at Washington.

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*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, October 30, 1916.

3991. Your 5076, 26th. Inform Viscount Grey that Department has been made acquainted with contents of his memorandum of 26th concerning tobacco shipment and appreciates the spirit in which it is conceived.

LANSING

File No. 763.72112/3143

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 16, 1916, 3 p. m.

4048. American Minister Copenhagen cables November 9:

I am informed by Merchants' Guild that there are still 5,753 hogsheads and 948 cases of tobacco which were received during August and September. Seven hundred and twenty-two hogsheads have been released.

The British Legation here has received instructions that no guarantees from Danish associations are required for consignments of tobacco for Danish firms which have been shipped before August 31 under contract between shipper and importer entered upon before July 15.

The condition concerning date of contract is stated by Merchants' Guild to be more burdensome than previous arrangements, and it is very difficult and in some cases impossible to secure the dates of contract of sale, thereby not being able to comply with British regulations, in which case tobacco is held.

Communicate information to Foreign Office and urge liberal treatment so that this tobacco may be released without delay.

LANSING

File No. 763.72112/3270a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 1, 1916, 7 p. m.

4110. Department's 4048, November 16. Due to insufficient accommodation at Copenhagen, tobacco is exposed and deteriorating. Insist upon prompt action on part of British Government for release [of] this tobacco and that still held at Rotterdam, in accordance with assurances of British Government contained in your 4661, August 5, that "British Government do not insist on such consignment in the case of American tobacco now on high seas or loaded in good faith under suspended arrangement and at present awaiting shipment."

LANSING

File No. 763.72112/2679

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 5, 1916, 5 p. m.

4132. Department's 3543. July 20.<sup>1</sup>

You are instructed again to urge unofficially but insistently that arrangement existing prior to your 4507, June 29,<sup>2</sup> be again put in force so that tobacco may go forward to neutral European countries without restrictions as to ultimate destination. Certain qualities to-

<sup>1</sup> Ante, p. 511.<sup>2</sup> Ante, p. 510.

bacco which in past have largely gone to Germany and Austria were planted in large quantities in the belief, due attitude Great Britain, that it could go forward to Europe without restrictions. Planters and dealers face heavy losses if present restrictions continued. As tobacco-shipping season approaching, prompt action important. As tobacco cannot add to military effectiveness of Germany and Austria and its sale to these countries means expenditure of that much of their wealth, it is not understood what advantage Great Britain gains by imposing restrictions which seem to be injurious only to neutrals. The Department feels that the fact that tobacco is shipped freely by Holland and can be obtained by Germany from Turkey should also be considered.

In forthcoming sessions of Congress there will undoubtedly be strong sentiment manifested for enforcement retaliatory legislation against Great Britain for her trade restrictions. Favorable action on part Great Britain *re* tobacco shipments will undoubtedly have marked effect in this connection.

LANSING

File No. 763.72112/3196

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 5, 1916, 5 p. m.

[Received 9.45 p. m.]

5271. Your 4048, November 16, 3 p. m. Foreign Office replies to representations based on above by reminding that the concession regarding shipments of tobacco mentioned in their note transmitted in my 5076,<sup>1</sup> October 26, was made on my invitation. Though they regret that the limitation to contracts made before July 15, as suggested in last paragraph your 3860,<sup>2</sup> September 23, should be considered by Danish Merchants' Guild as more burdensome than the arrangements theretofore existing, they state that the British Government feels unable to make any further concession in the direction indicated in your 4048 of November 16. I shall therefore await further instructions before presenting your 4110 December 1.

PAGE

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 7, 1916, 6 p. m.

4144. Your 5271, December 5, 5 p. m. Department has never understood that arrangements contained in your 4755,<sup>3</sup> August 22, or 5076,<sup>1</sup> October 26, were intended to supplant assurances contained in

<sup>1</sup> *Ante*, p. 519.<sup>2</sup> *Ante*, p. 517.<sup>3</sup> *Ante*, p. 512.

your 4661,<sup>1</sup> August 5, as to tobacco on high seas or loaded and then awaiting shipment. So inform Foreign Office and make vigorous representations as instructed in Department's 4110,<sup>2</sup> December 1.

LANSING

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File No. 763.72112/3244

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 21, 1916, 6 p. m.

[Received 4.40 p. m.]

5355. Your 4110,<sup>2</sup> December 1, 7 p. m. and 4144,<sup>3</sup> December 7, 6 p. m. In support of the original request contained in your 4048,<sup>2</sup> November 16, 3 p. m., which was answered by Foreign Office in the sense of my 5272 [5271?],<sup>3</sup> December 5, 5 p. m., renewed representations based on your above instructions were presented. Foreign Office replies in note received to-day that the concession made upon my request and contained in my note quoted in my 5076,<sup>4</sup> October 26, was intended to operate in substitution for previous arrangements and that in these circumstances it regrets its inability to accede to the request based on your 4110, December 1, 7 p. m., and 4144, December 7, 6 p. m.<sup>5</sup>

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File No. 763.72112/3246

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 22, 1916, 5 p. m.

[Received December 23, 9 a. m.]

5359. Your 4132,<sup>2</sup> December 5, 5 p. m. Foreign Office states that in view of concessions of a far-reaching character recently granted by British Government at my request, it does not see its way now to make further concessions regarding shipments of tobacco. Nor is British Government able to concur in Department's views respecting the utility of tobacco to the enemy in view of the evidence of the strong support afforded by tobacco chronicles of endurance of forces in the field, while good reason exists at present to believe that the actual shortage of tobacco supplies in enemy countries is making itself felt. Foreign Office adds that steps have been taken to curtail seriously the supplies of Dutch colonial tobacco imported into Holland.

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<sup>1</sup> *Ante*, p. 512.

<sup>2</sup> *Ante*, p. 520.

<sup>3</sup> *Ante*, p. 521.

<sup>4</sup> *Ante*, p. 519.

<sup>5</sup> According to telegram No. 406, December 23, from the Minister in Denmark, arrangements were finally completed for the release of the detained tobacco in compliance with existing regulations. (File No. 763.72112/3248.)

INFORMAL ARRANGEMENTS REGARDING THE IMPORTATION  
OF GOODS FROM GERMANY AND AUSTRIA-HUNGARY

GOODS ORDERED BEFORE MARCH 1, 1915

File No. 763.72112/2156a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 14, 1916, 6 p. m.

2714. Your telegram 3243, November 19.<sup>1</sup> Records in Foreign Adviser's office show that about 150 cases have been recommended by British Embassy to Foreign Office, some pending there for a month. Embassy scrutinizes cases here with utmost care, therefore delay at London seems unnecessary. Unofficially but urgently request Foreign Office to act as speedily as possible upon cases now pending there. Many applicants where permit has been granted find delay or trouble getting confirmation from British authorities Rotterdam. Bring this to attention Foreign Office in endeavor to have this condition remedied.

LANSING

File No. 763.72112/2157

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 28, 1916.

[Received 6.45 p. m.]

3658. Your 2714, January 14. In reply to my informal representations, Foreign Office informs me that after investigation of various complaints received by British Embassy, Washington, and by Government in London, difficulties or delays have been found due to following causes:

1. Misdescription of the goods by the applicants themselves, e. g., "miscellaneous dry goods" being held to cover glassware, woodenware, linens, cottons, toys, kitchen indicators, etc.;
2. Failure of the applicants to state precisely whether goods are of German or Austrian origin;
3. Errors occurring in telegraphing the names of the applicants.

It is stated that telegrams and cases received from Embassy, Washington, are considered with utmost dispatch, but that it is often necessary for British Government to ask for elucidation of doubtful points in evidence; that it would be well for Department to tell applicants that they will be informed in due course as soon as a permit is issued, and that until they are so informed the papers submitted by them must be taken as being still under consideration; that on

<sup>1</sup> Not printed.

January 18 no fresh cases were awaiting consideration, but that all had been dealt with. A few new cases have been received by telegram since January 18 and some probably are on way by post.

Long note goes forward to-day by pouch.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 8, 1916.

2838. Your 3658, January 28. British Embassy informs Foreign Trade Adviser that on January 18 nearly 150 cases, dating back to beginning of November, were in Foreign Office still awaiting decision, notably Marshall Field and Company submitted November 2 and November 18; that at present time not less than 150 cases are awaiting decision. Applications are not forwarded until details meet requirements of British Embassy. Therefore delay not due to Foreign Trade Adviser. Urge strongly immediate decision on pending applications, especially those held for two months or more. Importers indignant that repeated requests for decisions are fruitless.

LANSING

File No. 300.115/7125

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 15, 1916.

[Received 8 p. m.]

3782. Your 2838, 8th. Foreign Office advises me informally that on the night of February 11 five cases were still awaiting decision, namely: Boker Cutlery and Hardware Company, Lists, Sondheimer and Company, Otto Goetz, A. and H. Veith, Marshall Field and Company. The papers in all these cases have been sent to London and are being examined here. A long delay is not anticipated but they take a certain time to go through. On the morning of February 12, 15 new applications were received by telegraph from Washington. Since January 18 Foreign Office have dealt with 134 applications and state that there are actually only 20 cases awaiting consideration.

AMERICAN EMBASSY

File No. 763.72112/2373a

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 20, 1916, 7 p. m.

3068. Permits for importation of German cotton goods ordered prior to March 1 unofficially presented through Foreign Trade Adviser to British Embassy here now being canceled or refused on the ground that Germany has embargoed such goods. Vigorously pro-

test to Foreign Office that Germany's action should not alter conditions of original agreement, especially as Germany makes exceptions to embargoed goods and grants permits for export upon assurances of non-interference by British Government. Department must insist unofficially upon reversal of this action and emphatically protests against various trifling excuses used lately by British Foreign Office for refusal of various permits.

POLK

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File No. 763.72112/2374

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 24, 1916, 4 p. m.

[Received 6.30 p. m.]

4012. It is difficult without concrete cases effectively to present your 3068, March 20, because each case may essentially differ from others and I do not know the "trifling excuses" which you mention. The Foreign Office has shown itself reluctant to take up cases here since this whole business was transferred to Washington. I respectfully suggest that protest be made to Ambassador in Washington citing specific cases or that more definite instructions with such citations be sent to me.

AMERICAN EMBASSY

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File No. 763.72112/2385

*The Commercial Adviser of the British Embassy (Crawford) to the Counselor for the Department of State (Polk)*

WASHINGTON, March 25, 1916.

[Received March 27.]

DEAR MR. POLK: With reference to our conversation of yesterday on the subject of the arrangements made for the issue of permits to bring out from neutral ports goods originating in countries at war with Great Britain, I now write to say that we are proceeding with the 56 applications presented to this Embassy after November 1.

At the same time, in connection with this matter, we are advising the Foreign Office that we have reminded the State Department that in no circumstances will the British Government extend the date before which goods must have been genuinely ordered beyond March 1, 1915; and further, that we have intimated to you that no applications for permits can be entertained by this Embassy relating to cases in which the goods were ordered subsequently to March 1, 1915, and that we cannot support any representations that may be made for any extension beyond that date.

Very truly yours,

RICHARD CRAWFORD

File No. 763.72112/2580

*The Commercial Adviser of the British Embassy (Crawford) to the  
Foreign Trade Adviser of the Department of State (Holder)*

WASHINGTON, April 18, 1916.

[Received April 19.]

MY DEAR DOCTOR HOLDER: I am to advise you that the Foreign Office has fixed May 15 as the date on which all permits authorised last year automatically lapse.

In the case of permits authorised since this year and still unutilized, it has been decided that they shall lapse on June 1 next, or two months from date of authorisation, whichever is the longest period, unless otherwise provided. The date of the authorisation will in all cases be that upon which the British Consul General at Rotterdam, or the British Consul at the other neutral port concerned, received the notification that a permit has been granted.

I am to add that the British Consul General at Rotterdam and the other consuls concerned have been instructed to notify all forwarding agents.

Yours very truly,

R. CRAWFORD

*The Foreign Trade Adviser of the Department of State (Holder)  
to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, April 29, 1916.

MY DEAR SIR RICHARD: I beg to acknowledge the receipt of your letter of April 18, 1916, in which you notify me that the Foreign Office has fixed May 15, 1916, as the date on which all permits for the uninterrupted shipment of goods of German and Austrian origin issued by the British authorities automatically lapse. The letter adds that "in the case of permits authorized since this year and still unutilized, it has been decided that they shall lapse on June 1 next, or two months from date of authorization, whichever is the longest period, unless otherwise provided." In the case of some permits recently issued by the Foreign Office a period considerably less than two months is fixed for the validity of such permits.

In view of the present delays and difficulties experienced in sending mail or cable communications to Rotterdam and the freight congestion at the latter port due in part to the withdrawal of a number of boats from the Holland-America service and a recent strike on that line which held up sailings for some time, the period allowed American firms within which to obtain shipment from Rotterdam of these goods is a very short one, particularly as considerable amounts of these goods are still in Germany.

As the arrangement with the British authorities for the forwarding of such applications made no limitation as to the validity of permits issued as a result thereof, I trust that you will bring this information to the attention of the Foreign Office so that an exten-



sion of time will be allowed those firms who may be unable to obtain shipment of their goods within the time specified.

Very truly yours,

CHARLES A. HOLDER

File No. 763.72112/2581

*The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Holder).*

WASHINGTON, May 16, 1916.

[Received May 17.]

MY DEAR DOCTOR HOLDER: With reference to your representations in regard to the decision of the British Government which was communicated to you in my letter of April 18, I am now to inform you that we are advised that the decision does not mean that the goods must necessarily be loaded on a vessel leaving on or before May 15, June 1 or two months from the date of the issuance of the permit, as the case may be, but that the permit for shipment which is issued by the British consular authorities when the goods have arrived at the neutral port must be issued on or before the date of the expiration of the permit.

I may add that we are informed that the difficulty of getting goods out of Germany is due to the German export prohibitions for which the British authorities can not be expected to be responsible.

Yours very truly,

RICHARD CRAWFORD

File No. 763.72112/2596a

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 2, 1916, 4 p. m.

3385. In view of great dissatisfaction among importers who feel that they or Department should have attorney in London to personally explain to Foreign Office certain applications for assurances of non-interference with goods of German or Austrian origin filed prior to last November at British Embassy through Foreign Trade Adviser's office, and though approved by both, have been rejected by Foreign Office, Department plans to send to London Manton M. Wyvell of Foreign Trade Adviser's office, who has been handling such cases with British Embassy. No new cases will be taken up and only a limited number of those already presented and refused or canceled for apparently insufficient reasons will be discussed. Stabler sees advisability and suggests Wyvell and Gibson might cooperate in presenting to Tafton or committee. British Embassy also approves and is also cabling as pressure is very great and causing much embarrassment to Department. Wyvell is not being sent with any view except that being familiar with involved legal points he

should be of assistance to Embassy and Foreign Office in getting reconsideration of limited number, and importers have been urging that he personally be sent. Department presumes Foreign Office will acquiesce: Reply promptly.

POLK

File No. 763.72112/2678

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 12, 1916, 6 p. m.

[Received June 13, 9.42 a. m.]

4448. Your 3385. An answer has not yet been received whether it will be agreeable to Foreign Office to have a lawyer come here representing the trade advisers; but when this question was asked it was made evident that the Foreign Office would prefer that the cases concerning goods coming out of Germany should not again be taken up here by that method. They may reluctantly consent to such a proposal out of courtesy to us, but such reluctance will not make a wholly favorable atmosphere for the work of such a lawyer.

Consequently I venture respectfully to make the following suggestion—that the full papers in these cases be sent to me. I will myself go over each case thoroughly, and if necessary for technical reasons, I will call in Higgins McCondach here. I can personally directly present them to Lord Robert Cecil who is the member of the Cabinet in whose department such cases fall. He is fair-minded and most favorably disposed to us and will meet our wishes as far as the Cabinet itself will permit. It would be a concession, as you will understand, for the Government to permit me to discuss such cases directly with the Cabinet Minister concerned, and I feel safe in saying that this privilege would not be accorded to anyone who should be sent here.

A lawyer would be obliged to take these cases up with a committee or a series of committees. Then the committee reports would have a long way to travel before they came before a Cabinet officer, and the longer this journey and the more men involved, the greater the dangers and difficulties.

If this suggestion commends itself to you, I will ask permission to carry it out; and I think the request will be granted. Such an arrangement would avoid any course of action that is not received by the Government, as well as the introduction of a new personality in our dealings with them. Much time and sometimes much wearing effort by both sides are spent in such new adjustments.

AMERICAN AMBASSADOR

File No. 763.72112/2668a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 21, 1916, 6 p. m.

3451. Your June 12. British Ambassador informs us will be agreeable to Foreign Office have lawyer go to London. Mr. Wyvell

probably sail July 1. Insistent demand on part of importers that some one go over who is familiar with details of case. Sir Richard Crawford thoroughly understands situation and from the first has understood position of Department. Some cases where applications have been denied are extremely technical and involve many exhibits. Wyvell thoroughly familiar with these and his instructions are to carry on his work under your direction. When evidence is sifted out by Wyvell and officials of British Government and the points of difference determined, case will be in shape to be presented by you to Sir Robert Cecil. It should be borne in mind that some of these cases which are to be taken up were passed by the Embassy here. Importers are clamoring for permission to send their own lawyers over or the Department to send some one on those particular cases. It will only be necessary to secure for Wyvell a hearing before proper officials in order to present facts which should convince Foreign Office.

LANSING

File No. 763.72112/2664

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 23, 1916, 1 p. m.

[Received June 24, 1 p. m.]

4493. On receipt of your 3451, June 21, 6 p. m., I communicated the news of Mr. Wyvell's expected arrival to the Foreign Office from which I had heard nothing since I presented your 3385, June 2, 4 p. m. To my surprise I was informed that the Foreign Office had not consented to the procedure as outlined in your 3385. This morning I am in receipt of a private communication from Foreign Office the essential part of which I quote as follows:

Putting forward the proposal. We at once replied that we were totally unable to agree to make our decisions in any way dependent upon the cooperation of a delegate of the State Department, and instructed Sir C. Spring Rice to inform the State Department that we were not prepared to discuss either with Mr. Wyvell or with anyone else "technicalities" or any other points in connection with applications which had already been before us.

Sir C. Spring Rice replied that the State Department were of opinion that in order to satisfy trade opinion in the United States it would be useful if the question could be finally closed by our affording a representative of the State Department an opportunity to discuss certain technicalities upon which they had been urged to approach us, and we at once answered that we remained of opinion that it would be undesirable for many reasons to reopen these questions and desired to have some particulars as to what exactly we were wished to discuss.

We then learned that the State Department thought that in certain cases the decision of the Embassy in rejecting claims had been based upon too narrow a construction of the rules laid down [for its] guidance by His Majesty's Government and that the Department felt it was not unreasonable to ask that we should afford them an opportunity of discussing these decisions in the light of the evidence at their disposal.

In view of this reiterated request Sir Edward Grey telegraphed that he was anxious to meet the State Department's views in any way possible, but that he does not see his way to make any further concessions as to enemy exports

both on the merits and view of the exceedingly strong public opinion in this [country] on this question. If Mr. Wyvell came over and we rejected all his proposals, would not more friction be caused than if his visit were prevented? It seemed to Sir Edward Grey that, being obliged as we were to abide by our decision, it was only asking for trouble to encourage Mr. Wyvell's visit. If, however, with full knowledge of all these facts the State Department still insisted on sending Mr. Wyvell over, we would naturally not refuse to receive him and give him a hearing.

Sir C. Spring Rice answered that he had definitely told the State Department that we would make no further concessions and that Mr. Wyvell's visit could have no fruitful results. The State Department were nevertheless anxious that we should give Mr. Wyvell a hearing, as this would enable them to demonstrate to exporters that everything possible had been done by them.

The position is therefore that we expect Mr. Wyvell to sail for England at about the end of this month, and that we have expressed our readiness to receive him and listen to what he has to put forward, but feel precluded from allowing our decision from being [to be] reconsidered or fresh concessions to be made.

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AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 29, 1916, 12 noon.

3468. Your June 23, 1 p. m. Ambassador here stated that no further concessions would be granted, but we feel that Foreign Office would not take position that it could not change decision where obvious error was pointed out in cases which had already been before it. It is possible nothing may be accomplished, but in justice to importers we feel that no stone should be left unturned to see that their cases are fully presented and all technicalities carefully gone over with the official who has final decision. A great deal of feeling is being shown by importers here because their rights have been invaded by the so-called blockade measures, and because the British Government apparently will not consider their cases with an open mind; and, moreover, the Department and Embassy are being criticized by them because they believe their cases have not been pressed with the vigor which should characterize the efforts of American officials whose first duty is to American citizens.

LANSING

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File No. 763.72112/2780a

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 31, 1916, 7 p. m.

3594. British Embassy advises it has been informed that Wyvell will present to Foreign Office for consideration 150 cases and infers that he will not be accorded a hearing in view of this number covering practically all the cases rejected by Foreign Office. Ascertain from Wyvell total number of cases that he has for discussion and the least number that may be considered exceptionally deserving of reinstatement. Embassy Washington informally suggests that ap-

proximately not more than ten cases can be considered, but Department considers not desirable to limit number of cases to that extent and directs him to make every unofficial endeavor to secure recognition of all meritorious cases.

POLK

File No. 763.72112/2780

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, August 2, 1916, 1 p. m.

[Received 3.10 p. m.]

4647. Your 3594, July 31, 7 p. m. Wyvell has for consideration about 150 cases, 15 of which have been disposed of. About 100 more can be separated into three groups, the cases in each group standing or falling on a discussion of a single principle. Wyvell states that 35 additional cases of special importance require individual consideration and I believe British authorities can be induced to extend the limits they have set to include this number.

PAGE

File No. 763.72112/2811

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 10, 1916, 6 p. m.

[Received 5.45 p. m.]

4695. Following from Wyvell:

As result of negotiations Lord Robert Cecil informs me he will give immediate rehearing in 30 rejected cases and canceled permits of which I am to argue orally at least 15 in addition to submitting written briefs, if Department will direct Embassy here to say that such action will be gratifying to Department, thus showing that Department is interested in addition to individual interest of importers.

I have already informally learned enough about remaining cases to explain to applicants, if necessary, why their cases were not included in the 30, and I suggest that above direction be immediately cabled to Embassy here. I suggest that similar statement be made to British Embassy at Washington. I have already submitted 9 important pending cases and there are 5 more to submit, these not included in the 30.

LAUGHLIN

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 11, 1916, 5 p. m.

3663. Your 4695 August 10, 6 p. m. You are directed to informally acquaint Foreign Office that the Department will be pleased to have it grant Wyvell hearings for the purpose of discussing unofficially for reconsideration all individual meritorious cases in which previous adverse decisions have been rendered, and in addition thereto reserving the right to discuss unofficially all individual cases now pending in which no decision has as yet been rendered.

LANSING

File No. 763.72112/2912

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 30, 1916, 2 p. m.

[Received 2 p. m.]

4793. Following from Wyvell:

I will complete presentation of the 30 rejected cases and canceled permits and of all pending cases I can submit next week. Decisions will in all cases be rendered through the British Embassy at Washington and I will not be informed of decisions. I would like to sail on *St. Paul* leaving September 9, as there will be nothing further to do here.

LAUGHLIN

File No. 300.115/9803

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 9, 1916, 11 a. m.

[Received 3 p. m.]

4860. Following from Wyvell:

Regret it was impossible for me to complete the work in time to sail on the *St. Paul*; also commander [Chandler?] Anderson, legal officer of committee, is away but will return in few days and very necessary that I see him before returning. Presentation of cases has proceeded very nicely and smoothly for last few weeks. Harrison, Mitchell, and Jordan left week ago. Following is list of pending cases presented:<sup>1</sup> . . . Following is list of rejected cases and canceled permits presented, but final presentation is not complete in all cases:<sup>2</sup> . . . The determining factor choice of above cases was importance of case and chance of success. Fortunately they are fairly distributed among brokers and attorneys who have been presenting cases. I am still hopeful of satisfactory measure of success.

My judgment is that work can be entirely and satisfactorily completed by 20th instant, and I therefore plan to sail on *Nieuw Amsterdam* on the 22d.

LAUGHLIN

File No. 300.115/10952a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Extract]

No. 4549

WASHINGTON, December 8, 1916.

SIR: It is desired that you present unofficially a communication to the Foreign Office in the sense of the following:

The Department of State has received through the British Embassy the report from the Foreign Office in reference to the disposition of the applications for the release of merchandise of German and Austrian origin pur-

<sup>1</sup>Ten names omitted.<sup>2</sup>Twenty-nine names omitted.

chased before March 1, 1915, which were presented by Mr. Wyvell in London, and the disappointment is keen that only one of the 30 cases so presented for reconsideration was granted. It was felt that the importance of these applications had been so strongly emphasized that His Majesty's Government, in view of the direct request of the Department, would not decline to grant permits in all or nearly all of the cases.

Mr. Wyvell did not fail to advise the Department of the unofficial negotiations conducted with Lord Robert Cecil by Mr. Laughlin and himself, and as a result of these negotiations there appeared to be strong reason to expect that a fair proportion of the cases would be favorably dealt with. It was with this thought clearly in mind that the Department expressed its pleasure and appreciation of the action of the British Government in granting reconsideration of the 30 cases.

Among the cases presented are several of peculiar merit, not only because of the strength of evidence upon which they rest, but also the extremities in which the firms find themselves by reason of the failure to secure the goods applied for. The Department is therefore obliged to renew its request that permits be granted in the following [9] cases: . . .

The facts concerning the above cases are clearly set forth in the evidence and memoranda submitted by Mr. Wyvell, and the Department feels a keen and sympathetic interest in each one. Attention is particularly invited to the fact that with respect to each one of the cases no money will be sent to either Germany or Austria should the permits be granted.

The Harrison Glove Company was granted a permit, which action is pleasing to the Department, and there are nine cases mentioned above for which favorable consideration is now asked, and for such favorable consideration the Department will be very appreciative. It is hoped that His Majesty's Government will see their way clear to granting the request herein made, as an act of grace.

I am [etc.]

For the Secretary of State:  
FRANK L. POLK

File No. 300.115/11026

*The Acting Foreign Trade Adviser of the Department of State  
(Letcher) to Mr. A. W. Faber*

WASHINGTON, December 19, 1916.

SIR: The receipt is acknowledged of your letter of December 15, 1916, in which you make inquiry concerning the results obtained by Mr. Wyvell while in England endeavoring to obtain permits from the British authorities to ship goods of German origin.<sup>1</sup>

In reply I beg to advise you that only one case presented by Mr. Wyvell, namely, the case of the Harrison Glove Company, was granted. All other cases were either rejected or consideration thereof refused.

I regret, therefore, that I can do nothing further to assist you in the premises.

Very truly yours,

MARION LETCHER

<sup>1</sup>Not printed.

## IMPORTATION OF SUGAR-BEET SEED

File No. 300.115/7074b

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 19, 1916.

2748. Department's 2698, 11th.<sup>1</sup> Legation Hague cables that following quantities sugar-beet seed destined for United States are now at Rotterdam without British shipping permits: 1,200 bags for Freeman, 3,000 for DeRekowski and 3,000 for Winterhalter exclusive of 15,000-bag and 200-bag lots forming subject Department's 2698. In view permits already given urge immediate issuance substitute permits covering amounts stated as well as for the two lots just mentioned, requesting that British Consul Rotterdam be instructed by telegraph, as it is desired to ship seed on steamer sailing 24th instant. Impending opening of planting season in United States makes it imperative that seed to be of use come forward without further delay.

Have you received answer regarding mother beet seed Department's 2570?<sup>1</sup>

LANSING

File No. 300.115/6776

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 24, 1916.

[Received 7.20 p. m.]

3636. Your 2748, 19th, and 2759,<sup>1</sup> 21st. Foreign Office to-day requests to be informed as to what proportion exactly of the 15,000 bags seed consigned Secretary of Agriculture and 200 bags seed for W. K. Winterhalter represents fresh orders not covered by previous permit, as it is stated permits now requested are partially to replace permits already issued to Rosevear, Freeman, and Fick. Further states that British Government have already, since July, given undertakings respecting 140,300 bags representing about 7,015 tons, whilst average annual imports of beet seed from Germany to United States amount to about 7,000 tons and British Government are accordingly reluctant to entertain further applications unless very exceptional reasons urged in their support.

AMERICAN EMBASSY

File No. 300.115/7074d

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 25, 1916.

2779. Your 3636, 24th. It is not desired that British Government issue permits for amount sugar-beet seed in excess of existing permits.

<sup>1</sup> Not printed.



On contrary, owing German and Austrian embargoes, seed now coming forward or to be brought forward this season will not total one-half of the 140,000 [140,300] bags for which permits granted, and probably much less than one-half. Substitute permits desired for shipments specified in Department's 2698<sup>1</sup> and 2748 because some of ultimate recipients had not obtained permits. These are Edward Starke 2,200 bags, Jacob Savageau 1,800 bags, A. Bencoe 1,200 bags, DeRekowski 3,000 bags, and Winterhalter 3,200 bags.

LANSING

File No. 300.115/7080

*The Ambassador in Great Britain (Page) to the Secretary of State*  
[Telegram]

LONDON, *February 11, 1916, 1 p. m.*  
[Received 7.30 p. m.]

3760. Your 2779, January 25, *re* beet seed. Foreign Office informs me by note dated 10th instant that according to its understanding of desire of the United States Government all permits issued for beet seed have been [canceled] and that new permits were issued for quantities totaling 11,400 bags specified in your 2779. The instructions were sent to British Consul General, Rotterdam, for these permits on 4th instant.

I am informally advised by Foreign Office that they are ready to grant permits for quantities beet seed up to 140,300 bags as already agreed to by this method, but that now that all permits have been [canceled] they would prefer to issue the new permits at the time each shipment is at Rotterdam ready to be loaded.

Your 2845<sup>1</sup> just received and Foreign Office has been requested to send instructions to Rotterdam to-day.

AMERICAN EMBASSY

File No. 300.115/7285

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3040

LONDON, *February 11, 1916.*  
[Received February 23.]

SIR: With reference to my cablegram of to-day's date, No. 3760, in regard to the issuance of permits by the British Government for the export from Rotterdam to the United States of beet seed of German origin, I have the honor to enclose herewith a copy of Sir Edward Grey's note of the 10th instant in this connection.

I did not fail immediately to present to the Foreign Office the Department's request that certain substitute permits be issued for the export of beet seed, which requests were contained in its cablegrams Nos. 2779 and 2817<sup>1</sup> of January 25 and February 3 respectively.

In view of possible confusion as to the issuance of replace permits, the Foreign Office informally advised me, in a discussion of the

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<sup>1</sup> Not printed.

matter, that they have canceled all outstanding permits, and will be willing to issue permits in their place up to 140,300 bags, the amount already agreed upon. They state that they prefer to issue these permits only when the seed is actually at Rotterdam and ready for immediate shipment.

This appears to me to be the best solution of the matter, as it will avoid the confusion which might arise from the cancellation of some permits and the issuance of others in their place, and the holding over for a length of time of permits already granted and for which the seed is not available.

I feel sure that the Foreign Office has tried to meet the wishes of the Department in this matter, and will do all in its power to facilitate future shipments under these new conditions.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 17441/C

LONDON, February 10, 1916.

YOUR EXCELLENCY: With reference to the memorandum which your excellency was good enough to communicate to this Department on the 27th ultimo, relative to the shipment of German sugar-beet seed to the United States of America, I have the honour to inform your excellency that as a result of informal communications which have passed with the Embassy, it is understood to be the desire of the United States Government that all outstanding permits for the shipment of beet seed should be cancelled, and that permits should be issued for the quantities totaling 11,400 bags, specified in the telegram from the State Department in Washington, quoted in your excellency's memorandum.

The necessary instructions were sent by telegram to His Majesty's Consul General in Rotterdam on the 4th instant.

I have [etc.]

For the Secretary of State:

MAURICE DE BUNSEN

File No. 300.115/9599

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 31, 1916.

3764. Department informed 10,000 bags sugar-beet seed for Michigan Sugar Company, Detroit, in Rotterdam awaiting assurances of non-interrupted shipment for which Holland-America Line made applicatiton to British Consul General, Rotterdam, some weeks ago. British Consul General states he is still without instructions from Foreign Office. Present information to Foreign Office and unofficially request that instructions be promptly issued to British Consul General at Rotterdam to issue permit for uninterrupted shipment this seed in accordance with assurances contained in your 3760, February 11, that such permits would be issued on arrival seed Rotterdam up to 140,300 bags, which amount has been nowhere nearly reached. Relying on these assurances Michigan Company have paid for seed now in Rotterdam.

LANSING

File No. 300.115/9879

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 13, 1916, 7 p. m.*[Received *September 14, 4.35 p. m.*]

4888. Your 3764, August 31. Foreign Office to-day replies as follows:

I have carefully considered the memorandum which you communicated to this Department on the 2d instant, relative to the shipment to the United States of America of 10,000 bags of German sugar-beet seed. In the note which I had the honor to address to Mr. Page on February 10 last, it was stated that permits would be issued for the following quantities of seed: 2,200 bags for E. Starke; 1,200 bags for A. Bencoe; 1,800 bags for J. Savageau; 3,000 bags for DeRekowski; 3,200 bags for Winterhalter; and it was understood from an unofficial communication made by the Embassy to this Department on February 3 that the intention was to ship the above quantities on the following day. A telegram was accordingly sent to His Majesty's Consul General at Rotterdam authorizing the issue of the necessary permits. As a matter of fact 2,750 bags of seed for Winterhalter were all that were shipped, leaving a balance of 8,650 bags unshipped.

The permit authorised on February 4 has now of course lapsed, and so far as His Majesty's Government are aware none of the above seed was intended for the Michigan Sugar Company of Detroit.

His Majesty's Government do not therefore understand the Embassy's reference to the assurance given in connection with the Foreign Office letter of February 10 on the strength of which the Michigan Sugar Company have paid for the seed now awaiting shipment.

If it is desired to put in a fresh application, the matter would be considered on the necessary details being furnished as to the precise quantity, weight, value, the names of venders, etc., but it will be necessary for His Majesty's Government to consult the French Government in the matter before coming to a decision.

LAUGHLIN

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*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, *September 16, 1916, 5 p. m.*

3840. Your 4888, September 13. Sugar-beet seed has been purchased relying on informal agreement reported in your 3760, February 11. Ascertain if that agreement is recognized. Michigan Sugar Company has made repeated applications through American Express Company to British Consul General, Rotterdam, and through Holland-America Line to British Foreign Office. Cable American Consul, Rotterdam, if necessary, regarding these applications. Insist upon permit for Michigan Sugar Company and for DeRekowski and urge blanket permit be cabled British Consul General, Rotterdam, covering our normal requirements as in fulfillment of agreement. Seed now at Rotterdam liable to deterioration if not shipped soon.

LANSING

File No. 300.115/9971

*The Chargé in Great Britain (Laughlin) to the Secretary of State*  
[Telegram]

LONDON, September 20, 1916, 7 p. m.

[Received 9 p. m.]

4916. I can discover no record in this Embassy of informal agreement mentioned in your 3840, September 15 [16], 5 p. m., beyond the informal statement contained in this Embassy's 3760,<sup>1</sup> February 11, which was drafted by Mr. Stabler.<sup>2</sup> Please consult with him and inform me what Foreign Office official gave this information, when I may be able to adjust the matter.

LAUGHLIN

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, September 22, 1916, 4 p. m.

3855. Your 4916, September 20, 7 p. m., Mr. Stabler states informal understanding regarding beet seed was reached with Mr. Aleck Cadogan, Commercial Department, Foreign Office.

LANSING

File No. 300.115/7145

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, October 11, 1916.

3919. Department's 3764 of August 31 and 3840 of September 16, Michigan Sugar Company beet seed. Please take steps proper and possible to hasten action on permit in view of previous understanding. Seed paid for and in Rotterdam awaiting shipment and the seeding of large areas depends upon prompt delivery. The interest of American purchasers and public in this shipment is enormously greater than the declared value of the seeds. It is estimated that industries to value of \$4,000,000 will depend upon safe and early arrival of this shipment. Please urge this view and report status and prospect of adjustment.

POLK

File No. 300.115/10342

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, October 16, 1916, 1 p. m.

[Received 8.35 p. m.]

5023. Before instruction contained in your 3919, 11th, could be presented to the Foreign Office a further note with reference to this

<sup>1</sup> Ante, p. 535.<sup>2</sup> Secretary of the Embassy prior to his transfer to duty in the Department of State, July 19, 1916.

matter was received by the Embassy in which the Foreign Office suggested that there must have been a misapprehension on the part of Stabler as to what Cadogan said at the interview referred to, as neither his recollections nor the record of the conversation made by him at the time bears out Stabler's account of the advice said to have been given.

The Foreign Office further states that it would appear that its decision in this particular case was made clear in its notes of February 10 and September 12 (see my despatch 3040<sup>1</sup> February 11, and cable 4888,<sup>2</sup> September 13, 7 p. m.).

The Foreign Office adds that it regrets its inability to add anything to the latter note, and the position remains that the British Government is not prepared to authorize permits for the shipment of any goods of enemy origin except in respect of specified quantities of which the value is given, and therefore it will be impossible to issue any blanket permit; that the French, Italian, and Russian Governments are being communicated with on the general subject of shipments of beet seed to the United States and a further communication will be addressed to the Embassy with regard to the result of these discussions.

As will be observed, my 3760<sup>1</sup> stated the Foreign Office informally advises and since, as the Department has already been informed, there is no record other than the copy of the telegram which Mr. Stabler drafted, and which, according to the statement of the Foreign Office was based on a misunderstanding on his part, I will await your further instructions before presenting your 3919, 11th.

PAGE

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*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, *October 18, 1916, 5 p. m.*

3956. Your 5023, October 16, 1 p. m. Modify Department's 3919 of October 11 by omitting the words "in view of previous understanding" and present as amended.

POLK

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*The Secretary of State to the Ambassador in Great Britain* (Page)

[Telegram]

WASHINGTON, *November 1, 1916, 5 p. m.*

3996. Your 5023, October 16, 1 p. m. Notwithstanding discrepancy between statements made in paragraph 3 your 3040<sup>1</sup> of February 11 and the Foreign Office's note therewith transmitted, Department believes general facts of the case support Mr. Stabler's version of the understanding arrived at whereby individual permits for beet seed aggregating 140,300 bags were to be required in replacement of

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<sup>1</sup>Ante, p. 535.

<sup>2</sup>Ante, p. 537.

former method of indiscriminate shipments up to same amount. That Mr. Stabler would have volunteered a request for cancellation of all outstanding permits in February without substitution of some equally advantageous arrangement does not seem entirely reasonable. The permits specified in Foreign Office's note were apparently granted in extension of new arrangement, and Department is unable to consider old undertaking whereby uninterrupted shipment of beet seed equal to normal requirements this country is permitted, as annulled by arrangement indicated. Michigan Sugar Company has 10,215 bags and Charles W. DeRekowski 10,000 bags bought and paid for now awaiting shipment at Rotterdam and are deteriorating. Need of this seed by planters for December planting very urgent and Department trusts that British Government will recognize old undertaking as independent of submission to Allied Governments and issue permits in cases specified without further delay. Department is unwilling to believe that British Government would jeopardize the American beet-sugar industry by restrictive practices which cause little injury to its enemies but do serious harm to this country. You are instructed to bring these observations unofficially to notice of Foreign Office and to use your most earnest endeavors to have shipments indicated authorized without further delay.

LANSING

File No. 300.115/10647a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 2, 1916.

4009. Your 5023, October 16, and Department's November 1. On May 8, S. S. *Nieuw Amsterdam* left Rotterdam with 1,146 bags sugar-beet seed for Wisconsin Sugar Company. This was not one of the cases brought to the attention of the Foreign Office at the time of Stabler's conversation with Cadogan in February, nor was any special request made by Department for shipment to Wisconsin Company, hence shipment could only have been made under the general assurances given Stabler. This shows that Foreign Office must have been informed of general arrangement and acting thereon confirmed it, making it all the more binding in character. Present this information to Foreign Office and urge immediate assurances of non-interference with shipment Michigan Company and DeRekowski seed now in Rotterdam.

LANSING

File No. 300.115/10718

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 17, 1916.

[Received 8.05 p. m.]

5171. Your 4045 of November 14.<sup>1</sup> Foreign Office replies to my representations based on Department's instructions 3996, Novem-

<sup>1</sup> Not printed.

ber 1, 5 p. m., and 4009, November 2, in note which will be forwarded by next pouch.<sup>1</sup> Its substance follows:

Even if general assurances regarding further shipments of beet seed under the protocol given Stabler by Cadogan, which Foreign Office cannot accept on evidence at hand, such assurances would have no proper authority. The arrangement resulting from Stabler's conversation is clear as set forth in Foreign Office's note of February 10 transmitted to Department with despatch 3040, February 11.<sup>2</sup> It asserted that arrangement was not accepted as correct and if further undertaking was desired it should have been pointed out at the time. The Foreign Office has no record of any undertaking regarding future shipments and it seems clear that the whole arrangement for canceling numerous outstanding and unused permits and authorizing by wire the shipment of lots already in Rotterdam was made to enable the quantities ready for shipment to reach America in time for the last sowing season and to avoid delays by the possible efforts to identify such lots with any existing permits. No undertaking, however, was given regarding supplies for the coming sowing season.

Answering contention that Wisconsin Sugar Company shipment on *Nieuw Amsterdam*, referred to your telegram 4009, November 2, could only have taken place under assurance as Stabler understood it, Foreign Office transmits duplicate permit issued by British Consul General at Rotterdam consigning the 1,146 bags in question to Secretary of Agriculture on account of A. Bencoe of New York, such shipment being specified in Department's telegram 2779 of January 25<sup>3</sup> replied to by Foreign Office note of February 10. This permit was therefore issued under special application of Department and not under any general arrangement.

Foreign Office concludes by stating that question of authorizing further permits for beet seed destined for the United States Government for which I have applied is still being considered by the Allied Governments.

PAGE

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 23, 1916, 6 p. m.

4075. Your 5171, November 17. Department deeply disappointed at attitude assumed by British Government *re* February understanding and you are instructed to so inform British authorities and to press for prompt and favorable action on question authorizing future shipments sugar-beet seed. For your information Department also cabling American Ambassador Paris *re* matter.

LANSING

File No. 300.115/10832

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 27, 1916, 7 p. m.

[Received November 28, 8.15 a. m.]

5223. Your 4075, November 23, 6 p. m. I venture respectfully to suggest that the unrecorded Stabler-Cadogan agreement be disre-

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 535.<sup>3</sup> *Ante*, p. 534.

garded by the Department as a basis of contention, since an insistence on the point will in my opinion prove an obstacle to future discussion of beet-seed shipments.

Embassy files appear to lack any documentary proof of making this agreement or its acceptance by Foreign Office, and latter has twice written me that no record exists of any agreement having been made and that Cadogan could not have acted without written authority.

Pending consideration of question of new shipments by Allied Governments as stated in my cable 5171 of November 17, 5 p. m., does Department desire me to ask changes in old system either by negotiating a maximum yearly quantity to be definitely allowed or in any other way?

Under present scheme British Government require application for permits to be made as prior to February 1916, individual permits to be made for each shipment from Germany and Austria to United States.

PAGE

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 2, 1916, 3 p. m.

4117. Your 5223, November 27. Department willing to accept Foreign Office's explanation as to Stabler-Cadogan agreement and will not invoke it with reference to future shipments provided Foreign Office willing to allow uninterrupted shipment of DeRekowski and Michigan Sugar Company consignments, which have been shipped from Germany and Austria and paid for on the basis of assurances *bona fide* given them by this Department that Great Britain has indicated that she would allow uninterrupted shipment of such consignments; hence good faith of Government of United States is involved as firms have acted and paid for seed on basis assurances of Department. So inform Foreign Office and urge importance settlement these two shipments as promptly as possible.

LANSING

File No. 300.115/10931

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 7, 1916, 4 p. m.

[Received 6.45 p. m.]

5290. Your 4117, December 2, 3 p. m., would seem to show Department still wishes to use Stabler-Cadogan agreement as factor in negotiations. As I am convinced Foreign Office is sincere in its belief that no such agreement existed, I respectfully suggest that Department's acceptance of the Foreign Office explanation can not be used as a means of inducing facilities for shipment.

Put in another way, the mistake which the Foreign Office alleges was made by an American official can not as of right be used with effect to induce the Foreign Office to grant concessions which a con-



ditional non-recognition of the Stabler-Cadogan plan would seem to imply.

In view of the Department's statements to shippers based on what the Foreign Office consider as Stabler's misunderstanding, it may be possible for the Foreign Office to reach a favorable decision on the Michigan Sugar Company and DeRekowski consignments, and I am pressing matter on these lines, but to use the Stabler-Cadogan agreement will add a difficult complication.

PAGE

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 5, 1917, 4 p. m.*

4250. Your 5290, December 7, 4 p. m. Since you have modified the character of the representations which the Department outlined in its 4117, December 2, Department hopes you will make particular efforts to obtain favorable action as to shipments of seed still detained in Rotterdam as to which you state in your 5290 you made further representations. Great difficulty and expense is being caused by indefinite delay in this case and you will make plain to Foreign Office that as importers acted in good faith upon information given them by Department based upon your 3760 February 11,<sup>1</sup> Department's good faith in matter is involved and under circumstances it has grounds to expect favorable and prompt action as to these two shipments, the Department being willing if this is granted to leave question of further shipments of seed to future discussion and not to regard action of British authorities in this case as a precedent.

In order to impress British Government with importance of this matter the question of these shipments was taken up with British Embassy on November 14 and Crawford seemed to understand the justice of our contention. Embassy transmitted memorandum *re* matter to Foreign Office which replied that it thought advisable that discussion of question be continued through you rather than through Embassy here.

LANSING

File No. 300.115/11342

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 24, 1917, 7 p. m.*

[Received 10.45 p. m.]

5537. Department's 4117, December 2, 3 p. m., my 5290, December 7, 4 p. m., and Department's 4250, January 5, 4 p. m., *re* modification of instructions. Foreign Office informs me it has "decided to make a special concession in regard to the two consignments." British Consul, Rotterdam, authorized to issue on application permits for shipment 10,000 bags to DeRekowski and 10,215 bags Michigan Sugar Company.

PAGE

<sup>1</sup> *Ante*, p. 535.

## IMPORTATION OF DRUGS

File No. 300.115/9052

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 6, 1916.

3497. Your 3344, December 4.<sup>1</sup> Metz, American representative Farbwerke Hoechst, to whom permit granted, informs Department that British Consul General at Rotterdam regards permits as having lapsed although 212,750 ampules salvarsan, making balance of 6 months' supply, arrived in Rotterdam on May 15 and British Consul General notified. Department does not believe that this permit, which was not granted under terms unofficial arrangement with British Embassy here but for broad humanitarian reasons and urgent need goods in United States, should be regarded as lapsed, but even if so regarded, arrival on May 15 and notification British Consul General brings it within terms imposed by British Government in such cases. British Consul General consented to allow goods to go forward on *Ryndam* sailing May 27, but this was impossible as German Government had only allowed them to go forward to Rotterdam consigned to German Minister, Hague, with understanding that they could not be released till previous consignment on *Nieuw Amsterdam* arrived in United States and German Government was satisfied that proper distribution would be made. *Nieuw Amsterdam* did not arrive till May 24 and only several days later did goods come in Metz's possession. Department also informed company willing to ship novocaine for which assurances given in your 3608, January 20, if assured of uninterrupted shipment from Rotterdam. Stock novocaine exhausted and need for drugs most pressing. It will be some months before manufacture in United States can be established due to difficulty of obtaining necessary machinery and apparatus under present conditions. Orders for novocaine for United States Government have been on file with Metz since November. Unofficially urge upon British Government necessity of instructing British Consul General at Rotterdam to allow these consignments salvarsan and novocaine uninterrupted shipment and press for favorable reply.

LANSING

File No. 300.115/11535

*The Acting Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 8, 1916.

3650. No reply received to Department's 3497, July 6. Again urge on British Government considerations detailed in Department's 3497 and press for early reply your representations. Salvarsan and novocaine both urgently needed by War Department, Public Health Service and other governmental departments, and novocaine

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 260.

by New York Department of Health. Metz proceeding fast as possible with manufacture products in this country, but states it will be months before necessary machinery and apparatus is installed even if necessary raw material obtainable.

POLK

File No. 300.115/9394

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 8, 1916.

[Received 2.15 p. m.]

4678. Your 3497, July 6. Foreign Office informs me that in view of fact the 212,750 ampules of salvarsan had arrived in Rotterdam by May 15 last, British Government will raise no objection to their shipment and British Consul General, Rotterdam, is being authorized to issue necessary permit. It is pointed out that as regards the novocaine British Government in January last expressed willingness to give an undertaking regarding its shipment in consideration of representations made to effect that need of this drug in America was at time most urgent and that steps would be taken to insure the sufficient supply of it at the end of six months from American or other sources. Seeing that only about one-quarter of amount authorized in January last has been shipped and no efforts apparently made to ship balance, British Government regret they see no reason now after over six months have passed why the permit for shipment of the novocaine should be extended, and state that the permit has lapsed in the ordinary course and can not now be reinstated.

LAUGHLIN

File No. 300.115/9491

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 18, 1916.

3709. Your 4678, 8th. Delay in obtaining shipments of novocaine from Germany due to time consumed in obtaining German permit which was only definitely arranged for May 31 and only communicated to Metz June 21. German Government refused to allow shipment novocaine till notice arrival first shipment salvarsan in this country was communicated to it. Goods were paid for by Metz early in year at pre-war prices so that their shipment can mean no advantage to German exporters. Urgent need of novocaine by War Department, Public Health, and other governmental departments, and New York Department of Health, and throughout country. It is only product that takes place of cocaine for local anesthesia without deleterious effects and after-effects of cocaine and other habit-forming drugs. As permit granted on humanitarian grounds, it

should not be regarded as lapsed, as humanitarian need of goods as great as ever or greater. As to production in this country, see Department's 3650, 8th. Metz states that if amounts covered by British permit are allowed shipment, this will meet needs of country for six months, by which time he will be able to supply country by American production. Urgently endeavor unofficially obtain uninterrupted shipment these goods.

LANSING

File No. 300.115/9735

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 6, 1916, 2 p. m.*

[*Received 1.55 p. m.*]

4845. Your 3709, August 19 [18]. Foreign Office replies that under the circumstances mentioned British Government will be ready to give an undertaking regarding the shipment to the United States of the balance of novocaine which it has hitherto proved impossible to dispatch from Holland, this balance amounting to a third of value of 180,442 marks, and British Consul General at Rotterdam is being authorized to issue permits for the shipment of German novocaine of that total value to the United States.

Adds that perhaps it is not necessary to point out that the delay in shipment of this urgently needed drug to the United States has been entirely due to the action of the German Government, and further, that the assurance given to British Government last January that after six months sufficient quantities of this drug would be obtainable from sources in neutral countries or the United States apparently has not been justified by events. British Government can not, however, hold out hope that further requests for this or similar substances six months hence will be considered and upon this understanding the permit for the novocaine must be held now to be authorized.

LAUGHLIN

#### IMPORTATION OF DYES

File No. 165.102/696a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *December 3, 1915, 5 p. m.*

2533. We are informed that Charles H. Burr seeks to have Republic Trading Corporation substituted for William A. Mitchell in connection with British consent to safe passage German dyestuffs. Please assist Burr to accomplish this and informally draw attention of British authorities to pressing need of American industries for dyestuffs.

LANSING

File No. 165.102/708a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, December 10, 1915, 2 p. m.

2489. Department desires to have as promptly as possible full and exact restatement of present attitude of German Government as to exportation of dyestuffs to United States and other countries.

LANSING

File No. 165.102/696a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 14, 1915, 6 p. m.

2583. Department's 2533, December 3. Department of Commerce has on file agreements by the five associations composing Textile Alliance, also of Mitchell, to have dyestuffs distributed through Republic Trading Corporation. Before pressing matter, cable as quickly as possible conditions under which British permit for exportation of these shipments of dyestuffs was granted and whether permission was only granted with understanding dyes had already been paid for by shipment of cotton.

LANSING

File No. 165.102/723

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, December 14, 1915, 6 p. m.

[Received December 15, 3.40 p. m.]

3222. Department's 2489, December 10. Received reply from Foreign Office to-day. German Government's attitude regarding exportation dyestuffs remains as reported in my 2253, May 19, and my 2434, June 15.<sup>1</sup>

GERARD

File No. 165.102/730

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 17, 1915, 12 noon.

[Received, 7.30 p. m.]

3407. Your 2583, December 14, 6 p. m. Foreign Office informs me that conditions are same as set forth in its note April 13, cabled to you April 14,<sup>2</sup> and that condition still holds good; that permission was granted for shipment two shiploads dyestuffs on understanding that dyes already paid for by cotton shipments.

AMERICAN AMBASSADOR

<sup>1</sup> *Foreign Relations*, 1915, Supplement, pp. 254, 255.<sup>2</sup> *Ibid.*, p. 252.

File No. 165.102/731

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 17, 1915, 1 p. m.

[Received 8 p. m.]

3411. Acting on instructions contained in your 2533, December 3, 5 p. m., note was sent to Foreign Office December 8, stating that Embassy understood that certain interested parties wish to have change made from Mitchell to Republic Trading Corporation. Foreign Office informs me to-day in reply that according to information which has reached British Government from the United States, it is not clear that the parties who have asked for the change of consignment are the same as those on whose behalf original arrangement to allow the shipment of two cargoes of dyestuffs was approved. In these circumstances and in order to avoid any misunderstanding and absolve British Government of further responsibility in the matter, requested that assurance be given that the proposed change has approval of United States Government.

AMERICAN EMBASSY

File No. 165.102/747

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 28, 1915, 6 p. m.

2644. Your 3407, December 17. Department has ascertained that permits were issued to Mitchell on misapprehension of facts. No cotton was shipped into Germany in direct payment for the specific dyes in question. Republic Trading Corporation explains that it believed cotton shipments mentioned in connection with granting of permits referred to balance of trade and not to direct payment. Correspondence in possession of Department would indicate *bona fides* of this explanation as far as Republic Trading Corporation is concerned.

In view of circumstances, request cancellation of permit, in which request Republic Trading Corporation joins. Inform Foreign Office that owing to urgent need for dyestuffs this Government would appreciate issuance of replace permit for equal amount of German dyestuffs to be paid for in cash if German embargo relaxed in favor of these or other dyestuffs. Special need exists for replace permit as original permit has heretofore formed basis of request to German Government for relaxation of embargo and Department desires to urge that request without changing basis.

Issuance of permit would favorably affect attitude of American public.

LANSING

File No. 165.102/793

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

[Telegram]

THE HAGUE, *January 12, 1916, 6 p. m.*

[Received 8.20 p. m.]

479. For Department of Commerce.

86. Some signs of loosening dyestuffs if I can assure shippers of British non-interference. Try to have discretion given British authorities here to sign permits. Hurry before German end closes again.

THOMPSON, *Commercial Attaché*

VAN DYKE

File No. 165.102/747

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 13, 1916.*

2709. Department's 2644, December 28. Urge Foreign Office for early reply in view pressing industrial need dyestuff in United States.

LANSING

File No. 165.102/800

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 15, 1916, 3 p. m.*

[Received 7.30 p. m.]

3586. Your 2644, December 28, and 2709, January 13. I am now in receipt of note from Foreign Office dated January 14 respecting shipment of dyestuffs, which states that Foreign Office desires to point out that when first application was received for permission to bring dyes to the United States, British Government were explicitly assured that cargoes of dyestuffs were paid for by the two cotton cargoes which had already proceeded to Germany and that no question of any further payment would or could arise. British Government fails to understand in what manner the situation so represented to them, on the strength of which they agreed to export the dyes, is now supposed to have changed. Before considering fresh proposal it would be necessary in any case for British Government to know to whom it is suggested that the dyes should be consigned and what is the sum which the American Government now proposes to pay to Germany for these goods.

AMERICAN EMBASSY

File No. 165.102/800

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 18, 1916, 6 p. m.

2739. Your 3586, January 15. No evidence that Department assured British Government in dyestuffs application that cotton had been sent to Germany in payment for dyestuffs or that Department was informed of character of representations made by Burr to British authorities at time of issuance of dyestuffs permit. Owing to discovery by Department that permit was issued by Foreign Office on misconception of facts in regard cotton, attention of the British Foreign Office was called to this fact in 2644, December 28, with suggestion that original permit be canceled and permit for American Trading Company for two shipments to be paid for in cash by said corporation be issued as substituted. No assurances that Germany will grant export permission, but dye situation at present so critical owing to need in industries using dyestuffs that whole country and Congress greatly wrought up. Heretofore onus rested on Germany on ground permit for some dyestuffs already issued by Great Britain. This can not continue unless permits requested by Department be issued. Dyestuffs to be assigned to Secretary of Commerce for distribution through Republic Trading Corporation, which agrees to fair distribution. Department has seen waivers of Mitchell and Burr and statements from five associations comprising the textile alliance that this arrangement will be satisfactory.

It is intimated to Department that Germany may allow these two shiploads owing to fear of tariff legislation. Therefore and because of foregoing, especially try to obtain permit at once. Also recall to Foreign Office assurances given by British Ambassador to Secretary of Commerce that materials necessary to American industries will be allowed entry. This should include dyestuffs, cyanide application now pending for Roessler and Hasslacher Chemical Company, and Mitchell-Bissell application for porcelain guides. Public feeling and Congress now tense over general trade interference, which quick action on these cases would relieve to some extent. Haste necessary as Congress wishes pressure brought on Germany for shipment of dyestuffs, believing the fault entirely with that country. Department therefore needs assurance of British permit immediately.

LANSING

File No. 165.102/807

*The Chargé in the Netherlands (Langhorne) to the Secretary of State*

[Telegram]

THE HAGUE, January 19, 1916, 5 p. m.

[Received 12 p. m.]

487. For Department of Commerce.

87. Await your answer my 86. Have reliable information to the effect that might obtain 800 tons colors if I can go to Berlin next Monday with a



guarantee that British Navy will not interfere. Important that you should answer at once. What are the prospects? THOMPSON, *Commercial Attaché*

LANGHORNE

File No. 165.102/809

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 21, 1916, 1 p. m.*

2759. Your 3586, January 15, 3 p. m. Due to great increase in value dyestuffs, impossible state value, but estimated two cargoes, which is quantity desired, about \$5,000,000. Urge early action and cable specifically *re* sugar-beet seed, cyanide, and porcelain guides.

LANSING

File No. 165.102/811a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *January 21, 1916, 6 p. m.*

2621. Several bills in Congress for protection of dye industry and prevention of dumping. Great pressure being brought by manufacturers and consumers for some legislation to encourage manufacture of dyes here. Strong sentiment in Congress for action on ground that legislation prohibitive of imports is necessary to meet emergency. Use this information as you think wise. Some action probable.

LANSING

File No. 165.102/855

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2967

LONDON, *January 31, 1916.*

[*Received February 17.*]

SIR: Referring to my cablegram No. 3668 of the 29th instant in regard to the shipment of two cargoes of dyestuffs of German origin to the United States,<sup>1</sup> I have the honor to transmit herewith to the Department a copy of the note, dated the 28th instant, which has been received from the Foreign Office in reply to the representations of the Embassy in this connection, and in which it is set forth that if the cotton which was shipped to Germany has been paid for in the United States in cash, the British Government would raise no objection to a similar payment being made in Germany for the two cargoes of dyestuffs.

It is further stated that the permit would be issued in favor of the Republic Trading Corporation instead of Mr. Mitchell.

I have [etc.]

WALTER HINES PAGE

<sup>1</sup> Not printed.

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 3416/C

LONDON, January 28, 1916.

YOUR EXCELLENCY: With reference to the note which I had the honour to address to your excellency on the 14th instant and your excellency's note of the 20th instant relative to the shipment of two cargoes of German dyestuffs to the United States of America, and to unofficial communications which have since passed between the Embassy and this Department, I have the honour to assure your excellency that there has been no misapprehension of the situation on the part of His Majesty's Government, and further that if the cotton which was shipped to Germany has been paid for in the United States in cash, His Majesty's Government would raise no objection to a similar payment being made in Germany for the two cargoes of dyestuffs.

The permit would be issued in favour of the Republic Trading Corporation instead of Mr. Mitchell.

I have [etc.]

For the Secretary of State:

M. DE BUNSEN

File No. 165.102/823

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 21, 1916, 9 p. m.

2915. Your 3668, January 29, 6 p. m.<sup>1</sup> Unofficially request permit for dyestuffs as Department assures Foreign Office cotton which was shipped into Germany has been paid for. For your confidential information you are informed little likelihood of permit being used, as it is improbable that German embargo for these or other dyestuffs will be raised, but granting of permit would relieve Great Britain of responsibility for not getting dyes and consequent irritation.

LANSING

File No. 165.102/857

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 25, 1916, 2 p. m.

[Received 8 p. m.]

3850. Your 2915, February 21, 9 p. m. I have unofficially approached Foreign Office and requested permit. They state that they do not issue actual permits in London but give orders to the Consul General at Rotterdam to issue permit upon the application of shippers when goods reach Rotterdam. They consider that their undertaking not to interfere with shipment of dyes to the United States as expressed in their note of January 28, cabled to the Department in my 3668 of January 31 [29]<sup>1</sup> is the same as permit.

AMERICAN EMBASSY

<sup>1</sup> Not printed; see the Ambassador's despatch No. 2967, January 31, *ante*, p. 551.

File No. 165.102/880a

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, *March 15, 1916, 12 noon.*

2811. At opportune time again request German Government for permission exportation two cargoes dyestuffs valued approximately \$5,000,000 for uninterrupted shipment of which Department has assurance non-interference from British authorities. Dyestuffs consigned to Secretary Commerce on behalf of Republic Trading Corporation. Department informed agents manufacturers are assisting.

POLK

File No. 165.102/881

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *March 16, 1916, 4 p. m.*

[Received March 17, 1.30 p. m.]

3634. Am sure if I present request made in your 2811, March 15, 12 noon, that German Government will be strengthened in its belief that it can demand cotton for dyestuffs. Best way to get dyestuffs out is to have bills protect the American dyestuff industry introduced. Shall therefore wait for further instructions. On December 13, 1915, the German Government in answer to my inquiry informed me that its policy as to export dyestuffs was unchanged.

GERARD

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, *March 20, 1916, 4 p. m.*

2828. Your 3634, March 16. Bill to protect American dyestuffs industry introduced by Congressman Hill now before Congress with favorable prospects. Believe wise to make request at present time as German Ambassador here informs German Government in his opinion dyestuffs should be released without exchange of commodities for cash payment. American agents German manufacturers inform Department they are also assisting in Germany. These efforts should enable you to make request within week or ten days.

POLK

File No. 165.102/926

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 2888

WASHINGTON, *April 20, 1916.*

[Received April 21.]

MR. SECRETARY OF STATE: On the strength of conversations at the State Department, and in order to relieve the pressing need of dye-

stuffs felt by American industries and about which representations have been made to the State Department by manufacturing interests, I put to my Government the question of exporting 15,000 tons of dyestuffs from Germany.

As is known to your excellency, the so-called blockade maintained by Germany's adversaries has had the result that commercial intercourse between the United States and Germany is entirely cut off, that non-contraband and conditional contraband intended for non-combatants can no longer be shipped, and that merchandise of German origin, even when shipped from neutral ports and owned by American citizens, has been forcibly taken from neutral vessels. The German Government was constrained thereby to take the position that the export of German goods could only be allowed in exchange for American goods.

Upon a careful study of the situation, however, the German Government was sorry to find that a serious dearth had been brought by the blockade upon the dye-using industries of the United States. While adhering to the principle of the position it has taken in regard to the unlawfulness of the blockade, the German Government declares itself ready to make one single exception, most strictly confined to the shipment of the above-mentioned 15,000 tons of dyestuffs, export of which was applied for by American interests nearly a year ago.

Of course these shipments must take place under guarantees which will fairly insure the safe delivery of the dyestuffs in the United States for the use of American industries and with appropriate precautions against their being reexported to countries at war with Germany.

On those conditions the Imperial Government is even ready, if need be, to induce the German chemical factories, so far as it may be compatible with the circumstances, to drop other work and make such dyestuffs as are particularly and urgently wanted on the American market. Attention perhaps should be paid in this respect to avoiding needless competition with American dyestuff makers.

I am authorized and instructed to arrange with the Government of the United States the details of this export of 15,000 tons of dyestuffs.

Accept [etc.]

J. BERNSTORFF

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*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, April 24, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of April 20, 1916, stating that your Government is willing to release 15,000 tons of dyestuffs for exportation to the United States.

This information has been carefully noted by the Department and I thank you therefor.

Accept [etc.]

ROBERT LANSING

File No. 165.102/969

*The Commercial Adviser of the British Embassy (Crawford) to  
the Acting Secretary of State*

WASHINGTON, May 13, 1916.

DEAR MR. POLK: With reference to the communication I made to you yesterday relative to the shipment of two cargoes of German dyestuffs in return for two cargoes of cotton already delivered in Germany, I now write to confirm my statement as to the present situation of that question.

On January 28 last, the Foreign Office informed the United States Ambassador in London that if the cotton which was shipped to Germany had been paid for in the United States in cash, His Majesty's Government would raise no objection to a similar payment being made in Germany for the two cargoes of dyestuffs.

The German Government have, however, never yet permitted any of these dyestuffs for the United States to leave Germany, notwithstanding that the guarantee of uninterrupted transit so far as His Majesty's Government was concerned was given more than twelve months ago.

The Foreign Office now learn that the policy of the German Government as to permitting the exportation of dyestuffs to the United States is about to undergo a change, and that they are preparing to release the two cargoes in question, provided the purchasers agree to pay for them a price about five times that which was current at the time the undertaking of His Majesty's Government was given.

This information has caused His Majesty's Government considerable anxiety, for although no value was actually mentioned in April last year when the undertaking from His Majesty's Government was sought and obtained, it was taken for granted that the whole transaction was one of exchanging a certain value of raw cotton for a corresponding value of dyestuffs.

The principle ever present to the mind of His Majesty's Government was their sincere desire to cause to neutral nations as little damage as possible, or as little as might be compatible with the military interests of the British Empire, by the introduction of the measures against enemy trade embodied in the order in council of March 11, 1915.<sup>1</sup>

At that time His Majesty's Government was assured that the measures they had adopted to prohibit the exportation of goods from enemy countries would inflict grave loss and hardship to many flourishing industries, and amongst other things it was pointed out that the industries dependent upon dyestuffs in the United States would be ruined, because their raw materials were derived chiefly from Germany. Moreover it was asserted that much ill feeling would be engendered against Great Britain and her allies, if obstacles were suddenly to be placed in the way of the arrival of those raw materials. For more than a year now the obstacles to the exportation of dyestuffs to the United States have been raised solely by the German Government, and yet it has not been noticed that any par-

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 144.

ticular feelings of hostility or unfriendliness to the German Government or nation has been created thereby, such as His Majesty's Government were led to expect would make itself felt against Great Britain were the positions reversed, and were His Majesty's Government to stand in the way of the users of dyes in the United States receiving their normal supplies from Germany.

None of the forecasts have come true, the United States industries have not in reality suffered, an opening has been afforded for the foundation of a new industry in the United States, and from reports which have been transmitted to the Foreign Office from time to time it seems that the United States interests concerned are managing to dispense with the German product and that in the near future a sufficient supply of dyes will be available from domestic or other non-German sources.

It is at this moment therefore that the German Government is said to have decided to release dyestuffs to the United States at hugely advanced prices. The object of such a manoeuvre need not, in the opinion of His Majesty's Government, be sought for in anything beyond the desire of or perhaps the necessity for, Germany to rehabilitate the already seriously depreciated value of the mark in the United States.

His Majesty's Government feel that the entire situation has now changed, that the conditions under which they gave their undertaking last year are no longer in existence, and that a transaction to which there would have been no objection twelve months ago is now about to be utilised by the German Government for the purpose of creating for their own ends extensive credits in the United States.

His Majesty's Government have in these circumstances decided that the undertaking given to the United States Ambassador in April 1915 must now be considered to have lapsed, and as the German Government have not carried out their part of the bargain in the ample period afforded to them, the offer of His Majesty's Government is withdrawn.

His Majesty's Government, however, would still be prepared to negotiate a new arrangement whereby a quantity of dyestuffs might be transmitted from Germany to the United States, equal in value to the two cotton cargoes above mentioned, but in any such new arrangement His Majesty's Government would have to be assured that the sums paid for dyestuffs approximated to the sums already paid in cash for the cotton. Such negotiations should be opened before May 14.

Yours very truly,

RICHARD CRAWFORD

File No. 165.102/857

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 13, 1916.

3316. Your 3850,<sup>1</sup> February 25. Department informed May 13 by British Embassy that British Government considers undertaking of non-interference with shipment dyestuffs to Republic Trading Corpo-

<sup>1</sup> *Ante*, p. 552.

ration to have lapsed. Unofficially urge continuance of this undertaking. Department informed that the prices at which these dyestuffs are being purchased by the Republic Trading Corporation are only about double the *ante bellum* prices and that the consignment with reference to which the uninterrupted shipment is desired is to consist of about 5,000 tons valued at about \$5,000,000.

LANSING

File No. 165.102/969

*The Acting Secretary of State to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, May 24, 1916.

MY DEAR SIR RICHARD: The receipt is acknowledged of your letter of May 13, 1916, in regard to the assurance of non-interference with the shipment of two carloads of dyestuffs of German origin given by the British authorities last year and confirmed to the American Ambassador at London in February 1916, the assurances being then transferred to the Republic Trading Corporation. At this time the question of the exchange of dyestuffs for cotton was cleared up, it being apparently understood by the British authorities that the cotton had been paid for and that the question of exchange of dyestuffs for cotton shipped had reference to the German embargo on the exportation of dyestuffs.

The situation with reference to the need for dyestuffs in the United States is essentially the same as when the arrangement was made with Great Britain last spring and when it was confirmed in February 1916. The American dyestuff industry is still in its infancy and for some time to come will be unable to supply more than a small portion of the needs of the country. The dyestuffs which the German Government has declared its willingness to release are urgently needed for the benefit of American industries.

The Department cabled the American Ambassador at London on May 13, 1916, informing him that the Republic Trading Corporation had entered into a contract with the German manufacturers for the shipment of 15,000 tons of dyestuffs of German origin, or as much thereof as the British authorities are willing to allow uninterrupted shipment, and that the contract states that these dyestuffs are to be paid for at the prices prevailing in Germany at the time of delivery, which the Department is reliably informed will certainly not average more than double the *ante bellum* prices. The Ambassador has been instructed to make appropriate unofficial representations to the Foreign Office so that assurances of non-interference with the shipment of these 15,000 tons, or at least with the two cargoes valued at approximately \$5,000,000 for which assurances were previously given the Republic Trading Corporation, may be promptly issued.

To recapitulate, I can see no basis for a change of attitude on the part of the British Government toward their assurances previously issued. The situation seems to me essentially the same as it was at the time of the issuance of previous assurances and I trust that you will communicate to your Government to that effect.

Very truly yours,

FRANK L. POLK

File No. 165.102/971a

*The Acting Secretary of State to the Ambassador in Great Britain  
(Page)*

[Telegram]

WASHINGTON, May 24, 1916, 6 p. m.

3359. Department's 3850 [3316], May 13.<sup>1</sup> Republic Trading Corporation has entered into definite contract with German manufacturers of dyestuffs for shipment 15,000 tons dyestuffs or as much thereof as is covered by British assurances of non-interference. Contract states that prices are to be the prevailing prices in Germany at time of delivery of dyestuffs. Department reliably informed these will certainly not average more than double *ante bellum* prices. Dyestuffs, if obtained, will be equitably distributed among American users dyestuffs. Inform Foreign Office of these facts and unofficially urge early and favorable reply to your representations so that these 15,000 tons of dyestuffs which are urgently needed in United States for benefit American industries, or at least the \$5,000,000 worth covered in previous permit to Republic Trading Corporation, may be allowed uninterrupted shipment. Cable reply.

POLK

File No. 165.102/969

*The Acting Secretary of State to the Ambassador in Great Britain  
(Page)*

[Telegram]

WASHINGTON, May 31, 1916, 6 p. m.

3380. Department's 3316, 13th, 3359, 24th. When Department learned that assurances given last April for two cargoes dyestuffs were given under misapprehension Department cabled you these facts and asked that new assurances be given for shipment to Republic Trading Corporation. This was done, as you informed Department in your 3850 February 25.<sup>2</sup> Negotiations were continuous and statement of Foreign Office and Lord Robert Cecil that permit had lapsed because it had not been used must have been made without full knowledge of facts. Permit originally granted not workable and had to be amended. As soon as workable permit granted matter was at once taken up with German Government. The time that has lapsed since these assurances were given and decision of Germany to allow dyestuffs to come forward has been less than two months and conditions as to American need dyestuffs have not changed in meanwhile. Department can not understand attitude British Government in regarding permit as lapsed and desires an immediate assurance that dyestuffs will be permitted to come forward without delay. German officials here have stated that they are not surprised at action of British Government as they did not believe that they would carry out their agreement.

POLK

<sup>1</sup> *Ante*, p. 556.<sup>2</sup> *Ante*, p. 552.



File No. 165.102/982

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 5, 1916, noon.

[Received 2.30 p. m.]

4420. As I was on the point of presenting your 3381 [3380], received here June 1, I received the following note dated June 2:

I have the honour to acknowledge the receipt of the memorandum which your excellency communicated to this Department on May 26 relating to the shipment of German dyestuffs to the United States, and beg leave in reply to point out that during the negotiations which took place last year no mention whatever was made either of 15,000 tons of materials nor of \$5,000,000 and I much regret that the offer made in April 1915, not having been taken advantage of, must be considered to [have] lapsed as has already been intimated to the United States Government through His Majesty's Ambassador at Washington.

Under the circumstances I will await your further instructions before taking the matter up further with the Foreign Office.

AMERICAN AMBASSADOR

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 6, 1916, 4 p. m.

3399. Your 4420, June 5. Present Department's 3380 of May 31 and refer to Department's previous cables on subject and your replies, which clearly show definite agreement by British Government to allow uninterrupted shipment two cargoes dyestuffs not to exceed \$5,000,000 in value. Public and manufacturers needing dyestuffs charged bad faith in seeking revocation of license which British Government renewed or confirmed in your 3850, February 25, 1916. Facts explained to Embassy here, which has now doubtless reported. Constantly growing anti-British feeling here in regard to interference with trade will be intensified and Department feels that there should be no hesitancy in vigorously following up moderate request for at least \$5,000,000 worth or approximately 5,000 tons. Constant trade interferences and refusal of all concessions such as dried fruit reported in your 4412, June 3<sup>1</sup> producing feeling which is in danger of becoming acute.

LANSING

File No. 165.102/986

*The German Ambassador (Bernstorff) to the Secretary of State*

NEW YORK, June 8, 1916.

[Received June 9.]

MY DEAR MR. SECRETARY: Owing to the numerous inquiries from time to time made of the German Embassy on behalf of the American consumers of dyestuffs as to the prospects of procuring the export from Germany into this country of the 15,000 tons of dyestuffs, or a

<sup>1</sup> Not printed.

substantial part of such 15,000 tons, referred to in my note of April 20, 1916,<sup>1</sup> and being advised that such inquiries are also being addressed to the State Department, I write to inform you, for the purpose of replying, if desired, to any such inquiries, that my Government is prepared at this time, as it was at the time of my note, to assent to such export from Germany under the conditions stated in the note. According to wireless advices just received a month's supply to the amount of 2,000 tons are ready for immediate shipment—as a part of the 15,000 tons—and arrangements have been made for such exportation, subject only to the necessary assurances to be given before shipment that transportation of the goods will be free from interference on the part of the countries at war with Germany. This assurance, which as yet has not been given, prevents a prompt shipment. Such assurance is manifestly essential in view of the fact that dyestuff shipped from Germany to Dutch India under a British permit have been forcibly detained at Gibraltar.

Sincerely trusting that the necessary assurance will shortly be given through the State Department, and desiring to aid by all proper means in meeting the necessities of the American manufacturers, I remain [etc.]

Yours very sincerely,

J. BERNSTORFF

File No. 165.102/993

*The Ambassador in Great Britain (Page) to the Secretary of State*  
[Telegram]

LONDON, June 16, 1916, 5 p. m.

[Received 7 p. m.]

4467. I am to-day in receipt of note from Foreign Office in the following sense. Due consideration has been given to my communication of June 7 based on your 3399, 6th, regarding shipment to the United States of dyestuffs of German origin. As explained in its note of June 2, cabled to the Department in my 4420, 5th, British Government felt it impossible to leave its offer of April 1915 open indefinitely, and the concessions made to the United States Government in the matter not having been taken advantage of for more than a year, British Government regrets its inability to consider a fresh concession under conditions which have now entirely changed. The note addressed to me on January 28, contents of which were cabled to the Department in my 3668, 29th,<sup>2</sup> was not, and was not intended to be, a fresh undertaking to let the dyestuffs pass. It only related to the form of payment and with consignment of the materials should the transaction contemplated in the previous April mature. Even so, nothing was said as to the sum to be paid nor as to exact amount of dyestuffs, both of which would have had to form the subject of subsequent discussion and arrangement.

Sir Edward Grey trusts that the explanation made in his note of June 2, along with the communication which British Ambassador

<sup>1</sup> *Antc*, p. 553.

<sup>2</sup> Not printed.

at Washington was instructed to make to the United States Government, will meanwhile have convinced the State Department of the justice and reasonableness of British Government's attitude in the matter. The entire matter has been earnestly and thoroughly presented. I fear that the foregoing represents the final decision of the British Government.

AMERICAN EMBASSY

File No. 165.102/969

*The Counselor for the Department of State (Polk) to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, October 30, 1916.

MY DEAR SIR RICHARD: With reference to my conversation with you and Sir Cecil Arthur Spring Rice in the latter part of June last, which resulted in the understanding that a memorandum would be submitted to you setting forth the Department's reply to the points raised in your note of May 13, 1916,<sup>1</sup> regarding the uninterrupted shipment to the United States of two cargoes of German dyestuffs, I have to say that upon later examining the file in this case it was found that my note to you of May 24, 1916,<sup>2</sup> had apparently already met the purposes which we had in view.

However, in order that the situation may be made entirely clear to you, in addition to referring to my note of May 24, I enclose herewith a memorandum which constitutes a complete exposition of all the facts in the case.<sup>3</sup>

In bringing these facts to your attention permit me to express the hope that the question of the uninterrupted shipment of these dyestuffs may now be speedily concluded, as there continues to exist in the United States a very urgent demand for relief from the shortage of dyes of the character in question.

Very truly yours,

FRANK L. POLK

#### IMPORTATION OF SODIUM CYANIDE

File No. 300.115/7030a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 27, 1915, 4 p. m.

2632. British Government has refused Roessler and Hasslacher Chemical Company permit for uninterrupted shipment to United States 4,000 tons sodium cyanide because of inadequate proof of company's liability for payment. Possibly other objections. Without recognizing British order in council March 11, 1915,<sup>4</sup> communicate to

<sup>1</sup> *Ante*, p. 555.

<sup>2</sup> *Ante*, p. 557.

<sup>3</sup> Not printed.

<sup>4</sup> *Foreign Relations*, 1915, Supplement, p. 144.

Foreign Office urgent request of this Government that shipment 4,000 tons cyanide be permitted because indispensable to mining industry for extraction of gold, and to textile and many other important industries requiring bleaching agents derived from this material. Cyanide could be consigned to Secretary Commerce for release against bond limiting use of cyanide and derivatives to United States and to Mexico for gold mining, but ultimate consignee must be Roessler and Hasslacher Chemical Company as preparation cyanide derivatives is practically its monopoly. Strongly urge immediate favorable action and cable reply.

LANSING

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 File No. 300.115/6711a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 11, 1916.*

2694. Department's 2632, December 27. In view of urgent need in United States, urge Foreign Office to give early reply to representation cyanide.

LANSING

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 File No. 300.115/6983

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *February 4, 1916.*[*Received 5 p. m.*]

3710. My 3611, January 20.<sup>1</sup> Foreign Office now informs me that subject of export 4,000 tons sodium cyanide for Roessler and Hasslacher has received careful consideration by British Government in consultation with French Government, but that it is regretted that the two Governments do not see their way to modifying decision already given.

AMERICAN EMBASSY

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*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *February 10, 1916, 6 p. m.*

2850. Your 3710, February 4, and latter part of Department's 2805, January 31.<sup>2</sup> Request for cyanide was made by Department itself owing to indispensability of peroxide and other bleaching materials to textile industries in this country, to say nothing of mining industry. In Department's December 27 it was suggested

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<sup>1</sup> Not printed.
<sup>2</sup> *Post*, p. 567.

that consignment be made to Secretary of Commerce for release against bond limiting cyanide itself to United States and Mexico, and if necessary, bleaching products can be limited to United States. Cyanide would have to be turned over to Roessler and Hasslacher Chemical Company as they have monopoly conversion cyanide to bleaching compounds. Cyanide has been paid for and no exchange of money would be involved. The delay has already greatly aroused many members of Congress and announcement of refusal would very probably precipitate drastic action. Some 700 letters from various Senators, Representatives, and textile factories have been received in which Government urged to obtain supplies. Endeavor obtain prompt reconsideration this matter. Similar cablegram being sent to Embassy Paris.<sup>1</sup>

LANSING

File No. 165.102/886

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 25, 1916, 7 p. m.

2939. At suggestion of Commercial Adviser of British Embassy here that we should try to secure cyanide from Uruguay, Department cabled to Minister, Montevideo. He replies amount cyanide available in Uruguay inconsiderable, namely 4,000 kilograms. Again unofficially ask in name of State Department on behalf of national industries and in view of rising feeling among manufacturers that uninterrupted shipment be granted for cyanide desired by Roessler and Hasslacher. British Embassy here understands seriousness of situation.

LANSING

File No. 300.115/7414

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 1, 1916.

[Received March 2, 11.40 p. m.]

3896. Your 2850, February 10, re sodium cyanide for Roessler and Hasslacher. Foreign Office states that British Ambassador in Washington has been instructed to explain the situation to United States Government and that position is as follows:

Before the war three quarters of the cyanide required for the Rand was imported from Germany. Now that this supply has been cut off and that the extra demands upon factories in this country have already overtaxed them, the supply of cyanide for the purposes of the British demand is inadequate. There is therefore no cyanide available for sale to the United States and the allegation which it is understood has been made that His Majesty's Government are deliberately preventing sale from British sources to the United States is absolutely untrue.

Foreign Office further states that it is understood that there is good reason to believe that it would be possible to produce in the United States all the

<sup>1</sup> Instruction No. 1371 of February 10, 1916 (File 300.115/6983).

cyanide required, and that the Roessler and Hasslacher Chemical Company, half of whose stock is owned in Germany, are promoting the agitation in order to keep in German hands the interest of supplying the United States with cyanide.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 6, 1916, 7 p. m.

3006. Your 3896 of March 1. Again unofficially request Foreign Office to grant cyanide permit which has already been paid for and therefore involves no transfer of money to Germany. Appeals are being received from textile manufacturers in all sections of the country for bleaching materials made from cyanide in which Roessler and Hasslacher have monopoly. The matter is very urgent and refusal would have serious consequences. Reply immediately.

LANSING

File No. 165.102/887

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 9, 1916, 6 p. m.

[Received 5 p. m.]

3928. Your 2939, February 25, 7 p. m. Foreign Office states that matter is being dealt with through the British Ambassador, Washington, who has been instructed to explain to the Department reason why British Government is not disposed to accede to application as originally put forward by Roessler and Hasslacher.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 10, 1916, 5 p. m.

3023. Your 3928, March 9. Refer to Department's 3006 of March 6. In previous cables it was suggested that cyanide be consigned to Secretary of Commerce and that Foreign Office be reminded that British Ambassador here assured Secretary of Commerce some months ago that any article necessary to American industries would be accorded uninterrupted shipment. Department suggests you refer to all its cables on this subject and also refer to Department's 3007 [3006] of March 6 and insist upon immediate favorable action. Inform Foreign Office unofficially that unless immediate permits are granted both cases will probably be taken up by Congress as already requested by manufacturers. This should be avoided at all costs.

LANSING

File No. 165.102/888

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 14, 1916, 2 p. m.

[Received 1 p. m.]

3949. Your 3023, March 10, 5 p. m. brought to personal attention of Sir Edward Grey who promised me that he would give the matter his further consideration and send definite reply at an early date.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 23, 1916, 7 p. m.

3084. Your 3949, March 14. Mitchell-Bissell application for porcelain guides and cyanide application have been pending since November with constant promises of consideration. Department urges immediate reply as delay is intolerable. Carefully review previous cables and press Sir Edward Grey for an immediate reply on both these matters.

LANSING

File No. 165.102/907

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3330

LONDON, March 27, 1916.

[Received April 15.]

SIR: Referring to the Department's cablegram No. 3084 of March 23 and to my telegraphic reply No. 4018 of the 25th instant,<sup>1</sup> in relation to the shipment of cyanide of German origin to the United States, I have the honor to transmit herewith, for the information of the Department, a copy of the note, dated the 22d instant, which has been received from the Foreign Office in response to my further representations in the premises, and which sets forth the reasons for the attitude which the British Government have adopted in regard to this matter.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 47797/C

LONDON, March 22, 1916.

YOUR EXCELLENCY: With reference to the memorandum which your excellency was good enough to communicate to this Department on the 7th instant relative to the shipment of German cyanide to the United States of America, your excellency will doubtless remember, as I had the honour to inform your excellency in my note of the 8th instant, that this matter has already formed the subject of communications to the State Department through His Majesty's Ambassador in Washington.

From the information at the disposal of His Majesty's Government they are led to believe that the shortage of cyanide in the United States of America, and the demand for its importation into that country from Germany, is

<sup>1</sup> Not printed.

artificially created by the Roessler-Hasslacher Company with the object of keeping in German hands the interest of supplying the United States of America with cyanide, of engineering an agitation against His Majesty's Government, and of creating credits for Germany in the United States.

The Gold and Silver Refinery at Frankfort on the Main was formerly the Roessler Aktiengesellschaft of Frankfort, and two members of the present Frankfort concern, Franz Roessler and Paul Mausolff, are respectively vice president and secretary of the Roessler-Hasslacher Company in the United States. Half of the stock of the latter company, is, I am informed, owned in Germany.

Before the war the United Kingdom depended largely on Germany for supplies of cyanide, but now the supply is being derived from domestic factories in this country. There would appear to be no reasons why the requirements of the United States should not be met from local supplies, as it is reported that the largest part of the plant for producing cyanide at Perth Amboy, New Jersey, is still in existence.

I need hardly say that His Majesty's Government would view with the greatest regret any injury done to the United States mining or textile industries, but they are unaware to what extent this could happen except by deliberate intrigues on the part of the Roessler and Hasslacher Company.

I would add that this firm originally put forward their application for permission to import the cyanide on the ground that the goods had been ordered before March 1, 1915, and that they were under an obligation to pay for them whether received or not. As soon as this application was refused, the company cancelled the order, thereby showing that there was no binding contract and that they were under no obligation to pay for the cyanide stated to have been ordered. This fact, coupled with the German complexion of the applicants, has naturally led His Majesty's Government to accept the company's statements with considerable hesitation and has caused the whole agitation to appear suspect.

In the final paragraph of the memorandum under reply, your excellency stated that His Majesty's Ambassador in Washington had assured the Secretary of Commerce that applications would be granted by His Majesty's Government for goods that were necessary to American industries. The only assurance of the kind on the part of His Majesty's Government which I have been able to trace is that contained in paragraph 16 of the note which I had the honour to address to your excellency on June 17 last, but your excellency will notice that that assurance refers only to goods proved to have been paid for before March 1, 1915. In the light of subsequent concessions made by His Majesty's Government it might be assumed that this assurance extended to goods ordered prior to that date, for which a legal obligation to pay on delivery at the factory is involved. The application of the Roessler and Hasslacher Company, however, refers to goods which do not comply with either of the above conditions.

I have already instructed His Majesty's Ambassador in Washington by telegraph to explain to the Secretary of State the above points.

I have [etc.]

For the Secretary of State:

M. DE BUNSEN

## IMPORTATION OF PORCELAIN GUIDES FOR TEXTILE MACHINERY

File No. 300.115/6783

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 24, 1916, 5 p. m.*

[*Received 11.45 p. m.*]

3629. Do not understand reference to porcelain guides in your telegram 2759, January 21.<sup>1</sup> My 2443, October 29,<sup>2</sup> informed you of

<sup>1</sup> *Ante*, p. 551.

<sup>2</sup> *Foreign Relations*, 1915, Supplement, p. 264.



Foreign Office statement that permit for 153 cases for Mitchell-Bissell would be granted. Since then have heard nothing further about this shipment; so confidently [suppose] guides were received in the United States. Have no record of other guides asked for.

AMERICAN EMBASSY

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*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 25, 1916, 6 p. m.*

2778. Your 3629, January 24. References to porcelain guides in Department's 2739,<sup>1</sup> January 18, and 2759, January 21,<sup>2</sup> were to new application Mitchell-Bissell Company, forwarded through British Embassy to Foreign Office, for shipments in addition to 153 cases referred to in your 2443, October 29.

LANSING

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File No. 300.115/6816

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *undated.*

[Received *January 27, 1916, 12.45 p. m.*]

3653. Your 2778, January 25, 6 p. m. Understand that Foreign Office cabled British Embassy that permit had been refused.

AMERICAN EMBASSY

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*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 31, 1916, 6 p. m.*

2805. Your 3653, January 27, *re* application Mitchell-Bissell Company for permit porcelain guides submitted through Foreign Trade Adviser's office and British Embassy. Latter states no word from London received. As lack of guides most seriously affects large numbers textile mills, it has been made a point of inquiry by many members of Congress. Therefore if permit refused Department requests reconsideration and granting. Also must immediately have decision on cyanide application which Department requests on ground needs of various industries for bleaching materials, etc., made from cyanide and also mining interests. These two articles of utmost importance. Congress most insistent and Department most earnestly urges immediate favorable action.

LANSING

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<sup>1</sup> *Ante*, p. 550.

<sup>2</sup> *Ante*, p. 551.

File No. 300.115/7093a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 10, 1916, 5 p. m.

2849. Department's 2778, January 25, and 2805, January 31. Your 3653, January 27, *re* Mitchell-Bissell porcelain guides. Embassy states no refusal of application received. If refused Department itself requests reconsideration on ground of necessities for textile mills. Value small but of great importance. See Department's cablegram of even date<sup>1</sup> *re* cyanide for general feeling of country. Refusal of this and cyanide shipment would cause most unfavorable impression and impossible to state consequences. Consignment can be to Secretary of Commerce but indispensable that assurances of non-interference with this shipment issue.

LANSING

File No. 300.115/7093a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 21, 1916, 7 p. m.

2912. Referring to Department's 2849 of February 10. Reply immediately in reference to Mitchell-Bissell application for porcelain guides. Unless favorable will cause a great deal of trouble. It is requested by Department on grounds of textile needs.

LANSING

File No. 300.115/7279

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 23, 1916, 5 p. m.

[Received 5.25 p. m.]

3841. Your 2912, February 21, 7 p. m. I have again approached Foreign Office regarding porcelain guides. Am informed that a reconsideration is being made and that I will be informed in the near future of the decision.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 6, 1916, 8 p. m.

3007. Your 3841 of February 23. Inform Foreign Office that porcelain guides for Mitchell-Bissell Company requested on behalf of State Department should be given immediate decision. Both in this

<sup>1</sup> *Ante*, p. 562.

and cyanide application remind Foreign Office that Secretary of Commerce was assured by English Ambassador that applications for goods necessary for American industries would be granted. Delay is causing inestimable harm.

LANSING

File No. 300.115/7702

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 27, 1916.

( [Received 7 p. m.] )

4042. Your 3007, March 6, 8 p. m. Am in receipt of following note from Sir Edward Grey in reply to my representations:

I have the honour to refer to your excellency's note of the 7th instant relative to the further application made on behalf of the Mitchell-Bissell Company for an undertaking by His Majesty's Government not to interfere during transit with certain cases of porcelain guides of German origin used in textile machinery in the United States.

His Majesty's Government have carefully reconsidered their former refusal to give any undertaking as requested, but I regret to say that they are unable to reverse their original decision.

As your excellency is already aware, a considerable concession was made last October in acceding to a similar request on the part of this same company, and His Majesty's Government feel that the stocks then acquired should have been sufficient to tide over any reasonable period necessary before adequate supplies could have been obtained elsewhere than from Germany.

As regards the assurances alluded to by your excellency as having been given by His Majesty's Ambassador at Washington to the Secretary of Commerce, I presume that reference is made to paragraph 16 of the note which I had the honour to address to your excellency on June 17 last.<sup>1</sup>

As I explained to your excellency in my note of the 22d instant on the subject of the cyanide for the Roessler-Hasslacher Company,<sup>2</sup> I can not trace any other assurance of this nature to the United States Government.

AMERICAN EMBASSY

File No. 300.115/11743

*The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Holder)*

WASHINGTON, April 8, 1916.

MY DEAR DOCTOR HOLDER: We are to acquaint you that the Foreign Office has granted the application for permit to bring out 124 cases of porcelain guides valued at marks 75,000. This application as you will recall was put forward in the name of the Mitchell-Bissell Company. The goods in question were manufactured by the Porzellanfabrik zu Kloster Veilsdorf at Veilsdorf, Sachsen-Meiningen, Germany. The Foreign Office has granted the permit on the ground that the merchandise in question is necessary in connection with the

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 443.

<sup>2</sup> *Ante*, p. 565.

textile industry in the United States, on the assurance from your Department that the Secretary of Commerce undertakes to act as consignee for distribution of the goods.

Yours very truly,

R. CRAWFORD

File No. 300.115/11239a

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 4607

WASHINGTON, December 27, 1916.

SIR: There is enclosed a copy of a brief prepared by the Mitchell-Bissell Company, of New York City, and the enclosures thereto with reference to the urgent need of further supplies of porcelain guides of German origin for the use of the American textile industry.<sup>1</sup>

There are also enclosed an affidavit of John R. Mitchell, of the Mitchell-Bissell Company, a form application also under oath, together with the exhibits thereto and a list of orders for porcelain guides which the Mitchell-Bissell Company has been unable to fill due to its inability to obtain further supplies of these guides from Germany.<sup>1</sup> You will note that efforts have been made to arrange for the manufacture of these guides in this country; but without success.

You are instructed to present the information contained in the brief of the Mitchell-Bissell Company and the enclosures thereto to the Foreign Office and unofficially endeavor to obtain assurances of non-interference with the shipments of porcelain guides as indicated by the enclosed orders to the value of approximately 100,000 marks from the Porzellanfabrik zu Kloster Veilsdorf, Veilsdorf, Sachsen-Meiningen, Germany. As these porcelain guides were not ordered prior to March 1, 1915, your unofficial request for assurances of non-interference with their shipment is not based on any existing arrangement with reference to the submission of applications for goods ordered prior to March 1, 1915, but upon the broad basis of the urgent need of American industries.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 300.115/11567

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 5748

LONDON, February 2, 1917.

[Received February 13.]

SIR: With reference to the Department's instruction No. 4607 of December 27, 1916, enclosing a copy of a brief prepared by the Mitchell-Bissell Company of New York City, and other correspondence, relative to the urgent need for further supplies of porcelain guides of German origin to be used in the American textile industry, I have the honor to enclose herewith, for the information of the

<sup>1</sup> Not printed.

Department, a copy of a note, dated February 1, 1917, which I have received from the Foreign Office in reply to my representations in this connection.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 8534/C

LONDON, February 1, 1917.

YOUR EXCELLENCY: With reference to the memorandum which your excellency communicated to this Department on the 8th ultimo, No. 2189, relative to the desire of Mitchell-Bissell Company of New York to import a quantity of porcelain guides of German manufacture, I have the honour to observe that, at the urgent instance of the United States Government, permits have already on two occasions in the past been granted for the shipment of such goods for that firm from Germany via Holland.

2. On the last occasion on which such facilities were granted in April last year His Majesty's Ambassador at Washington explained to the State Department that this departure from the usual procedure was only made on the clear understanding that no further requests for shipping permits for such goods could be entertained.

3. In these circumstances His Majesty's Government regret they are unable to give any undertaking in regard to the shipment of the goods which it is now desired to obtain from Germany.

I have [etc.]

For the Secretary of State:

VICTOR WELLESLEY

#### IMPORTATION OF MACHINE KNITTING NEEDLES

File No. 300.115/8621

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

No. 3676

WASHINGTON, May 29, 1916.

SIR: There is enclosed an affidavit of the National Association of Hosiery and Underwear Manufacturers, Inc., of Philadelphia, and the enclosures thereto, with reference to the urgent need of knitting needles in the United States.<sup>1</sup> This application is made on behalf of all the importers of knitting needles of German origin, and the needles, if obtained, will be distributed among the various American mills which are in need thereof. As you will see by these enclosures, it is impossible to obtain anything like adequate supplies of knitting needles from any other source, and if it is impossible to obtain the supplies covered by this application, it will be necessary for many knitting mills in this country to partially or entirely suspend operations in the very near future. Indeed, a large number of machines are already idle due to lack of needles.

It is estimated that the needles for which this application is filed will keep American mills running for the period of approximately a year. This application is presented through you instead of to the British Embassy at this capital, as the application is not made on

<sup>1</sup> Not printed.

the ground that it comes within the unofficial arrangement entered into between the Foreign Trade Adviser of this Department and the British Embassy, but on the ground that it is urgently needed for American industries and therefore within the terms of the assurances given by the British Ambassador to the Secretary of Commerce that goods urgently needed for American industries will be permitted to come forward consigned to the Secretary of Commerce.

You are instructed unofficially to bring this information to the attention of the British Foreign Office and urge an early and favorable decision so that these knitting needles may be allowed uninterrupted shipment to the United States, for the benefit of American industries, at the earliest possible moment, and to inform the Department by cablegram of any information received from the British Foreign Office in regard to the matter.

I am [etc.]

FRANK L. POLK

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*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 28, 1916, 7 p. m.

3750. Department surprised that no reply received to Department's instruction 3676, May 29, with reference to very urgent need knitting needles in United States. Urge early and favorable reply in matter.

LANSING

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*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, September 18, 1916, 4 p. m.

3844. Further reference Department's 3750, August 28, 7 p. m. Cable status unofficial negotiations for uninterrupted shipment of German needles from Rotterdam. You may point out in addition to other representations that needles required are largely of special make and can not be manufactured in this country, that many machines are already idle and that a very serious condition threatens the knit-goods industry of this country. In view this situation you are instructed to make a very earnest effort unofficially to induce British Government to permit shipments mentioned in Department's number 3676 of May 29 last, or even smaller amounts, to come forward.

LANSING

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File No. 300.115/9932

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

No. 4706

LONDON, September 6, 1916.

[Received September 18.]

SIR: With reference to the Department's instruction No. 3676 of May 29 and to its cablegram No. 3750 of August 28, relative to

the pressing need for knitting needles in the United States, I have the honor to transmit herewith enclosed a copy of a note which has been received from the Foreign Office in reply to my representations in this matter.

I have [etc.]

IRWIN LAUGHLIN

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Chargé (Laughlin)*

No. 165141/C

LONDON, September 4, 1916.

SIR: 1. With reference to Mr. Page's notes of the 14th and 23rd June, relative to the shipment of German machine knitting needles to the United States of America, I have the honour to inform you that the manufacture of machine knitting needles in this country has now reached a point where the output is sufficient to allow of export in reasonable quantities to other countries. The output of bearded needles is estimated to be sufficient to meet the needs of neutral countries, and only in the case of latch needles is it possible that adequate supplies may not be immediately forthcoming.

2. I regret therefore that it will not be possible to consider the application of the National Association of Hosiery and Underwear Manufacturers without further details, and it will be necessary to indicate the particular types of needles required and the particular types of machines upon which they are to be used, in order that it may be ascertained definitely whether the quantities and types of needles in question can not be supplied from this country.

3. I would accordingly suggest that samples of the needles required should be submitted; and if this is done, His Majesty's Government will be happy to give further consideration to your request.

4. The enclosures accompanying Mr. Page's note under reply are returned herewith.

I have [etc.]

For the Secretary of State:

M. DE BUNSEN

File No. 300.115/10089

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, September 27, 1916, 5 p. m.

[Received 3.20 p. m.]

4947. Your 3844, September 18, 4 p. m. Reply of Foreign Office to representations transmitted by despatch 4706. In reply to oral representations Foreign Office unofficially informs that British Government not willing to grant facilities for any needles of German origin since needles can mostly be procured from United Kingdom.

LAUGHLIN

File No. 300.115/10266a

*The Acting Secretary of State to the Consul General at London (Skinner)*

[Telegram]

WASHINGTON, October 7, 1916, 5 p. m.

Make discreet inquiries about supplies and classes knitting needles available for shipment to United States and give names of dealers. Confer with Embassy regarding Foreign Office note of September 4 to Embassy in this matter.

POLK

File No. 300.115/10287

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *October 10, 1916.*

[Received 12 noon.]

Department's 7th. Exportation of hosiery needles is prohibited to all non-British destinations and no shipments possible except under special license. But for scarcity, prohibition would be lifted. Manufacturers can not obtain steel and labor in sufficient quantities; therefore in about same position respecting both bearded and latch needles. American Supplies Company with factories here and Canada can not supply American market. Henry Milward Sons and Company can barely satisfy British requirements for bearded needles; latch needles scarcer. Chamber of Commerce furnishes list manufacturers who would do best to deliver "subject prior demands of huge requirements here. Germany used to supply these needles; English firm now making them to cover deficiency."

SKINNER

File No. 300.115/10287

*The Secretary of State to the Consul General at London (Skinner)*

[Telegram]

WASHINGTON, *October 14, 1916.*

Your October 10. American demand for needles formerly supplied by Germany approximately 5,000,000 needles monthly, consisting of 1,000,000 Standard F, 750,000 Standard B, 125,000 Standard F H Special, 2,000,000 Banner, 1,000,000 miscellaneous. In view Foreign Office note September 4 to Embassy, urge that a share of needles now being produced be apportioned to American mills and ascertain from manufacturers prospects of enlarged future production and earliest date on which supplies for export of various classes can be expected.

LANSING

File No. 300.115/10390

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, *October 20, 1916.*

[Received 3 p. m.]

Department's 14th. Of needle manufacturers recommended by Chamber of Commerce only John Jardine open to accept orders for latch needles. Jardine offers numbers 60, 12, 20, 6, 8 and 5 XL; 4 and 7 Pearl; and 24 G Scott Williams. Amos Tatham endeavoring to fulfil home requirements, sending surplus to Allies whose needs urgent. W. Haskard reports owing shortness labor are finishing



off orders and will close needle department unless situation improves. Walter Tatham reports impossible supply America. Toone and Company think restrictions on import of needles will be removed, and if so, they may be able to reexport some later on. Consul at Nottingham reports local dealers have been purchasing American needles and American firms had been importing from Germany. Since refusal of British to allow German needles to pass, shortage has arisen and orders accepted by local dealers on condition of securing license to import German needles. Agent at Leicester reports bearded needles available for America but situation different *re* latch needles, home demand not being satisfied. No needles can be exported without special license, as embargo prevails.

SKINNER

File No. 300.115/10614

*The Consul General at London (Skinner) to the Secretary of State*

No. 2983

LONDON, October 27, 1916.

[Received November 6.]

SIR: Referring to the Department's several cabled instructions in regard to the shortage of hosiery needles in the United States, and the inability of British manufacturers to supply the American trade, I have the honor to report, as a matter of information, that a number of parcels of needles of German origin have been placed in the prize court, and the Procurator General has invariably declined to release the goods or to permit the consignees to obtain possession of them by purchase, as in the case of some other classes of merchandise. In view of the well-known circumstances that needles of German origin have been imported without much difficulty for British trade since the beginning of the war, and to meet a shortage which is as acute in this country as in the United States, the attitude of the prize court is at least interesting.

I have [etc.]

ROBERT P. SKINNER

*The Secretary of State to the Consul General at London (Skinner)*

No. 1507

WASHINGTON, November 10, 1916.

SIR: The Department has received your despatch No. 2983 of October 27, 1916, with reference to the shortage of needles in the United States.

The Department has noted your statement that needles of German origin have been imported without much difficulty for British trade since the beginning of the war and instructs you to make a discreet investigation and report to the Department such facts as you may be able to ascertain in substantiation of this statement.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

File No. 300.115/11018

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 4512

WASHINGTON, November 25, 1916.

SIR: With reference to your despatch No. 4706 of September 6, 1916, and previous correspondence in regard to the urgent need of knitting needles of German origin for the benefit of American industries, there is enclosed a copy of a letter dated October 25, 1916, from Mr. Robert J. Keegan, together with the original enclosures thereto, indicating the exact quantities and kinds of knitting needles which it is desired to obtain.<sup>1</sup>

Following the receipt of your despatch of September 6, 1916, enclosing a note from the Foreign Office pointing to the possibilities of manufacturers in Great Britain being able to supply knitting needles to this country, the Department conducted an investigation through the American Consul General at London as to the supplies of knitting needles in that country and the possibility of the United States obtaining the needles required here from English manufacturers or dealers. As you will see by consulting the despatches forwarded by the American Consul General at London to the Department on this subject, there is no possibility of English firms being able to supply the demands of this country in the immediate or even in the near future.

You are, therefore, instructed to present to the Foreign Office the exhibits forwarded with this instruction, urging the importance of immediate and favorable action in order to relieve the very pressing need for needles of this character in the United States.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 300.115/10834

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 4533

WASHINGTON, December 4, 1916.

SIR: The Department refers to its instruction No. 4512, of November 25, 1916, relative to the urgent need of knitting needles of German origin for the benefit of American industries. As a result of the investigation conducted through the American Consul General at London, it developed that Mr. John Jardine, Chelsea Street, Basford, Nottingham, England, was apparently the only dealer who was in a position to accept orders, and that he offered only the following styles of needles:

Nos. 60, 6, 8, 12, 20, 14 and 5 XL

Nos. 4 and 7, Pearl

No. 24 G Scott Williams

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<sup>1</sup> Not printed.

This information was brought to the attention of several American manufacturers and the Department has received a communication from The Grosser Knitting Machine Company, 260 West Broadway, New York, stating that the first seven items of the description of needles offered by Mr. Jardine are of no interest to hosiery manufacturers in this country as they pertain to British hosiery machines which are not in use in the United States. Of the needles designated as "Pearl" this company states that numbers 4 and 7 are hardly wanted in the United States and that numbers 5 and 6 Pearl are required.

This information is transmitted for such effective use as you may be able to make of it in connection with the Department's instruction No. 4512 of November 25, 1916.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 300.115/11269

*The Consul General at London (Skinner) to the Secretary of State*

No. 3339

LONDON, December 20, 1916.

[Received January 15, 1917.]

SIR: Referring to the Department's No. 1507 of November 10, 1916, directing me to substantiate, if possible, an earlier statement that needles of German origin have been imported without much difficulty for British trade since the beginning of the war, I have the honor to state that I have received on this subject the enclosed letters from Messrs. B. Toone and Company of Nottingham, dated December 7 and 15. I have asked Messrs. Toone and Company to let me know as soon as they receive any definite advice from the Board of Trade. The Department will perceive that there is no reasonable doubt that considerable quantities of German needles have been imported into this country since March 11, 1915.

I have [etc.]

ROBERT P. SKINNER

[Enclosure 1]

*B. Toone and Company to the American Consul General at London (Skinner)*

NOTTINGHAM, December 7, 1916.

DEAR SIR: In answer to yours of December 6, the hosiery-needle situation here remains very difficult and uncertain, but we are expecting something definite from the Board of Trade this week, and we will then communicate further with you.

Since August 24, 1916, no new licences have been issued, not even for factories working upon Government contracts, so far as we know.

The only German needles now coming into this country are those contracted for under the old licences prior to August 24 last, and these are only obtained with much difficulty owing to the many new regulations.

With regard to there being any prospect that exports of hosiery needles to the States will be resumed, that depends on the decision of the Board of

Trade now pending and the strength of your own elbow, and whether the needles are of a type not required by hosiery manufacturers in the United Kingdom.

If any of your hosiery manufacturers can prove that they are working upon contracts for the Allied Governments, then they have a good case for a licence being granted to us to obtain any possible supplies for them.

We have now an enquiry and samples from The Fuld and Hatch Knitting Company of Albany, N. Y., for 250,000 needles, of November 17, and have told them we may be able to supply under the above conditions, and if they place an order with us, they should send you a copy of the order and you should support the application for a licence.

With regard to the quantity of German needles imported into the United Kingdom from January 1 to August 24, 1916, we have no figures except our own which we can not divulge. The increase in the British production of needles is a negligible quantity, particularly on all the fine gauges, and will most likely continue to be during the war.

Yours respectfully,

B. TOONE & Co.  
F. S. TOONE

[Enclosure 2]

*B. Toone and Company to the American Consul General at London (Skinner)*

NOTTINGHAM, December 15, 1916.

DEAR SIR: In answer to yours of the 14th instant, the Board of Trade have not yet made up their minds what to do over the needle question.

They have transferred the work of obtaining statistics to the Leicester Chamber of Commerce, and that Chamber is now doing its best to obtain more figures for the Board of Trade.

When fresh licences will be granted no one knows but nothing has been done up to now except to ask for more figures.

Yours faithfully,

B. TOONE & Co.

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 24, 1917, 7 p. m.

4330. Department's instruction 4512,<sup>1</sup> November 25. See Consul London's 3339, December 20, showing that English houses have been receiving German needles under licenses issued as late as August 24 and that applications for further licenses are pending before Board of Trade. Inform Foreign Office that, unless prompt favorable action is taken on Keegan application, Department will find it difficult to avoid the conclusion that this is a discrimination favoring English at the expense of American commerce under the guise of a war measure. Suggestion of Foreign Office in its note of September 4<sup>2</sup> that supplies of bearded needles could be obtained in Great Britain in sufficient quantities to meet the needs of neutral countries has not been verified since investigation showed no supplies available.

LANSING

<sup>1</sup> *Ante*, p. 576.

<sup>2</sup> *Ante*, p. 573.

File No. 300.115/11400

*The Consul General at London (Skinner) to the Secretary of State*

No. 3474

LONDON, *January 17, 1917.*

[Received January 30.]

SIR: Referring to the Department's No. 1507<sup>1</sup> of November 10, 1916, directing me to report any additional information tending to show that German needles were being allowed to be imported into this country, I have the honor to state that I have now obtained official confirmation that German needles, in fact, have been imported into the United Kingdom with the consent of the Government.

In the case of S. S. *United States*—Curtin-Hebert Company—the claimants requested me to effect, if possible, the release of certain needles which they had purchased in Germany. The matter was duly taken up with the Procurator General, who declined to release the consignment, but stated, at the same time, that British firms in the past had been permitted to import certain needles of German manufacture. The Procurator General stated that licenses for importations of this kind had always been restricted to certain limited classes which were not procurable elsewhere, and he declined to grant a release to the Curtin-Hebert Company on the ground that their particular needles were not of the special class which had been imported into the United Kingdom from Germany. I am enclosing herewith a copy of the Procurator General's letter of January 15, which will enable the Department to follow this matter up, if it is desired to do so.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

*The British Procurator General (Mellor) to the American Consul General at London (Skinner)*LONDON, *January 15, 1917.*

SIR: I am directed by H. M. Procurator General to refer to your letters of the 26th October and 6th January, and to say that you appear to be under a misapprehension as to the extent to which British firms have in the past been permitted to import needles of German origin. Licences for importations of this kind have always been severely restricted to certain limited classes, which were not procurable elsewhere. Had needles of this particular class been stopped by His Majesty's Government, while on passage to the United States of America, the observations in your letter under reply might have been well founded, but an examination of the contents of the parcels seized in this vessel shows that the needles are not of the special class referred to, but are ordinary machine needles, in respect of which no concession has been made to persons in this country.

The action taken by His Majesty's Government in this case does not, therefore, appear to be in any way inconsistent with the practice followed in this country, and the case does not, therefore, call for special treatment.

I am [etc.]

R. W. Woods

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *February 1, 1917, 7 p. m.*

4377. See Consul London's despatch 3474, January 17. Unofficially inform Foreign Office that your representations based on

<sup>1</sup> *Ante*, p. 575.

Department's 4330, January 24, as to permits for needles of German origin to British houses is confirmed by statement of Procurator General and that under circumstances Department feels justified in expecting prompt assurances of non-interference with needles covered by Department's instruction 4512,<sup>1</sup> November 25.

LANSING

File No. 300.115/11569a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 12, 1917.

4432. Department's 4330, January 24. Press for prompt consideration as hosiery and underwear industry in most urgent need of needles now held at Rotterdam and Copenhagen. Emphasize injurious consequences of further delay.

LANSING

File No. 300.115/11583

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 15, 1917, 5 p. m.

[Received 7.35 p. m.]

5699. Your 4432, February 13 [12]. Foreign Office reply is as follows:

It is prepared to grant permits for export of German needles specified in exhibits one to five. "In order, however, to enable me to give the necessary instructions for the issue of the permit, I have the honour to enquire whether I could be supplied with a list setting forth clearly the exact quantity and the value of smooth needles for which a permit is desired. It has proved difficult to ascertain from the exhibits whether all smooth needles shown therein are now awaiting shipment."

Exhibits are being returned to Department by next bag.

PAGE

## IMPORTATION OF HOPS

File No. 300.115/6249a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 4, 1915, 8 p. m.

2408. Your May 21, 10 p. m. *re* sugar-beet seed.<sup>2</sup> Great need in United States of hops and lupulin of German or Austrian origin. Hops of this quality cannot be obtained elsewhere. Situation is therefore analogous to sugar-beet seed. Take up matter unofficially and without recognizing British order in council March 11, 1915,<sup>3</sup> with

<sup>1</sup> *Ante*, p. 576.<sup>2</sup> Not printed; see despatch No. 1482, May 25, 1915, received June 4, *Foreign Relations*, 1915, Supplement, p. 247.<sup>3</sup> *Ibid.*, p. 144.

Foreign Office and endeavor obtain similar arrangement *re* importation hops German and Austrian origin to that *re* beet seed, it being understood that shipments will be made from a neutral port, there being no question of exchange of commodities, and that consignment will be made to the Secretary of Commerce, who will only deliver the hops to the interested person on receipt of a guarantee that the hops are for domestic consumption and will not be reexported.

LANSING

File No. 300.115/6130

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 19, 1915, 9 p. m.

2476. Department's 2408, November 4. What action have you taken and with what results? Cable status case. Hops urgently needed in United States.

LANSING

File No. 300.115/6178

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 1, 1915.

[Received December 2, 8.15 a. m.]

3323. Your 2476, November 19. Foreign Office inform me in reply to my further representations that British Government still in communication with French Government regarding matter of exportation of German and Austrian hops to United States and that decision reached will be communicated to me without delay. I am giving this matter my personal attention.

AMERICAN EMBASSY

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 5, 1916.

2665. Your 3323, December 1. Department awaits decision regarding hops. Ambassador Paris being instructed to present matter informally to French Government.

LANSING

File No. 300.115/6734a

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, January 5, 1916.

1298. Ambassador London reports British Government in communication French Government regarding exportation German and Austrian hops to United States in grades not obtainable elsewhere

than in those countries. Proposed that shipments be made from neutral port consigned Secretary Commerce who will deliver to importers only against guarantees of non-reexportation. No question of exchange of commodities with Germany and Austria. Present matter informally to Foreign Office and urge early decision.

LANSING

File No. 300.115/6714

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 20, 1916, 1 p. m.*

[*Received 7.45 p. m.*]

3606. Your 2665, January 5. Please advise me by cable for what purpose hops and lupulin desired, also whether kind wished for is grown United States, if any for use Department of Agriculture, and exactly what quantities required for all purposes. If this sort of hops not procurable in the United States and portion is for Government use, I am inclined to think British Government will grant permit. Foreign Office has received no documents from the Embassy, Washington, in this connection.

AMERICAN EMBASSY

File No. 300.115/6737

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, *January 21, 1916.*

[*Received 9.45 p. m.*]

1230. Your 1298, 5th. Foreign Office replies that it is not possible to grant a general authorization for the free exportation of hops as requested, adding that hops of a similar quality can, as a matter of fact, be found in Russia and in France and it does not appear that the brewery industry of the United States depends on hops of German and Austrian origin.

SHARP

File No. 300.115/6714

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *January 22, 1916, 2 p. m.*

2765. Your 3606, January 20. Hops and lupulin are for use in brewing industries and not for Government and are of kind not produced in United States or procurable except from Germany or Austria. Desired that specific applications for specific amounts may be made to British Embassy for permits for shipments. Quantities to be limited in any event to normal consumption in United States of German and Austrian hops. Proof to be furnished to



British Embassy with each application that kind of hops or lupulin desired by applicant can not be obtained elsewhere than in Germany or Austria. Documents in case of one importer, Otto Seidenberg, forwarded in Department's instruction 3109 January 18.<sup>1</sup>

LANSING

File No. 300.115/7200

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 2937

LONDON, January 28, 1916.

[Received February 17.]

SIR: Referring to my cablegram No. 3659 of to-day's date,<sup>1</sup> and to previous correspondence in regard to the export of hops of German and Austrian origin to the United States, I have the honor to enclose herewith, for the information of the Department, a copy of the note, dated the 27th instant, which has been received from the Foreign Office in reply to my representations in the premises, and in which it is set forth that the British Government regret their inability to give any general undertaking respecting the shipment of the hops in question to the United States.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 196582/C

LONDON, January 27, 1916.

YOUR EXCELLENCY: With reference to the memorandum which your excellency was good enough to communicate to this Department on the 6th and 22d November, respecting the shipment of German and Austrian hops to the United States of America, I have the honour to inform your excellency that the matter has been carefully considered in communication with the French Government in the light of the information which it has been possible to obtain as to the actual need of German and Austrian varieties of hops in the United States.

It appears that the United States produce more hops than are required for their own domestic consumption, the export of hops from the United States being considerably in excess of the imports into that country. Thus, whilst in 1913 the total imports amounted to about forty-eight thousand hundredweight (practically all from the Central empires), the exports from the United States to the United Kingdom alone amount annually to about one hundred and thirty thousand hundredweight.

It has, I am informed, been stated that the strong flavour of the hops grown on the Pacific slopes necessitates their being mixed with imported hops, preferably of German or Austrian origin, but it appears that the strength of the hops can be altered by the use of soft or hard water according to circumstances. There is, moreover, strong ground for believing that hops which purported to emanate from Germany and Austria-Hungary in the past were often really of Russian origin.

It is understood that there are at present large stocks of Russian hops of the best quality at Vladivostok, and Normandy hops, which are said to be equal in quality to Saaz or Württemberg produce, could no doubt be obtained. The Russian crop amounts on the average to about eighty-seven thousand hundredweight and the French crop to thirty thousand hundredweight.

<sup>1</sup> Not printed.

His Majesty's Government do not see any analogy between the case of hops and that of beet seed, which is acknowledged not to be procurable elsewhere at present than from Germany or Austria, and which was required for the beet-sugar industry of the United States.

There is no suggestion that the brewing industry is at all dependent upon supplies of hops from enemy sources and His Majesty's Government regret their inability to give any general undertaking in regard to the shipment of German or Austrian hops to the United States of America as requested.

I have [etc.]

For the Secretary of State:

M. DE BUNSEN

**ARRANGEMENTS FOR THE REGULATION OF IMPORTS MADE BY  
EUROPEAN NEUTRAL COUNTRIES**

**THE NETHERLANDS OVERSEA TRUST**

File No. 763.72112/2530

*The Secretary of State to the Minister in the Netherlands (Van Dyke)*

[Telegram]

WASHINGTON, May 11, 1916, 10.25 p. m.

311. Department informed that Netherlands Oversea Trust has within a month authorized consigned to it following shipments coffee: 15,000 bags from Brazil, 10,000 from Venezuela, 5,000 from Africa, 20,000 from London, 10,000 from Havre, but that no permits issued for shipments from United States except small shipments in transit from Central America and for Dutch Army. Investigate and if this prove true vigorously protest against this apparent discrimination.

LANSING

File No. 763.72112/2556

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

No. 472

THE HAGUE, May 16, 1916.

[Received May 31.]

SIR: I have the honor to report that upon receipt of your cabled instruction No. 311, of May 11, I immediately began the investigation of the information which the Department has received in regard to the apparent discrimination of the Netherlands Oversea Trust against the American trade with the Netherlands in coffee. I found abundant reason to believe that the information is correct and that the charge against the Oversea Trust is a true bill.

On Saturday, May 13, I had a personal conversation with the Minister of Foreign Affairs, and brought the facts to his attention and told him that I had been instructed to protest as strongly as possible against the alleged action of the Oversea Trust. On Monday, the 15th, I sent to the Foreign Office a formal protest, of which a copy is herewith enclosed.

It will be observed from the wording of this protest that the undetermined status of the Oversea Trust in its relation to the Netherlands Government, still causes a certain difficulty in dealing directly and definitely with this subject, as has been the case with other matters of the same kind; for example, the question of the shipments of gold from the United States, which was discussed in my cablegrams No. 552, of April 11, and No. 559, of April 14, and in my despatch No. 457, of April 25.<sup>1</sup>

The Oversea Trust is technically a private corporation; but as a matter of fact it has now come to exercise practically governmental functions in the promotion, the restraint, and the direction of trade. Its contracts with the British Government place it effectually under the control of that Government. I am informed on good authority that it now has goods consigned to it to the value of many millions of florins, which are at present lying in Rotterdam and which it is unable to deliver to its clients because of orders received from London.

So far as the questions of American trade with Holland which arise here are concerned, I do not believe that it will be possible to arrive at any definite or satisfactory solution of them through the Netherlands Foreign Office, until we have a clear statement and definition of the relation of the Netherlands Government to the Oversea Trust in its virtual control of Dutch marine commerce.

I have [etc.]

HENRY VAN DYKE

[Enclosure]

*The American Minister (Van Dyke) to the Netherland Minister of Foreign Affairs (London)*

THE HAGUE, May 15, 1916.

EXCELLENCY: I have the honor to advise your excellency that my Government has received information that the Netherlands Oversea Trust has within a month authorized consignments to it of the following shipments of coffee: Fifteen thousand bags from Brazil, ten thousand from Venezuela, five thousand from Africa, twenty thousand from London, ten thousand from Havre. During the same period of time it has declined to accept consignments of coffee from the United States, except small shipments in transit from Central America and for the Dutch Army. After investigation here I have good reason to believe that this information is correct. I beg to bring the resulting situation to your excellency's serious and prompt consideration.

If it were simply a private firm of coffee merchants which refused to accept shipments of coffee from the United States, the matter would be comparatively unimportant. But the Netherlands Oversea Trust at present virtually controls the whole marine import trade of the Netherlands. Its refusal to accept consignments practically cuts off the entire coffee trade of the United States with the Netherlands, while it permits that trade to continue with England and France (which are not coffee-producing countries), as well as with Brazil, Venezuela, and other coffee-producing countries. In these circumstances the case assumes the aspect of a commercial discrimination against the United States in favor of other nations, made by a corporation which is presumably responsible for its conduct to the Government of the Netherlands.

My Government has instructed me to make a distinct and vigorous protest against this apparent discrimination.

In bringing the matter thus officially to your notice, I embrace the occasion [etc.]

HENRY VAN DYKE

<sup>1</sup> None of these printed.

File No. 763.72112/2556

*The Secretary of State to the Minister in the Netherlands (Van Dyke)*

[Telegram]

WASHINGTON, June 8, 1916, 4 p. m.

323. Referring your despatch 472 of May 16, officially request clear statement and definition of the relation of the Netherlands Government to the Oversea Trust and cable reply if possible.

LANSING

File No. 763.72112/2630

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

[Telegram]

THE HAGUE, June 13, 1916, 1 p. m.

[Received 1 p. m.]

590. Department's telegram 315, May 20.<sup>1</sup> Reply from Minister of Foreign Affairs yesterday says Netherlands Oversea Trust absolutely private corporation not under special Government control. Trust at first decided to limit coffee imports to coffee-producing countries on account of shortage in shipping space for other goods from the United States. Coffee from London and Havre accepted by Trust because offering greater profits than from New York on account of shorter voyage. Trust puts Netherlands interests first but does not intend discrimination against the United States. A written despatch follows.

VAN DYKE

File No. 763.72112/2690

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

No. 502

THE HAGUE, June 20, 1916.

[Received July 5.]

SIR: Referring to the Department's cabled instructions 323, of June 8, I have the honor to enclose herewith a copy and an English translation of a communication received to-day from the Minister of Foreign Affairs, in reply to my letter of June 13, of which I sent you a copy with my despatch No. 492, June 13.<sup>2</sup>

Comparing these two notes you will observe that the Netherlands Government takes the position that the Netherlands Oversea Trust is a purely private corporation, and is therefore "hardly responsible (*guère responsable*) to the Netherlands Government for the manner in which it conducts its affairs." I would respectfully call your attention in connection with this statement to paragraphs 3 and 4 of my note, which, although couched in general terms, were intended to have a special bearing upon the recent refusal of the Trust to

<sup>1</sup> Not printed.<sup>2</sup> Despatch and enclosure not printed.

accept imports of coffee from New York, while at the same time accepting similar imports from Great Britain and France.

The statements of the Foreign Minister amount in fact to an admission that the Oversea Trust is a corporation chartered by the Netherlands Government but controlled by the British Government.

I am still of the opinion expressed in my despatch No. 201, of February 1, 1915,<sup>1</sup> at the time of the incorporation of the Trust, that the most effective, if not the only, method of satisfactorily meeting the operations of such a body would have been by the organization of a similar body in the United States.

At present, under the conditions stated by the Foreign Minister's note, I think that any further diplomatic representation to the Netherlands Government in regard to the actions of the Trust will be ineffective and not worth while unless accompanied by a formal protest against the existence of a body not controlled by the Netherlands Government and yet as a matter of fact now directing the course of almost the entire commerce between the United States and the Netherlands. Whether such a protest would be wise in view of the general benefits which American trade with this country has received from the operation of the Trust (as pointed out in my various despatches upon the subject, and particularly in my No. 493 of June 13 last<sup>2</sup>), is a question for the Department to determine.

The courteous suggestion at the close of the Foreign Minister's letter, that American and other importers into the Netherlands are free to pass by the Trust and to choose other means of transportation, does not seem to me to be of any practical value in the present state of affairs.

I have [etc.]

HENRY VAN DYKE

[Enclosure—Translation]

*The Netherland Minister of Foreign Affairs (London) to the American Minister (Van Dyke)*

THE HAGUE, June 19, 1916.

MR. MINISTER: In reply to your communication of June 13 last, I have the honor to inform your excellency that the Netherlands Oversea Trust, whatever the extent of its activities may be, is hardly responsible to the Government of the Queen for the manner in which it conducts its affairs.

I venture moreover to point out to you that the Government does not oblige anybody to make use of the intermediary of the Trust, and that consequently, in so far as the matter is dependent upon the Netherland Government, the importers of goods into the Netherlands are free in their choice of the means of transportation which they desire to employ.

Accept [etc.]

J. LOUDON

File No. 763.72112/2872

*The Consul General at London (Skinner) to the Secretary of State*

No. 2432

LONDON, August 10, 1916.

[Received August 22.]

SIR: I have the honor to report that on the receipt of information that the British Government was refusing to allow American shippers

<sup>1</sup> *Foreign Relations*, 1915. Supplement, p. 270.

<sup>2</sup> *Ante*, p. 399.

of coffee to consign goods to Holland, I inquired informally whether this was the case and was assured that within the limits of the rationing allowance, American shippers would have the same opportunity as British shippers to export to Holland. In order to obtain further light on this subject I engaged in the following correspondence with the American Commercial Attaché at The Hague:

AMERICAN COMMERCIAL ATTACHÉ, THE HAGUE.

August 5, 1916.

Fifth. Please advise me facts respecting new Trust agreement respecting supplies of coffee for Holland whereunder these supplies as alleged apportioned among various shipping countries excluding United States.

SKINNER, *Consul General*

AMERICAN CONSUL GENERAL, LONDON.

August 8, 1916.

Your cable. No new coffee regulations since first part June. Present regulations admit free of Netherlands Oversea Trust restrictions a limited amount from Netherlands colonies, about forty thousand bags per month, with certain restrictions as to ownership. Only sixty thousand bags per month admitted from elsewhere and all under Netherlands Oversea Trust conditions. Theoretically "elsewhere" signifies only coffee-growing countries. This shuts out us and should shut out England and France, but actually these two countries are shipping about thirty thousand per month out of the "elsewhere" allotment of sixty thousand.

THOMPSON, *American Attaché*

AMERICAN COMMERCIAL ATTACHÉ, THE HAGUE.

August 8, 1916.

Eighth. British authorities assure me no contract or understanding exists to prevent American coffee shippers from securing their share of Netherlands Oversea Trust permits. Please investigate shipping conditions and ascertain if exclusion of American coffee is not being secured by manipulation of freight space. Can you not obtain definite assurances from Netherlands Oversea Trust that they will accept American coffee?

SKINNER, *Consul General*

AMERICAN CONSUL GENERAL, LONDON.

August 9, 1916.

Your cable. British ration of coffee from "elsewhere than Netherlands colonies" sixty thousand bags per month. Theoretically Trust make their own distribution of this, but if ordered by British to accept the whole sixty thousand from Allies, Trust must obey. So far only half of it has been occasionally claimed. As a private corporation operated mainly by Dutch shipowners, Trust make rules to favor Dutch Brazilian lines, and shut out us and others to further this. We cannot coerce them; British can.

THOMPSON, *American Attaché*

I find that in July 1916, the exportation of coffee from the United Kingdom to Holland amounted to 20,883 cwts.; July 1915, cwts. 52,155; July 1914, cwts. 15,339. Seven months ended July 31, 1916, cwts. 117,822; 1915, cwts. 341,334; 1914, cwts. 102,498.

I have [etc.]

ROBERT P. SKINNER

THE NORWEGIAN ASSOCIATIONS AND THE STAVANGER PACKERS' IMPORT UNION

File No. 763.72112/2540

*The Consul at Stavanger (Dunlap) to the Secretary of State*

No. 23

STAVANGER, *April 15, 1916.*

[*Received May 12.*]

SIR: I have the honor to enclose a confidential report on the Stavanger Packers' Import Union, in triplicate, a list of packers, mem-

bers and not members of the union, and a letter to Abbott, Hall & Co., 12 South Market Street, Boston, Mass., regarding the subject.<sup>1</sup> The triplicate copies of the report and list are to accompany the letter if the Department considers it advisable to give out this information.

While I have marked the information "Confidential" because of its relation to a political question, there is still nothing contained in it that is not generally known here. The list was freely given me by the union even though I stated my intention to send it to an inquirer in America.

I have [etc.]

MAURICE P. DUNLAP

[Enclosure]

*Report on the Stavanger Packers' Import Union*

The Stavanger Packers' Import Union is an organization of canning factories which desire to obtain their foreign supplies without interference from the British authorities, and which have, therefore, given guarantees that these supplies will not in any form reach the powers at war with Great Britain. The Norwegian name of the union is the Stavanger Hermetikfabrikanters Importforening. Of the 53 packers in town, 35 are members, and these compose the so-called "white list." Other packers here are on the "black list." The union has been discussed for some time but final arrangements were only made a few weeks ago.

The packers in the union have each given a bond of \$6,700 to bind their agreement. In case any of their goods are found *en route* to Germany, a heavy fine will be imposed and the factories have even agreed that the fine may be in excess of the guarantee. A committee of the packers has the executive power and stands responsible to the British authorities for the keeping of the agreement.

The British authorities in turn promise not to hinder the delivery of goods necessary to the canning trade, such as tomato paste, tin, and oil, to the "white" factories. Patrol ships regularly stop most of the merchant vessels coming to Norway as they pass the British Isles, and so can exercise this supervision; also, regular Norwegian lines dependent on England for coal are in no position to object to English restrictions.

The point of the matter with relation to the United States is that goods addressed to factories on the "white list" will probably reach the buyers without delay; those addressed to "black list" buyers may never get there.

The union does not include any members outside the town of Stavanger, but about two-thirds of all the fish factories in Norway are located here.

File No. 763.72112/3130

*The Minister in Norway (Schmedeman) to the Secretary of State\**

No. 281

CHRISTIANIA, October 17, 1916.

[Received November 3.]

SIR: I have the honor to report that, when calling on the Minister for Foreign Affairs this morning, he informed me that an agreement has practically been concluded between the Norwegian and British Governments, according to which the British Government agrees to allow the Norwegian Government to import from America a maximum quantity of grain and cereals, of colonial goods (groceries), and of pork and lard. The maximum quantities will be

<sup>1</sup> List and letter not printed.

<sup>2</sup> Copy forwarded to the Ambassador in Great Britain with instructions to furnish further information, No. 4454, November 9, 1916.

agreed upon between the British Government and a Norwegian delegation consisting of Mr. Kristian Friis Petersen, chief of the Victualing Commission (*Provianteringscommission*) and the respective representatives of the three associations representing the above-mentioned groups of provisions, who are now on their way to London to conclude the negotiations.

Mr. Ihlen stated that he had every reason to believe that such an agreement would be most pleasing to the Norwegian traders who have been forced, in a great many cases since the outbreak of the war, to submit their books to the control of the British authorities, which would thus be obviated.

I have [etc.]

A. G. SCHMEDEMAN

File No. 763.72112/3236

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 5370

LONDON, December 5, 1916.

[Received December 18.]

SIR: With reference to the Department's instruction No. 4454 of November 9, 1916,<sup>1</sup> I have the honor to enclose herewith a copy of a letter which I have received from the Norwegian Minister in London in regard to the agreement for the importation of certain quantities of foodstuff in Norway. Further advice which may be received in this matter will be forwarded to you.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The Norwegian Minister in Great Britain (Vogt) to the American Ambassador (Page)*

LONDON, December 1, 1916.

MY DEAR AMBASSADOR: In reply to your letter of the 28th of November, I beg leave to say that negotiations have lately been conducted in London between the British Government and representatives of the Norwegian Wholesale Provision Merchants Association, of the Norwegian Wholesale Grocers Association, and of the Norwegian National Association of Grain and Flour Importers. Preliminary agreements were reached as to the import into Norway; i. e., of meat of all kinds, of colonial goods, and of maize and other feeding stuffs.

The Norwegian representatives brought with them to Norway drafts, which had to be laid before their respective associations and also, more or less informally, before my Government, who desire to control certain arrangements generally made in this kind of private agreement. As far as I know the agreements here concerned have not yet been finally signed, but both parties seem to have taken it for granted that they would be definitely accepted. They are based on the principles of a certain limitation of the importation. Furthermore, on the idea that the proper associations shall act as consignee and control that the goods are used for home consumption. However, this does not interfere with the importation carried on by the Government's Victualing Department, which has been organized during the war in order to prevent want of necessary foodstuffs, etc., for the population.

I should be glad and hope to be able later on to give you some more detailed information.

Believe me [etc.]

BENJAMIN VOGT

<sup>1</sup>Not printed.



**INTERFERENCE WITH THE MAILS BY BELLIGERENT  
GOVERNMENTS**

File No. 763.72112/2125a

*The Secretary of State to the Postmaster General (Burluson)*

WASHINGTON, December 18, 1915.

SIR: I have the honor to enclose for your information and consideration a copy of a personal note from the British Ambassador at this capital,<sup>1</sup> in which, with reference to previous correspondence concerning the alleged shipment of contraband articles by parcel post from this country, he communicates to the Department information received by his Embassy to the effect that the Traun Rubber Company, of New York City and College Point, who are reported to have been shipping considerable quantities of printing-type compound, chiefly to Stockholm, are now forwarding by parcel post to the same destination large quantities of dental rubber and rubber sheets.

I have [etc.]

For the Secretary of State:  
FRANK L. POLK

File No. 841.711/160a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 4, 1916, 11 a. m.

2657. Department advised that British customs authorities removed from Danish steamer *Oscar II* 734 bags parcel mail *en route* from United States to Norway, Sweden, and Denmark; that British port authorities have removed from Swedish steamer *Stockholm* 58 bags parcel mail *en route* Göteborg, Sweden, to New York; that 5,000 packages of merchandise, American property, have been seized by British authorities on the Danish steamer *United States* on her last trip to the United States; that customs authorities at Kirkwall, on December 18, seized 597 bags of parcel mail from steamer *Frederik VIII* manifested for Norway, Sweden, and Denmark. Other similar cases might be mentioned, such as that of the steamer *Hellig Olav*. Department inclined to regard parcel-post articles as subject to same treatment as articles sent as express or freight in respect to belligerent search, seizure, and condemnation. On the other hand, parcel-post articles are entitled to the usual exemptions of neutral trade, and the protests of the Government of the United States in regard to what constitutes the unlawful bringing in of ships for search in port, the illegality of so-called blockade by Great Britain, and the improper assumption of jurisdiction of vessels and cargoes apply to commerce using parcel-post service for the transmission of commodities. Please bring this matter of parcel post formally to the attention of the British Government.

<sup>1</sup> Not printed.

The Department is further informed that on December 23 the entire mails, including sealed mails and presumably the American diplomatic and consular pouches, from the United States to the Netherlands, were removed by British authorities from the Dutch steamer *Nieuw Amsterdam*; that on December 20 the Dutch vessel *Noorderdijk* was deprived at the Downs of American mail from the United States to Rotterdam, and that these mails are still held by British authorities. Other similar instances could be mentioned, as the cases of the steamers *Rotterdam* and *Noordam*. The Department can not admit the right of British authorities to seize neutral vessels plying directly between American and neutral European ports without touching at British ports, to bring them into port, and, while there, to remove or censor mails carried by them. Modern practice generally recognizes that mails are not to be censored, confiscated, or destroyed on high seas, even when carried by belligerent mail ships. To attain same end by bringing such mail ships within British jurisdiction for purposes of search and then subjecting them to local regulations allowing censorship of mails can not be justified on the ground of national jurisdiction. In cases where neutral mail ships merely touch at British ports, the Department believes that British authorities have no international right to remove the sealed mails or to censor them on board ship. Mails on such ships never rightfully come into the custody of the British mail service, and that service is entirely without responsibility for their transit or safety.

As a result of British action, strong feeling is being aroused in this country on account of the loss of valuable letters, money orders, and drafts, and foreign banks are refusing to cash American drafts, owing to the absence of any security that the drafts will travel safely in the mails. Moreover, the detention of diplomatic and consular mail is an aggravating circumstance in a practice which is generally regarded in this country as vexatiously inquisitorial and without compensating military advantage to Great Britain. Please lay this matter immediately before the British Government in a formal and vigorous protest and press for a discontinuance of these unwarranted interferences with inviolable mails. Impress upon Sir Edward Grey the necessity for prompt action in this matter.

LANSING

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File No. 763.72112/2126

*The Postmaster General (Burlison) to the Secretary of State*

WASHINGTON, January 11, 1916.

[Received January 12.]

SIR: Referring to your letter of the 18th ultimo, enclosing a copy of a personal note from the British Ambassador at this capital dated the 4th ultimo, concerning the alleged shipment of contraband articles from this country to Sweden by parcel post, I have the honor to inform you that the parcel-post mails from this country for Sweden are composed exclusively of parcels mailed in this country addressed for delivery in Sweden. As such parcels originate in a neutral country and are destined for and delivered to the addressees in another neutral country, it is not understood that the rules per-

taining to contraband are applicable thereto. This Department would be pleased to be furnished, however, with your views respecting the matter.

A copy of the parcel-post convention between the United States and Sweden is herewith enclosed for ready reference.<sup>1</sup>

By direction of the Postmaster General.

Very respectfully,

OTTO PRAEGER  
*Second Assistant Postmaster General*

File No. 841.711/190

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *January 25, 1916.*

[*Received 5.15 p. m.*]

3643. My 3639, January 24.<sup>1</sup> I have received the following interim answer dated January 25 and signed E. Grey:<sup>2</sup>

YOUR EXCELLENCY: The communication which your excellency was good enough to make on the 10th instant regarding the seizure of mails from neutral vessels raises important questions of principle in regard to matters which are determined by the policy jointly decided and acted upon by the Allied Governments. His Majesty's Government are therefore compelled to communicate with their allies before they can send a reply to your memorandum. They are consulting with the French Government in the first instance and I hope to be in a position before long to state the result of this consultation.

I have [etc.]

AMERICAN EMBASSY

File No. 763.72112/2126

*The Secretary of State to the Postmaster General (Burlison)*

WASHINGTON, *January 26, 1916.*

SIR: The Department has received the letter of the Second Assistant Postmaster General, of the 11th instant, referring to the question of the exchange of parcel-post mails between the United States and Sweden, in which he points out that these mails are composed exclusively of parcels mailed in this country addressed for delivery in Sweden, and adds that, as such parcels originate in a neutral country and are destined for and are delivered to addressees in another neutral country, the Post Office Department does not understand that the rules pertaining to contraband are applicable to such matter. Mr. Praeger, however, asks for the views of this Department regarding the question.

In reply I have the honor to say that the Department has had occasion to review the question of the shipment of merchandise by parcel post to the countries of Europe and that it still adheres

<sup>1</sup> Not printed.

<sup>2</sup> Printed with the two slight corrections notified by telegram No. 3657, January 27, 1916 (File No. 841.711/211).

to the views expressed in the letter of the Secretary of State to the Postmaster General of March 22, 1915,<sup>1</sup> namely:

(1) That so far as the action of belligerent countries is concerned, the rules which apply to merchandise sent by freight or express shall apply also to merchandise sent by mail; and

(2) That merchandise deposited at the various post offices to be sent into belligerent territory will be accepted and sent at the sender's risk.

I have [etc.]

ROBERT LANSING

File No. 841.711/213

*The Swedish Minister (Ekengren) to the Secretary of State*

WASHINGTON, January 24, 1916.

[Received January 26.]

SIR: I have been instructed by his excellency the Minister for Foreign Affairs at Stockholm to address the following to your excellency:

The Royal Government has, during the present war, from time to time proposed to your excellency that through cooperation it be sought to maintain and preserve certain important rules of international law, which concern protection of neutral commerce and navigation, and which are being violated by Great Britain.

The violation of existing rules of international law has, regardless of protests, increased until at present only a few rules, serving as protection to neutral commercial intercourse, are observed by Great Britain, and it is feared that also these remaining few will be violated.

His Majesty's Government, which is deeply conscious of its responsibility to not omit any measure tending to prevent such an eventuality, and well aware of the danger for the future if these rules, which are of infinite worth to civilization as a whole, are not preserved, desires to herewith make a renewed representation to your excellency in this respect.

Of late the British authorities have violated the mail traffic. Parcel post from one neutral country to another is being unloaded in British ports and the contents are being seized. While parcel post is not protected through the Hague postal convention, it nevertheless seems to His Majesty's Government that the British procedure, in the form and extensiveness practiced, would be invalid even with regard to ordinary express goods, and that this seems particularly evident when the seizure of parcel post is directed against a means of conveyance under guarantee of sovereign powers. Besides, great personal inconvenience is connected with seizure of this kind.

However, England's present practice of censoring also first-class mail, sent by neutral vessels from one neutral country to another, is an even greater violation of the rights accorded neutral powers by the rules of international law. It is not necessary to particularly point out how contrary this practice is to the stipulations in the above-mentioned Hague convention, which stipulations or rules must be considered to have been in existence even before the promulgation of this convention.

The Royal Government therefore now appeals to the Government of the United States for cooperation for the purpose of seeking to bring about a discontinuance of the violations of international law, at least so far as the same concerns first-class mail, and it solicits as early an answer as possible, whether your excellency is willing to take appropriate action in cooperation with the Royal Government, and, eventually, the governments of other neutral countries, for the purpose of causing that the rule which the question involves—and which is one of the fundamental stipulations of international law—be observed.

With renewed assurances [etc.]

W. A. F. EKENGREN

<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 732.*

File No. 841.711/218

*The Secretary of State to the Swedish Minister (Ekengren)*

WASHINGTON, January 28, 1916.

SIR: I beg to acknowledge the receipt of your note of January 24, 1916, with reference to the interference by the British authorities with the mails exchanged between neutral countries and have noted all of your remarks in connection therewith.

Accept [etc.]

ROBERT LANSING

File No. 841.711/244

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 19, 1916, 1 p. m.

2904. Your 3774, February 14.<sup>1</sup> Minister van Dyke has reported to the Department that on January 16 the British authorities removed from the steamer *Rotterdam* while passing through British waters 708 sacks mail, including 104 sacks *en route* direct from the Netherlands to the United States, against which he made informal protest to the officer in charge.

Department approves of Minister's action and requests that you bring it to the attention of the Foreign Office and urge that they make a formal reply to the Department's protest of January 4.<sup>2</sup> Please explain orally and with emphasis to Sir Edward Grey that the criticism here of such unwarranted interference with mails requires that this Government have a prompt statement of the grounds for the British action in all of these cases.

LANSING

File No. 841.711/266

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 21, 1916, 7 p. m.

[Received 11 p. m.]

3832. Your 2904, February 19. Sir Edward Grey informs me that the British answer to your protest of January 4 against removal and detention of mails is ready and will be delivered as soon as the French answer is received, which he expects now any day. I did not mention Van Dyke's informal notice because an earlier private conversation with an official of the Foreign Office had brought out the fact that the British authorities in the United Kingdom are not warranted in receiving communications from our representatives to other governments. The *Rotterdam* incident of January 16 will be covered by the forthcoming note.

AMERICAN EMBASSY

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 591.

File No. 300.115/6886

*Form letter to consignees of parcel-post packages seized by British authorities*

The Department is in receipt of your letter of . . . 1916, relative to the reported seizure by the British authorities of certain parcel-post packages from Germany intended for you.

It is understood by the Department that ordinary merchandise, when forwarded overseas by parcel post is subject to search and seizure as such merchandise would be subject if shipped by ordinary ocean freight. You are advised, however, that, according to recent telegraphic advices from the American Ambassador at London, all mail found by the British authorities to be "innocent," or of a non-contraband nature, is permitted to go forward to the addressees immediately, but matter retained is sent to the prize court for adjudication. If the packages to which you refer are sent to the prize court, it is the duty of the owner to make claim for his property before such court and to support that claim by pertinent evidence.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 763.72112/2356

*The Consul General at London (Skinner) to the Secretary of State*

[Telegram]

LONDON, March 18, 1916.

[Received 8.50 a. m.]

Department's form letter 300.115/6886 to parcel-post claimants. Department's understanding that innocent mail may go forward immediately erroneous. Procurator General in official ruling states:

Goods seized in parcels mail will not be released if shipment infringes any British orders in council unless shipment made under arrangement with His Majesty's Government. Although certain classes of goods with enemy destination and goods of enemy origin with neutral destination are not contraband, it is none the less the intention of Procurator General to proceed against them under appropriate order in council.

SKINNER

*The Secretary of State to the Consul General at London (Skinner)*

No. 862

WASHINGTON, March 28, 1916.

SIR: Referring to your telegram dated March 18, 1916, and the Department's telegraphic reply thereto of March 27,<sup>1</sup> there are transmitted herewith, for your information, copies of three form letters that are now being used by the Department in reply to complaints

<sup>1</sup> Not printed.

received relative to the removal of the mails from neutral steamers,<sup>1</sup> the seizure of parcel-post packages, and the detention of consignments of goods by the British Government.<sup>2</sup>

There is also transmitted, herewith, for your information, a copy of the Department's instruction No. 3353, of March 9 to the Embassy, relative to the detention by the British authorities of shipping documents.<sup>3</sup>

As stated in the Department's telegram, above referred to, it is desired that you keep in close touch with the Embassy regarding these matters.

I am [etc.]

For the Secretary of State:  
WILBUR J. CARR

[Enclosure]

*Form letter to consignees of parcel-post packages seized by British authorities*<sup>4</sup>

The Department informs you of the receipt of a despatch from the American Consul General at London, in which he reports the seizure by the British authorities of certain parcel-post shipments, which were *en route* from . . . to the United States on the steamship. . . .<sup>5</sup>

In this connection you are informed that the Ambassador in London has been instructed to inform the British Government that the Department is inclined to regard articles shipped by parcel post as subject, in respect to search, seizure, and condemnation by belligerent governments, to the same treatment as those forwarded by express or freight; that in the Department's opinion such articles are entitled to the usual exemptions of neutral trade, and that the protests of the Government of the United States with regard to what constitutes the unlawful bringing in of ships for search in port, the illegality of the so-called British blockade, and the improper assumption of jurisdiction of vessels and cargoes, apply to commerce transmitted through the parcel-post service.

The Department encloses herewith, for your information, a print containing an order in council issued by the British Government March 11, 1915, regarding the stopping of goods shipped to or from Germany.<sup>6</sup> This order, which is at present the subject of diplomatic discussion between the Government of the United States and the Government of Great Britain, shows the action which the British Government have declared their intention to take in the matter of stopping goods coming within the provisions of the order and also which they desire to have taken by interested persons to obtain the restoration of their goods or payment therefor.

<sup>1</sup> Not printed. This form was subject to considerable variations according to the nature of the complaints. Persons making specific complaints were informed that these had been referred to the Ambassador in Great Britain for inquiry, or were asked to furnish more definite facts for the purpose of such reference. It was commonly added that the general question was receiving the Department's attention, and copies of the published diplomatic correspondence were enclosed.

<sup>2</sup> Printed as enclosure to instruction No. 3374, March 16, 1916, to the Ambassador in Great Britain, *ante*, p. 356.

<sup>3</sup> Not printed.

<sup>4</sup> This form was altered from time to time in accordance with suggestions and further information received from the Consul General. The first paragraph was, of course, changed in cases referring to shipments from the United States.

<sup>5</sup> Detailed description of parcels appended to the letter.

<sup>6</sup> *Foreign Relations*, 1915, Supplement, p. 144.

If you will communicate directly with the American Consul General at London regarding shipments which have been detained under this order in council, he will ascertain the status of the goods and, when possible, endeavor to effect their release. It is suggested that you might send to the Consul General, for transmission to the Procurator General, a documentary history bearing on the origin and ownership of the goods shipped to you which have been seized, such as correspondence with the consignor, receipted bills, and bills of lading. The Consul General has reported to the Department that the Procurator General has stated that in all cases there should be included the contract for the purchase of the goods, as well as the invoice covering the shipment, which should show the country of origin. In this way it may be possible to obtain the release, without prize court proceedings or expense, of goods which have not been shipped from a country at war with Great Britain. If such release is not brought about, the papers in any given case may be turned over to British solicitors, if you so desire.

As has just been stated, the order in council regarding the stopping of goods shipped to or from Germany is at present the subject of diplomatic discussion between the Government of the United States and the Government of Great Britain. And neither anything contained in this letter nor any action of the Consul General in connection with his efforts to bring about the release of goods which have been detained should be construed as an admission on the part of the Government of the United States of the legality of the action taken by the British Government under this order.

Should you desire to consult private counsel in England regarding this matter, the American Consul General at London will doubtless be able to furnish you on your request with the names of several reputable lawyers, one of whom may be employed in the matter. It should be stated, in this connection, however, that obviously neither the Consul General nor the Department can be held responsible for the integrity or ability of any lawyer who may be employed as a result of the information furnished by the Consul General.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 841.711/346

*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, April 3, 1916.

MR. SECRETARY OF STATE: My Government informs me that several neutral powers, the United States among them, have raised certain objections in regard to the action which the Allies had to decide they must take with respect to mail matter on account of the fraud and violence exercised in that line by their enemies.

After long toleration those acts became so numerous and aggravated that it was no longer possible to acquiesce in their being indefinitely carried on. Hence the provisions which the Allied Governments consider to be warranted by both the circumstances and the texts but which have nevertheless given rise to the above-mentioned objections.

These objections have been carefully examined and the French and English Governments have, in common accord, set forth in the enclosed memorandum the result of the said examination.

In transmitting, by order of my Government, that paper to your excellency, I am instructed to express to you the hope that you will kindly recognize the weight of the arguments therein presented in



regard to an action which, besides, never was circumscribed by absolute rules of limitation. In your telegram of January 4 last, to the American Ambassador at London and thereafter made public, your excellency only specified that: "Modern practice generally recognizes that mails are not to be censored, confiscated, or destroyed on high seas, even when carried by belligerent mail ships."

If even before late events those practices were not unanimously followed, your excellency will judge whether the arguments and facts set forth in the enclosed note do not amply justify, as we believe they do, our refraining from complying with them at present.

My instructions, on the other hand, warrant my assuring your excellency that precise instructions are issued not to subject innocent neutral mails and, of course, neutral diplomatic pouches to avoidable delay.

Be pleased [etc.]

JUSSERAND

[Enclosure—Translation]

MEMORANDUM RELATIVE TO POSTAL CORRESPONDENCE ON THE HIGH SEAS<sup>1</sup>

February 15, 1916.

The treatment of mail correspondence carried by sea has, in the course of the present war, been the object of various uncertainties, has occasioned some confusion, and at times given rise to criticisms which, for the sake of international relations and neutral commerce, the Allied Governments deem it advisable to dispel.

It has always been and is the paramount object of postal services to receive, carry, and distribute written correspondence or missive letters. By degrees recourse was had to the same services for the transmission of printed documents, then samples, valuables, and finally, under the name of "parcel post," almost every kind of merchandise, provided only that certain conditions were met in respect of weight, bulk, and packing.

It is also known that, when bearing postage stamps, any sealed wrapper, irrespective of its contents, weight, or bulk, may be mailed and is treated as a letter by the postal administrations.

The reflex action of the war on that state of things suggests the following remarks:

At the time of the second conference of The Hague in 1907, the Imperial German Government argued that the telegraph offering belligerents much quicker and safer means of communication than the post, there was no longer any interest in regarding, as theretofore, postal correspondence as apt to prove contraband by analogy and in disturbing its transmission through seizure and confiscation. Their confidence won by a proposition that looked so pacific, the other powers concurred. Article 1 of the eleventh convention of The Hague of 1907 stipulates, as is known, that thenceforward postal correspondence on the high seas is "inviolable."

A first remark must be made with respect to the parcel post.

The shipment of merchandise by parcel post is a mode of shipment and transportation analogous to shipment and transportation on way bills or bills of lading, with this difference, that the transportation is undertaken by the mail service, which moreover sometimes turns it over to common carriers, as is the case in France.

In no wise do such "parcels" constitute "letters" or "correspondence" or "despatches," and they are clearly not withdrawn in any way from the exercise of the rights of police, supervision, visitation, and eventual seizure which belong to belligerents as to all cargoes on the high seas.

This was shown notably in a communication of the Post Office Department of the United States addressed on April 8, 1915, to the French authorities and transmitting a statement in conformity therewith from the commander of the *Prinz Eitel Friedrich*, a vessel of the Imperial German Navy, regarding the post parcels shipped on the French mail steamer *Floride*, which the first-named cruiser had captured. (See Annex 1.)

<sup>1</sup> Memorandum of the British and French Governments; transmitted also by the British Ambassador on April 3, 1916. See *post*, p. 602.

The Allied Governments have also adopted this view, which in their opinion is fully founded in law and superabundantly justified by the facts.

Among many other examples it will be sufficient to cite: 1,302 post parcels, containing together 437.51 kilograms of india rubber for Hamburg (steamers *Tijuca*, *Bahia*, *Jaguaripe*, *Maranhao*, *Acre*, *Olinda*, *Para*, *Brazil*); or again, 69 post parcels, containing 400 revolvers for Germany via Amsterdam (S. S. *Gerlia*).

As regards the forwarding of letters, wrappers, envelopes, and others entrusted to the postal services and generally contained in the mail bags of the post office of the countries which send them forth, the Allied Governments bring the following consideration to the notice of the neutral governments:

Between December 31, 1914, and December 31, 1915, the German or Austro-Hungarian naval authorities destroyed, without previous warning or visitation, 13 mail ships (see Annex 2) with the mail bags on board, coming from or going to neutral or Allied countries, without any more concern about the inviolability of the despatches and correspondence they carried than about the lives of the inoffensive persons aboard the ships.

It has not come to the knowledge of the Allied Governments that any protest touching postal correspondence was ever addressed to the Imperial Governments.

Under dates of August 11, 17, and 18, 1915, the neutral mail steamers *Iris* (Norwegian), *Haakon VII* (Norwegian), *Germania* (Swedish) had the mail bags they carried from and to all places seized on the high seas by the German naval authorities; the letters and correspondence were censored by the German authorities, as proven by the photograph herein inclosed by way of illustration (Annex 3).<sup>1</sup>

The Allied Governments understand that subsequently the Imperial German Government, while announcing its intention to desist from such seizures, declared that the said seizures were and would be fully warranted in its opinion. According to the Imperial German Government, the eleventh convention of The Hague of 1907, not having been ratified by all the powers at present engaged in the war, would be inapplicable.

Finally, the supervision within the territories of the Allies of various mail bags shipped on mail steamers that call at certain ports in the said territories more recently disclosed the presence in the wrappers, envelopes, and mail matter of contraband articles particularly sought after by the enemy, and notably: On board the S. S. *Tubantia*, arriving in Europe, 174½ pounds of india rubber, of which 101 pounds of the Para, highest grade, and 7 parcels of wool; on board the S. S. *Medan*, 7 parcels of crude rubber. That same supervision, exercised under the same conditions on mail bags from Europe which at first sight might have been supposed to contain nothing but correspondence, uncovered in the bags put on board the single mail steamer *Zaandijk* (Dutch) not less than 368 parcels of miscellaneous goods.

The following letter from the German firm of G. Vogtman and Co., dated from Hamburg, No. 16, Glockengiesserwall, December 15, 1915, is particularly instructive:

For sometime past we have been receiving regularly from Para invoices of crude india rubber, and you might turn your attention to that line of business. The shipments are made in the shape of "Samples without value," registered, about 200 parcels in every mail, each containing about 320 grams of rubber, net. The trouble of doing up the parcels and the high cost of postage are amply covered by the high price commanded by the commodity here.

It is known that on December 15, 1915, crude india rubber, all of which was taken up by the German State, was worth about 25 marks per kilo, and, as the Hamburg merchant remarked, "ein guter verdienst nicht ausgeschlossen ist" [a handsome profit is not barred out].

Hostile traffic, shut out of the mastery of the seas, thus resorted to hiding in mail-matter in order to get through all kinds of merchandise, contraband of

<sup>1</sup> Not printed.

war even included, apparently by imposing on the post office departments of the neutral states.

From a legal standpoint, the right of belligerents to exercise police and supervisory powers over vessels, and particularly over what they carry, has never, to the knowledge of the Allied Governments, been subject to exceptions, not any more in regard to mail bags than in regard to any other cargo; nay more, as late as 1907 the letters and despatches themselves could be seized and confiscated.

By the eleventh convention of The Hague and for the reasons above stated, the signatory powers waived the right so to seize despatches and declared postal correspondence to be inviolable.

The said inviolability only detracted from the public law as far as "correspondence"—that is to say, despatches or "missive letters"—are concerned, because, as we have seen, it was thought, rightfully or wrongfully, that belligerents having in the telegraph a better medium of correspondence, correspondence by mail was of no interest in warfare. The result is, on the one hand, that inviolability does not apply to any mail matter that is not "correspondence"—that is to say, "missive letters"—and, on the other hand, that this inviolability would be given a wider scope than it possesses if it were regarded as exempting from any supervision goods and articles shipped by mail, even though they were contraband of war.

Under these conditions, the Allied Governments announce:

1. That from the standpoint of their right of visitation and eventual arrest and seizure, merchandise shipped in post parcels need not and shall not be treated otherwise than merchandise shipped in any other manner.

2. That the inviolability of postal correspondence stipulated by the eleventh convention of The Hague of 1907 does not in any way affect the right of the Allied Governments to visit and, if occasion arise, arrest and seize merchandise hidden in the wrappers, envelopes, or letters contained in the mail bags.

3. That true to their engagements and respectful of genuine "correspondence," the Allied Governments will continue, for the present, to refrain on the high seas from seizing and confiscating such correspondence, letters, or dispatches, and will insure their speediest possible transmission as soon as the sincerity of their character shall have been ascertained.

#### ANNEX 1

POST OFFICE DEPARTMENT  
SECOND ASSISTANT POSTMASTER GENERAL  
DIVISION OF FOREIGN MAILS

WASHINGTON, April 8, 1915.

I have the honor to inform you that the German auxiliary cruiser *Prinz Eitel Friedrich* delivered to the postmaster of Newport News, Va., on March 12, 144 mail bags for places in South America which had been transhipped from the French steamer *Floride* to the said cruiser before it sank the steamer. The despatches, which appeared to be intact, were sent on to the New York office, whence they were forwarded to destination in the same condition and at the first opportunity.

In delivering to the officials at Newport News the aforesaid despatches the commander of the *Prinz Eitel Friedrich* declared that the post parcels on board the S. S. *Floride* had been regarded as merchandise and not as correspondence; that is the reason why he did not have them taken out of the *Floride* as the other mail matter was, but allowed them to sink with the vessel, basing his action on the Declaration of London, according to which parcels are merchandise and not correspondence.

I further inform you that the New York post office advised the Bordeaux office of these facts by means of a check slip.

[File copy not signed]

## ANNEX 2

MAILS DESTROYED BY ENEMIES FROM DECEMBER 31, 1914, TO DECEMBER 31, 1915

Names of ships	Tonnage	Dates	Enemy ships	Remarks
1. <i>Highland Brae</i>	7, 634	Dec. 31, 1914	<i>Kaiser Wilhelm</i>	Mails and post parcels from Buenos Aires, Santiago, and Montevideo.
2. <i>Tokomaru</i>	6, 084	Jan. 30, 1915	Torpedoed by a German submarine.	Parcels and printed matter from New Zealand.
3. <i>Aguila</i>	2, 114	Mar. 27, 1915	do	Mail for Madeira and the Canary Islands.
4. <i>Falaba</i>	4, 806	Mar. 28, 1915	do	Mail and post parcels for West Africa.
5. <i>Lusitania</i>	30, 396	May 6, 1915	do	United States mail.
6. <i>Candidate</i>	5, 858	May 7, 1915	do	Post parcels for Jamaica.
7. <i>Arabic</i>	15, 801	Aug. 19, 1915	do	Mail for the United States, Canada, etc.
8. <i>Hesperian</i>	10, 920	Sept. 4, 1915	do	Mail and post parcels for the United States and Canada.
9. <i>Silver Ash</i>	3, 753	Oct. 6, 1915	(?)	Mail of His British Majesty's ships.
10. <i>Linkmoor</i>	4, 306	Sept. 20, 1915	(?)	Do.
11. <i>Persia</i>	7, 964	Dec. 29, 1915	Torpedoed	Mail and post parcels for the Near East.
12. <i>Ville de la Ciotat</i> (French)	6, 390	Dec. 24, 1915	Sunk by a German submarine.	Far East mail.
13. <i>Author</i>	3, 496	(?)	(?)	Africa mail.

File No. 841.711/349

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 85

WASHINGTON, April 3, 1916.

SIR: I have the honour, by direction of Sir Edward Grey, His Majesty's Principal Secretary of State for Foreign Affairs, to transmit to you herewith a memorandum stating the contentions of His Majesty's Government and the French Government in regard to their right to detain and examine parcels and letter mails on neutral vessels.<sup>1</sup>

I have [etc.]

CECIL SPRING RICE

<sup>1</sup> Not printed; identical with the memorandum of February 15, 1916, enclosed in the French Ambassador's note of April 3. See *ante*, p. 599.

File No. 841.711/372

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *April 15, 1916.*[*Received 2 p. m.*]

4162. Your 3189, 13th, 4 p. m.<sup>1</sup> Foreign Office informs me that as result of inquiries made of proper department of British Government it has ascertained that if United States postal administration will consent to dispatch in special bags which would be marked "Shipping Documents" bills of lading, invoices, etc., referring to cargo in the ship by which documents in question are dispatched, arrangements will be made for the rapid examination of the contents of these bags by one or two officers of the censorship at Ramsgate, Falmouth, and Kirkwall. It is further stated that as soon as Foreign Office are informed that this proposal would meet the views of the United States Government, the necessary steps will be taken to put this arrangement into force. A memorandum showing the organization of the branch of the censorship which dealt with these mails is enclosed in note from Foreign Office and it is pointed out that the delay of legitimate correspondence would be considerably reduced if the mails between America and the neutral countries of northern Europe—especially those now carried by ships which take the northern route—were dispatched by the postal administrations concerned through England. Copy of note and memorandum follows in next pouch.

AMERICAN EMBASSY

File No. 841.711/398

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *May 13, 1916, 11.55 a. m.*

3311. Your 4162, April 15, and 4270, May 9.<sup>2</sup> Please bring to attention of British Foreign Office.

Post Office Department states that dispatching and labeling of bags containing bills of lading and consular invoices, as suggested, is matter that would have to be arranged with countries in which the mail originates, but that it would have no objection to the making up of such bags to be addressed to New York post office by countries concerned and will issue necessary instructions regarding matter upon receipt of advice that the arrangement is to be put in effect.

Concerning British Government's suggestion that delivery of mail exchanged between the United States and neutral countries of northern Europe would be facilitated if such mail were routed via England, the Post Office Department believes it more practicable to continue present practice of dispatching mails for the Central powers and for the several neutral countries, including Norway,

<sup>1</sup> Not printed.<sup>2</sup> No. 4270 not printed.

Sweden, Denmark, and the Netherlands, by steamers sailing from New York direct to neutral ports, expecting that the Allies will discontinue the illegal and indefensible practice of interfering with first-class mail in transit between neutral countries.

LANSING

File No. 841.711/346

*The Secretary of State to the French Ambassador (Jusserand)*<sup>1</sup>

No. 1700

WASHINGTON, May 24, 1916.

EXCELLENCY: I have the honor to acknowledge receipt of your excellency's note of April 3 last, transmitting a memorandum dated February 15, 1916, and communicated in substance to the American Ambassador in London on February 28, in which are stated the contentions of the British and French Governments in regard to the right to detain and examine parcel and letter mails *en route* by sea between the United States and Europe.

After a discussion of the use of the mails for the transmission of "parcels" and of the limitations to be placed on "inviolable mail," the joint memorandum of February 15 closes with the following assertions:

1. That from the standpoint of their right of visitation and eventual arrest and seizure, merchandise shipped in post parcels needs not and shall not be treated otherwise than merchandise shipped in any other manner.

2. That the inviolability of postal correspondence stipulated by the eleventh convention of The Hague of 1907 does not in any way affect the right of the Allied Governments to visit, and, if occasion arise, arrest and seize merchandise hidden in the wrappers, envelopes, or letters contained in the mail bags.

3. That true to their engagements and respectful of genuine "correspondence," the Allied Governments will continue, for the present, to refrain on the high seas from seizing and confiscating such correspondence, letters, or dispatches, and will insure their speediest possible transmission as soon as the sincerity of their character shall have been ascertained.

In reply the Government of the United States desires to state that it does not consider that the Postal Union Convention of 1906 necessarily applies to the interferences by the British and French Governments with the oversea transportation of mails of which the Government of the United States complains. Furthermore, the Allied powers appear to have overlooked the admission of the Government of the United States that post parcels may be treated as merchandise subject to the exercise of belligerent rights as recognized by international law. But the Government of the United States does not admit that such parcels are subject to the "exercise of the rights of police, supervision, visitation, and eventual seizure which belongs to belligerents as to *all cargoes* on the high seas," as asserted in the joint note under acknowledgment.

It is noted with satisfaction that the British and French Governments do not claim, and, in the opinion of this Government, properly do not claim, that their so-called "blockade" measures are sufficient grounds upon which to base a right to interfere with all classes of mail matter in transit to or from the Central powers. On the con-

<sup>1</sup> The same, on the same date, to the British Ambassador, No. 1186 (File No. 841.711/349).

trary, their contention appears to be that, as "genuine correspondence" is under conventional stipulation "inviolable," mail matter of other classes is subject to detention and examination. While the Government of the United States agrees that "genuine correspondence" mail is inviolable, it does not admit that belligerents may search other private sea-borne mails for any other purpose than to discover whether they contain articles of enemy ownership carried on belligerent vessels or articles of contraband transmitted under sealed cover as letter mail, though they may intercept at sea all mails coming out of and going into ports of the enemy's coasts which are effectively blockaded. The Governments of the United States, Great Britain, and France, however, appear to be in substantial agreement as to principle. The method of applying the principle is the chief cause of difference.

Though giving assurances that they consider "genuine correspondence" to be "inviolable," and that they will, "true to their engagements," refrain "on the high seas" from seizing and confiscating such correspondence, the Allied Governments proceed to deprive neutral governments of the benefits of these assurances by seizing and confiscating mail from vessels in port instead of at sea. They compel neutral ships without just cause to enter their own ports or they induce shipping lines, through some form of duress, to send their mail ships via British ports, or they detain all vessels merely calling at British ports, thus acquiring by force or unjustifiable means an illegal jurisdiction. Acting upon this enforced jurisdiction, the authorities remove all mails, genuine correspondence as well as post parcels, take them to London, where every piece, even though of neutral origin and destination, is opened and critically examined to determine the "sincerity of their character," in accordance with the interpretation given that undefined phrase by the British and French censors. Finally the expurgated remainder is forwarded, frequently after irreparable delay, to its destination. Ships are detained *en route* to or from the United States or to or from other neutral countries, and mails are held and delayed for several days and, in some cases, for weeks and even months, even though not routed to ports of North Europe via British ports. This has been the procedure which has been practiced since the announcement of February 15, 1916.<sup>1</sup> To some extent the same practice was followed before that date, calling forth the protest of this Government on January 4, 1916.<sup>2</sup> But to that protest the memorandum under acknowledgment makes no reference and is entirely unresponsive. The Government of the United States must again insist with emphasis that the British and French Governments do not obtain rightful jurisdiction of ships by forcing or inducing them to visit their ports for the purpose of seizing their mails, or thereby obtain greater belligerent rights as to such ships than they could exercise on the high seas; for there is, in the opinion of the Government of the United States, no legal distinction between the seizure of mails at sea, which is announced as abandoned, and their seizure from vessels voluntarily or involuntarily in port. The British and French practice amounts to an unwarranted limitation on the use by neutrals

<sup>1</sup> *Ante*, p. 599.

<sup>2</sup> *Ante*, p. 591.

of the world's highway for the transmission of correspondence. The practice actually followed by the Allied powers must be said to justify the conclusion, therefore, that the announcement of February 15 was merely notice that one illegal practice had been abandoned to make place for the development of another more onerous and vexatious in character.

The present practice is a violation not only of the spirit of the announcement of February 15, but of the rule of the Hague convention upon which it is concededly based. Aside from this, it is a violation of the prior practice of nations which France and her allies have in the past assisted to establish and maintain, notwithstanding the statement in the memorandum that "as late as 1907 the letters and despatches themselves could be seized and confiscated." During the war between the United States and Mexico the United States forces allowed British steamers to enter and depart from the port of Vera Cruz without molesting the mails intended for inland points. During the American Civil War Lord Russell endeavored to induce the United States to concede that "Her Majesty's mails on board a private vessel should be exempted from visitation or detention." This exemption of mails was urged in October, 1862, in the case of British mails on board the *Adela*. On October 31 Secretary Seward announced that "public mails of any friendly or neutral power duly certified or authenticated as such shall not be searched or opened but be put as speedily as may be convenient on the way to their designated destinations." In accordance with this announcement, the Government of the United States, in the case of the British steamship *Peterhoff*, which had been seized with her mails against the protest of Her Majesty's Government, had her mails forwarded to destination unopened.

The same rule was followed by France, as I am advised, in the Franco-Prussian war of 1870; by the United States in the Spanish-American war of 1898; by Great Britain in the South African war, in the case of the German mail steamers *Bundesrath* and *General*; by Japan and substantially by Russia in the Russo-Japanese war of 1904. And even in the present war, as the memorandum of Great Britain and France states, their enemy, Germany, has desisted from the practice of interfering with neutral mails, even on board belligerent steamers. This is illustrated by the case of the French steamer *Floride*, captured by the auxiliary cruiser *Prinz Eitel Friedrich*, cited by the British and French Governments in support of their argument regarding parcel mails. In this case the letter mails of the *Floride*, amounting to 144 sacks, were forwarded to their destination by the commander at the first opportunity upon arriving in the United States. It would seem, therefore, to be conclusively established that the interferences with mails of which this Government justly complains are wrong in principle and in practice.

The arbitrary methods employed by the British and French Governments have resulted most disastrously to citizens of the United States. Important papers which can never be duplicated, or can be duplicated only with great difficulty, such as United States patents for inventions, rare documents, legal papers relating to the settlement of estates, powers of attorney, fire insurance claims, income-tax returns, and similar matters, have been lost. Delays in receiving



shipping documents have caused great loss and inconvenience by preventing prompt delivery of goods. In the case of the MacNiff Horticultural Company, of New York, large shipments of plants and bulbs from Holland were, I am informed, frozen on the wharves because possession could not be obtained in the absence of documents relating to them which had been removed from the *Nieuw Amsterdam*, *Oosterdijk*, and *Rotterdam*. Business opportunities are lost by failure to transmit promptly bids, specifications, and contracts. The Standard Underground Cable Company, of Pittsburgh, for example, sent by mail a tender and specifications for certain proposed electrical works to be constructed in Christiania; after several weeks of waiting, the papers having failed to arrive, the American company was told that the bids could not be longer held open, and the contract was awarded to a British competitor. Checks, drafts, money orders, securities, and similar property are lost or detained for weeks and months. Business correspondence relating to legitimate and *bona fide* trade between neutral countries, correspondence of a personal nature, and also certain official correspondence, such as money-order lists and other matter forwarded by Government departments, are detained, lost, or possibly destroyed. For instance, the Postmaster General informs me that certain international money-order lists from the United States to Germany, Greece, and other countries, and from Germany to the United States, sent through the mails, have not reached their destination, though dispatched several months ago. It was necessary to have some of these lists duplicated and again dispatched by the *S. S. Frederik VIII*, which sailed from New York on April 19, and from which all the mails intended for Germany have been taken and held in British jurisdiction. As a further example of the delay and loss consequent upon the British practice, the Postmaster General also sends me a copy of a letter from the British Postal Administration admitting that the mails were removed from the steamer *Medan* in the Downs on January 30 last, and not forwarded until some time "between the 2d of February and the 2d of March," and that 182 bags of these mails "were lost during transmission to Holland on the 26th day of February by the Dutch steamship *Mecklenburg*." The *Medan* arrived safely at Rotterdam a day or two after she left the Downs. Numerous complaints similar to the foregoing have been received by this Government, the details of which are available, but I believe I have cited sufficient facts to show the unprecedented and vexatious nature of the interference with mails persisted in by British and French authorities. Not only are American commercial interests injured, but rights of property are violated and the rules of international law and custom are palpably disregarded. I can only add that this continuing offense has led to such losses to American citizens and to a possible responsibility of the United States to repair them, that this Government will be compelled in the near future to press claims for full reclamation upon the attention of His Majesty's Government and that of the French Republic.

The principle being plain and definite, and the present practice of the Governments of Great Britain and France being clearly in contravention of the principle, I will state more in detail the position of the Government of the United States in regard to the treatment of

certain classes of sealed mails under a strict application of the principle upon which our Governments seem to be in general accord. The Government of the United States is inclined to the opinion that the class of mail matter which includes stocks, bonds, coupons, and similar securities is to be regarded as of the same nature as merchandise or other articles of property and subject to the same exercise of belligerent rights. Money orders, checks, drafts, notes, and other negotiable instruments which may pass as the equivalent of money are, it is considered, also to be classed as merchandise. Correspondence, including shipping documents, money-order lists, and papers of that character, even though relating to "enemy supplies or exports," unless carried on the same ship as the property referred to, are, in the opinion of this Government, to be regarded as "genuine correspondence," and entitled to unmolested passage.

The Government of the United States, in view of the improper methods employed by the British and French authorities in interrupting mails passing between the United States and other neutral countries and between the United States and the enemies of Great Britain, can no longer tolerate the wrongs which citizens of the United States have suffered and continue to suffer through these methods. To submit to a lawless practice of this character would open the door to repeated violations of international law by the belligerent powers on the ground of military necessity of which the violator would be the sole judge. Manifestly a neutral nation can not permit its rights on the high seas to be determined by belligerents or the exercise of those rights to be permitted or denied arbitrarily by the government of a warring nation. The rights of neutrals are as sacred as the rights of belligerents and must be as strictly observed.

The Government of the United States, confident in the regard for international law and the rights of neutrals, which the British and French Governments have so often proclaimed and the disregard of which they have urged so vigorously against their enemies in the present war, expects the present practice of the British and French authorities in the treatment of mails from or to the United States to cease and belligerent rights, as exercised, to conform to the principle governing the passage of mail matter and to the recognized practice of nations. Only a radical change in the present British and French policy, restoring to the United States its full rights as a neutral power, will satisfy this Government.

Accept [etc.]

ROBERT LANSING

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File No. 841.711/805

*The British Ambassador (Spring Rice) to the Counselor for the Department of State (Polk)*

WASHINGTON, June 2, 1916.

[Received June 5.]

MY DEAR MR. COUNSELLOR: I duly forwarded to the Foreign Office a copy of your letter to me of April 27, together with its enclosures,

relative to the complaints of United States citizens in regard to our interference with the mails.<sup>1</sup>

I have now received a reply by telegraph stating that the majority of the letters mentioned cannot be traced without further particulars. These particulars required are, in the case of registered letters, the registered number and approximate date of dispatch and, in the case of other letters, the name of the ship by which the mail was carried and the date of sailing.

The letters addressed to Herr F. Missler, Bremen, would appear, in the opinion of the Foreign Office, to have been a proper object for seizure if the contents were as stated by the Braddock National Bank in their cashier's letter of April 25.

As regards the other letters mentioned by that bank enquiry is still proceeding but, up to the present, enquiries have shown that these letters, though addressed to Holland, were occupied with the transfer of money to enemy countries by European money orders.

The Foreign Office desire me to point out to you that up to the present, in spite of vague accusations, they have only received about eight enquiries from the United States Ambassador as to particular mails, besides two other enquiries as to the treatment of shipping documents. In these last two cases His Majesty's Government have proposed to adopt special arrangements and have taken measures to put them into effect as far as they are concerned. Of the others, five were answered by evidence that the mails in question had not been detained or unduly delayed and had already been forwarded to their destination. In the other three cases letters had been delayed but His Majesty's Government promised to forward them at once.

Out of the four complaints received by the postal censor, one referred generally to the mail of the American Express Company and was answered by the assurance that all business correspondence would be expeditiously dealt with, while the other three, referring to particular letters, were answered by a statement that they had not been detained by the censor at all.

Sir Edward Grey instructs me to invite the State Department to make specific enquiries and to encourage private firms or persons to do so either to the Foreign Office or to the postal censor direct. All such enquiries will be gladly answered. At present His Majesty's Government are much surprised that while frequent enquiries have been received in regard to letters addressed to or passing through the United Kingdom, enquiries as to these neutral mails have been so few. The inference is obvious.

I beg to add that I have received intimations as to cases where it would appear that letters and telegrams have been detained or destroyed for the express purpose of using these alleged facts for purposes of propaganda against your Department and this Embassy.

Finally I am desired to add that His Majesty's Government repudiate positively the charge that they have detained business or private letters off any ship diverted on the high seas, except such as contained articles which are a proper subject for seizure and adjudication by the prize court.

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<sup>1</sup> Not printed.

The above is, of course, only an answer to your unofficial letter and does not refer to the official note.

I am [etc.]

CECIL SPRING RICE

File No. 763.72112/2640

*The Consul General at London (Skinner) to the Secretary of State*

No. 1948

LONDON, May 29, 1916.

[Received June 13.]

SIR: In reference to the seizure of parcels shipped by post by the British authorities and now held in this country under the terms of the order in council of March 11, 1915,<sup>1</sup> I have the honor to report that where claims have been submitted to the prize court, the court has decided invariably, as far as I am advised, that American claimants might obtain their goods upon the payment into court of the value thereof. It is generally understood that deposits thus made will be reimbursed at the end of the war, but as there are no reliable assurances on this point I dealt with the matter in correspondence with the Procurator General who was not able to offer a binding opinion. He further transmitted the correspondence to the Foreign Office and the Foreign Office has replied in care of the Embassy in the following terms:

I have the honour to inform you that there has recently been brought to my notice a letter from the United States Consul General in London to His Majesty's Procurator General relative to the seizure of property shipped from Germany to the United States in the parcels post, and "enquiring whether, in the event of American claimants' being able to prove their ownership by purchase of the property in question, any assurance can be given that the goods will be released to them at the end of the war, or if sold, that the proceeds of the sale will be transmitted to them."

I have the honour to inform your excellency that the detention of these goods is effected under Section 2 of the order in council of March 11 which provides that goods of enemy origin shipped after the date of the order in council shall be detained or sold under the direction of the prize court and that the proceeds of the sale, paid into court and dealt with in such manner as the court may deem just.

The ultimate disposal of goods in each case is therefore a matter which falls to be decided by the court and I could not properly give a general official assurance on a point thus left for judicial decision, but His Majesty's Government are unaware of any reason for anticipating that the court would not decree the release of the goods or their proceeds at the termination of the war.

I have [etc.]

ROBERT P. SKINNER

File No. 841.711/677

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, July 7, 1916.

MY DEAR MR. SECRETARY: I beg to enclose herewith a copy of a letter regarding the censorship of mails which has been addressed by the Foreign Office to Messrs. Scheepers of New York in reply to an inquiry from them. A copy of this letter has been handed by the Foreign Office to the Associated Press for publication.

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 144.

Sir Edward Grey requests me, in communicating this letter to you, to explain that this course of publishing it was adopted, not with any controversial purpose in connection with the present discussions, but simply in order to explain certain elementary points of which there appears to be widespread misunderstanding in the public mind.

Believe me [etc.]

For the Ambassador:  
COLVILLE BARCLAY

[Enclosure]

*The British Foreign Office to John Scheepers and Company*

No. 113505/X

LONDON, June 23, 1916.

GENTLEMEN: I am directed by Lord Robert Cecil to thank you for your letter of May 27 in which you take issue with a statement made by him to a correspondent of the *New York Times*. This statement was that great care is taken to forward mails between neutral countries taken from neutral ships for examination by the British censors, as quickly as possible. You say that during the last six or eight months your correspondence with Holland has suffered great delay.

Lord Robert Cecil's statement was intended as an assurance that the postal censorship had been perfecting its organization, and that, from the time at which he spoke, Americans could be confident that their letters would suffer only slight delay owing to detention by the censors. He did not intend to exclude the possibility that delays had occurred in earlier days when the British authorities first began to examine mails carried on neutral ships. But even if such delays did actually occur, it is by no means certain, and in fact it is in many cases unlikely, that those delays were due to the British censorship. Mails only began to be taken from neutral ships for censorship last December and it is therefore quite clear that delays experienced by you from six to eight months ago cannot have been due to the censorship of these mails. As there has been a great deal of misunderstanding on this subject, I am to explain the following points:

The American mails censored in the United Kingdom must be divided into two classes, each of which is dealt with by a special organisation:

1. *Terminal mails*, i. e., mails originating in or destined for the United Kingdom. The censorship of these mails is one of the universally recognised rights of sovereignty and it has been exercised since the beginning of the war without any protest being made against it by neutral governments.

2. *Mails neither originating in nor destined for the United Kingdom.*

These must be further subdivided into three groups:

(a) *Transit mails*, i. e., mails between European countries and the United States intended by the office of despatch to pass through the United Kingdom; for example, mails sent from Rotterdam to this country for retransmission from Liverpool to the United States. Such mails are forwarded by the British Post Office and enjoy the facilities afforded by it to British mails, and the right of censorship over them while in transit through British territory in time of war is generally admitted. This right, however, was not exerted at the beginning of this war and censorship of these transit mails only came into force in April 1915.

(b) Mails carried by neutral ships which normally call at a British port or enter British jurisdiction without any form of compulsion.

(c) Mails carried by neutral ships which would not enter British jurisdiction without some form of compulsion.

The first ship from the United States to Holland from which the mails were removed was the *Noorderdijk*. These mails were landed at Ramsgate on the 18th December 1915, arrangements not having then been completed to remove them at Falmouth. The first ship from Holland to the United States from which the mails were removed was the *Noordam* which entered the Downs on the 5th December. It is to classes (b) and (c) exclusively that the present discussions between this Government and other neutral governments refer, while class (c) alone is covered by the Hague convention.

Most of the annoyance caused in the United States by the action of His Majesty's Government seems to arise from a confusion between the above kinds

of censorship. It is to the last two kinds only that Lord Robert Cecil's interview referred, and the British authorities are making every effort to perfect their organisation so that the necessity of examining this class of mail may not involve long delays. But during the time that the censorship of these particular mails has been in force, many other factors have occurred causing delay quite independently of the action of the British Government. Sailings from Holland have been very irregular, owing to the mine fields sown by the Germans outside Rotterdam, and have at times been held up altogether, as for instance after the sinking of the *Tubantia*. As you are aware, the Dutch mail boats now proceed round the north of Scotland and go south, calling both at Kirkwall and at Falmouth before crossing the Atlantic, and this in itself causes considerable delay. So far as the censorship is concerned, the delay in the case of mails from Holland to the United States will not be greater than between four and five days from the date when the mails are unloaded at Kirkwall to the date when they are handed by the censors to the post office to be sent on. The delay caused to mails from the United States to Holland will not be longer than six days in all. The post office will always forward the mail by the next boat to its destination, and whether delay occurs in this operation will solely depend upon the regularity of sailings. It will be seen that letters contained in the outward mails will sometimes, and those in the inward mails generally, reach their destination as early as or earlier than if left on board the Dutch ship. When the urgent need of examining first-class mails, in order to intercept those postal packets which are admittedly liable to be treated as contraband, was first realised, it would have been possible at once to have brought the organisation of the censorship to the level of efficiency it has since reached by collecting hurriedly a large enough number of examiners, but it was thought that infinitely more harm would be done to neutral correspondence by allowing their letters to be handled by persons engaged hastily whose character and reliability had not been thoroughly tested than by subjecting the letters at first to some slight delay. The necessary staff has now been carefully selected and this delay eliminated.

In conclusion Lord Robert Cecil would be much obliged if you would furnish him with more exact particulars of the letters which you complain of being delayed, giving where possible, the date of the letter, the mail boat by which it was despatched, and if registered, the registration number of the packet, in order that inquiry may be made into each case.

As there is so much misunderstanding on these points, and in the hope that the above explanation may do something to make the position clear, Lord Robert Cecil proposes to publish the text of this letter for general information.

I am [etc.]

[File copy not signed]

File No 841.711/349

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)<sup>1</sup>

[Telegram]

WASHINGTON, July 19, 1916, 7 p. m.

3538. Department's 3363, May 25.<sup>2</sup> Department has received no answer to or acknowledgment of its notes of May 24<sup>3</sup> to the British and French Ambassadors regarding censorship of mails, substance of which Department cabled you on May 25. You may press for an immediate reply.

POLK

<sup>1</sup> The same to the Ambassador in France as No. 1615, referring to No. 1528, May 25, which is not printed.

<sup>2</sup> Not printed.

<sup>3</sup> *Ante*, p. 604.

File No. 841.711/751

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *July 22, 1916.*

[Received 12 p. m.]

4599. I have received following note from Foreign Office:

*July 20, 1916.*

On May 24 the Secretary of State handed to the British and French Ambassadors at Washington a note regarding the examination of mails on neutral ships by the Allied Governments.

I have now the honour to transmit to your excellency for the information of the Government of the United States a memorandum examining certain specific allegations made in paragraph 8 of that note.

As stated in the enclosed memorandum, this communication is not to be regarded as a reply to the various arguments put forward by the United States Government. These are being carefully considered by the several Allied Governments in consultation. The present communication is merely intended to dispose of certain statements made with special reference to the conduct of the censorship by His Majesty's Government.

Unless your excellency has any objection, I propose to publish this memorandum on July 24.

I have [etc.]

For the Secretary of State:

EYRE A. CROWE

## MEMORANDUM

The reply of the Allied Governments to the note addressed by the Secretary of State of the United States to His Majesty's Ambassador at Washington on May 24 regarding the examination of mails on neutral ships will be communicated to the Government of the United States as soon as the arguments contained in that note have been fully considered by the Allied Governments in consultation. Since, however, the note contains in paragraph 8 certain specific instances affecting the conduct of the work of examination by the British censorship, His Majesty's Government desire to deal with these instances in advance and in detail.

In that paragraph allusion is made to a large number of complaints of which no particulars are given. Only four specific instances of these complaints are cited and they are put forward in a form which in the absence of any of the details which His Majesty's Government have repeatedly asked for as necessary to identify and trace the occurrences complained of makes it difficult to investigate them. The following facts have, however, been ascertained in regard to them.

*MacNiff Horticultural Company, New York.* It is stated that the shipping documents relating to perishable goods for this firm were removed from the *Nieuw Amsterdam*, *Oosterdijk*, and *Rotterdam*. The mails on these three ships were removed for examination on February 10, February 17, and February 25 respectively. The mails from the *Nieuw Amsterdam* were forwarded again, part by the *Cedric* on February 17, and part by the *Lapland* on February 25; the mails on the *Oosterdijk* were forwarded by the *Lapland* on February 25; the mails from the *Rotterdam* were forwarded part by the *Cameronia* sailing March 4 and part by the *Cedric* sailing March 8. It was not until March 22 that a note was received from the United States Ambassador enclosing a copy of a letter from the MacNiff Horticultural Company and stating that the company anticipated difficulties of this kind in regard to their shipments, the first of which was due to arrive about the beginning of March. The possibility of preventing such losses to neutrals was considered by His Majesty's Government immediately on receipt of the Ambassador's note, and on April 14 a reply was sent to his excellency offering to place a special censorship staff at ports of call in order to examine separate mail bags labelled "shipping documents" and to reforward such documents by the same ship without unloading them with

the rest of the mail. It will therefore be seen that when specific complaints of this kind are made action has been taken immediately to prevent damage to neutral interests and the loss sustained by the MacNiff Horticultural Company which His Majesty's Government much regret was due to the specific complaint not having reached His Majesty's Government in time to enable them to apply the new system to this firm's shipments.

*The Standard Underground Cable Company, Pittsburg.* The Government of the United States appear to insinuate that the delay on this company's mail to Christiania was directly connected with the fact that a British competitor obtained a contract for which that company had been tendering. His Majesty's Government are astonished that such an insinuation should be made. They are the more surprised at it as the complaint from the Underground Cable Company clearly appears not even to have been adequately examined. The contracts alluded to are presumably those recently made by the Christiania Municipal Electric Works. Out of seven contracts placed by these works of which His Majesty's Government have record, five were allowed to American firms and only two to British firms, and in spite of the extremely dangerous nature of consignments of copper to Scandinavia, in view of the German attempts to obtain that article through contiguous countries, His Majesty's Government went out of their way to take all possible steps to facilitate the despatch from the United States to Norway of the goods necessary to execute the American contracts including 205,000 kilograms of electrolytic copper wire, 10,800 kilograms of electrolytic copper, 12,000 kilograms of copper tubes, and 10,800 kilograms of copper sheets and bars. Of the two orders placed with British firms one small one was placed on February 2, 1916, and the other for a larger amount on April 8, 1916. In this latter case the call for tenders was issued on February 14, the date specified for closing being noon on March 30, and the British firm tendered on March 17. As the first direct inward-bound mails from the United States for Scandinavia on ships passing round the north of Scotland removed for examination by the British censorship were those on the *Hellig Olav*, which called at Kirkwall on March 28, it is difficult to understand the assertion made by the United States Government that owing to the detention by the British censorship of the Standard Underground Cable Company's [tender, the contract was] awarded to a British competitor, and in the absence of further details it can only be concluded that the American company's tender never passed through the hands of the British censor or that it related to a contract which was not awarded to a British firm.

*Money-order lists.* This complaint must be left for consideration in the final reply of the Allied Governments as it involves questions of principle on which consultation between those Governments is still in progress.

*Mails from the "Medan."* The facts stated in the United States note are correct except that it is not made clear, though it is the fact, that the neutral mail bags removed from the *Medan* were all sent on by February 12 and that the 182 bags lost in the *Mecklenburg* were without exception for enemy destination. American trade or correspondence with neutral countries was therefore not affected by the loss of the *Mecklenburg*, and the loss of the mails destined for enemy countries was due to the illegal sowing of mines with no military object by the enemy themselves.

It will be seen that these specific complaints do not support the general charges against the efficiency of the British censorship which the Government of the United States have put forward in their note. His Majesty's Government will always be ready to explain in detail the working of the censorship as there is nothing in regard to it which they desire to conceal. His Majesty's Government desire to emphasize most strongly the fact that they have had many instances of complaints against their censorship which on examination proved to arise from the wrong direction of letters, the irregular sailings of neutral mail boats such as the Dutch boats during the week following the sinking of the *Tubantia*, and from other similar causes entirely outside the control of His Majesty's Government and often directly due to the action of their enemies. They are obliged, therefore, to disclaim responsibility for occurrences complained of until they have first been given the opportunity of investigating such occurrences in detail.

July 20.



File No. 841.711/751

*The Acting Secretary of State to the Ambassador in Great Britain  
(Page)*

[Telegram]

WASHINGTON, July 24, 1916, 5 p. m.

3560. Your 4599. Memorandum published to-day. Please continue to urge British Government to forward the reply of the Allied Governments without further delay.

POLK

File No. 841.711/828

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, August 2, 1916, 6 p. m.

[Received 8.30 p. m.]

1512. Your 1615, July 19, 7 p. m., received through London. Presented matter personally to M. Cambon at Foreign Office who now replies that ever since receipt of note from the Secretary of State the subject has been carefully examined by the French Government which, with the British Government, is continuing the examination of the question and will send answer to the Federal Government as soon as the text of the reply has been definitely drawn up by the cabinets at Paris and London.

SHARP

File No. 841.711/880

*Statement issued to the Press by the British Embassy*

[Handed to the Secretary of State by the  
British Ambassador, August 10, 1916.]

It is admitted that at the outset neutral correspondence in which enemy interests were in no way concerned was subjected to a delay which is greatly regretted and which has since been reduced to a minimum. It must not be imagined that the mails were removed from neutral ships for examination without careful consideration of the arrangements which would be required to deal with them as quickly as possible. All preparations which seemed necessary were with this object, but, unfortunately, those responsible for them were not aware of some of the difficulties which would be encountered. For instance, there was no reason to suppose that (as proved to be the case) mail bags marked as despatched from one neutral country to another neutral country would contain nothing but mails for or from an enemy country, that bags represented as containing printed matter would contain rubber, coffee, jewelry, etc., sometimes disguised as newspapers, as well as correspondence of all kinds, registered and unregistered, or that persons writing to or from enemy countries would already have adopted the practice of sending their

letters under cover to intermediaries in neutral countries, or that great numbers of complete sacks appearing to contain merely business circulars from neutral countries would contain in reality nothing but propaganda from Germany under covers bearing neutral postage stamps. These and similar unforeseen peculiarities made it impossible, until the staff engaged had been largely increased and had become accustomed to them, to select on any fixed principle those mail bags which, when all could not be examined within a reasonable period, should be forwarded without examination.

The delay of shipping documents carried by the same ship as the cargo to which they refer can be, and has been in some cases, avoided by the simple expedient of enclosing such documents in specially marked bags.

The delay to which ordinary neutral mails are at present subjected as a result of the censorship varies according to their origin and destination. The following examples refer to United States mails, but the treatment of other neutral mails can also be inferred from the details given:

(1) *Mails from United States to Holland*

(a) If not removed from the ship by which they were despatched—

Arrive Falmouth 1st June.

Leave Kirkwall 4th June.

Arrive Rotterdam 6th June.

Total: 6 days.

(b) If removed from the ship by which they were despatched—

Arrive Falmouth 1st June.

Received in London 1st June (or 3.30 a. m., 2d June).

Despatched after examination: At earliest, 2d June;  
at latest, 5th June.

Arrive Rotterdam: At earliest, 3d June; at latest, 7th June.<sup>1</sup>

Total: Minimum, 3 days; maximum, 7 days.

(2) *Mails from Holland to United States*

(a) If not removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Leave Falmouth 4th June.

Arrive New York 12th June.

Total: 12 days.

(b) If removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Received in London 3d June.

Despatched after examination: At earliest, 13th June;  
at latest, 14th June.

Total: Minimum, 13 days; maximum, 14 days.

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<sup>1</sup> Extra day allowed, as there is no despatch to Holland on three days in the week.

(3) *Mails from United States to Denmark*

- (a) If not removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Arrive Copenhagen 4th June.

Total: 4 days.

- (b) If removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Received in London 3d June.

Despatched after examination: At earliest, 4th June; at latest, 7th June.

Arrive Copenhagen: At earliest, 7th June; at latest, 10th June.

Total: Minimum, 7 days; maximum, 10 days.

(4) *Mails from Denmark to United States*

- (a) If not removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Arrive New York 11th June.

Total: 11 days.

- (b) If removed from the ship by which they were despatched—

Arrive Kirkwall 1st June.

Received in London 3d June.

Despatched after examination: At earliest, 4th June; at latest, 5th June.

Arrive New York: At earliest, 13th June; at latest, 15th June.

Total: Minimum, 13 days; maximum, 15 days.

The above figures are based on the experience of the last two months, but, so far as they relate to the sailings and duration of voyages of the ships concerned, they can not be absolutely vouched for, owing to alterations and uncertainties to which movements of all ships are continually subject.

It has been suggested that considerable delay would be avoided if mails landed at Kirkwall were examined at and despatched from that port instead of being brought to London for examination. It must, however, be remembered that American mails are, after examination, forwarded either from Liverpool to the United States or from Newcastle or Hull to Scandinavian countries or from Tilbury or Harwich to Holland. It would thus only in very rare cases expedite the despatch of mails to detain them at Kirkwall pending the arrival there of the next ship making for the same port as that for which the ship from which they were removed was destined, even supposing the next ship were able to take them on board. The mails must be brought at some stage as far south as the port from which they will eventually be despatched, and the difference between the journey to Liverpool and the journey to London only amounts to about four hours.

A further objection to removing the place of censorship from London is one which will easily be understood, namely, that, where

an immense organisation is in existence employing between 800 and 1,000 men and women, as is the case with that Department of the Postal Censorship which deals with these particular mails, a splitting up of the staff between London and the ports of call in different parts of the United Kingdom must seriously affect the efficiency and smoothness of working of the whole organisation, not to speak of the difficulties inherent in providing accommodations for a sufficiently large staff in such remote places as Kirkwall. Moreover, it is to the interest of neutrals that the moment the examination of mails is concluded they shall be handed over at once to the post-office authorities for retransmission immediately by the quickest route available, and this cooperation of the postal authorities is easiest and quickest in London.

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File No. 841.711/801

*The Secretary of State to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 15, 1916.

3680. Consul at Singapore telegraphs following:

Information shows Dutch steamer *Tjikembang*, en route Manila to Java ports, was brought Singapore July 5 by British naval authorities and Manila mails searched. Replies to inquiries addressed local officials apparently indefinitely delayed. Also mails from Manila, Spanish steamer *Bizaguirre*, searched this port July 27.

Please communicate to Foreign Office with appropriate protest.  
LANSING

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File No. 841.711/902

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, August 15, 1916.

[Handed to the Secretary  
by the Ambassador, August 16.]

DEAR MR. SECRETARY: Lord Grey wishes me to make the following communication for the information of your Government, in view of certain allegations which have appeared in the press:

A suspicion appears to have been aroused in the United States that the British censorship of mails is being used as a means of capturing American trade and American markets by utilizing the trade secrets of neutral firms and that such information is being communicated by officials of His Majesty's Government to private persons in the United Kingdom with this object.

Any such use of the censorship is directly contrary to the policy of His Majesty's Government and contrary to their orders. Any action of this kind taken by an official of His Majesty's Government would therefore constitute an offence under the "Act to prevent disclosure of official documents and information" of 1911.

His Majesty's Government have no reason to suppose that any such offence has actually taken place and they have received no evidence of it. As any such offence, indicating as it would untrustworthiness of officials in responsible positions, would be as detrimental to the interests of His Majesty's Government

as to those of neutrals, His Majesty's Government will be glad to receive at any time evidence that such an offence has actually occurred.

At the present moment, and in the absence of such evidence, they must express their absolute confidence in the whole staff employed in censorship and they must repudiate the allegations in question.

If you have no objection, I should like to communicate to the press the first three paragraphs of this telegram, as their publication may lead to evidence being afforded to my Government as to any breach of the regulations which may have occurred or which may be suspected.

Believe me [etc.]

CECIL SPRING RICE

File No. 841.711/962

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

No. 4511

LONDON, August 11, 1916.

[Received August 21.]

SIR: I have the honor to report that on the 3d instant the House of Commons resolved itself into a Committee of Supply to consider the Colonial Office vote, and that in the course of debate a controversy arose between free-trade and protectionist members over the question of a proposed export duty on palm nuts from British West Africa. Mr. Bonar Law, the Colonial Secretary, who was in charge of the bill, is of course, besides being a member of the Coalition Government, the Unionist leader in the House of Commons and a tariff reformer, which in this country means the opposite of a free trader.

As the free-trade members were pressing the Colonial Secretary rather strongly on the question of export duties, Mr. Bonar Law, with a view apparently to discrediting free-trade arguments generally, made a somewhat remarkable statement, which is enclosed herewith as it appeared in the official record of Parliamentary Debates in the House of Commons for August 3d, 1916, volume 85, No. 81, page 590.<sup>1</sup> In the course of Mr. Bonar Law's remarks he read from a photograph of a letter which he stated had come into his possession in some manner not specified, from a representative of a firm of margarine makers in a neutral country to some third person, explaining what he proposed to do in the way of starting propaganda in the House of Commons against the export duty on palm nuts. From the remarks of certain other members who followed Mr. Bonar Law in the debate, it will be observed that several of them took the attitude that Mr. Bonar Law had suggested that they were being used as tools for foreign propaganda in the free trade interest and resented these insinuations.

On August 8 it will be seen from the second enclosure that Mr. King, a member of the House of Commons, asked the Secretary of State for War, from whom the military censor depends, whether it was the policy of the military censorship not only to prevent military information being improperly disclosed, but also to provide ministers with material for attacking their political critics. Mr. Lloyd George's answer, as well as his answer to a supplementary question

<sup>1</sup> Not printed.

by Mr. King, is worthy of note. The Secretary for War states in effect that it is the practice of the censor to communicate to public departments concerned any information on matters of public interest which may be obtained through the censorship for such use to be made of it as the particular department may consider desirable, and further, that the British Government are perfectly within their rights in so doing.

In this connection I would draw your attention to the question asked by Sir G. Toulmin, who followed Mr. Lloyd George, whether there were cases in which prices had been discovered in intercepted letters and passed on to departments with whom business relations are concerned, as giving some indication of the effect of Mr. Lloyd George's statements on the minds of members.

The Foreign Office have done what they can to counteract the unfortunate impression created by Mr. Lloyd George's answers, and have stated that the margarine letter in question was written in this country, and that consequently no improper act was committed in using it in the manner indicated. But the fact that a minister of the Crown, speaking in his official capacity in the House of Commons, should state that the British Government held themselves free to make any use they chose of intercepted letters is not without interest to neutral countries in connection with the controversy in respect of the detention of mails.

I have [etc.]

For the Chargé:  
HUGH GIBSON

[Enclosure]

*Extract from Parliamentary Debates, House of Commons, August 8, 1916<sup>1</sup>*

27. Mr. KING asked the Secretary of State for War whether he has observed the use made in debate of a letter written by a neutral manufacturer; whether this letter was stopped by the military censorship and its contents communicated to the Colonial Secretary; and whether it is the policy of the military censorship not only to prevent military information being improperly disclosed, but also to provide Ministers with material for attacking their political critics?

Mr. LLOYD GEORGE: I think I have been able to identify correctly the debate and the letter which my hon. Friend has in mind. If so, I may inform him that the letter in question was not stopped in the sense that it was not allowed to proceed to its destination, but it is, of course, the practice to communicate to public Departments concerned any information on matters of public interest which may be obtained through the censorship for such use to be made of it as the particular Department may consider desirable. This was done in this instance.

Mr. KING: Is the right hon. Gentleman aware that when the censorship was initiated at the beginning of the War we were told that it was definitely and solely with the object of preventing information getting to the enemy which would be of advantage to them, and that other subjects, such as freedom of discussion—[HON. MEMBERS: "Russia's methods!"]—and secrecy of correspondence, would not be infringed?

Mr. LLOYD GEORGE: I do not know what principle was laid down definitely, but I take it the Government are perfectly within their rights in using any information which comes to them in these conditions for any public and national purpose.

Mr. HAZLETON: Arising out of the right hon. Gentleman's answer, is it not the fact that documents treated in this way become official documents, and are we not, therefore, entitled to their production if they are read on the floor of the House?

<sup>1</sup> Official report (85 H. C. Deb. 5s.), p. 851.

Mr. LLOYD GEORGE: That is a question of Order, which, of course, I cannot presume to determine. The function of the War Office, or, at any rate, the officials for whom I am answering, is to send along to public Departments any information which comes into its possession by means of letters opened in this way. There the responsibility of the War Office ends.

Sir G. TOULMIN: Are there any cases in which prices have been discovered in these letters and passed on to Departments with whom business relations are concerned?

Mr. DEPUTY-SPEAKER: That question does not arise.

File No. 841.711/968

*The Chargé in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, August 24, 1916, 7 p. m.

[Received 9.10 p. m.]

1553. Yesterday in recalling to the attention of the Foreign Office representations made by Mr. Sharp on receipt of your telegraphic instructions 1615, July 19, 7 p. m.,<sup>1</sup> I was informed that the French Government was desirous of making reply as soon as possible and that there was no intention whatsoever to delay sending an answer, but that the question involved was of importance requiring serious consideration at a time when many other grave matters were being examined; that the text of the French note was practically determined and would be discussed with the British Government at an early date and it was hoped and believed that the answer to the American Government would reach Washington by September 15.

BLISS

File No. 841.711/1229

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, September 20, 1916.

[Received September 21.]

MY DEAR MR. SECRETARY: You will no doubt have noticed recent announcements in the press to the effect that His Majesty's Government were making use of information obtained from the censorship for commercial purposes. I brought these accusations to the attention of His Majesty's Government by telegraph and I beg to communicate to you, herewith, informally, the text of an interview which was given on the 15th instant by Mr. Lloyd George, Secretary of State for War, to the Associated Press. A summary of this interview was published here a day or two ago, but I feel that it would interest you to have the full text.

You will see that information obtained from the censorship is passed on to the other departments of His Majesty's Government for the sole purpose of guiding the action of the Government in the conduct of the war, and that it is warmly affirmed that the honest business interests and trade secrets of American merchants or manufacturers are safe in the hands of the military censors and of every Government department.

<sup>1</sup> See footnote 1, p. 612.

Viscount Grey also informs me, in a separate telegram, that the divulging of trade secrets which might come to the knowledge of any person through the censor, would be an offence under the Official Secrets Act punishable by imprisonment for two years with or without hard labour and a fine.

Believe me [etc.]

For the Ambassador:  
COLVILLE BARCLAY

[Enclosure]

*Interview given by the British Secretary of State for War (Lloyd George) to the Associated Press, September 15, 1916*

There appears to be a deliberate campaign set on foot in the United States by German agents to throw doubt on the good faith of His Majesty's Government in regard to the use of information obtained through the censorship. These German agents, with whose underground methods of working we are quite familiar, appear now to have resurrected my statement in the House of Commons on August 8 about the "palm kernel" letter, although that statement was fully explained by Lord Robert Cecil to the American Press on August 9, and the most explicit assurances on the same subject were given by him in a later interview on August 25. In spite of this these propagandists are trying to dress out my statement as something new, nullifying Lord Robert Cecil's assurances which followed it. Let me now say on behalf of the military authorities what has already been said on behalf of the Foreign Office, that when information is passed on by the censorship to other departments, it is for the sole purpose of guiding the action of the Government in the conduct of the war. For instance, when we get information that an American firm to whom the Foreign Office has given a permit for the export of certain German goods from Rotterdam, on the ground that these goods had been paid for before the war, is using that permit fraudulently, as has frequently been the case, we pass the information on to the Foreign Office in order that they may cancel the permit. Again, when we find that a neutral firm is using British banking facilities for the purpose of trading with our enemies and is deceiving the British bank in question as to the real purpose of the transaction, we pass that information on to the proper department, in order that they may refuse to licence the transaction. Or again, if we learn that a shipment of contraband, ostensibly from one neutral firm to another, is really destined for the enemy, we see that the contraband committee gets that information. That, frankly stated, is what we do, but we affirm and we challenge any one to deny it, that the honest business interests and trade secrets of an American merchant or manufacturer are as safe in the hands of the military censors and of every Government department here as they are in the hands of the American Post Office.

File No. 841.711/1193

*The Consul General at London (Skinner) to the Secretary of State*

No. 2728

LONDON, September 15, 1916.

[Received September 25.]

SIR: I have the honor to report that within the last ten days practically all letters addressed to me or to the Consulate General, of American origin, have been opened by the censors. I have been somewhat surprised to note this change of practice as, on January 15 last, in consequence of the accidental opening of one of my letters I received the following communication from the assistant censor in charge at Liverpool:



LIVERPOOL, *January 15, 1916.*

DEAR SIR: I regret extremely that the envelope of this letter was inadvertently opened by one of the examiners in this office.

The letter itself has not been read. The orders as to the immunity from censorship of all letters addressed to consuls of neutral powers are very explicit and the error can only have been due to gross carelessness. I have warned the offender and hope that similar mistakes will be avoided in future, and I herewith tender you my sincere apologies.

Believe me [etc.]

A. TIDY (Major)

*Assistant Censor in Charge, Liverpool*

It is my understanding that the British Government do not consider that consular mail is entitled to immunity from censoring, but have undertaken not to interfere with strictly official communications as, for example, communications forwarded by the Department of State to consular officers in this country.

The American consuls at Birmingham and Liverpool both inform me that nearly all of their letters have been opened within the last four days and I have no doubt that this is also the experience of all of our consular officers in this country.

As a very large proportion of incoming letters received at this office have to do with detained consignments of goods, the delay resulting from the opening and examination of communications of this character obviously will interfere with my work in connection with these matters.

I have [etc.]

ROBERT P. SKINNER

[Concerning a speech by the British Commercial Adviser to certain New York bankers touching on censorship of the mails, see the letter of the Secretary of State to the Counselor of the British Embassy, September 28, 1916, and the Counselor's reply, September 29, 1916, *ante*, page 450.]

File No. 841.711/1321

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 13, 1916, 11 a. m.*

[*Received 4.35 p. m.*]

5012. Replying to representations based on your 3680<sup>1</sup> August 15, Foreign Office states:

That careful enquiries have been made into this matter and it appears that the Spanish steamship *Eizaguirre* called at Singapore in the ordinary course of her voyage. She was therefore subject to all the laws and regulations in force in that territory.

As regards the S. S. *Tjikembang*, it appears that she was brought into Singapore by one of His Majesty's ships. When the mails were taken off and examined they were found to contain seditious matter and enemy propaganda. His Majesty's Government believe that no one will be disposed to contest their exercise of the right of visit and for the purpose of preventing the passage of seditious literature to India or other British possessions in the East. Such

<sup>1</sup> *Ante*, p. 618.

reasonable matter can only be regarded as an analogue of contraband since the use of neutral mails for the carrying out by the enemy of his designs against British territory clearly constitutes one of the most injurious and hostile acts against which His Majesty's Government can have to defend themselves.

I trust that this statement of the facts will sufficiently explain to your Government the reasons for the action of His Majesty's Government in this case.

PAGE

File No. 841.711/1346

*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, October 12, 1916.

[Received October 13.]

MR. SECRETARY OF STATE: I did not fail to transmit to my Government a copy of the note which your excellency did me the honor to address to me, as also to his excellency the Ambassador of England on May 24 last, in respect to postal correspondence found on merchant vessels on the high seas.<sup>1</sup>

The remarks formulated in that document have been given the serious consideration they call for, both from the standpoint of the rules of international law and established precedents and from that of the procedure now followed in the matter by the governments concerned.

Pursuant to instructions received I have the honor to address to your excellency the enclosed memorandum which sets forth the views of the French and English Governments on that question and specifies the grounds upon which they base their belief that their procedure does not depart from the rules of international law or previously established usage.

They admit on the other hand that errors or derelictions may be fallen into by the authorities in charge of that branch of questions; they will not fail, whenever these should occur in spite of all the precautions taken, to settle responsibility therefor in accordance with law and justice.

Be pleased [etc.]

JUSSERAND

[Enclosure—Translation]

## MEMORANDUM

1. By a letter of May 24 last the Secretary of State of the United States was pleased to give the views of the American Government on the memorandum of the Allied Governments concerning mails found on merchant ships on the high seas.
2. The Allied Governments have found that their views agreed with those of the Government of the United States in regard to the Postal Union Convention, which is recognized on both sides to be foreign to the questions now under consideration; post parcels respectively recognized as being under the common rule of merchandise subject to the exercise of belligerent rights, as provided by international law; the inspection of private mails to the end of ascertaining whether they do not contain contraband goods and, if carried on an enemy ship, whether they do not contain enemy property. It is clear that that inspection which necessarily implies the opening of covers so as to verify the contents could not be carried on on board without being attended with great confusion, causing serious delay to the mails, passengers, and cargoes, and without causing for the letters in transit, errors, losses, or at least great risk of miscarriage.

<sup>1</sup> *Ante*, p. 604.

That is the reason why the Allies had mail bags landed and sent to centers provided with the necessary force and equipment for prompt and regular handling. In all this the Allied Governments had no other object in view than to limit, so far as possible, the inconvenience that might result for innocent mails and neutral vessels from the legitimate exercise of their belligerent rights in respect to hostile correspondence.

3. The Government of the United States agrees with the Allied Governments as to principles, but expresses certain divergent views and certain criticism as to the methods observed by the Allies in applying these principles.

4. These divergencies of views and criticisms are as follows:

5. In the first place, according to the Government of the United States, the practice of the Allied Governments is said to be contrary to their own declaration in that, while declaring themselves unwilling to seize and confiscate genuine mails on the high seas, they would obtain the same result by sending, with or without their consent, neutral vessels to Allied ports, there to effect the seizures and confiscations above referred to, and thus exercise over those vessels a more extensive belligerent right than that which is theirs on the high seas. According to the Government of the United States there should be, in point of law, no distinction made between seizure of mails on the high seas, which the Allies have declared they will not apply for the present, and the same seizure practiced on board ships that are, whether willingly or not, in an Allied port.

6. On this first point and as regards vessels summoned on the high seas and compelled to make for an Allied port, the Allied Governments have the honor to advise the Government of the United States that they have never subjected mail to a different treatment whether it was found on a neutral vessel on the high seas or on neutral vessels compelled to proceed to an Allied port. They have always acknowledged that visits made in the port after a forced change of course must in this respect be on the same footing as a visit on the high seas, and the criticism formulated by the Government of the United States does not therefore seem warranted.

7. As to ships which of their own accord call at Allied ports, it is important to point out that in this case they are really "voluntarily" making the call. In calling at an Allied port the master acts, not on any order from the Allied authorities, but solely carries out the instructions of the owner; neither are those instructions forced upon the said owner. In consideration of certain advantages derived from the call at an Allied port, of which he is at full liberty to enjoy or refuse the benefits, the owner instructs his captain to call at this or that port. He does not, in truth, undergo any constraint. In point of law the Allied Governments think it a rule generally accepted, particularly in the United States (*U. S. vs. Dickelman*, U. S. Supreme Court, 1875; 92 U. S. Rep., 520; *Scott's Cases*, 264), that merchant ships which enter a foreign port thereby place themselves under the laws in force in that port, whether in time of war or of peace, and when martial law is in force in that port. It is therefore legitimate in the case of a neutral merchant ship entering an Allied port for the authorities of the Allied Governments to make sure that the vessel carries nothing inimical to their national defense before granting its clearance. It may be added that the practice of the Germans to make improper use of neutral mails and forward hostile correspondence, even official communications dealing with hostilities, under cover of apparently unoffensive envelopes mailed by neutrals to neutrals, made it necessary to examine mails from or to countries neighboring Germany under the same conditions as mails from or to Germany itself; but it goes without saying that mails from neutrals to neutrals that do not cover such improper uses have nothing to fear.

8. In the second place, according to the Government of the United States, the practice now followed by the Allied Governments is contrary to the rule of Convention XI of The Hague, 1907, which they declare their willingness to apply, and would, besides, constitute a violation of the practice heretofore followed by nations.

9. In regard to the value to be attached to Convention XI of The Hague, 1907, it may first of all be observed that it only refers to mail found at sea and that it is entirely foreign to postal correspondence found on board ships in ports. In the second place, from the standpoint of the peculiar circumstances of the present war, the Government of the United States is aware that that convention, as stated in the memorandum of the Allies, has not been signed or

ratified by six of the belligerent powers (Bulgaria, Italy, Montenegro, Russia, Serbia, and Turkey); that for that very reason Germany availed itself of Article 9 of the convention and denied, so far as it was concerned, the obligatory character in these stipulations; and that for these several reasons the convention possesses in truth but rather doubtful validity in law. In spite of it all, the Allied Governments are guided in the case of mails found on board ships in ports by the intentions expressly manifested in the conferences of The Hague sanctioned in the preamble to Convention XI, and tending to protect pacific and innocent commerce only. Mails possessing that character are forwarded as quickly as circumstances permit. In regard to mails found on vessels at sea, the Allied Governments have not for the present refused to observe the terms of the convention reasonably interpreted; but they have not admitted and can not admit that there is therein a final provision legally binding them, from which they could not possibly depart. The Allied Governments expressly reserve to themselves the right to do so in case enemy abuses and frauds, dissimulations and deceptions should make such a measure necessary.

10. As for the practice previously followed by the powers in the time of former wars, no general rule can easily be seen therein prohibiting the belligerents from exercising on the open seas, as to postal correspondence, the right of supervision, surveillance, visitation, and, if need be, seizure and confiscation, which international law confers upon them in the matter of any freight outside of the territorial waters and jurisdiction of the neutral powers.

11. On the high seas, under international law, it is for the belligerents to seek and prevent transportation or other acts by which neutral vessels may lend their cooperation and assistance to hostile operations of the enemy. Now, as has long ago been observed (among others, Lord Stowell in *The Atalanta*, 6 Robinson, 440; 1 English Prize Cases, 607; Scott's Cases, 780), a few lines of a letter delivered to an enemy may be as useful as or even more useful than a cargo of arms and ammunition to promote his war operations. The assistance rendered in such cases by the vessel carrying such a letter is as dangerous for the other belligerents as the assistance resulting from the transportation of military cargoes. As a matter of fact, experience has in the course of the present war demonstrated the truth of this remark. Hostile acts which had been projected in mails have failed. Dangerous plots, from which even neutral countries are not safe at the hands of the enemy, were discovered in the mails and baffled. Finally, the addresses of certain letters, which the Allies had seen fit to respect, have evidenced a satisfaction the hostile character of which leaves no doubt as to the significance of those letters.

12. The report adopted by the Conference of The Hague in support of Convention XI leaves little doubt as to the former practice in the matter: "The seizure, opening of the bags, rifling, confiscation if need be, and in all cases delay or even loss, are the fate usually awaiting mail bags carried by sea in time of war." (Second Peace Conference, *Acts and Documents*, vol. 1, p. 266.)

13. The American note of May 24, 1916, invokes the practice followed by the United States during the Mexican and Civil Wars; the practice followed by France in 1870; by the United States in 1898; by Great Britain in the South African war; by Japan and Russia in 1904; and now by Germany.

14. As regards the proceedings of the German Empire toward postal correspondence during the present war, the Allied Governments have informed the Government of the United States of the names of some of the mail steamers whose mail bags have been—not examined, to be sure—but purely and simply destroyed at sea by the German naval authorities. Other names could very easily be added—the very recent case of the mail steamer *Hudikswall* (Swedish), carrying 670 mail bags, may be cited.

15. The Allied Governments do not think that the criminal habit of sinking ships, passengers, and cargoes, or abandoning on the high seas the survivors of such calamities is, in the eyes of the Government of the United States, any justification for the destruction of the mail bags on board; and they do not deem it to the purpose to make a comparison between these destructive German proceedings and the acts of the Allies in supervising and examining enemy correspondence.

16. As to the practice of Russia and of Japan, it may be permitted to doubt that it was at variance with the method of the Allied Governments in the present war.

17. The Russian Imperial decree of May 13/25, 1877, for the exercise of the right of visit and capture, provides, paragraph 7: "The following acts which are forbidden to neutrals are assimilated to contraband of war: The carrying

. . . of despatches and correspondence of the enemy." The Russian Imperial decree of September 14, 1904, reproduces the same provision. The procedure followed in regard to mail steamers, and the prize decisions bear witness that public or private mails found on board neutral vessels were examined, landed, and, when occasion arose, seized.

18. Thus, in May and July, 1904, postal correspondence carried on the steamships *Osiris* (British) and *Prinz Heinrich* (German) was examined by the Russian cruisers to see whether it contained Japanese correspondence. Thus, again, in July, 1904, the steamer *Calchas* (British), captured by Russian cruisers, had 16 bags of mail that had been shipped at Tacoma by the postal authorities of the United States seized on board and landed and the prize court of Vladivostok examined their contents, which it was recognized it could lawfully do. (Russian Prize Cases, p. 139.)

19. As regards the practice of Japan, the Japanese rules concerning prizes, dated March 15, 1904, made official enemy correspondence, with certain exceptions, contraband of war. They ordered the examination of mail bags on mail steamers unless there was on board an official of the Post Office, making a declaration in writing and under oath that the bags contained no contraband; it was even added that no account should be taken of such a declaration if there existed grave suspicions. On the other hand the Japanese Prize Court rules acknowledged the power of those courts in the examination of prize cases to examine letters and correspondence found on board neutral vessels. (Takahashi, *International Law Applied to the Russo-Japanese War*, p. 568.)

20. The French practice during the war of 1870 is found outlined in the naval instructions of July 26, 1870, under which official despatches were in principle assimilated to contraband, and official or private letters found on board captured vessels were to be sent immediately to the Minister of Marine. Subsequently the circumstances of war permitted of the rule in additional instructions, under which, if the vessel to be visited was a mail steamer having on board an official of the post office of the Government whose flag she displayed, the visiting officer might be content with that official's declaration regarding the nature of the despatches.

21. During the South African war the British Government was able to limit its intervention in the forwarding of postal correspondence and mails as far as the circumstances of that war allowed, but it did not cease to exercise its supervision of the mails intended for the enemy.

22. As to the practice followed by the Government of the United States during the American Civil War, particularly in the *Peterhoff* case, cited in the American memorandum of May 24, 1916, the following instructions issued in that case by the Secretary of State of the United States do not seem to imply anything but the forwarding of correspondence which has been found to be innocent: "I have, therefore, to recommend that in this case, if the district attorney has any evidence to show the mails are simulated and not genuine, it shall be submitted to the court; if there be no reasonable grounds for that belief, then that they be put on their way to their original destination." (Letter of Mr. Seward, Secretary of State, to Mr. Welles, Secretary of the Navy, April 15, 1863; VII Moore's *Digest*, p. 482.)

23. Finally, as regards the free transit granted to mails by the United States during the Mexican war, one may be allowed to recall the circumstances under which this proceeding was adopted. By a letter dated May 20, 1846, notified on the following 10th of July, the commander of the United States cruiser *St. Mary* announced the blockade of the port of Tampico. Although that measure authorized, without a doubt, the seizure and confiscation of all correspondence for the blockaded port, the American naval authorities, on learning the circumstances of the case, declared "Neutral non-commercial mail packets are free to enter and depart," and it was even added that "Mexican boats engaged exclusively in fishing will be allowed to pursue their labour unmolested." (*British and Foreign State Papers*, vol. 35, 1846-1847.)

24. It seems difficult to compare the blockade of the port of Tampico in 1846 with the measures taken by the Allies in the course of this war to reduce the economic resistance of the German Empire, or to find in the method then adopted by the United States a precedent which condemns the practice now put in use by the Allied Governments.

25. To waive the right to visit mail steamers and mail bags intended for the enemy seemed in the past (Dr. Lushington, *Naval Prize Law*, Introduction, p. xii) a sacrifice which could hardly be expected of belligerents. The Allied Governments have again noted in their preceding memorandum how and why,

relying on certain declarations of Germany, they had thought in the course of the Second Peace Conference of 1907 they could afford to waive that right. They have also drawn the attention of the Government of the United States to the fraudulent use Germany hastened to make of this waiver of the previous practices above mentioned.

26. After pointing to a certain number of specific cases where American interests happened to be injured from the postal supervision exercised by the British authorities, forming the subject of the special memorandum of the Government of His Majesty, dated July 20, 1916, the Government of the United States was pleased to make known its views as to what is to be and is not to be recognized as not possessing the character of postal correspondence.

27. In this respect the Government of the United States admits that shares, bonds, coupons, and other valuable papers, money orders, checks, drafts, bills of exchange, and other negotiable papers, being the equivalent of money, may, when included in postal shipments, be considered as of the same nature as merchandise and other property and therefore be also subjected to the exercise of belligerent rights.

28. Yet, the American memorandum adds that correspondence including shipping documents, lists of money orders, and documents of this nature, even though referring to shipments to, or exports by, the enemy, must be treated as mail and pass freely unless they refer to merchandise on the same ship that is liable to capture.

29. As regards shipping documents and commercial correspondence found on neutral vessels, even in an Allied port and offering no interest of consequence as affecting the war, the Allied Governments have instructed their authorities not to stop them but to see that they are forwarded with as little delay as possible. Mail matter of that nature must be forwarded to destination as far as practicable on the very ship on which it was found or by a speedier route, as is the case for certain mails inspected in Great Britain.

30. As for the lists of money orders to which the Government of the United States assigns the character of ordinary mail, the Allied Governments deem it their duty to draw the attention of the Government of the United States to the following practical consideration:

31. As a matter of fact, the lists of money orders mailed from the United States to Germany and Austria-Hungary correspond to moneys paid in the United States and payable by the German and Austro-Hungarian post offices. Those lists acquaint those post offices with the sums that have been paid there which in consequence they have to pay to the addressees. In practice, such payment is at the disposal of such addressees and is effected directly to them as soon as those lists arrive and without the requirement of the individual orders having come into the hands of the addressees. These lists are thus really actual money orders transmitted in lump in favor of several addressees. Nothing, in the opinion of the Allied Governments, seems to justify the liberty granted to the enemy country so to receive funds intended to supply by that amount its financial resisting power.

32. The American memorandum sees fit firmly to recall that neutral and belligerent rights are equally sacred and must be strictly respected. The Allied Governments, so far as they are concerned, wholly share that view. They are sincerely striving to avoid an encroachment by the exercise of their belligerent rights on the legitimate exercise of the rights of innocent neutral commerce, but they hold that it is their belligerent right to exercise on the high seas the supervision granted them by international law to impede any transportation intended to aid their enemy in the conduct of the war and to uphold his resistance. The rights of the United States as a neutral power can not, in our opinion, imply the protection granted by the Federal Government to shipments, invoices, correspondence, or communications in any shape whatever having an open or concealed hostile character and with a direct or indirect hostile destination, which American private persons can only effect at their own risk and peril. That is the very principle which was expressly stated by the President of the United States in his neutrality proclamation.

33. Furthermore, should any abuses, grave errors, or derelictions committed by the Allied authorities charged with the duty of inspecting mails be disclosed to the Governments of France and Great Britain, they are now as they ever were ready to settle responsibility therefor in accordance with the principles of law and justice which it never was and is not now their intention to evade.

File No. 841.711/1318

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 307

WASHINGTON, *October 12, 1916.*[*Received October 13.*]

SIR: In conformity with instructions received from Viscount Grey of Fallodon, His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to transmit herewith copy of the memorandum, agreed upon by His Majesty's Government and the French Government, embodying the joint reply of the Allies to your note of May 24th regarding the examination of the mails.<sup>1</sup>

I have [etc.]

CECIL SPRING RICE

File No. 841.711/1339a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *October 14, 1916, 6 p. m.*

3940. Department desires following information regarding British censorship of mail removed at Kirkwall from neutral vessels plying between United States and neutral ports:

- (1) How many censors actually employed on such mail on a given ship?
- (2) Are the mails censored in one place or distributed among various offices?
- (3) How many hours necessary for such censorship?

In case this Government should decide to request British Government to allow "supervisors" to be present during censorship, how many men, in your opinion, would be necessary for such service? Please reply promptly by cable.

LANSING

File No. 841.711/1346

*The Secretary of State to the French Ambassador (Jusserand)*WASHINGTON, *October 24, 1916.*

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of October 12, 1916, transmitting a memorandum containing the views of the French and British Governments concerning the examination and detention of the mails to and from the United States in reply to this Government's note of May 24, 1916.<sup>2</sup>

Accept [etc.]

ROBERT LANSING

<sup>1</sup> Not printed; identical with the enclosure to the French Ambassador's note of the same date *ante*, p. 624.

<sup>2</sup> *Ante*, p. 604.

File No. 841.711/1485

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *November 8, 1916, 6 p. m.*

[Received 10 p. m.]

5134. Your 3940, October 14, 6 p. m. I have just received detailed information which is too complicated to condense into a short telegram.<sup>1</sup> I am forwarding it by pouch, but give following approximate replies to your questions *seriatim*:

(1) About 250.

(2) At Strand House, London.

(3) The receiving and dispatching staff can deal with 250 bags an hour; the goods examiners can deal with 350 bags a day; the trade-letter examiners can deal with about 500 pounds of letters a day; the private-note-letter examiners can deal with about 150 pounds of letters a day. The average number of trade letters to the pound may be given very roughly at 20, and of private letters at 60.

In reply to the confidential last paragraph of your telegram, I have no means of forming an accurate judgment which would depend on the degree of supervision you might desire of the work of some 250 persons.

PAGE

**THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES OF ENEMY SUBJECTS AND MILITARY RESERVISTS FROM AMERICAN SHIPS ON THE HIGH SEAS—CASES OF THE "CHINA", "AUSABLE", "HENRY S.", "MARCUS L. URANN", "MIS-SOURIAN", AND "FREDERICK LUCKENBACH"**

File No. 351.622a/27

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, *January 4, 1916, 6 p. m.*

1295. French Ambassador has informed the Department that his Government has ordered the release of all the Austrians and Germans recently seized by the French cruiser *Descartes*. Please continue to press for prompt reply to your representations. Mere release without announcement of future policy will not be regarded by American shipowners as a satisfactory solution of the question. Feeling here can only be satisfied by a statement in the reply of the French Government that alien enemies on board neutral vessels will not be molested on the high seas unless they are incorporated in the armed forces of the enemy. Shipowners are pressing Department for definite information as to attitude of French Government. Department anxious for immediate report as to progress and probable character of the French reply.

LANSING

<sup>1</sup>Not printed.



File No. 351.622a/28

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, January 6, 1916.

[Received 6.20 p. m.]

1194. I immediately brought substance Department's 1295 to attention Minister for Foreign Affairs, who informed me that French Government would proceed at once to consult with her ally, Great Britain, regarding assurance desired, as to future attitude towards alien enemies on American ships. He stated that in his judgment it might be difficult to differentiate between persons actually incorporated in enemies' armed forces and those who were acting as paid agents (French Government had been informed of serious plots and spying by such agents). He also stated that captain of *Descartes* had been ordered to act with greatest care and circumspection and not to stop any more American vessels.

Minister for Foreign Affairs expressed satisfaction over the prompt release of the men and concluded his remarks by saying that French Government was most anxious to remove any possible cause of friction between France and United States.

SHARP

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, January 7, 1916, 5 p. m.

1301. Your 1194, January 6. Please state to the Foreign Minister that this Government appreciates the efforts of the French Government to remove any possible cause of friction between France and the United States and that I received with great satisfaction his statement of the order which had been issued to the captain of the *Descartes* to desist from the practice complained of. Department believes that the principle of the *Trent* case denies to a belligerent the right to remove from neutral vessels on the high seas even the paid agents who are not incorporated in the armed forces of its enemy.

LANSING

File No. 351.622a/43

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, January 19, 1916, noon.

[Received 4 p. m.]

1222. Department's 1295. Essential part of French reply received to-day textually as follows:

I have the honor to inform your excellency that as the issue involved is not the practical solution of a concrete question, but the declaration of a principle, the Government of the Republic must first consult with its ally, the British Government. I hope, however, to be able within a few days to make known to your excellency the views of the two Governments regarding the matter in question.

SHARP

File No. 341.622a/31

*The Consul at Nagasaki (Baker) to the Secretary of State*

[Telegram]

NAGASAKI, *undated.*

[Received February 23, 1916, 8.15 a. m.]

British cruiser *Laurentic* 18th instant, 10 miles from entrance Yangtze River, fired blank and projectile shots; sent boat containing heavily armed party 22. Two officers, 5 armed men boarded *China*, despite captain's protest, removing 28 Germans, 8 Austrians, 2 Turks, including physicians and merchants.

BAKER

File No. 341.622a/30

*The Consul General at Hongkong (Anderson) to the Secretary of State*

[Telegram]

HONGKONG, *February 23, 1916.*

[Received 8.15 a. m.]

Thirty-eight Germans taken from American steamer *China* on high seas near Shanghai by British auxiliary cruiser *Laurentic* arrived; detained here military detention barracks.

ANDERSON

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *February 23, 1916, 5 p. m.*

2924. The Department is advised by American consuls in Hongkong, Nagasaki, and Shanghai, and by the owners of the American *S. S. China*, that on the 18th instant the British cruiser *Laurentic* stopped the *China* on the high seas, about 10 miles from the entrance to the Yangtze River, boarded her with an armed party, and, despite the captain's protest, removed from the vessel 28 Germans, 8 Austrians, and 2 Turks, including physicians and merchants, and took them to Hongkong, where they are detained as prisoners in the military barracks. As it is understood that none of the men taken from the *China* were incorporated in the armed forces of the enemies of Great Britain, the action of the *Laurentic* must be regarded by this Government as an unwarranted invasion of the sovereignty of American vessels on the high seas. After the notice given to the British Government of this Government's attitude in the Piepenbrink case in March last, which was based upon the principle contended for by Earl Russell in the *Trent* case, this Government is surprised at this exercise of belligerent power on the high seas far removed from the zone of hostile operations. Please lay this matter before the British Government immediately and vigorously insist that, if the facts prove to be as reported, orders be issued for the immediate release of the persons removed from the *China*.

LANSING

File No. 341.622a/84

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3259

LONDON, March 17, 1916.

[Received March 31.]

SIR: With reference to the Department's telegram No. 2924 of February 23, 1916, protesting against the removal of 38 enemy subjects of Great Britain by the British ship *Laurentic* from the S. S. *China* on the high seas off the entrance to the Yangtze River, I have the honor to enclose herewith a copy of a note, dated the 16th instant, from the Foreign Office in reply to the representations I made to Sir Edward Grey in the premises.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

LONDON, March 16, 1916.

YOUR EXCELLENCY: His Majesty's Government have given the most careful consideration to the memorandum which your excellency was good enough to communicate to me on the 24th ultimo, conveying a protest from the United States Government against the removal of 38 enemy subjects by His Majesty's ship *Laurentic* from the S. S. *China* on the high seas off the entrance to the Yangtze River, and I now have the honour to offer the following observations as an expression of the views of His Majesty's Government in regard to the matter.

The latest attempt to define by common agreement the limits within which a belligerent naval power may remove enemy persons from neutral ships on the high seas is represented by Article 47 of the Declaration of London, 1909. This article permitted the arrest of such persons if "embodied in the armed forces of the enemy," without regard to the destination of the ship on which they were found travelling. The commentary on Article 45 of the Declaration contained in the Report of the Drafting Committee of the London Naval Conference states that on practical, not legal, grounds it was agreed that the term "embodied in the armed forces of the enemy" should be considered as not including reservists not yet attached to their military units.

At the beginning of the war His Majesty's Government adhered to Articles 45 and 47 of the Declaration of London, as interpreted by the Report of the Drafting Committee. They took this step as a matter of convenience, being at liberty, as the Declaration was an unratified instrument, to cancel at any time their adherence, provided always that their subsequent action did not conflict with the general principles of international law. When the German authorities began to remove able-bodied persons of military age from the occupied portions of France and Belgium, His Majesty's Government, as indicated in the circular note which I had the honour to address on the 4th November 1914, to the representatives of neutral powers in London, felt that they could no longer accept the restrictive interpretation placed for practical reasons on the terms of Article 47 of the Declaration of London by the Report of the Drafting Committee, and that they must arrest all enemy reservists found on board neutral ships on the high seas, no matter where they might be met.

I am aware that the United States Government, after their suggestion early in the war that the belligerent powers should adopt the Declaration of London in its entirety as a code of international naval law, did not find general acceptance, have declared that they no longer consider the Declaration as being in force. I have referred at some length to the bearings of the Declaration on the position of His Majesty's Government in this question because Article 47 represents the latest, if not the only, attempt to arrive at a definition, by common consent of the chief maritime nations of the law in regard to the matter. The attempt was necessarily conditioned by the experience of previous wars and the definition was reached after weighing the claims and the convenience of neutral shipping against the importance to belligerent powers, as

shown by the experience of previous wars, of preventing enemy subjects from proceeding to their destination and pursuing the hostile purposes for which they were organised.

It is evident, however, from the foregoing observations that the principle (often contended for in the past by certain continental nations) that there are certain classes of persons who are not protected by a neutral flag on the high seas and may therefore without any invasion of the sovereign rights of the neutral be removed from a neutral ship is now generally admitted. The carriage of such persons may in some cases amount to unneutral service, rendering the ship liable to condemnation; but even when this is not so, the removal of such persons from a neutral ship by a belligerent does not justify any complaint by the neutral state concerned. The question in the present case is, therefore, whether the character and position of the persons removed from the *China* were such as to bring the case within the principle enunciated above.

The present war has shown that the belligerent activity of the enemies of this country is by no means confined to the actual theatres of military and naval operations and that there is no limit to the methods by which Germany in particular seeks to secure a victory for her arms. The hostile efforts of the enemy have shown, and continue to show, themselves on neutral soil in many parts of the world in political intrigues, revolutionary plots, schemes for attacking the sea-borne trade of this country and her allies, endeavours to facilitate the operations of ships engaged in this task, and in criminal enterprises of different kinds directed against the property of neutrals and belligerents alike. War has in effect been extended far beyond the bounds of the area in which opposing armies manoeuvre, and an unscrupulous belligerent may inflict the deadliest blows on his enemy in regions remote from actual fighting. It may be recalled that a certain Lieut. Robert Fay, of the German Army, was reported in the press last autumn to have been detected experimenting with bombs designed to destroy merchant ships leaving America and operating in the interests of the enemies of Germany. He was said to have admitted that he was sent by the German authorities to the United States expressly for this purpose. His Majesty's Government are not aware what degree of truth there may be in this story, but numerous incidents in America and elsewhere have shown that the facts may be as stated and may be typical.

It is then evidently of the greatest importance for a belligerent power to intercept on the high seas not only mobilised members of the opposing army who may be found travelling on neutral ships, but also those agents whom the enemy sends to injure his opponent abroad or whose services he enjoys without having himself commissioned them. Practical considerations from the belligerents' point of view have changed, and the change necessarily implies a modification in the precise description of enemy subjects whom it is lawful to arrest, supposing such a precise description can be said to have existed in any binding form.

I may add that the action of the United States Government in forwarding requests for safe-conducts for agents of states at war with this country whose actions had been such that their continued presence in the United States could no longer be tolerated affords a strong indication that the right to remove certain classes of persons from neutral ships can, in the circumstances of this present war, not be confined to persons embodied in the armed forces of a belligerent.

I may add for the confidential information of the Government of the United States that from actual occurrences and from reliable information received it has been definitely established that the Germans resident in Shanghai have been engaged for some time past in the collection of arms and ammunition, both for clandestine transmission to India and, if possible, for the arming of a ship to play the part of a Far Eastern *Moeve*. His Majesty's Government were able to cope with this activity to a considerable extent and obtained the arrest of various German agents caught in the act of attempting to smuggle arms out of Shanghai; further, the Germans became aware that His Majesty's Government knew of their plots. The Commander in Chief, China station, received information that owing to this fact the Germans were planning to shift the centre of their activity from Shanghai to Manila. Subsequently he was definitely informed that 35 Germans had planned to leave Shanghai in the *S. S. China* and proceed to Manila.

His Majesty's ships were sent to patrol off the mouth of the Yangtze with the view of intercepting this party. The date of the *China's* departure was

more than once postponed, but she eventually sailed, was intercepted by His Majesty's ship *Laurentic* and found to have on board Germans and Austrians corresponding to those concerning whom information as mentioned above had been received. The *Laurentic* therefore had no hesitation in removing them. The next ostensible port of call of the *China* was Nagasaki, a convenient place at which to transfer to another vessel proceeding to Manila.

It may be added that subsequent information fully confirms that the movement of the body of Germans in question was an integral part of the plot referred to above.

I do not think it will be disputed that persons of this description must be placed within the category of individuals who may, without any infraction of the sovereignty of a neutral state, be removed from a neutral vessel on the high seas. The object of their journey was to find another neutral asylum in which they might continue their operations against the interests of this country. The acts which they desired to perform upon the soil of the United States were such as possibly to compromise the neutrality of that country or to constitute an offense against its criminal laws. They were in effect persons whose past actions and future intentions deprived them of any protection from the neutral flag under which they were sailing.

In your excellency's note reference is made to the case of the *Trent*. I venture to hope that the preceding observations show clearly that the present case is of an entirely different nature to that on which the United States Government rely. At the date when the *Trent* case occurred no agreement had been reached as to the claim put forward by certain countries that a belligerent is entitled to remove certain classes of individuals from a neutral ship without bringing the vessel in for adjudication in the prize court; since then, as I have pointed out above, a considerable measure of agreement had been reached on this point. In any case the nature of the persons concerned in the episode of the *Trent* was entirely different from that of the individuals removed from the *China*. Messrs. Slidell and Mason were proceeding to Europe, according to their contention, as the diplomatic representatives of a belligerent; at that time the suggestion that the functions of a diplomatic representative should include the organizing of outrages upon the soil of the neutral country to which he was accredited was unheard of, and the removal of the gentlemen in question could only be justified on the ground that their representative character was sufficient to bring them within the classes of persons whose removal from a neutral vessel was justifiable. The distinction between such persons and German agents whose object is to make use of the shelter of a neutral country in order to foment risings in British territory, to fit out ships for the purpose of preying on British commerce, and to organize outrages in the neutral country itself is obvious.

It is hardly necessary for me to state that it is far from the wish and intention of His Majesty's Government to take any action involving an invasion of the sovereign rights of the United States Government; the above observations will have made it clear that in the view of my Government no such invasion was involved in the action of His Majesty's ship *Laurentic*, and I feel confident that after the foregoing explanations in regard both to the general question involved and to the removal of enemy subjects from the *China* the United States Government will not feel disposed further to contend that this action was not justified.

I have [etc.]

E. GREY

File No. 341.622a/85

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3277

LONDON, March 20, 1916.

[Received April 5.]

SIR: With reference to my despatch No. 3259 of March 17, 1916, and to previous correspondence relative to the S. S. *China*, I have the honor to report for the Department's information that I have learned incidentally from the Consul at Dundee, in the course of correspond-

ence regarding American shipping matters, that the British authorities at Kirkwall, on or about the 14th of January last, removed from the American S. S. *Ausable* the third officer of that ship, one Paul Otto Waldemar Leiztritz, believed to be a sublieutenant in the German Naval Reserve.

It appears from information communicated to Mr. Consul Latham by the consular agent at Kirkwall that this vessel, which was bound for Esbjerg from Galveston with a cargo of cotton-seed cake, having no orders to call at Kirkwall, was brought to that port for examination on January 14 last in charge of a British officer and armed guard. On her arrival she was boarded in the usual way by a British examining officer, and as a result of his examination the said Leiztritz was taken into custody and removed on the ground that he was a German subject. The consular agent had no opportunity of seeing the man, since his first information of the occurrence came from the captain of the *Ausable* who called him some days later with the object of paying Leiztritz off. The consular agent then learned on inquiry that the man had been sent to Edinburgh.

I have just ascertained from the Prisoners of War Information Bureau that Leiztritz is at present interned at the camp at Stobs, Hawick, Scotland, and that in his original examination by the British authorities he gave his age as 28; his occupation as third officer of the *Ausable*; his home address as 13 Wilhelmstrasse, Neusalz-on-the-Oder and his birthplace as Neusalz-on-the-Oder. . . .

I have [etc.]

WALTER HINES PAGE

File No. 351.622a/53

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, April 13, 1916, 2 p. m.

[Received April 14, 10 p. m.]

3745. Following note to-day received from Foreign Office:

[Translation]

According to statements which have been made to the New York *Staatszeitung* by one Mr. William G. Fitzgerald of New York City, Mr. Look, captain of the American steamer *Missourian*, while *en route* from St. Nazaire to New York, surrendered a German, Feldwebel, who had escaped from French captivity and who had been discovered on board the American steamer on the high sea, to the English ship *Principello* to be turned over to the French authorities. It is stated that Captain Look who had already surrendered at St. Nazaire, to the French authorities there, two German prisoners of war who had been on board the steamer, sent out wireless news regarding the finding of the German, Feldwebel, and thereby caused the approach of the English steamer.

Should the foregoing statements be correct, Look would have surrendered the German, Feldwebel, from American territory, such as is constituted by the American ship, to a foreign power and thus once more to captivity. The German Government believes that it may assume that the American Government will decidedly disapprove of such a procedure and will reprimand the captain accordingly. It would furthermore only be in keeping with the facts if the American Government would take the necessary steps to the end that the German, Feldwebel, be again surrendered to it by the French Government.

The Foreign Office requests the American Embassy to inform its Government and to advise this office, in due course, of the position taken by that Government.

BERLIN, April 11, 1916.

GERARD

File No. 341.622a/84

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, April 22, 1916, 4 p. m.

3233. As I regard the continued retention by the British Government of persons seized from the American steamer *China* by His Majesty's ship *Laurentic* of grave import, I am sending these instructions by telegraph.

On account of its immediate importance I can not allow this case to become one of dilatory legal argument. The rule is plain and definite—only military or naval persons may be removed from neutral vessels on the high seas. This rule has been contended for and maintained by the United States for over a century. It was expressly invoked by the British Government and followed by the United States in the *Trent* case, and received the official approval of nearly all of the governments of Europe. It was affirmed by the British Government in its proclamation of neutrality of April 23, 1898, in the Spanish-American war; and recognized in the cases of the *Bundesrath*, *General*, and *Herzog* in the Boer war. It is the rule adopted in the Declaration of London, which the British Government admits "represents the latest, if not the only, attempt to arrive at a definition by common consent of the chief maritime nations." The British Government admits that it adopted the rule set forth in the Declaration of London until the acts of its enemies in removing persons of military age from the occupied portions of Belgium and France made it necessary to repudiate the "restrictive terms" of Article 57. The fallaciousness of this ground for repudiating the rule is manifest, for it amounts to saying that because a belligerent government undertakes to commit a reprehensible act in territory which it occupies, its enemy may violate the sovereignty of a neutral to commit a similar act. All the United States asks Great Britain to do is to return to the rule to which both countries are bound as strongly by practice as if by treaty engagement.

The rule being established, the only question is one of fact, namely, whether the persons removed from the *China* are military or naval persons. The facts are not doubtful. The evidence before the Department shows that the vessel is a regular mail steamer plying between China and the United States; that it never postponed its sailing from time to time, as alleged, on account of the presence of British vessels in the offing; that the Germans who took passage were not of military age or character; that they were traveling on individual tickets for the United States, that is, from one neutral country to another neutral country, and not as members of a military corps; that the vessel was not chartered for the particular purpose of their transportation, but that they were transported simply

as passengers on an American steamer in the ordinary course of its passenger service.

The alleged fact that they were intriguing to foster rebellion in India and Cochin China can not make them subject to seizure on an American vessel on the high seas or in neutral jurisdiction. If they were intriguing while in Chinese territory, the complaint of Great Britain was clearly one to be laid before the Chinese Government. She had no more right to invade the neutral jurisdiction of an American vessel to apprehend them than to invade the territorial jurisdiction of China for that purpose. Moreover, the alleged fact that they were about to extend their activities to the commission of violations of neutrality of the United States can not be accepted as an excuse for their seizure on the high seas. The Government of the United States alone is responsible for any breaches of neutrality which may be committed or attempted in its territory and it can not allow a foreign government to assume the privilege of avoiding the possibility of such breaches by wrongful interference with American vessels. Finally, no significance can be made to attach to the alleged requests by this Government for safe-conducts for enemy subjects. The British Government well knows that in every instance this Government was simply the medium of communication for requests by the German Embassy in behalf of applicants who feared—and it appears not without cause—that they would be wrongfully molested on the high seas by the British naval authorities.

The distinction sought to be drawn between the *China* case and the *Trent* case does not appear to this Government to be well founded; on the contrary, the *Trent* case is, in the opinion of this Government, similar to the present case in every essential fact. In that case four private persons, enemies of the United States Government, *en route* from a neutral country to a neutral country, not in the military service of their government but bent on the violation of the neutrality of England by granting commissions and dispatching commerce destroyers from her ports, were arrested and removed from a British merchant vessel on the high seas by an American ship of war. That these persons were not diplomatic agents of a recognized government is shown by the statements of the then British Minister that "these gentlemen have no official character" and should be treated as "private gentlemen of distinction." The British demands were not based on their diplomatic character and it was only after the case had been settled that Lord Russell discussed the case from that point of view. It will be recalled also that at that time it was notorious that members of the Southern Confederacy were in Great Britain plotting against the United States. Military, naval, and fiscal agencies had been established and commerce raiders were being built or fitted out in England.

It would be difficult to find two cases more alike. The British Government can not now justly invoke in its favor the principles which it repudiated in the *Trent* case and which, if admitted, would invite further invasions of the indisputable rights of American vessels when traversing the high seas.

In view of the definite and decided stand taken by Great Britain in the past, in view of the established facts in the *China* case, and



in view of the universally recognized precedent in the *Trent* case, the United States is unwilling to believe that it can be the deliberate intention of the British Government at this day to attempt to discuss a question involving so grave an affront to the American flag and so manifest a violation of international law. The United States can not admit that its right to the release of the persons seized and to full reparation for the offense is open to question.

Please bring the foregoing to the attention of the British Government and impress earnestly upon Sir Edward Grey that the only redress that can satisfy the Government and people of the United States is the immediate release of these persons, as the British Government has not shown that they were embodied in the armed forces of the enemy, and an apology for the disrespect shown the flag of the United States by their seizure. Please continue to press for prompt compliance with this justifiable expectation of this Government.

If the British Government replies in the form of a note, telegraph the same fully to me instead of transmitting it by mail, as this Government does not purpose to allow an act affecting the respect due to the flag of the United States to become the subject of a protracted correspondence.

LANSING

File No. 341.622a/85

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 1, 1916, 6 p. m.

3264. Your mail despatch No. 3277, March 20.<sup>1</sup> Please inquire at earliest moment of Sir Edward Grey the ground for the removal of Third Officer Leiztritz from the American S. S. *Ausable* at Kirkwall about January 14. As vessel was released after examination, there appears to have been no good reason for taking the vessel into port, and if it was done to obtain custody of Leiztritz I can conceive of no more justification for obtaining possession of him by bringing the vessel into port than by seizing him on the vessel at sea. If persons may be removed from ships by bringing them into port, the rule against seizure at sea would be entirely nullified. Unless the British Government shows that Leiztritz was incorporated in the armed forces of Germany, please present a vigorous and formal protest to the British Government with a request for his immediate release. Please follow up this case in the same vigorous manner as I am pleased to note that you are doing in the case of S. S. *China* because this Government can not allow a continuance of a practice of removing non-combatant belligerent subjects from American ships on the high seas or while the vessels are wrongfully in port—a practice which appears to be becoming general and which is a direct affront to the American flag and dignity.

LANSING

<sup>1</sup> *Ante*, p. 635.

File No. 351.622a/53

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 3, 1916, 4 p. m.

2968. Your 3745, April 13, 2 p. m.<sup>1</sup> Reply to Foreign Office that American-Hawaiian Steamship Company, owners of the *Missourian*, state that master of this vessel, just previous to sailing from St. Nazaire, France, on June 16, found a German stowaway on board who was sent ashore, and that on the morning after sailing, another German stowaway was discovered whom on June 20 he turned over to the steamer *Principello*, bound back to St. Nazaire. As obviously a stowaway is allowed to remain on board at the sufferance of the captain, it is not perceived upon what ground this Government could reprimand the captain for his action in turning the German stowaway over to a British ship for transportation back to port, nor in the circumstances does this Government believe that it should take such steps to require the surrender of the German as have been taken in the case of the S. S. *China* and other cases in which Germans were seized from American vessels on the high seas.

LANSING

File No. 341.622a/122a

*The Secretary of State to the German Ambassador (Bernstorff)*

No. 1919

WASHINGTON, May 4, 1916.

EXCELLENCY: Referring to previous correspondence concerning the action of the British authorities in removing from the American S. S. *China* certain German and Austro-Hungarian subjects, I have the honor to inquire whether you can inform me whether any of the persons removed from that vessel were incorporated in the armed forces of Germany, Austria, or Turkey.

Accept [etc.]

ROBERT LANSING

File No. 341.622a/120

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 5, 1916, 4 p. m.

[Received 5.40 p. m.]

4252. My 4242, May 3, 5 p. m.<sup>2</sup> Sir Edward Grey has just informed me that His Majesty's Government will release the men taken from the American steamer *China* by the British man-of-war *Laurentic*. He added that a memorandum is in preparation which he will give to me in a few days in which His Majesty's Government explains that it cannot, however, open the door through which enemy reservists in neutral countries may reach their own countries.

AMERICAN EMBASSY

<sup>1</sup> Ante, p. 636.<sup>2</sup> Not printed.

File No. 341.622a/120

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 6, 1916, 12 noon.

3285. Your 4252, May 5. Please state to Sir Edward Grey informally that I am gratified that the British Government have reached the conclusion that they should release the men taken from the American steamer *China* by the *Laurentic*. Remind him, however, that the American protest will not, in the opinion of this Government, be fully met unless, in addition to the release of the men, the British Government apologizes for the affront to the American flag or wholly repudiates the act of their commander. Intimate also informally that, as this Government's communication was in the nature of a formal protest, it is supposed that his reply will be formal instead of by memorandum and that I hope he will not open the question of seizure of enemy reservists from American vessels, as this Government is not prepared to admit the right and prefers to await discussion of it until an actual case occurs.

LANSING

File No. 341.622a/125a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 11, 1916, 1 p. m.

3298. Department's 3264, May 1, 6 p. m. I should have informed you that on April 19 I wrote an informal note to the British Ambassador calling attention to the report that the American steamer *Henry S.* sailing between Mindanao and Balabac was stopped on March 16 by a British cruiser, the cargo and papers examined, boxes and cases opened, and engineer Weinert and boatswain Voik removed as prisoners of war because they had no citizenship papers.

As I regard this as a most serious incident and as I have only received a note stating that a report has been called for, I wish you would treat this case as you have the *China* and *Ausable* cases and press for the immediate release of the men concerned.

LANSING

File No. 341.622a/123

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 11, 1916, 6 p. m.

[Received May 12, 12.15 a. m.]

4284. Yours 3285, May 6, noon. I expressed to Sir Edward Grey your thanks for his verbal promise given to me and conveyed in my telegram No. 4252, May 5, 4 p. m., to release the persons taken from the American S. S. *China*, and I informally assured him with the

greatest emphasis that if in his written communication to me he should call in question the principle involved, my Government would emphatically protest. He assured me that he would not do so. He showed me a draft of the communication which does not seem to me at all to question our position. He complies with your requirement for an expression of regret and contents himself with the harmless statement that after the war the whole subject of taking persons from neutral ships may be a profitable subject for friendly discussion in the light of the new experiences of this war.

He then informed me that since he gave me his verbal promise on May 5 he had received new facts then unknown to him and presumably unknown to you, concerning 15 of the 38 men who were removed from the *China*. He gave me the following written statement:

Persons taken off S. S. *China*. From list of names following have been traced: 8 of crews of enemy's vessels at Shanghai, 3 Austrian officers, and 4 German reserve officers. Full details will be reported by post, but it has been ascertained that the majority were going back to Germany and had false passports which they destroyed before they were taken. The German consul provided the passage money in several instances.

Sir Edward Grey's information is that these men are organized parts of armed forces.

Sir Edward Grey said that because he had given his promise to release all these 38 men, His Majesty's Government stands ready to fulfil that promise; but in view of the foregoing new information about 15 of them, he hoped that our Government would consent to their retention if the proof of their organized status be acceptable to you. The documentary proofs that these 15 men are part of the organized forces of His [Majesty's] enemies have been sent from China by post and are expected here about the end of this month. He will submit these proofs to me. He requests me to ask if in the meantime these men may be retained. The others will be released. I await instructions.

AMERICAN AMBASSADOR

File No. 341.622a/126

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 12, 1916, 4 p. m.

[Received May 13, 8.20 a. m.]

4289. Appended is the text of Sir Edward Grey's memorandum dated May 8 which reached me this morning following the conversation I reported in my 4284, May 11, 6 p. m.

Before the receipt of your 3285,<sup>1</sup> May 6, 12 noon, I had under the instructions contained in your 3233,<sup>2</sup> April 22, 4 p. m., presented the subject to the British Government in the most formal manner by a personal visit to the Foreign Office, when I urged the case strongly, leaving an *aide mémoire* embodying your contentions. (See my mail despatch 3625, May 4.<sup>3</sup>) Under this formal presentation it would

<sup>1</sup> *Ante*, p. 641.

<sup>2</sup> *Ante*, p. 637.

<sup>3</sup> Not printed.

seem natural for the written answer to take the form of a memorandum without derogating from the formality of the reply :

The *aide mémoire* given me by the American Ambassador on the 27th April renews the request of the American Government for the release of the persons taken from the American mail steamer *China* by His Majesty's ship *Laurentic* and hopes for an expression of regret at the occurrence.

His Majesty's Government having agreed, as the American Ambassador was informed verbally on the 5th instant, to release the persons in question in deference to the request and arguments put forward by the American Government, it seems unnecessary to discuss the arguments in the American *aide mémoire* and, as far as the present incident is concerned, His Majesty's Government declare their intention to release the persons as requested and express their regret at the occurrence.

To prevent future misunderstanding, it is, however, desirable that this incident should not become a precedent for other cases in which the facts are not the same. The American *aide mémoire* states as regards this case:

The only question is one of fact, namely, whether those removed from the *China* are military or naval persons. The facts in question are not doubtful. The evidence in the possession of the Department of State shows that the vessel is a regular mail steamer plying between China and the United States; that it never postponed its sailing from time to time, as alleged, on account of the presence of British vessels in the offing; that those who took passage thereon were not of military age or character; that they were traveling on individual tickets from the United States, that is, from one neutral country to another, and not as members of a military corps; that the vessel was not chartered for the particular purpose of their transportation, but that they were transported simply as passengers on an American steamer in the ordinary course of its passenger service.

It is not desired to raise hypothetical questions of other cases which may occur by the removal of enemy subjects from neutral vessels, but His Majesty's Government think it right to recite this statement of facts of the present case in order that the precedent may only be applied in the future to cases in which the facts are the same.

The American *aide mémoire* goes on to observe—

Even if the individuals removed were intriguing to foster rebellion in India and China, that fact cannot make them, *ipso facto*, subject to seizure on an American vessel on the high seas or in neutral jurisdiction. If, as alleged, they were intriguing in Chinese territory, the complaint of His Majesty's Government was clearly one to be laid before the Government of China. It is contended by the Government of the United States that His Majesty's Government had no more right to invade the neutral jurisdiction of an American vessel in order to apprehend these persons than to invade the neutral jurisdiction of China for that purpose. Moreover, if they were about to extend their activities to the commission of violation of the neutrality of the United States that fact cannot be accepted as an excuse for their seizure on the high seas. The Government of the United States alone is responsible for any breaches of neutrality which may be committed or attempted in its territory and it cannot concede to foreign power the privilege of avoiding the possibility of such breaches by wrongful interference with American vessels.

His Majesty's Government do not desire to raise any question of altering the established international rule in this respect without the consent of other governments; but it may be suggested that the organized activity of enemy agents in this war, their ubiquity, their ingenuity, violations of neutrality perpetrated or planned by them, have made more difficult, more complicated and more invidious than ever before, the responsibility of neutral governments for any breaches of neutrality committed or attempted in the territories. It is suggested in view of the experience of this war, that the American Government might find it not unreasonable to consider whether in future years there should not by international agreement be allowed some greater power in controlling the movement of enemy subjects across the seas, at any rate in cases where there is *prima facie* evidence of [intent] to use neutral territory to commit criminal or hostile acts.

File No. 341.622a/123

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *May 15, 1916, 12 noon.*

3318. Your 4284, May 11.<sup>1</sup> I regret that I can not agree to release of part of men seized on board the S. S. *China* and the retention of others pending receipt of further proof, for the reason that persons which it is desired to retain were not known at time of seizure to have been incorporated in the armed forces of the enemies of Great Britain. It is also not apparent from Sir Edward's statement that certain of the persons seized were combatants. That eight of the persons were members of crews of enemy vessels at Shanghai does not seem to me sufficient, as it is not shown that those vessels were public ships of war, and that four of the persons were German reserve officers does not in my opinion change the case. Moreover, it is not stated that the three Austrian officers were in the active military or naval service of Austria. Please say, therefore, to Sir Edward that I must insist that all of the persons be released, but that I shall be glad to have you examine and report upon whatever documentary proofs he may desire to submit in this case to alleviate the harshness of the British seizure.

LANSING

File No. 341.622a/126

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *May 15, 1916, 4 p. m.*

3320. Your 4289, May 12, *China* case. Please acknowledge Sir Edward Grey's memorandum, stating the appreciation of this Government at the amicable settlement of the *China* case which has been arrived at by the two Governments. Add that this Government desires to be informed as to when the persons will be released, and as to what arrangements are being made for their transportation to their destination.

In presenting this reply, communicate orally to Sir Edward Grey on the point of activity of enemy agents in neutral countries, that it will be recalled that during the Civil War Canada was the resort for persons who, acting in the interests of the Confederate States, raided certain border towns in the United States, but that claims for injuries and losses suffered were unanimously disallowed by the Mixed Claims Commission under the treaty of 1871.

I wish to mention that the presentation of a case by means of an *aide mémoire* is not regarded here as a formal representation, and that a memorandum, though a proper form of reply to an *aide mémoire*, is more or less informal.

LANSING

<sup>1</sup> *Ante*, p. 641.

File No. 341.622a/134

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 3485

WASHINGTON, May 13, 1916.

[Received May 16.]

MR. SECRETARY OF STATE: In reply to your kind note No. 1919<sup>1</sup> of the 4th of this month I have the honor to say that the German subjects taken from the S. S. *China* do not belong to the German military organization.

The German subject Streckfuss, to be sure, was a temporary member of the guard of the Imperial Legation at Peking and the German subject R. Klein was for a while employed as unarmed watchman in the city of Tsingtau, but both had been for some time before discharged from any military service liability. They are non-combatants and both being over 48 years old are no longer subject to military duty under the law of Germany.

So far as known, the Austro-Hungarian and Turkish subjects taken from the ship are likewise civilians. Yet I would leave it with your excellency to apply to Austro-Hungarian and Turkish representatives on their account.

Accept [etc.]

J. BERNSTORFF

File No. 341.622a/132

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 16, 1916, 6 p. m.

[Received 7.55 p. m.]

4314. Your 3318, May 15, 12 noon, was communicated to Sir Edward Grey to-day. He promised to consult Mr. Balfour, the First Lord of the Admiralty, immediately and give an answer. He requested that you be informed by telegraph meanwhile that the persons it is desired to retain were known by the British authorities in the Orient at the time of their seizure to have been incorporated in the armed forces of the enemies of Great Britain, but that this knowledge had not reached him on May 5 when he gave me his promise to release them.

AMERICAN EMBASSY

File No. 341.622a/135

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 18, 1916, 9 a. m.

[Received 1.50 p. m.]

4320. Your 3320, May 15, 4 p. m., was sent before you received my 4314, May 16, 6 p. m. In view of the positive assertion by Sir

<sup>1</sup> *Ante*, p. 640.

Edward Grey that the British authorities in the Orient had definite knowledge that some of the men taken from the *China* were incorporated in the armed forces of the enemies of Great Britain, and in view of his promise to confer with the First Lord of the Admiralty and give an answer to your 3318,<sup>1</sup> May 15, noon, I hope I may be allowed to withhold your 3320<sup>1</sup> until his answer to your 3318 is received.

He has never questioned the principle involved. He is not disposed to be contentious. If he had known when he promised to release all these men what he has since learned about the status of some of them, he would not have promised to release them all. If we press for the release of all before reports from British authorities in the Far East are received, we may be faced with positive proof that we demanded the release of men incorporated in armed forces and find ourselves in the position of having insisted injudiciously on the fulfilment of Sir Edward Grey's verbal promise. I fear that there is danger of this awkward position since the British authorities of the Orient are said definitely to have known this fact at the time of seizure. Since the principle for which we contend is not questioned, I respectfully suggest that while persisting in our demand for the immediate release of the undoubted civilians we suspend the demand [for] the others until documents arrive from the Orient. On this point I await further instructions. I venture the foregoing suggestion in view of the conciliatory tone of the British Government in all our controversies since the war began and fear that the contrary course may work to our disadvantage in the future.

AMERICAN EMBASSY

File No. 341.622a/137

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 20, 1916, 2 p. m.

[Received 3.42 p. m.]

4335. Your 3318,<sup>1</sup> May 15, 12 noon, and my 4314,<sup>2</sup> May 16, 6 p. m. Sir Edward Grey informed me to-day that all the persons taken from the *China* would be released in conformity with his promise made to me on the 5th instant and on the terms mentioned in his memorandum of the 8th instant transmitted in my cipher telegram 4289,<sup>3</sup> May 12, 4 p. m. I am consequently addressing him a note in the terms prescribed in your telegram 3320,<sup>1</sup> May 15, 4 p. m.

AMERICAN EMBASSY

<sup>1</sup> *Ante*, p. 644.

<sup>2</sup> *Ante*, p. 645.

<sup>3</sup> *Ante*, p. 642.



File No. 341.622a/135

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 20, 1916, 6 p. m.

3347. Your 4320<sup>1</sup> and 4326,<sup>2</sup> May 18, and 4314,<sup>1</sup> May 16. I can not agree to retention of men desired by Sir Edward Grey unless the fact that they were incorporated in the armed forces of the enemies of Great Britain was known by the commanding officer of the *Laurentic* at the time they were seized from the *China*, which fact does not appear from any of your cables.

It is obvious that the principle involved would be nullified if enemy subjects who are always under suspicion by their opponent could be seized from an American vessel at sea and the action supported by evidence obtained subsequently or in the hands of British authorities but not known by the commander of the warship making the seizure. I would be greatly surprised if on any such grounds Sir Edward Grey should request the retention of some of the persons in question and thus infringe upon the principle to which both our Governments are bound.

I agree with you that formal representations are greatly emphasized by personal presentation, but it is customary in order to deprive them of an informal character to accompany them with a formal note to be left with the Foreign Minister at the end of the conference.

LANSING

File No. 341.622a/137

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, May 24, 1916, 5 p. m.

3357. Your 4335, May 20, 2 p. m. I am pleased to learn that you have succeeded so well in obtaining the release of all of the persons seized from the *China* with the full admission of the principle for which the United States has always stood.

At an opportune time, but without such delay as would indicate lack of interest on my part, please press for the release of the men in the *Henry S.* and *Ausable* cases. The German Ambassador formally informs me that neither of the men taken from the *Henry S.* were members of the armed forces of Germany, Austria-Hungary or Turkey, but that they were simply civilians in the private American sea service, without any German connection whatever.

LANSING

<sup>1</sup> *Ante*, p. 645.<sup>2</sup> Not printed.

File No. 341.622a/141

*The Turkish Chargé (Hussein) to the Secretary of State*

No. 4645/11

WASHINGTON, May 25, 1916.

SIR: Referring to the note I had the honor to address to the Department of State under yesterday's date<sup>1</sup> in regard to the persons removed from the S. S. *China*, I beg leave to state that from advices received through official German sources in Peking I was able to ascertain that the Ottoman subjects among those removed are not supposed to be incorporated in the armed forces of Turkey.

Accept [etc.]

A. HUSSEIN

File No. 341.622a/143

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 30, 1916, 1 p. m.

[Received 4.30 p. m.]

4384. Upon receipt of your 3264, May 1, 6 p. m.,<sup>2</sup> I made immediate inquiry of the British Government as to whether they were in possession of information which would conclusively show that Leiztritz was incorporated in the armed forces of Germany and have just received a reply from Sir Edward Grey to the effect that "I have the honor to inform your excellency, after inquiry in the proper quarter, that Leiztritz confessed to being a sublieutenant in the German Naval Reserve. He admitted that he had signed on as a seaman on the *Ausable* under a false name and with false Norwegian papers." In view of the foregoing shall await further instructions.

AMERICAN AMBASSADOR

File No. 341.622a/144

*The Austro-Hungarian Chargé (Zwiedinek) to the Secretary of State*

[Translation]

No. 1567

WASHINGTON, May 31, 1916.

[Received June 1.]

EXCELLENCY: Referring to your valued note No. 241<sup>1</sup> of the 19th of this month and in continuation of my note No. 1521<sup>1</sup> of May 24 relative to the Austrian and Hungarian subjects taken from the S. S. *China*, I have the honor to inform your excellency that according to a report of the Imperial and Royal Legation at Peking that has now reached the Embassy, Isidor H. Gieras (?), Ferdinand Würth, and Paul Zednik are not liable to military service. Alexander Camerle, Karl Breckner, Alfred Schiefeler, Anton Gerl, and Anton Plety, do belong to the military organization but, according to their passports, are merchants.

Accept [etc.]

ZWIEDINEK

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 639.

File No. 341.622a/150a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 8, 1916, 4 p. m.

3402. Your 4335,<sup>1</sup> May 20. Please take up the *China* case again with Sir Edward Grey, and tell him that I am anxious to know at the earliest moment when the persons will be released and what arrangements are being made for their transportation to their destination, as indicated in your note to him. Nearly three weeks have now elapsed without any reply and I can not allow the settlement of this important case to be unduly delayed.

LANSING

File No. 341.622a/151

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 12, 1916, 4 p. m.

[Received 5.30 p. m.]

4446. Your 3402, June 8, 4 p. m. Lord Robert Cecil, speaking for Sir Edward Grey, informs me that the passengers taken from the *China* are in Australia and that immediately on my presentation of the matter on June 9, he asked the Admiralty what arrangements had been made for their release and transportation. He seemed surprised, as I was, that they had not already been released. To-day he expresses the hope of a very early answer from the Admiralty.

AMERICAN EMBASSY

File No. 341.622a/143

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 17, 1916, 2 p. m.

3436. Your 4384, May 30. Please take up again with Sir Edward Grey the *Ausable* case, and point out to him that, even assuming that Leiztritz is a naval reservist officer, this Government can not admit that that is sufficient reason for his seizure under the rule which our Governments have again confirmed in the *China* case, or even under the rule of the Declaration of London, which the British Government has cited as being the most recent announcement on the subject to which the nations are at least morally bound. The fact that Leiztritz had signed as seaman under a false name and had false papers does not, it seems to me, have any bearing upon the case. The question is simply, Was Leiztritz at the time of seizure incorporated in the German armed forces as a combatant? The fact that he has heretofore performed military service in the German

<sup>1</sup> *Ante*, p. 646.

Navy, and is therefore subject to further military service owing to his training, does not, it seems to me, make him a member of the German Navy until he again enters the German service, any more than American militiamen are members of the armed forces of the United States prior to a call to arms and an assignment and entry in the regular organization in the Army.

I have delayed answering your telegram, as I wished to give this matter careful consideration in order that my position might be well founded and entirely justified.

Please take up this case again vigorously with a view to obtaining prompt release of Leiztritz, keeping me closely informed of your progress by telegraph.

LANSING

File No. 341.622a/156

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 28, 1916, 5 p. m.

3464. Your 4446, June 12, 4474, June 19.<sup>1</sup> I must ask you to follow up the *China* case more vigorously, as now over six weeks have passed since the promise of Sir Edward Grey to release and return the men seized from the S. S. *China* in February last, and since then held as prisoners by the British Government. In the *Trent* case the men seized by the United States were released promptly after a decision had been reached as to releasing them. If it is necessary to hasten action, I will send you a further formal communication to the British Government requesting the immediate return of the men. In view of the fact that these men have been wrongfully seized, as admitted by the British Government, from an American vessel at sea, it seems to me that this Government is entitled to expect a special effort on the part of the British Government to make amends for the offense by prompt action, even though it be at some inconvenience to themselves.

LANSING

File No. 341.622a/167

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 29, 1916, 2 p. m.

[Received 2 p. m.]

4508. Before the receipt of your 3464, June 28, 5 p. m., I had again taken up the subject with Sir Edward Grey and I have just now received from him, enclosed with a note, the following memorandum:

His Majesty's Government are making arrangements for the release according to promise of the persons removed from the S. S. *China*. The memorandum

<sup>1</sup>No. 4474 not printed.

promising the release, which was given to the American Ambassador, was given under the impression that none of the persons who were to be released were of military age or character. It now appears that many of the persons are of military age, that they are military or naval reservists, and according to the latest information at the Admiralty some of them are officers who have actually served in the present war who had been taken prisoners and subsequently escaped. The knowledge that these persons were military or naval reservists or of military age was known to the officer who ordered their removal at the time of their arrest, although this information had not at that date reached the Admiralty. Had these facts been known to the First Lord of the Admiralty or the Secretary of State for Foreign Affairs the promise would never have been given, and it is only on the receipt of full reports that have been a long time in reaching His Majesty's Government from the officers on the spot, owing to the distance, that the facts have become known. Nevertheless, as has previously been stated by Sir Edward Grey in conversation, the promise having been given to release the men, it will be fulfilled to the letter. Arrangements are being made to send the men to Shanghai, their port of departure, and the nearest port to the place at which they were captured.

FOREIGN OFFICE, June 28, 1916.

PAGE

File No. 341.622a/170

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 4243

RYE, N. Y., June 24, 1916.

[Received June 30.]

MR. SECRETARY OF STATE: In reply to your excellency's kind note No. 1965 of the 15th instant,<sup>1</sup> I have the honor respectfully to inform you that Paul Otto Waldemar Leiztritz reported at the Imperial Consulate General at New York in October last. The papers produced by him show that he is a quartermaster of the reserve of the Second Naval Division, but has not yet been during the present war "an individual embodied in the armed forces of the enemy" (Article 47 of the preliminary provisions of the Declaration of the Naval Conference of London). As appears from your excellency's note of October 3, 1914 concerning the transit of reservists from Canada through the United States, the Government of the United States also is of the opinion that such persons are not to be regarded as enlisted men of the land or sea forces.

Under the circumstances I should be thankful if early steps toward the release of Leiztritz could be taken.

Accept [etc.]

J. BERNSTORFF

File No. 341.622a/167

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 1, 1916, 2 p. m.

3478. Your 4508, June 29. I can say that Sir Edward Grey's reply is very unsatisfactory. I am greatly disappointed that he

<sup>1</sup>Not printed.

should believe that if the fact that any of these persons were "military or naval reservists or of military age" had been known to the British Government, the promise for their release "would never have been given." I can not admit the settlement of this case upon such a reservation, as it is totally at variance with the rule to which both Governments are committed in their practice since the Civil War. Please communicate with Sir Edward in this sense, and ask him if he regards this memorandum as modifying the views expressed in his memorandum of May 8, forwarded in your 4289,<sup>1</sup> May 12, and endeavor to induce him to withdraw his last memorandum or to substitute another one for it omitting the objectionable sentence or stating that in view of his promise already given it is unnecessary for him to express the views of His Majesty's Government as to what action they would have taken had the reservist character of these men been known to the Government at the time of their seizure.

I know, of course, that some "arrangements" have been under way for some time for the departure of the men seized on the *China*, but as yet these arrangements have not materialized into anything effective. Please continue to insist upon their prompt release, as I am inclined to the view that the British Government is endeavoring to delay the release of the men in the hope of obtaining some concession from us in regard to the men whom Sir Edward appears still to believe have been rightfully seized. I can not make any concessions, as no reason therefor has as yet been produced; for not a single fact has been adduced to show that these men were incorporated in the armed forces of the enemies of Great Britain, and that the commander of the *Laurentic* or his Government knew this at the time of seizure.

LANSING

File No. 341.622a/182

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 18, 1916.

[Received 5 p. m.]

4570. Your 3478, July 1. Following is text of note just received from Foreign Office:

July 17 [1916].

Sir Edward Grey has learnt with some surprise from Mr. Page's memorandum of the 5th instant, that United States Secretary of State finds Sir E. Grey's memorandum of the 28th ultimo in the case of the enemy subjects removed from the United States S. S. *China* unsatisfactory, especially the statement that if His Majesty's Government had known at the time when the promise was given to release these persons that any of them were military or naval reservists or of military age the promise would not have been given. It appears that the objection felt by Mr. Lansing for the terms of the memorandum can only be due to a misunderstanding of the reason which suggested them.

The promise to release the prisoners was given in the belief, amongst other reasons, that they were not reservists nor even of military age, but with an express stipulation that the release should not be a precedent for any other

<sup>1</sup> *Ante*, p. 642.

case in which all the various conditions attaching to the case of the *China* did not exist.

It subsequently transpired that some of the prisoners were not only of military age but were actual reservists, and in order to prevent the case of the *China* from being quoted as a precedent, Sir E. Grey stated that had these facts been known the promise would not have been given. The object of these words was to secure that any future cases should be discussed on their merits without being prejudiced by the case of the *China*.

If Sir E. Grey were to withdraw the words to which Mr. Lansing takes particular exception, it would follow that the release of the persons removed from the *China* would be quoted against His Majesty's Government as a precedent for the release of men of military age and reservists in future. This would be most unfair. Sir E. Grey has made no reproach against the State Department for exacting the fulfilment by His Majesty's Government of a promise that was given without full knowledge and indeed with some misapprehension of the facts, but he is surprised at its being suggested that he should withdraw words which are essential to prevent a promise so given from becoming a precedent and he can not think that such was really Mr. Lansing's intention.

Sir E. Grey considers the only fair position to be that the case of the *China* should be a precedent only for future cases in which all the conditions are as stated in Sir E. Grey's memorandum of May 8, 1916, and should not be a precedent for other cases in which all or any of the facts are not as stated in that memorandum.

PAGE

File No. 341.622a/192a

*The Acting Secretary of State to the Ambassador in Great Britain.*  
(Page)

[Telegram]

WASHINGTON, July 24, 1916, 7 p. m.

3562. Your 4252,<sup>1</sup> May 5, and 4335,<sup>2</sup> May 20. Please cable immediately whether all of the Germans taken from the S. S. *China* have been released.

POLK

File No. 341.622a/200

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4276

LONDON, July 19, 1916.

[Received July 31.]

SIR: With reference to my telegram No. 4568, July 17, 5 p. m.,<sup>3</sup> I have the honor to enclose herewith a copy of the memorandum received from Sir Edward Grey, under date of July 15.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 134235/T.

## MEMORANDUM

1. The United States Ambassador in his memorandum of the 19th ultimo states that the Government of the United States can not admit that it is lawful

<sup>1</sup> Ante, p. 640.<sup>2</sup> Ante, p. 646.<sup>3</sup> Not printed.

for His Majesty's Government to arrest a German naval reserve officer travelling back to Germany on a neutral ship, and refer for support of this attitude to the old rule which they regard as having been confirmed by them and by His Majesty's Government in the case of the enemy subjects removed from the S. S. *China* and to the terms of the Declaration of London of 1909.

2. It is necessary, in the first instance, to point out that the United States Government are under a misapprehension in thinking that His Majesty's Government have already expressed their agreement with the view stated above by their promise to release the persons removed from the *China*. As has been explained to the United States Ambassador, His Majesty's Government would not have made that promise if they had been aware of the fact, known to the British naval authorities on the spot but not immediately reported, that many of the party are enemy reservists. This fact was likewise not known to the United States Government, who state in the note presented by the Ambassador on the 27th April last, that "The real question is one of fact, namely, whether those removed from the *China* are military or naval persons. The facts in question are not doubtful. The evidence in the Department of State shows that the vessel is a regular mail steamer plying between China and the United States . . . that those who took passage thereon were not of military age or character." The case of the *China* was discussed on the assumption that the persons arrested were not members of the armed forces of the enemy and that their intention was not to join those forces but to carry out operations in neutral territory which, though hostile to this country and connected with the war, were not military operations in the ordinary sense of the term. The full report from the local naval authorities, since received, shows that many of the party are active or reserve members of the enemy forces and were trying to reach enemy territory. The case was therefore discussed on false premises and the promise that the prisoners would be released was given under a misapprehension; it seems to have been demanded under a like misapprehension, and though His Majesty's Government, having given their word, did not feel at liberty to withdraw it if the United States Government saw fit, as they did, to hold them to it after the real circumstances were discovered; they can not admit that either their action in releasing the prisoners or the views they have expressed in discussing the case, constitute in the slightest degree an admission that it is not within their rights to arrest enemy "reservists" (which phrase in this memorandum is used to designate all persons liable to military service) travelling to join the enemy forces.

3. As His Majesty's Government read the history of the matter, it has always been admitted that in certain circumstances the carriage of persons in the employment of a belligerent on a neutral ship exposes the vessel to capture and condemnation in the prize court. There is no doubt that this is so if the neutral ship is in the actual service of the enemy as a transport, and it was also held to be so, when the vessel was not in the enemy service, if the master knowingly took for the enemy government, or its agents, persons or papers of such a character and destination that the transporting of them under the neutral flag was an actual belligerent service to the enemy state. The foundation of this doctrine is that by rendering services of this nature to a belligerent state the ship forfeits her neutral character.

4. In addition there existed to a considerable extent a practice of taking out of a neutral ship enemy subjects employed in the service of an enemy state without capturing the vessel or placing it in the prize court. In consequence, a considerable number of treaties were entered into providing that enemy subjects should not be taken off neutral ships unless they were (to quote a clause which occurs in several treaties of this description) "military persons and effectively in the service of the enemy." Both the United States and Great Britain were parties to several treaties of this nature, but the provision does not appear in any treaty between the two countries.

5. In this condition of affairs the *Trent* case occurred. This case gave rise to a good many questions, and it can fairly be said that the only point which the United States Government admitted in their correspondence relating to the case was that the action of the naval officer who arrested Messrs. Slidell and Mason was irregular in that he ought to have captured the vessel and brought her before a prize court instead of taking the two Confederate agents out of her. But it appears that the United States Government, in releasing the prisoners, saw an opportunity of enforcing a principle for which they had previously contended, that the only class of persons who can be removed



from a neutral vessel without bringing her in for adjudication in the prize court are persons in the military service of the belligerent. His Majesty's Government are therefore not disposed to deny the claim of the United States Government that this is the rule of law which they have previously upheld.

6. The principle that there are certain classes of persons whom a belligerent is entitled to remove from a neutral vessel, although their carriage may not have rendered the ship liable to condemnation, without the necessity of instituting prize proceedings, was recognized by the Declaration of London. This class of persons was defined by Article 47 as "individuals embodied in the armed forces of the enemy"; and a similar phrase, which occurs in Article 45 of the Declaration, was interpreted in the report on the Declaration in connection with the latter article as not including reservists; the reasons given for this limitation were reasons of expediency, not of law or logic, and do not, as a matter of fact, apply to Article 47 as they apply to Article 45. The reasons which led to this provision seem to have been the realization of the fact that a belligerent may claim to prevent the passage on the high seas of persons the object of whose journey is to assist the military operations of his enemy, and that it is more convenient for all parties that this should be done without the necessity of instituting proceedings against the vessel in prize. The result would have been, had the declaration been ratified, to confirm the old practice which has been referred to above, and the class of persons who, according to the definition in the Declaration of London, might be removed in this way was identical with that covered by the provision in the old treaties, i. e., persons who are in the military service of the enemy. The question is therefore narrowed down to the question whether reservists of modern conscript armies travelling home to join those armies can properly be described as members of those armies. His Majesty's Government have no hesitation in answering this question in the affirmative.

7. In the days of the old treaties to which reference has been made warfare was conducted mainly by comparatively small professional armies and the question of reservists did not arise. It is not surprising that it was not foreseen that there would be a need in the future for defining the position of persons trained for military service and bound by the laws of their country to serve in a military capacity whenever war should break out and their services be called upon. It can not be argued from this omission that the arrest of such persons on their way to join their national army is a violation of the rule stated in those treaties, still less of the principle underlying that rule. That principle is that a belligerent is entitled to prevent his enemy from making use of the protection of a neutral ship in order to increase his efficiency for the operations of war, and that, therefore, persons, the object of whose voyage is to assist in belligerent operations, may be removed from the ship, even though she does not expose herself to prize court proceedings by carrying them.

8. As was stated in Sir E. Grey's note of the 16th March last, His Majesty's Government believe that this principle covers logically the cases of persons intending to promote the warlike purposes of one belligerent by organizing on neutral territory the destruction of the other belligerent's necessary equipment for war by inventing and furthering on such territory schemes of revolution to impair that belligerent's strength or otherwise, e. g., by acting as the enemy's secret service agents. Although they had good reason to believe that such were the objects of the persons arrested on board the *China*, His Majesty's Government nevertheless consented to release those persons in deference to the representations of the United States Government which were based on the letter of existing precedents, and ignored, as His Majesty's Government think, the principle which underlies those precedents and the conditions of the present war. In the case of enemy reservists returning home to join their mobilised armies, His Majesty's Government can not perceive that even the narrowest construction of existing law supports the contention that their arrest on board neutral ships is inadmissible. His Majesty's Government believe that before the London Naval Conference it would never have been argued that reservists in such a position were not in the military service of the belligerents concerned. As the Declaration of London has not been ratified, His Majesty's Government are not bound by its terms, and they may add that inasmuch as the United States Government announced in October, 1914, that their suggestion as to the adoption of the declaration as a temporary code during the present war was withdrawn, and that they would insist that the rights and duties of the Government and citizens of the United States should be defined by existing rules of international law and the treaties of the United States without regard to the

provisions of the declaration, it is not now open to the United States Government to appeal to its provisions in this respect. Morally, His Majesty's Government see no reason to adhere to an illogical definition which appears to them in no wise based on the previously acknowledged principles of international law. The reservist of a modern army is bound under the severest penalties, when called upon, to serve in that army; his intention in returning home when war has broken out is to carry out his military duties; his previous training enables him to carry out those duties with efficiency, and his arrest, if he is travelling home on board a neutral ship, is as important to the opposing belligerent and no more irksome to the neutral concerned than would be the arrest of a member of the forces actually under arms. It is on facts such as these, and not on a narrow scrutiny of the technical status which may be assigned to him by the law of his country, that the question must be judged; to act otherwise is to ignore facts, to set a principle at the mercy of an accident of nomenclature and, it may even be, to declare the reservists of one national army subject to arrest and those of another immune. His Majesty's Government would also point out that the action of the United States Government themselves appears to be inconsistent with the contention now put forward by them. Although prosecutions have been instituted by the United States authorities against persons in the United States of America who have assisted British subjects, not reservists, to return to this country for the purpose of enlisting, no objection has been taken to German consular officers paying the travelling expenses of German reservists returning to Germany to join their units. The distinction drawn between these two cases is understood to be that as German reservists are already members of the German Army, no subsequent enlistment takes place in their case. It was stated in the *Washington Times* of July 7, 1915, that "officials of the Department of Justice made it plain that there is a distinction between the mobilization of reserves for foreign army duty and the recruitment of soldiers. The German and French Army reservists are permitted to assemble and return to their native country for duty. The British Army has no reserve and men taken for such service must enlist."

It would therefore appear that in the opinion of the United States Government German reservists are regarded when within the United States of America as members of the German armed forces, and that therefore there is no objection to German officials providing their passages home in order to enable them to perform their military duties; but that while they are on the high seas on their way back to Germany for this purpose they are not to be regarded as members of the German armed forces, and therefore can not be removed from neutral vessels. His Majesty's Government are unable to accept such a contention.

FOREIGN OFFICE, July 15, 1916.

File No. 341.622a/199

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 31, 1916, 2 p. m.

[Received August 1, 9.45 a. m.]

4637. Your 3562, July 24, 7 p. m. Lord Grey informs me that telegraphic instructions have been sent to Australia to release the *China* prisoners and that they will be put off as soon as can be decided upon what ship they are to travel. I have also asked for detail of names, ages, status, etc., of *China* prisoners and similar information regarding Leiztritz, Weinert, and Voik, removed from *Ausable* and *Henry S.* and am promised this information [as] soon as possible.

PAGE

File No. 351.622a/56

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, August 12, 1916, 2 p. m.

1654. Department advised by American Consul, Saloniki, that on July 4 French naval officers boarded American steamer *Frederick Luckenbach*, en route from New York to Saloniki, and removed second mate, Miller, naturalized citizen of the United States, on the ground that he was in the opinion of the officers an enemy subject. Please make urgent inquiry of the Foreign Office as to facts in this case, and unless it can be shown that Miller was incorporated in the armed forces of Germany at the time of removal and that this was known to the French officers making the arrest, make a formal request for immediate release of Miller. Familiarize yourself with the correspondence in the case of arrest and detention of Piepenbrink by French authorities, which seems to be similar to present case.

LANSING

File No. 341.622a/213a

*The Ambassador in Great Britain (Page) to the Chargé in Great Britain (Laughlin)*

[Telegram]

WASHINGTON, August 23, 1916, 4 p. m.

For Gibson.<sup>1</sup> Crewe promised to give me names, ages, status of those taken from *China*. Please procure them and send to the Department. The Secretary instructs me again to request immediate release of these men. I asked his consent to my asking you to remind Grey and telegraph as early definite answer as possible instead of sending another formal note and protest against longer detention.

PAGE

File No. 341.622a/214

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 30, 1916, 4 p. m.

[Received 5.30 p. m.]

4795. For Ambassador Page: Your August 23, 4 p. m. Lord Grey informs me that the Colonial Office is now handling the *China* case and that they have telegraphed the Governor General of Australia instructions to convey the prisoners to Shanghai in a British ship.

LAUGHLIN

<sup>1</sup> Secretary of Embassy.

File No. 341.622a/225

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, *September 15, 1916, 2 p. m.*

[Received 7.30 p. m.]

4894. Without instructions I took up again to-day with Lord Grey the release of *China* prisoners. He tells me that shipping difficulties are the sole cause of delay and that the Australian Government under whose control the men now are have again been asked to arrange passage on a British ship at the earliest possible moment. The Colonial Office has also telegraphed to Australia saying that the matter was urgent in view of the time that has elapsed since the promise to release the prisoners was given. I submit the suggestion that the appropriate consular officer in Australia be instructed to take matter up with Australian Government in effort to expedite matters.

LAUGHLIN

*The Secretary of State to the Consul General at Sydney (Brittain)*

[Telegram]

WASHINGTON, *September 20, 1916.*

Department advised by American Embassy in London that delay in release of *China* prisoners is caused solely by shipping difficulties; and that Australian authorities have been asked to arrange passage on a British ship at the earliest possible moment in view of the time that has elapsed since the promise to release them was made. Take up matter with the Australian authorities in an effort to expedite the transport of these men.

LANSING

File No. 351.622a/64

*The Chargé in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, *September 20, 1916, 3 p. m.*

[Received 4.15 p. m.]

1610. My 1571, September 4, 7 p. m.<sup>1</sup> Foreign Office informs me verbally that Miller, who is now at Marseille, will be released without delay and that a formal communication to this effect will be sent me within a few days.

BLISS

File No. 341.622a/231

*The Secretary of State to the German Ambassador (Bernstorff)*

No. 2122

WASHINGTON, *September 26, 1916.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of September 20, 1916,<sup>1</sup> in which, with reference to previous

<sup>1</sup> Not printed.

correspondence concerning the Germans taken from the American S. S. *China* by the British authorities, you request that instructions be sent to the American Consul General at Sydney to send these persons directly to San Francisco, and not to Shanghai first, if the negotiations for their release are brought to a successful issue. You add that the roundabout route to Shanghai would only entail unnecessary expense to those concerned.

In reply I have the honor to say that these negotiations have ended in an arrangement for the transportation of these persons back to Shanghai, and that this Government deems it inexpedient further to delay their departure, which is to take place on September 28, by negotiating for their transportation to San Francisco.

Accept [etc.]

ROBERT LANSING

File No. 341.622a/243

*The Consul General at Sydney (Brittain) to the Secretary of State*

[Telegram]

SYDNEY, October 7, 1916.

[Received October 8, 9 a. m.]

Men from ship *China* sailed yesterday ship *Taiyuan* Shanghai via Hongkong.

BRITAIN

File No. 351.622a/67

*The Chargé in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, October 13, 1916, 5 p. m.

[Received 10 p. m.]

1646. My 1636, October 9, 6 p. m.<sup>1</sup> Consul General, Marseille, reports that Miller was released on 10th instant and that he has arranged for Miller's return passage to the United States on S. S. *Satsuma* to sail this week.

BLISS

File No. 351.622a/70

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4324

BERLIN, October 13, 1916.

[Received November 6.]

SIR: With reference to the Department's telegram No. 2968<sup>2</sup> of May 3d, 4 p. m., I have the honor to report that the information contained therein, concerning the German stowaway on board the S. S. *Missourian* of the American-Hawaiian Steamship Company, was duly transmitted to the Imperial Foreign Office in a *note verbale* of May 5.

<sup>1</sup>Not printed.

<sup>2</sup>Ante, p. 640.

I am now in receipt of a reply from the Imperial Foreign Office, dated October 11, of which copies and translations are herewith enclosed. The Imperial Foreign Office therein takes the position that when the captain of the vessel surrendered the stowaway he was returning a prisoner to his captors after he had made his escape to a neutral territory.

I have [etc.]

J. C. GREW

[Enclosure—Translation]

*The German Foreign Office to the American Embassy*

Nr. III a 11055/174012

NOTE VERBALE

According to the *note verbale* of the Embassy of the United States of America, dated May 5, 1916, Foreign Office No. 9695, the American Government believes that it ought not to take any steps to cause the French Government to release the German sergeant major, whom the captain of the American S. S. *Missourian* surrendered to the enemy on the high seas. The American Government is of the opinion that the captain of a vessel alone has to decide whether he will keep a stowaway on board or not; it also fails to see for what reason it should reprimand the captain.

The Imperial Government shares the opinion that, generally speaking, it must be left to the captain whether he will keep a stowaway on board or not. The present case, however, does not concern this privilege, but only the fact that the captain handed over an escaped prisoner of war into captivity. This action contravenes international law; for the American ship was neutral territory, from which escaped prisoners of war may not be surrendered (cf. also Article 13 of the fifth Hague convention of October 18, 1907, regarding the rights and duties of neutral powers and persons in war on land).

In accordance herewith the German Government again begs to express the expectation that the American Government will take steps in order that the French Government again release to it the German sergeant major, as well as that it will point out to the captain of the American vessel the incorrectness of his action.

The Foreign Office would appreciate it if the Embassy would bring the foregoing to the knowledge of its Government.

BERLIN, October 11, 1916.

File No. 351.622a/71

*The Chargé in France (Bliss) to the Secretary of State*

No. 3827

PARIS, October 24, 1916.

[Received November 10.]

SIR: Referring to my telegrams regarding the release of Second Mate Miller of the S. S. *Frederick Luckenbach*, who was taken prisoner by the French naval authorities, near Saloniki, and whose liberation you directed this Embassy to request of the French Government in your telegram No. 1654<sup>1</sup> of August 12, I have the honor to enclose herewith a copy and translation of a note from the Ministry for Foreign Affairs, stating that necessary orders were given by the Ministry of War on October 4 that Miller be set at liberty.<sup>2</sup>

As reported in my telegram No. 1646 of the 13th instant, Miller was released on October 10, and, through the good offices of the Consul General at Marseille, obtained opportunity to work his pas-

<sup>1</sup> *Ante*, p. 657.

<sup>2</sup> Not printed.

sage as fourth officer on board the American S. S. *Satsuma* which sailed the 12th instant. This vessel is expected to arrive at New York about the middle of November.

From the conversations I have had at the Foreign Office on this case and the repeated requests which were necessary in order to obtain the written confirmation of Miller's release, I believe that the French Government was reluctant to make any written record of receding from the action taken by the naval authorities in Greek waters; the form in which this notification was finally sent the Embassy strengthens this belief. Without receiving instructions, however, I will not make further representations in the premises.

During the several interviews I have had at the Foreign Office on this matter, the reasons advanced for the arrest of Miller were that the vessel on which he was serving was acting suspiciously by not following the usual course in gaining the harbor of Saloniki to which she is said to have been bound, and especially that, after having been warned by a French torpedo vessel to follow the customary route, she persisted in altering her course as soon as she seemed free from observation. It was also contended that Miller having acquired American citizenship since the outbreak of war, his naturalization could not be recognized by the French Government.

I insisted upon the impropriety of the latter argument, and pointed out that in the arrest of Miller on board an American vessel, it was tantamount to claiming the right to arrest on neutral territory a citizen of that country who had obtained naturalization since the beginning of hostilities; that as regards the vessel not having complied with the requirements of the French naval authorities, Miller was not the officer of the vessel who could be held responsible in the circumstances and that his arrest and removal from the vessel was contrary to international law and to the rights of neutrals.

I have [etc.]

ROBERT WOODS BLISS

File No. 341.622a/266

*The Consul General at Shanghai (Sammons) to the Secretary of State*

[Telegram]

SHANGHAI, November 15, 1916, 10 p. m.

[Received 11.10 a. m.]

Your November 14, 5 p. m.<sup>1</sup> Men seized from S. S. *China* arrived Shanghai by S. S. *Malta* yesterday, transhipped Hongkong.

SAMMONS

File No. 351.622a/70

*The Secretary of State to the Chargé in Germany (Grew)*

No. 3746

WASHINGTON, November 18, 1916.

SIR: The Department has received your No. 4324, of October 13, 1916, with which, having reference to previous correspondence con-

<sup>1</sup> Not printed.

cerning the desire of the German Government that steps be taken to induce the French Government to release the German sergeant major (Feldwebel), whom the captain of the American steamer *Missourian* surrendered to the French authorities, you enclose a translation of a *note verbale* from the German Foreign Office in response to the Embassy's *note verbale* of May 5.

It appears from the German *note verbale* that the Imperial Government shares the opinion of this Government that, generally speaking, it must be left to the captain whether he will keep a stowaway on board or not; that the present case, however, does not, in the opinion of the German Government, concern this privilege, but only the fact that the captain handed over an escaped prisoner of war into captivity; and that this action contravenes international law, it being contended that the American ship was neutral territory, from which escaped prisoners of war may not be surrendered, under Article 13 of the fifth Hague convention, of October 18, 1907, regarding the rights and duties of neutral powers and persons in case of war on land.

In reply you will advise the Foreign Office that the Government of the United States regrets that it does not see its way clear to share the views expressed by the Imperial Government. Even assuming that Article 13 of the Hague convention No. 5, of 1907, is applicable, it is not clear that a government must guarantee the liberty to which Article 13 may entitle an escaped prisoner, regardless of whether he is deprived of that liberty by individuals or by state authorities. The captain of the *Missourian* acted entirely on his own responsibility and in accordance with the laws and customs of his country. Clearly such liberty as is granted by Article 13 is subject to the domestic laws and regulations of the country of refuge. Moreover, by virtue of the immigration laws of the United States stowaways are not admitted as a rule into the United States, but on the contrary are deported promptly to the country from which they came. Furthermore, the vessel bringing stowaway emigrants to the United States is regarded as having assisted their transportation in contravention of the inhibitions of the immigration laws.

I am [etc.]

ROBERT LANSING

File No. 341.622a/270a

*The Secretary of State to the Ambassador in Great Britain (Page)*

WASHINGTON, November 23, 1916.

SIR: I enclose the text of a communication which I desire you to address to Viscount Grey in the form of a memorandum in reply to that part of the British memorandum of July 15, 1916,<sup>1</sup> which relates to the seizure by the *Laurentic* on the high seas of 38 subjects of the enemies of Great Britain from the American steamship *China*, en route from China to the United States.

With this communication to the British Government I am willing to consider the case of the S. S. *China* as closed. The discussion of the

<sup>1</sup> *Ante*, p. 653.



principle involved, however, I shall take the liberty of continuing in relation to the cases of other American vessels from which seamen and officers have been summarily removed. As to these cases, I shall address you a separate instruction containing a full exposition of the views of this Government for communication to Viscount Grey.

I am [etc.]

ROBERT LANSING

[Enclosure]

MEMORANDUM

The Government of the United States acknowledges the receipt of the memorandum of the British Government dated July 15, stating, in regard to the case of the S. S. *China*, that "His Majesty's Government would not have made that promise [to release the prisoners] if they had been aware of the fact, known to the British naval authorities on the spot, but not immediately reported, that many of the party are enemy reservists," that "this fact was likewise not known to the United States Government," according to the assertion in its note of April 27, that on the evidence presented the prisoners "were not of military age or character," that "the case of the *China* was discussed on the assumption that the persons arrested were not members of the armed forces of the enemy, and that their intention was not to join those forces, but to carry out operations in neutral territory, which, though hostile to this country and connected with the war, were not military operations in the ordinary sense of the term. The full report from the local naval authorities, since received, shows that many of the party are active or reserve members of the enemy forces and were trying to reach enemy territory. The case was therefore discussed on false premises, and the promise that the prisoners would be released was given under a misapprehension; it seems to have been demanded under a like misapprehension."

The Government of the United States can not allow these statements to stand as an account of this case, except in the light of the preceding negotiations.

Referring to an earlier case, which arose soon after the war opened, it will be recalled that in the case of Piepenbrink, a German waiter removed from the American steamship *Windber* on the high seas by the French cruiser *Condé*, and taken to Kingston, Jamaica, as a prisoner of war, the Government of the United States notified the British Government in March 1915, that "the facts show that Piepenbrink was not embodied 'in the armed forces of the enemy' in the sense of the rule on that subject in the Declaration of London, and apart from the Declaration of London, which this Government does not recognize as in force, there is no justification in international law for the removal of an enemy subject from a neutral vessel on the high seas bound to a neutral port, even if he could properly be regarded as a military person." In support of this rule a quotation was added from a communication of Earl Russell in the *Trent* case. A communication in similar terms was also made to the French Government in the same case.

The same position was taken by the Government of the United States in the case of the 38 persons taken out of the American steamship *China*. On February 23, Mr. Page was instructed to bring this case to the immediate notice of His Majesty's Government, stating: "As it is understood that none of the men taken from the *China* were incorporated in the armed forces of the enemies of Great Britain, the action of the *Laurentic* must be regarded by this Government as an unwarranted invasion of the sovereignty of American vessels on the high seas. After the notice given to the British Government of this Government's attitude in the Piepenbrink case in March last, which was based upon the principle contended for by Earl Russell in the *Trent* case, this Government is surprised at this exercise of belligerent power on the high seas far removed from the zone of hostile operations." Mr. Page was instructed to insist that, if the facts were as reported, orders be given for the immediate release of the persons taken from the *China*. On March 16, nearly a month after the incident of the S. S. *China* occurred, Sir Edward Grey replied, and in justification of the action of the *Laurentic* explained that, "From actual occurrences and from reliable information received, it has been definitely established that the Germans resident in Shanghai have been engaged for some time past in the collection of arms and ammunition, both for clandestine transmission to

India and, if possible, for the arming of a ship to play the part of a Far Eastern *Moewe*"; that "the Germans became aware that His Majesty's Government knew of their plots"; that "the Commander in Chief, China station, received information that owing to this fact the Germans were planning to shift the center of their activity from Shanghai to Manila"; that "subsequently he was definitely informed that 35 Germans had planned to leave Shanghai on the *S. S. China* and proceed to Manila"; that thereupon "His Majesty's ships were sent to patrol off the mouth of the Yangtze with the view of intercepting this party"; that the *China* "was intercepted by His Majesty's ship *Laurentic* and found to have on board Germans and Austrians corresponding to those concerning whom information as mentioned above had been received"; that "the *Laurentic* therefore had no hesitation in removing them"; that "subsequent information fully confirms that the movement of the body of Germans in question was an integral part of the plot referred to above"; and that "the object of their journey was to find another neutral asylum in which they might continue their operations against the interests of this country." It may be added that the boarding officer of the *Laurentic* stated to the captain of the *China*, as he deposes, that British cruisers had been waiting 15 days for the *China*, and that the captain of the *Laurentic* had been informed by wireless that "the *China* had German male passengers on board."

From the foregoing it seems clear that the ground "definitely established" and "confirmed" for the removal of these persons was that they had been engaged in the collection of arms and ammunition for transmission to India and for the arming of a German raider to operate in the Far Eastern seas and not because they were "enemy reservists." This conclusion is further borne out by the fact, admitted by the British Government, that over half of the 38 persons seized were not "enemy reservists," being, as will be shown later, either not of military age or incapacitated for military service.

In the note of March 16, 1916, the British Government sought to justify the action of the *Laurentic* on the ground that "the principle . . . that there are *certain classes* of persons who are not protected by a neutral flag on the high seas, and may . . . be removed from a neutral ship is now generally admitted," as shown by the Declaration of London, which grants, in Article 47, the removal of "persons embodied in the armed forces of the enemy," and that the "position and character" of the persons removed from the *China* brought them within the principle, because "Practical considerations from the belligerent's point of view have changed and the change necessarily implies a *modification* in the precise description of enemy subjects whom it is lawful to arrest . . ." Though disagreeing with these contentions, the Government of the United States took up the discussion of this case (as it did subsequently in the *Henry S.* and *Ausable* cases) on the same grounds, in an effort to show that the "*certain classes* of persons who are not protected by a neutral flag" were limited to "military or naval persons," and that therefore the removal of the German intriguers and insurrectionists from the *China* was not justified even under the British contentions. Accordingly, on April 27, Mr. Page, under further instructions from his Government, informally presented the case in this light to Sir Edward Grey, and, as a result, on May 5 Sir Edward Grey orally informed Mr. Page that the men taken from the *China* would be released, but added that in a memorandum under preparation His Majesty's Government would explain that they could not open the door through which enemy reservists in neutral countries might reach home. Subsequently Mr. Page intimated to Sir Edward that his Government would emphatically protest if the British Government called into question the principle involved. In an interview on May 11, Sir Edward Grey assured Mr. Page that the principle involved would not be questioned, and showed Mr. Page a draft of the proposed memorandum, in which no mention was made of enemy reservists. At the same time, Sir Edward Grey said that he had, since May 5, received new facts then unknown to him concerning 15 of the men removed from the *China*, who had been ascertained to be "8 of crews of enemy's vessels at Shanghai, 3 Austrian officers, and 4 German reserve officers"; that "the majority were going back to Germany and had false passports, which they destroyed before they were taken," the German Consul providing the passage money in several instances, and that "these men are organized parts of armed forces." Sir Edward therefore hoped that the United States would consent to the retention of these 15 if proof of their organized status was found to be acceptable. On the following day, May 12, Mr. Page received the Foreign Office memorandum, which, however, was

dated May 8. The memorandum stated that "His Majesty's Government declare their intention to release the persons as requested, and express their regret at the occurrence."

After quoting the facts stated in Mr. Page's *aide memoire* of April 27 as to the military age or character of these men and their transportation to the United States, the memorandum further stated that these facts were recited in order that "the precedent may only be applied in the future in cases in which the facts are the same." After quoting further from the *aide memoire* of the United States with regard to intriguing in neutral countries, the British memorandum stated that His Majesty's Government did not desire to raise any question of altering the established rule without the consent of other governments, and suggested that "the American Government might find it not unreasonable to consider whether, in future years, there should not by international agreement be allowed some greater power in controlling the movement of enemy subjects across the seas, at any rate in cases where there is *prima facie* evidence of [intention?] to use neutral territory to commit criminal or hostile acts." No mention was made in the memorandum of "enemy reservists."

On May 16 Mr. Page orally informed Sir Edward Grey in effect that, notwithstanding the new facts mentioned on May 11 regarding 15 of the men, the Government of the United States could not consent to their retention; that, moreover, it did not appear from Sir Edward's statement that these men were combatants, and that, assuming they were combatants, this evidently was not known at the time of the seizure. If their combatant character had been known and acted on, presumably this ground for the seizure would have been stated in the British memorandum of March 16. To Mr. Page's statement, Sir Edward Grey replied that the 15 men were known to the British authorities in the Orient at the time of the seizure to have been incorporated in the armed forces of the enemies of Great Britain, but that this knowledge had not reached him on May 5, when he gave his oral promise to release the men.

On May 20 Sir Edward again stated that all the persons would be released in conformity with his oral promise of May 5 and his memorandum of May 8. Thereupon, Mr. Page communicated to Sir Edward the appreciation of this Government at the amicable settlement of the *China* case which had been reached by the two Governments and requested to be informed as to when the persons would be released and what arrangements were being made for their transportation to destination.

No further point, save that of delay in releasing the prisoners, was raised between the two Governments until June 29, when, in a memorandum from the Foreign Office dated June 28, Mr. Page was informed that the promise of release was given under the impression that none of the persons was of military age or character. "It now appears that many of the persons are of military age, that they are military or naval reservists, and, according to the latest information at the Admiralty, some of them are officers who have actually served in the present war who had been taken prisoners and subsequently escaped. The knowledge that these persons were military or naval reservists, or of military age, was known to the officer who ordered their removal at the time of their arrest, although this information had not at that date reached the Admiralty. Had these facts been known to the First Lord of the Admiralty or the Secretary of State for Foreign Affairs, the promise would never have been given, and it is only on the receipt of full reports that have been a long time in reaching His Majesty's Government from the officers on the spot, owing to the distance, that the facts have become known." Nevertheless, it was added, the men would be released in accordance with the promise already given.

July 5 Mr. Page, acting under instructions, stated orally to Sir Edward, among other things, that the Government of the United States could not admit the settlement of this case upon such a reservation, as it is totally at variance with the rule to which both Governments are committed in their practice since the American Civil War, and asked Sir Edward if he regarded his memorandum of June 28 as modifying the views expressed in his memorandum of May 8, and if so whether he would withdraw the objectionable sentence in which he stated that had the reservist character or military age of the men been known to the British authorities in England the "promise would never have been given" in view of the hypothetical nature of the statement.

Sir Edward replied in substance that he did not regard his memorandum of June 27 [28] as modifying his memorandum of May 8 and that he could not

consent to omit the objectionable sentence, but he hoped his explanation to be made in writing would go far to remove the objectionable nature of the sentence.

On July 18 Mr. Page received from Sir Edward Grey a memorandum dated July 17 stating in part:

The promise to release the prisoners was given in the belief, amongst other reasons, that they were not reservists nor even of military age, but with an express stipulation that the release should not be a precedent for any other case in which all the various conditions attaching to the case of the *China* did not exist.

It subsequently transpired that some of the prisoners were not only of military age but were actually reservists, and in order to prevent the case of the *China* from being quoted as a precedent Sir Edward Grey stated that had these facts been known the promise would not have been given. The object of these words was to secure that any future cases should be discussed on their merits without being prejudiced by the case of the *China*.

Following this Mr. Page received the memorandum of July 15 under reply, stating that the American demand and the British promise had both been made under a misapprehension of the facts. As to the misapprehension on the part of Great Britain, the foregoing account of the negotiations shows that when the Government of the United States based its demand of February 23 on the ground previously taken in the note of March 4 [2], 1915,<sup>1</sup> in the Piepenbrink case, namely, that the men were not only not incorporated in the armed forces of the enemies of Great Britain, but the removal of an enemy from a neutral vessel on the high seas bound for a neutral port is without justification in international law, even if he could properly be regarded as a military person, the British note of March 16, 1916, written nearly a month after the arrest of the persons in question, justified the seizure on the ground that "certain classes" of persons are not protected by a neutral flag, and that the persons in question, having been engaged in the collection and transmission of arms to India and in the outfitting of a German raider, came within the proscribed classes. Whereas, when the Government of the United States, meeting the British Government on their own ground, took the position that these classes of persons were "only military or naval persons," and contended in its note of April 27 that in this particular case the persons were not even military or naval persons, the British Government abandoned their first ground, and sought to demonstrate that at least some of the men in question were military or naval persons, and that this information was known to the local naval authorities and to the commanding officer of the *Laurentic* at the time of the arrest, but had not come to the knowledge of the British authorities in London on May 5, when the promise was given for the release of these men.

If either ground of action were allowed to govern belligerent practice, it is obvious that the principle involved would be totally nullified and any neutral vessels, even when plying between neutral ports, would be subject to an intolerable inquisition and inconvenience through reckless search for and arrest of any enemy subjects on board, whether among the officers, crew, or passengers.

As to the misapprehension regarding age and military character of the men under which His Majesty's Government believe the demand of the Government of the United States was made, the Government of the United States is willing to acknowledge that the information available at the time differed widely from the description of the prisoners given in the Foreign Office memorandum of August 8. But even according to this memorandum, 10 were not between 20 and 45 years of age, and 12 were either incapacitated for military service or had never served. From other sources it appears that one other person was a physician, and still others were business men and merchants. These men, at least, clearly are not of military age and character. The remainder, according to the British description, may perhaps have been of "military age" and subject to call to the colors of the enemies of Great Britain—in the language of the British memorandum, "enemy reservists (which phrase . . . is used to designate all persons liable to military service) travelling to join the enemy forces." Nevertheless the British Government have, in the opinion of the Government of the United States, failed to show that these men are of "military character." But even assuming that all of the persons taken from the

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 747.

S. S. *China* were of "military character," the Government of the United States does not admit that they may be arrested and seized on the high seas from an American vessel flying the American flag, for, as has heretofore been reiterated by the Government of the United States, such seizures are without justification in international law.

As, however, the British Government have expressed their regrets at the occurrence of the incident and have released the 38 persons arrested and removed from the American steamship *China*, the Government of the United States regards the case as closed, as stated in the British memorandum of July 17, on the understanding that "any future cases shall be discussed on their merits without being prejudiced by the *China*."

The remaining points in the British memorandum of July 15 will be taken up and discussed in a further reply under preparation in regard to the cases of the men seized and removed from the American steamships *Henry S.*, *Ausable*, and *Marcus L. Urann*.

*The Secretary of State to the Ambassador in Great Britain (Page)*

No. 4520

WASHINGTON, December 1, 1916.

SIR: I have already sent you the reply of this Government to that part of the British memorandum of July 15 last which deals with the case of the S. S. *China*.<sup>1</sup> The remainder of that memorandum is considered in the following memorandum, which you are instructed to read textually to Lord Grey, leaving a copy with him, on the subject of the *Ausable*, *Henry S.*, and *Marcus L. Urann*.

Telegraph me immediately the impressions you receive upon presenting the enclosed communication, as I have in mind proposing to arbitrate the question after the war under the Hague Convention for the Peaceful Settlement of International Disputes, on condition that these men be released now and no other similar seizures be made by Great Britain or her allies during the continuance of the war.

I am [etc.]

ROBERT LANSING

[Enclosure]

MEMORANDUM

The Government of the United States has given careful consideration to the memorandum of the British Government of July 15 last, relating to the removal by British authorities of certain alien enemies of Great Britain from American vessels while navigating the high seas or without legal right brought into a British port. As in the view of the United States the seizure of persons from American vessels in these situations is in the contemplation of law essentially similar and equally unjustifiable, these remarks will be applicable to the cases of the *Henry S.*, the *Marcus L. Urann*, and the *Ausable*.

It will be recalled that on March 16, 1916, the American steamer *Henry S.*, sailing between Mindanao and Balabac, Philippine Islands, was stopped on the high seas by a British cruiser, her cargo, papers, and crew were searched, boxes and cases being broken open, and the lining of the ship being cut by an armed boarding party, and engineer Weinert and boatswain Volk were seized as prisoners of war because they had no citizenship papers, the boarding officers refusing to make an entry in the log or to give the name of their ship. Several other instances of similar searches by His Majesty's ships of American vessels in the seas about the Philippine Islands, even in Philippine waters, for the purpose of apprehending certain German subjects supposed to be passengers on outgoing vessels have come to the notice of the Government of the United States, and have heretofore been brought to the attention of His Majesty's

<sup>1</sup> *Ante*, p. 653.

Government. In the case of the *Henry S.*, however, two Germans, members of the crew, were seized, forcibly removed from the vessel, and have since been held as prisoners of war on British soil. These men were not at the time of seizure, as the Government of the United States is formally advised by the German Ambassador at Washington, members of the armed forces of Germany, Austria-Hungary, or Turkey, but were civilians in the private American sea service, without any German connection whatever.

It will be recalled further that on January 14, 1916, the American steamship *Ausable*, bound from Galveston to Esbjerg, Denmark, and having no orders to call at Kirkwall, was without authority of law brought into that port for examination in charge of a British officer and armed guard. As a result of the examination, Third Officer Leiztritz was seized and removed from the vessel. The vessel was released, but Leiztritz has ever since been detained as a prisoner of war in Great Britain. His Majesty's Government state that he has confessed to being a sublieutenant in the German Naval Reserve, having signed shipping articles as a seaman under a false name and with false Norwegian papers.

Since these two seizures took place, another of a similar nature has occurred. On June 23, 1916, the American schooner *Marcus L. Urann*, bound from Norfolk, Virginia, for Pernambuco, Brazil, was stopped on the high seas by a British cruiser, and seaman Hans Hercksen arrested and taken out of the schooner as a prisoner of war by the boarding officer, Sublieutenant Wait, R. N. R. who made the following entry in the log: "31° 13' west longitude, 25° 8' north latitude. This is to certify that I boarded the schooner *Marcus L. Urann* this day and took Hans Hercksen prisoner, as he was a German. June 23, 1916."

The arrest of these four seamen belonging to American vessels and owing temporary allegiance to the American flag, and their detention as prisoners of war, are held by the Government of the United States to be in violation of the law and practice of nations, and constitute affronts to the American flag, under which American seamen serve and find their protection.

In the memorandum of July 15, under consideration, which is taken to be the answer of His Majesty's Government to the representations heretofore made by the Government of the United States in these cases, the British Government appear to advance the argument that there has been a practice among nations to remove "enemy subjects employed in the service of an enemy state" from neutral ships without the necessity of instituting prize proceedings against the vessels; that this practice was confirmed in the early treaties made by the United States and Great Britain with other countries (although none was concluded between the United States and Great Britain) granting the arbitrary removal of "persons who are in the military service of the enemy"; that the Declaration of London further confirmed this practice by granting the summary removal of "persons incorporated in the armed forces of the enemy"; that "enemy reservists (which phrase is used to designate all persons liable to military service) travelling to join the enemy forces" fall in this class, and that therefore the action of the British authorities in removing such persons from American vessels is justified; that the general rule is, that "persons, the object of whose voyage is to assist in belligerent operations, may be removed from the ship, even though she does not expose herself to Prize Court proceedings by carrying them"; that therefore, logically, this includes "persons intending to promote the warlike purposes of one belligerent by organizing on neutral territory the destruction of the other belligerent's necessary equipment for war"; and that consequently the arrest of the alleged revolutionary intriguers in the case of the S. S. *China* is justified.

In reply to this argument the Government of the United States draws attention to the following considerations:

*First.* It may be doubted whether there ever existed among nations a practice, outside of convention, of removing certain classes of persons from neutral vessels on the high seas without bringing them in for adjudication. It is true that there were several treaties concluded in the seventeenth, eighteenth, and nineteenth centuries bearing on this subject, but they are by no means uniform in their stipulations. There were some treaties extending the rule of "free ships, free goods" to enemy subjects on free ships. They provide that enemy persons may not be removed from neutral ships unless they are "military persons and effectively [actually] in the service of the enemy," but do not actually state that such persons may be removed without also capturing the ship.

There were treaties of this sort between France and the Netherlands (1678), between France, England, Spain, and Holland (Ryswick, 1697), between France and Great Britain (1713). Similar treaties with some variations in language, were made by the United States with France (1778, 1800), Sweden (1783), Prussia (1785), Spain (1795), Italy (1871), and with several Central and South American Republics (1825-1887); and by France with Great Britain (1786—"actually in the service of the enemy and being transported for employment as military persons in their fleets or armies"), Texas (1839), Ecuador (1843), and New Granada (1856—"at the moment engaged in the service of the enemy"). A treaty between Sweden and Holland (1675) prohibits the removal of persons "except only commanding generals and officers of the enemy." Other treaties state definitely that such persons may be made prisoners of war, without mentioning the vessel. Of these may be mentioned the treaties between France and the City of Hamburg (1769), and between France and Mecklenburg (1779). Still other treaties assimilate soldiers to contraband, and prohibit the furnishing of transportation of military persons as well as certain mentioned articles of contraband. Such treaties were concluded between Sweden and Holland (1614), Holland and the Hanse towns (1615), France and Holland (1646), Spain and Holland (1650), Sweden and Holland (1675), and France and Great Britain (1677). Of these, the treaty of 1646 specifically provides the vessels engaged in transporting "men for the service of the enemy" shall be "good prize" together with the apparel and merchandise.

It can hardly be said that these treaties demonstrate a practice of nations to remove "enemy subjects employed in the service of an enemy state" from neutral ships without bringing them before the Prize Courts. If these treaties can be regarded as representing a practice of nations, as the British Government suggest, it was a practice recognized as permissible only under treaty agreement. The Government of the United States is not aware of any proof that these treaty provisions were declaratory of international law, or that they were so considered at the time of their signature or subsequently. The more reasonable view to take of them is that they represent an exception to the general practice of nations, just as the rule of "free ships, free goods," provided for in many of the same treaties, was an exception to the practice of nations and was not generally adopted until about the middle of the last century. This view is borne out by the consistent practice of Great Britain and the United States during the very period when these treaties were in force.

As to British practice, it appears that the instructions to naval officers issued in the war with Spain, December 20, 1718, announced that vessels carrying soldiers were subject to condemnation as lawful prize (Doctor Robinson's note to *The Friendship*, 6 C. Robinson, 421). In the Declaration of War of George II against the King of Spain, October 19, 1739, British subjects and "all other persons of what nation soever" are warned that "whatsoever ship or vessel shall be met withal transporting or carrying any *soldiers*, arms, powder, ammunition, or other contraband goods . . . the same being taken, shall be condemned as good and lawful prize." (*Gentleman's Magazine*, 1739, vol. 9, p. 551.) A similar warning occurs in the Declaration of War by George II against the King of France on March 29, 1744, and again on May 17, 1756. (*Ibid.*, 1744, vol. 14, p. 167; 1756, vol. 26, p. 237.) It will be observed that the rule announced in these declarations of war against Spain and France was contrary to that laid down in earlier treaties enumerated above between Great Britain and these countries, to which Great Britain refers as confirming the established practice. Doctor Robinson, the learned reporter of the early decisions of the British Admiralty courts, having in mind the foregoing announcements, wrote in 1808 that the act of carrying soldiers of the enemy "has been in former wars assimilated to contraband by public proclamation and instructions, and has been declared to render the ship liable to condemnation."

That neutral ships carrying soldiers were, as a matter of fact, captured by the British Navy and brought into port for prize proceedings is shown in the cases of *The Carolina* (1802); *The Friendship* (1807); *The Orozembo* (1807); and *The Hope* (1808). To the same effect may be cited the case of the *Oreta*, which, during the Crimean War (1855), left Japan with 270 Russian officers on board and was seized and taken before the prize court at Hongkong. The court declared her to be good prize. (C. de Boeck, *De la propriété privée ennemie sous pavillon ennemi*, p. 113; Katchenovsky's *Prize Law*, p. 156, Pratt's translation.) That Great Britain herself was willing to submit to such practice by other belligerents is shown by the fact that in the proclamation of neutrality of May 13, 1861, at the beginning of the American Civil War, the British Government

warned British subjects against doing "any acts in derogation of their duty, as subjects of a neutral sovereign in the said contest, or in violation or contravention of the law of nations in that behalf; as for example . . . by carrying officers, soldiers, despatches . . . for the use or service of either of the said contending parties" under pain of becoming liable "to the several penalties and penal consequences by the said statute, or by the law of nations, in that behalf imposed or denounced," of losing protection against any liabilities, and of incurring "our high displeasure by such misconduct." (*British and Foreign State Papers*, vol. 51, p. 165.)

In these circumstances the *Trent* case arose in 1861-2. Although relating to persons not in the military service of the enemy, this case is regarded by a majority of authorities as resulting in a general understanding that "in the absence of a treaty it is no longer allowable to take persons out of a neutral ship, but that the ship itself, with the noxious persons on board, must be brought in for judicial examination." (Moore, *Digest of International Law*, vol. 7, p. 756.) This conclusion was reached notwithstanding the fact that Mason and Slidell were purposing to carry out unneutral designs in or from British territory—the ground first advanced by Great Britain to justify the removal of the persons taken out of the *S. S. China*, and subsequently reasserted in the memorandum under consideration.

That this was the meaning attached to the *Trent* case by the British Government is shown by the fact that in the "Manual of Naval Prize Law," prepared in 1866 by Doctor Lushington, and adopted by the British Admiralty as a guide for commanders of British ships of war, it is stated that "the Commander will not be justified in taking out of a Vessel any Contraband Persons he may have found on board and then allowing the Vessel to proceed; his duty is to detain the Vessel and send her in for Adjudication, together with the Contraband Persons on board." Contraband persons are defined in the same manual as the following persons having a "hostile destination": "Soldiers or Sailors in the service of the Enemy; Officers, whether Military or Civil, sent out on the public service of the Enemy at the public expense of the Enemy. The number of such officers is immaterial." An exception was made of "Ambassadors from the Enemy to a Neutral State."

The two proclamations of neutrality issued in 1870 by the British Government during the Franco-Prussian war both contained a warning to British subjects against doing "any acts in derogation of their duty as subjects of a neutral sovereign, in a war between other Sovereigns, or in violation or contravention of the law of nations in that behalf, as more especially . . . by carrying officers, soldiers, despatches, . . . for the use or service of either of said Sovereigns" on pain of being "justly liable to hostile capture and to the penalties denounced by the law of nations in that behalf," and incurring "our high displeasure by such misconduct."

Moreover, in Holland's Manual of Naval Prize Law, of 1888, "Issued by authority of the Lords Commissioners of the Admiralty," commanders are instructed, in paragraphs 88 and 89, to detain any neutral ship used as a "Transport for the carriage of soldiers or sailors by the Enemy . . . or even of Civil Officials sent out on the public service of the Enemy, and at the public expense," and in paragraph 94 it is stated, "The Commander will not be justified in taking out of a Vessel any Enemy Persons he may have found on board, and then allowing the Vessel to proceed; his duty is to detain the Vessel and send her in for Adjudication, together with the Persons on board."

In the neutrality proclamations of the British Government issued at the opening of the Chino-Japanese war of 1894 and the American and Spanish war of 1898, British subjects were warned of the penalty of "hostile capture" of their ships for carrying "officers, soldiers, despatches," etc.—in terms identical with those used in neutrality proclamation of 1870, which is quoted in a preceding paragraph.

During the Boer war of 1900 the German steamers *Bundesrath*, *General*, and *Herzog* were seized on the ground, among others, of having on board passengers believed to be destined for service in the Boer Army, and were brought in with the apparent intention, as shown by the correspondence regarding the *Bundesrath*, of submitting the vessels to a judicial examination. These vessels, however, were subsequently released when it was ascertained that the suspicions of the British authorities were unfounded. The British position was again exemplified in the neutrality proclamation issued during the Russo-Japanese war of 1904, by which British ship owners were warned as in prior wars regarding the liability of ships to "hostile capture" for carriage of officers, soldiers, or despatches.



The same position was maintained by the British delegates at the Hague Conference of 1907. In the discussion of Article 12 of Convention X, allowing belligerent warships to demand neutral merchantmen to surrender combatants picked up after a naval battle, the British delegates made the statement that "the British Government can not acquiesce in the opinion expressed in the report as to the rights of a belligerent ship of war to require the surrender of wounded, sick, and shipwrecked combatants on board a merchant vessel sailing under a neutral flag. Failing a special convention, his Government considers that the recognition of such a right can not be based on the existing principles of international law." As a concession Great Britain agreed to Article 12, but she sought to restrict the concession within the narrowest limits by a reservation declaring that His Majesty's Government understands Article 12 "to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part." (Westlake, vol. 2, p. 277; Higgins, p. 389; Cobbett, vol. 2, p. 123.) The inference is clear that the right to remove even combatants from neutral vessels in any other case was not admitted.

In the following year, 1908, preparatory to calling the Naval Conference in London, Sir Edward Grey sent to His Majesty's representatives at European capitals and at Washington and Tokyo for submission unofficially to the Governments at those capitals a memorandum "setting out the views of His Majesty's Government founded upon the decisions in the British Courts, as to the rules of international law on the points . . . proposed for discussion at the forthcoming Naval Conference at London." (*Correspondence and Documents respecting the International Naval Conference held in London December, 1908-February, 1909*, Misc. No. 4, 1909, p. 2.) From this memorandum it appears that it has never been the practice to remove persons, military or otherwise, from neutral ships on the high seas without bringing the ship itself into port for adjudication. It is true that Sir Edward added in his instructions to His Majesty's representatives that this memorandum was "not to be taken as an official code, since some of the rules and dicta are of ancient date, and their application may be difficult in view of modern conditions," but the British views on the question under discussion were subsequently confirmed by Sir Edward Grey in his instructions to the British delegates to the London Naval Conference, in which he says, ". . . the conveyance of military detachments, or of individual officers or civil agents of the enemy have generally been admitted to render the ship liable to seizure and possibly to confiscation, . . . the choice would seem to lie between the inconvenience and loss inevitably resulting from a large and valuable neutral ship being brought in for trial before a prize court and the responsibility of acquiescing in the removal from under the neutral flag, on the demand of a belligerent man of war, of persons whose contraband character it might or might not be possible to establish to the satisfaction of the captain of the neutral vessel." (Sir Edward Grey to Lord Desart, December 1, 1908. *Ibid.*, p. 20.) Moreover, Mr. Eyre Crowe, one of the British delegates to the London Conference, in the course of the discussion, clearly stated the British position up to that time. He said: "Great Britain has never been willing to admit the principle that a person placed under the protection of a neutral flag should be surrendered in this manner; she does not decline, however, to have this case treated as one of the questions of contraband by analogy." (*Proceedings of the International Naval Conference*, Misc. No. 5, 1909, p. 165.)

The foregoing outlines the practice and views of the British Government from 1718 up to the London Naval Conference—the period covered by the special treaties on which Great Britain appears now to rely as confirming a contrary practice. It will be observed that Great Britain has always treated the subject of the transportation of noxious persons as analogous in respect to the measures to be applied to the carriage of contraband. No decision of an English court and no English jurist has discussed the question except with reference to the penalty attaching to the ship making the illegal transport. It is doubtful if any intimation can be found prior to the Declaration of London by any English authority to sustain the contention that the captor may remove such persons from a neutral ship on the high seas without bringing the vessel before a prize court for adjudication.

The practice of the United States has been essentially the same as that of Great Britain, and the American treaties already cited have been regarded as exceptions to that practice, because they have, in fact, been contrary to it.

For example, in 1778 the Continental Congress proclaimed that American commanders should "on no pretense whatever presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States, except they are employed in carrying contraband goods or soldiers to our enemies, and in such case that they conform to the stipulations contained in treaties subsisting between such princes or powers and these states." (*Journals of the Continental Congress*, vol. xi, p. 486.) It is true that Secretary Madison, in 1804 and 1805, while contending for the insertion of a stipulation in a treaty with Great Britain to the effect that no person should be removed from a ship on the high seas "unless such person be at the time in the military service of an enemy," referred to this as "an exception which we admit to come within the law of nations on the subject of contraband of war." (*State Papers, Foreign Relations*, vol. III, p. 81.) But this statement had reference to a proposed treaty provision which was later modified by omitting the exception, which was aimed to avoid the illegal and vexatious impressment of seamen on American vessels, and which was modeled, in respect of the exception, after treaties between Great Britain and other powers—treaties, as Lord Harrowby said at the time in objection to this treaty, which "had been paid for by the powers to whom the concession had been made by stipulations which secured the interests" of Great Britain: it was made before the American policy had been settled, and was contrary to all subsequent practice and views of this Government; and it was in effect denied by Secretary Seward in 1861-2 (which denial was acquiesced in by Great Britain) to constitute the proper rule of international law in such cases.

The British prize cases mentioned above, in which ships carrying noxious persons were brought in for adjudication, have been referred to with approval by American courts, as shown in the case of the *Commercen*, decided by the United States Supreme Court in 1816. (1 Wheaton 382; 3 U. S. Sup. Ct. Rep. 597.) These decisions have also been followed by the Executive Branch of the United States Government, as indicated in the case of the British mail steamer *Teviot* in 1847. This vessel had brought from Habana to Vera Cruz, then in possession of the United States, a "hostile Mexican general," former President Paredes of Mexico. In respect to this incident, Mr. Buchanan, then Secretary of State, instructed the American Minister at London to state to Lord Palmerston that "A neutral vessel which carries a Mexican officer of high military rank to Mexico, for the purpose of taking part in hostilities against our country, is liable to confiscation, according to the opinion of Sir William Scott, in the case of *The Orozambo* . . . , and this even although her captain and officers were ignorant that they had such a person on board." Lord Palmerston answered that the British Government, after investigation, had informed the company to which the *Teviot* belonged "that the directors are bound to testify, in a marked manner, their disapproval of Captain May's conduct in having thus abused the indulgence afforded to the company's vessels by the Government of the United States." He added that the company indicated that Captain May would be suspended from his command. (Moore, *Digest of International Law*, vol. 7, p. 753.)

The position of the United States in the *Trent* affair is well known, but it may be permissible to refer to the definite statement of the American attitude made by Secretary Seward in his note of December 26, 1861, to Lord Lyons: "If there be no judicial remedy, the result is that the question must be determined by the captor himself on the deck of the prize vessel. Very grave objections arise against such a course. The captor is armed, the vessel is unarmed. The captor is interested, prejudiced, and perhaps violent; the neutral, if truly neutral, is disinterested, subdued, and helpless. The tribunal is irresponsible, while its judgment is carried into instant execution. The captured party is compelled to submit, though bound by no legal, moral, or treaty obligation to acquiesce. Reparation is distant and problematical, and depends at last on the justice, magnanimity, or weakness of the state in whose behalf and by whose authority the capture was made. . . . I think all unprejudiced minds will agree that imperfect as the present judicial remedy may be supposed to be, it would be, as a general practice, better to follow it than to adopt the summary one of leaving the decision with the captor and relying upon diplomatic debates to review his decision." (*British and Foreign State Papers*, vol. 55, p. 627.)

The disadvantage of such a summary procedure is well illustrated in the case of the *S. S. China*, in which the 23 men admitted by Great Britain to have been wrongfully seized were, though entitled to their liberty, held as prisoners

of war for over seven and a half months before their release was effected. The same position was announced during the War of 1870 between France and Prussia by President Grant in his Proclamation of Neutrality. He declared that American citizens could not "transport soldiers and officers of either without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf." (16 U. S. Stat. L. 1132.)

In the American-Spanish war of 1898 the United States acted on this understanding of the *Trent* case. Instructions to blockading vessels and cruisers issued by the Navy Department in that war contained the provision that "A neutral vessel in the service of the enemy, in the transportation of troops or military persons, is liable to seizure." (Moore, *Digest of International Law*, vol. 7, p. 755.) The same rule was followed by Spain. (*Official Gazette*, April 25, 1898.) Moreover, the United States Naval War Code of 1900, which was referred to in the instructions of the Government of the United States to its delegates to the Second Hague Conference and the London Naval Conference as expressing, in general, the views of the United States Government, provides that "If the papers show . . . an offense in respect of blockade, or enemy service, the vessel should be seized; otherwise she should be released, unless suspicious circumstances justify a further search." (Naval War College, *International Law Discussions*, 1903.)

It is therefore obvious that, aside from specific treaty provisions to the contrary, the United States has uniformly, in announcement and practice, maintained the same doctrine as Great Britain; namely, that no persons may be removed from beneath a neutral flag on the high seas without bringing the vessel before a prize court. Undoubtedly this position was held by both countries up to the date of the Naval Conference at London. Even the convention signed at this conference conforms to this doctrine with the exception of Article 47, which grants the removal of persons "embodied in the armed forces of the enemy" without making prize of the vessel, when the master, owner, or charterer is without guilty knowledge of the transaction. But Article 47 is an innovation in the prior practice of Great Britain and the United States—a reversion to the conventional rule of the early treaties. This is demonstrated by the report of March 1, 1909, of the British delegates to the conference. They stated: "No such general right has hitherto been admitted by this country, although what may be considered to be an exception was recently made in Article 12 of the [Hague] convention for the adaptation of the principles of the Geneva convention to maritime war." (*Correspondence and Documents respecting the International Naval Conference*, Misc. No. 4, 1909, p. 93.) Sir Edward Grey also appeared to regard Article 47 as an innovation, for in a letter of November 26, 1910, to the Glasgow Chamber of Commerce, he wrote: "A new rule is no doubt contained in Article 47. . . . The words [of Article 47] must in fact be strictly construed as applying solely to individuals who have actually joined, and are serving with, the corps to which they belong. Such individuals, who are not likely to be found in any considerable number on board neutral vessels on the high seas, are, under the existing rules, classed as analogues of contraband, and their presence on board such vessels renders the latter liable to seizure by a belligerent, with all the consequences of loss and hardship for owners and innocent passengers." (*Correspondence respecting the Declaration of London*, Misc. No. 4, 1910, p. 11.)

The American delegates to the London Naval Conference also perceived an innovation in Article 47. This article, says Admiral Stockton, one of the American delegates, was not agreed to by the United States until the last moment, but was assented to finally "as a concession not in accord with our practice, but in order to allow a harmonious conclusion," and in the interest of relieving large vessels from the inconvenience of being brought into port for adjudication, which would undoubtedly release them as being without conscious guilt. (*The American Journal of International Law*, vol. 3, p. 611.)

From the foregoing account the conclusion seems inevitable that when the British Government state in their memorandum under acknowledgment that "The principle that there are certain classes of persons whom a belligerent is entitled to remove from a neutral vessel although their carriage may not have rendered the ship liable to condemnation, without the necessity of instituting prize court proceedings, was recognized by the Declaration of London," and that "The result would have been, had the Declaration been ratified, to confirm the old practice," the British Government are making statements which must be regarded as at variance with the facts, for the doctrine stated was agreed

upon for the first time by the conference, and, as expressly stated by the British delegates and by Sir Edward Grey, was regarded as an innovation in international law and a decided departure from the British practice and all prior British views of the law.

As the seamen in question were taken out of American vessels summarily and without bringing the vessels before a prize court in order that the rightfulness of the action of the British authorities in thus invading American jurisdiction might be determined, the United States holds that the men thus seized are wrongfully held in British custody, and should be immediately released.

*Secondly.* Assuming, but only for the sake of discussion, that a practice existed, as the British Government suggest, of removing "enemy subjects employed in the service of an enemy state" from neutral ships without instituting prize proceedings against the vessels, it is demonstrable that such a practice was restricted to a single specific class of persons, to which enemy reservists and enemy agents or plotters do not belong. Consider the treaties already cited. Practically all of them use some term (*troupes, soldats, militaires, gens de guerre*) meaning military persons, and most of them further limit the terms used by adding the phrase, "actually in the service of the enemy." For example, the treaties between France and the Netherlands of 1678, and between France, Great Britain, Spain, and Holland of 1697 limited this exceptional class of persons to "*gens de guerre, et effectivement en service des dits ennemis*" and the treaty between France and Great Britain of 1713 limited the class of persons to "*gens de guerre actuellement au service des dits ennemis*." As to such treaties, the French Government stated in 1861, with reference to the *Trent* case, that they "define plainly the character of those who can be seized upon by belligerents." (*British and Foreign State Papers*, vol. 55, p. 610—Minister of Foreign Affairs to French Minister at Washington, December 3, 1861.) The British declarations of war of the eighteenth century already mentioned refer to no noxious persons but "soldiers," and not one of the decisions of the British prize courts cited above (1802 to 1808), including the case of the *Creta* (1855), was based on the transportation of any persons other than officers or soldiers. The British proclamations of neutrality of 1861, 1870, 1894, 1898, and 1904, refer to officers and soldiers but to no other persons. Notwithstanding the warning in the British Proclamation of Neutrality in the Franco-Prussian war, British ships transported German reservists from the United States to Europe without being held to have violated the rules as to unneutral service. It is true that the prize manuals of 1866 and 1888 added civil officers who are "sent out on the public service of the Enemy at the public expense of the Enemy," but this addition is based on the dictum of Sir William Scott in the case of *The Orozambo*—a dictum which, as specifically pointed out by Lord Russell in the *Trent* case, referred only to civil officers *en route* from the enemy's country to one of the enemy's colonies.

The United States has similarly restricted the class of contraband persons. The five treaties entered into by the United States with European countries between 1778 and 1800 (France, 1778, 1800; Sweden, 1783; Prussia, 1785; Spain, 1795), referred only to "soldiers in the actual service of the enemy." Similarly, the class was limited to "officers or soldiers in the actual service of the enemy" in treaties with Colombia (1824, 1846), Central America (1825), Brazil (1828), Mexico (1831), Chile (1832), Venezuela (1836), Ecuador (1839), Bolivia (1858), Haiti (1864), Dominican Republic (1867), Salvador (1870), Italy (1871), and Peru (1887). The expressions of Secretary Madison (1804-5), and Secretary Buchanan (1847), quoted above, had reference only to persons in the military service of the enemy. Likewise, as we have seen, the proclamations of neutrality of 1870, and the instructions to American cruisers in 1898, mentioned only "soldiers and officers" and "troops or military persons" respectively.

Judging from these examples of British and American announcements and practice, it is clearly manifest that neither country ever considered any individuals as liable to apprehension (regardless of the treatment of the ship) except soldiers, officers, and other military persons in the actual service of the enemy, with the possible addition of civil officers "sent out on the public service of the enemy and at the public expense of the enemy," notwithstanding the fact that reservists have been known and recognized in military systems of Europe at least since 1870. It is not, therefore, believed possible to maintain successfully and fairly that this proscribed class of individuals included or was intended to include "enemy reservists."

Notwithstanding that both the United States and Great Britain regard the Declaration of London as inoperative in the present war, although the provisions in respect to unneutral service were in force by order in council when the men were seized from the *Henry S.*, the *Ausable*, and the *Marcus L. Urann*, it may not be improper to make the following brief observations in regard to the meaning of Article 47, which is obvious both from its terms and from the accompanying official comment.

The phrase in Article 47, "embodied in the armed forces of the enemy," ought, in the opinion of this Government, to be regarded as excluding reservists, for the reason that the same phrase in Article 45 is so interpreted by M. Renault in his official report, which His Majesty's Government have formally recognized as a correct commentary on the declaration (order in council, August 20, 1914), and that he points out no distinction between the two identical phrases used in these two articles, but, on the contrary, in the discussion of Article 47 he consistently refers to "soldiers or sailors" and "active enemies," indicating that he had in mind actual combatants of the enemy state. The same view was taken, as we have seen, by Sir Edward Grey in his letter of November 26, 1910, to the Glasgow Chamber of Commerce, in which he said Article 47 "must be strictly construed as applying solely to individuals who have actually joined and are serving with the corps to which they belong." If further confirmation of the innovation in and meaning of Article 47 is needed, reference may be made to the writings of such learned British jurists as Bernard, Westlake, Oppenheim, and Cobbett. Mr. Cobbett states: "This right [granted in Article 47], it will be seen, is confined to persons actually 'embodied in the armed forces of the enemy,' and would not extend to persons in civil employment or merely on their way to take up military service. Nevertheless it constitutes a serious encroachment on the British position; although not without some justification, from the point of view of principle and convenience. . . . But it would manifestly be an international delinquency of a serious kind for a belligerent to exercise the right except on clear proof of the military character of the person seized." (Pitt Cobbett, *Cases on International Law*, vol. II, p. 459.)

Moreover, it will be recalled that "reservists" were not included within the classes of contraband treated in the memoranda submitted at the opening of the conference by each nation as expressing its view of the law, and they cannot fairly be brought within the categories of contraband set forth in those memoranda. This is proof that prior to the London conference, "reservists" were not regarded by the chief maritime nations of the world as contraband, whose transport was forbidden to neutral ships. When, therefore, the British Government state that "before the London Naval Conference it would never have been argued that reservists . . . were not in the military service of the belligerents concerned," they are, though doubtlessly through error, making an assertion, which is contrary to the views and practices of the governments prior to the conference. And when the British Government endeavor to justify their action by laying down the broad principle "that a belligerent is entitled to prevent his enemy from making use of the protection of a neutral ship in order to increase his efficiency for the operations of war, and that, therefore, persons, the object of whose voyage is to assist in belligerent operations, may be removed from the ship," they are advancing a doctrine manifestly in their own interest in the present war, unless they include all British subjects qualified to enlist in the armed forces of His Majesty, and in the face of unbroken British practice and all British declarations in prior wars—a doctrine which this Government believes is not warranted by even the most modern conceptions of international law, which have not yet received the sanction of general consent.

There remains but one further point under this heading to which reference should be made. It is the inconsistency which the British Government endeavor to expose in the position of the United States that reservists are immune from seizure at sea because not incorporated in the armed forces of the enemy, while they are regarded as "enlisted" men within the meaning of the Enlistment Act of the United States. This is a technical distinction, based on the operation of the military service law of Germany, by which reservists remain enrolled on the army lists and hence must be regarded as already "enlisted" by the very terms of the Enlistment Act. But being enrolled on the army lists is by no means the same as being incorporated in the army, for reservists are not, it is understood, in the active or actual service until

after they have been accepted for service. When they present themselves on call to their regiment, they may not be accepted owing to physical condition, or other cause of exemption from service. Before acceptance, therefore, they can not be regarded as persons who form an integral part of the fighting forces of a belligerent, or, in the words of Sir Edward Grey, "who have actually joined and are serving with the corps to which they belong."

It appears to the Government of the United States, therefore, that it is entitled both by precedent and in justice and reason to hold that the seamen removed from the American vessels named, who have been seized merely because they were German reservists or German subjects, are not persons in the military service of Germany, and that they were therefore wrongfully arrested on American vessels even under the principles contended for by Great Britain.

*Thirdly.* As has been demonstrated, both Great Britain and the United States have always treated the transportation of noxious persons as analogous to the carriage of contraband. This is shown by some of the early treaties already cited, by the declarations of war and proclamations of neutrality quoted above, and by the British prize manuals. This position was announced by Lord Russell in the *Trent* case, and recently, as we have observed, at the London Naval Conference by Mr. Eyre Crowe, one of the British delegates. It is not necessary to adduce proofs of a fact so well known and recognized, but it may perhaps be allowable to quote from Lord Russell's discussion of this point in the *Trent* case. He said: ". . . if the real terminus of the voyage be *bona fide* in a neutral territory, no English, nor indeed, as Her Majesty's Government believe, any American authority can be found which has ever given countenance to the doctrine that either men or despatches can be subject, during such a voyage, and on board such a neutral vessel, to belligerent capture as contraband of war. Her Majesty's Government regard such a doctrine as wholly irreconcilable with the true principles of maritime law; and certainly with those principles as they have been understood in the courts of this country.

. . . For instance, in the present war, according to Mr. Seward's doctrine, any packet ship carrying a Confederate Agent from Dover to Calais, or from Calais to Dover, might be captured and carried to New York. . . . In view, therefore, of the erroneous principles asserted by Mr. Seward, and the consequences they involve, Her Majesty's Government think it necessary to declare that they would not acquiesce in the capture of any British merchant ship in circumstances similar to those of the *Trent*, and the fact of its being brought before a Prize Court, though it would alter the character, would not diminish the gravity of the offence against the law of nations which would thereby be committed." (*British and Foreign State Papers*, vol. 55, pp. 656, 657.)

In the cases of which the United States complains, all of the vessels were bound from neutral ports to neutral ports: the *Ausable* from the United States to Denmark, the *Henry S.* from one port in the Philippine Islands to another port in the same islands, and the *Marcus L. Urann* from Norfolk, Virginia, to Pernambuco, Brazil. It can not be contended, therefore, that the men seized from these ships have a contraband character, unless, in addition to their military status, it is first shown that they have also an actual hostile destination. The Government of the United States is unaware of any evidence which has been adduced showing such a destination, even indirectly, and it must therefore conclude that these arrests have been made by Great Britain regardless of her prior practice and the explicit statements of Lord Russell as to the legal principles involved.

*Fourthly.* The United States and Great Britain have been singularly in accord until the present day in the practice of their Governments, the declaration of their officials, and the utterance of their jurists upon this subject, particularly as to the procedure to be followed, the penalties to be imposed, and the class of enemy persons to be apprehended. This attitude is based on principles of justice and equity as well as upon the rules of law and practice. Great Britain now contends, it is believed for the first time, that the existing practice is based on the principle that "a belligerent is entitled to prevent his enemy from making use of the protection of a neutral ship in order to increase his efficiency for the operations of war." If this be so, which it is not necessary now to deny or affirm, the United States holds that the application of this principle is limited, as it is believed has been demonstrated, by the requirement that vessels carrying noxious persons should be captured as prize of war, and that such noxious persons can not be taken out of the ship unless they are military persons in the

actual service of the enemy (which the United States does not admit to be the rule of practice), and they must be, like contraband, *en route* to an enemy destination. Such limitations, having received generally the recognition of nations, are presumably founded in some cause which they believe to be just and equitable. To the Government of the United States the limitations appear to arise from another principle, which conflicts with that now relied upon by Great Britain, namely, that a merchant ship on the high seas is to be regarded as a part of the territory and under the sole jurisdiction of the country whose flag she flies, and that, therefore, no other country has any more right to invade a merchant vessel on the high seas or one wrongfully brought into a belligerent port than to violate the soil of the vessel's country. This principle was stated by Justice Hunt, of the United States Supreme Court, in the case of *Crapo v. Kelley* (1872), with reference to Mason and Slidell: "They were not British subjects, and their return could only have been demanded for the reason that they had been torn from British soil and the sanctity of British soil as represented by a British ship had been violated. Citizenship or residence had no influence upon the question." (16 Wallace 610, 631.) A contrary principle would, in fact, imply the same exclusive dominion over the ocean by a belligerent as it exercises within the limits of its territorial sovereignty, and would result in the denial of those common rights on the high seas and that equality of independent states which are corner stones of the law of nations. Any waiver of these rights, even in time of war, must be strictly construed and narrowly confined. It is far more unjust and dangerous to the world to destroy these fundamental principles than to uphold the principle contended for by Great Britain. Yet this would appear to be the only possible result if the British contention should prevail; for the British doctrine, if logically followed to its conclusion, would open the way to the removal of any person in the service of his country, whether a member of the reserves, a volunteer going home to enlist for the first time, a diplomatic or consular officer, civil officers of state, propagandists, secret-service agents, and others—the mere scope of the principle advanced stamps it as based wholly on the ground that the interest of a belligerent, however temporary or insignificant it may be, can be rightfully asserted without regard to the rights of neutrals or the prior views of the present contestants. The right to take men out of ships implies the right to search for them, which is a violation of commerce. As the French Foreign Minister, M. Thouvenel, said with regard to the *Trent* case: ". . . at any moment the commerce and the navigation of third powers would have to suffer from their innocent and even their indirect relations with the one or the other of the belligerents. These last would no longer find themselves as having only the right to exact from the neutral entire impartiality and to interdict all intermeddling on his part in acts of hostility. They would impose on his freedom of commerce and navigation restrictions which modern international law has refused to admit as legitimate. . . ." (French Minister of Foreign Affairs to French Minister in Washington, December 3, 1861. *War of the Rebellion: Official Records of the Union and Confederate Armies*, p. 1117.)

It is precisely this conflict of principle and selfish interest which has led to the procedure contended for by the United States—taking the offending vessel into port for adjudication before a presumably impartial tribunal, so that the pretensions of belligerents may be checked and the rights of both parties may be exercised with moderation and reason. As has been often voiced by the officials of both the United States and Great Britain, the attempt of a naval officer to stand in the place of a prize court, and adjudicate, sword in hand, on his own initiative and authority, cuts at the root of friendly and equitable relations between belligerents and neutrals—in short, seizure without process of law (a procedure not allowed in respect of the most trivial article of property), is contrary to the ideas of modern civilization, a reversion to a practice which has long since been abandoned.

The foregoing considerations have demonstrated conclusively to the Government of the United States, and, it is hoped satisfactorily to the British Government, that there has never been by either country any "practice of taking out of a neutral ship enemy subjects employed in the service of an enemy state without capturing the vessel or placing it in the prize court," as Great Britain contends; that, assuming that there has been such a practice, which is not admitted, it has been strictly limited by treaty agreement (of which there is none between the United States and Great Britain) and by practice to a particular stated class of persons, which never has and can not now be regarded as including enemy reservists or revolutionary plotters; that this specific class

of persons, regarded as analogues of contraband, has not been considered as subject to capture, together with the vessel, when destined to neutral countries; and that these limitations upon the apprehension of this class of persons are founded on justice and equity and a reasonable regard for the sanctity of merchant vessels under neutral flags on the high seas.

The Government of the United States, therefore, has no hesitation in denying the soundness of the British contentions and the validity of the conclusions set forth in the memorandum under acknowledgment.

In view of these considerations, the Government of the United States must insist on the prompt release of the four seamen taken out of the *Henry S.*, the *Ausable*, and the *Marcus L. Urann*, and the discontinuance of the removal of enemy subjects from American vessels on the high seas. The Government of the United States can not too earnestly press upon His Majesty's Government the serious nature of the action of their authorities in sitting in judgment upon the military character of these men, violating the jurisdiction of the United States by taking them out of American ships and holding them for months as prisoners of war without recourse to judicial proceedings to test the validity of such arbitrary action. The Government of the United States can not submit to such treatment of American vessels and American seamen, and if it is the firm policy of His Majesty's Government to continue to hold these men and to arrest others in similar circumstances, the Government of the United States will be compelled, much as it would regret to do so, to take such steps as may seem to it necessary to protect American vessels and seamen from further gross violations of their rights.

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 26, 1916.

4213. My mail instruction No. 4520, December 1.<sup>1</sup> What have you to report?

LANSING

File No. 341.622a/278

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 29, 1916, 7 p. m.

[Received 9.30 p. m.]

5389. Your 4213, 26th. Mr. Balfour, who has been indisposed, came to the Foreign Office for the first time on the 27th instant and was accessible for the first time to-day, when I presented your mail instruction No. 4520, which reached me December 10. The change of government rendered it impossible for me to make this communication earlier, since I wished to follow your instructions exactly in making it in person to the Minister for Foreign Affairs.

I explained my instructions to read it textually to him and was about to do so when he asked me to explain its contents and permit him to read it himself, which he promised to do with care. At the same time I presented the memorandum enclosed with your unnumbered mail instruction of November 23 on the *China* case.<sup>2</sup> Mr. Balfour, after my full explanation of the longer memorandum, remarked that it was subject of much possible controversy but that

<sup>1</sup> *Ante*, p. 667.

<sup>2</sup> *Ante*, p. 662.



he would consider the memorandum with great care and all possible promptness. His manner was cordial but he gave no indication of what his answer would be.

PAGE

DEPARTURES BY BELLIGERENT GOVERNMENTS AND NAVAL  
AUTHORITIES FROM THE ESTABLISHED RULES FOR EXER-  
CISE OF THE RIGHT OF VISIT AND SEARCH AT SEA

File No. 763.72111Z1/20

*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1020

WASHINGTON, December 17, 1915.

EXCELLENCY: The Department has been informed by the American Consular Officer at Progreso, Mexico, that on November 5 last an armed party from the British cruiser *Isis* boarded and searched the American steamship *Zealandia*, notwithstanding the fact that the *Zealandia* was at the time lying at anchor in the harbor of Progreso and in charge of the customs officials of Mexico.<sup>1</sup>

In view of the facts as stated above, the Government of the United States protests through your excellency to His Majesty's Government against the action taken by the commander of the *Isis*, reserving at the same time all rights of the charterer and shipper in the premises.

Accept [etc.]

ROBERT LANSING

File No. 763.72111Z1/24

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 50

WASHINGTON, February 17, 1916.

[Received February 23.]

SIR: I duly communicated to His Majesty's Government the protest made by the United States Government, as set forth in your note No. 1020 of the 17th December last, against the action taken by the commander of H. M. S. *Isis* in boarding and searching the American steamship *Zealandia* off Progreso, Mexico, on the 5th November last.

I have now the honour to inform you, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that His Majesty's Government, after considering the reports received by them, maintain their view that the *Zealandia*, at the time when the search took place, was lying outside the three-mile limit from the shore. The fact that she was moored at a spot which is claimed to be situated within the limits of the harbour of Progreso, and that she was at the time in charge of Mexican customs officials cannot be

<sup>1</sup> Previous correspondence on this case not printed.

admitted by His Majesty's Government to deprive them of justification for exercising the recognized belligerent right of visit and search.

His Majesty's Government are, however, desirous to give the fullest consideration to the view taken by the United States Government in this case, and I am instructed to enquire upon what precedents, if any, the contention is based that a vessel lying outside the three-mile limit, but in charge of customs officials of a neutral and independent country, should be regarded as exempt from the right of visit and search. In this connection I may venture to point out that in conformity with the doctrine accepted by the general consent of nations including the United States, and also confirmed by the United States courts, His Majesty's Government lost no time in communicating to the Mexican Government with whom it would properly lie to take action in the matter, the full facts of the case including the circumstances which explained the discrepancy between the estimate of the distance from shore made by Mexican officials, and that made (under a more trustworthy and accurate process) by the British commander.

The Mexican Government has made no complaint to His Majesty's Government of any violation of Mexican waters and sovereignty on the part of His Majesty's ship *Isis*.<sup>1</sup>

I have [etc.]

CECIL SPRING RICE

File No. 763.72112/2367

*The British Ambassador (Spring Rice) to the Secretary of State*<sup>2</sup>

No. 67

WASHINGTON, March 11, 1916.

[Handed to the Acting Secretary  
by the Ambassador, March 13.]

SIR: I have the honour, in accordance with instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, to inform you that in consequence of the use of the neutral flag and neutral distinguishing marks, to which the German naval authorities have resorted in order to conceal the identity of certain of their vessels, it has become necessary for His Majesty's Government to adopt the procedure described below in exercising the right of visit and search.

The German Government have made several attempts to despatch raiding cruisers into the Atlantic. These cruisers, as in the recent case of the *Moewe*, are disguised as ordinary trading vessels and not only fly neutral colours, but also, in order to render themselves indistinguishable from neutral merchant ships, have neutral flags painted

<sup>1</sup>This last paragraph was omitted in an amended copy of the note received March 15, 1916, accompanied by a memorandum, dated March 11, 1916, stating: "The British Embassy have now received a telegram from the Foreign Office stating that the Acting Mexican Minister for Foreign Affairs did telegraph a complaint to Sir Edward Grey direct" (File No. 763.72111Z1/26).

<sup>2</sup>Filed without acknowledgment. Copy forwarded to the Secretary of the Navy on March 14, 1916, with a request for the views of his Department as to the procedure to be followed.

on their sides. When the raiding cruisers disguised in this manner are met with by a warship, they stop on being given a signal to do so, and when the warship has approached near with a view to sending a boarding officer on board, open fire on her with guns and torpedoes. This practice makes it essential to take certain precautions, and any orders or signals given to a merchant vessel by a warship should therefore be implicitly and instantly obeyed. Any disregard of such orders will necessarily excite suspicion, and may lead to vessels being fired on.

When it is the intention of the commander of a warship to send an officer on board a merchant ship by day, the following procedure will be adopted. A long pennant will be hoisted by the warship exercising the right of visit and search. The hoisting of this pennant will be accompanied by the firing of a rocket. This will signify that the merchant ship is to close the boat lowered by the warship, whether the warship remains near the boat or not. The procedure to be followed by night will be the same as that by day, except that two red Very's lights will be the signal for the merchant ship to close the boat, which, where possible, will be illuminated by a searchlight. When the weather precludes boarding, the ship of war will fire two green Very's lights, which will be the signal for the merchant ship to lie to until daylight.

His Majesty's Government feel assured that the United States Government will recognize the necessity for the procedure decided upon, and will inform merchant shipping in American ports accordingly. The new arrangements will come into force immediately, and will not be confined to any particular geographical area. Pending the lapse of a reasonable time for the new signals to become generally known, His Majesty's ships will communicate with merchant ships in the usual code in cases where it is found that the meaning of the signals is not understood.

I have [etc.]

CECIL SPRING RICE

File No. 763.72112/2368

*The Secretary of the Navy (Daniels) to the Secretary of State*

WASHINGTON, March 14, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant,<sup>1</sup> transmitting a copy of a note from the British Ambassador at this Capital, in which is described the procedure adopted by the British Government for visiting and searching neutral merchantmen, in consequence of the alleged use of neutral flags and neutral distinguishing marks by German naval authorities in order to conceal the identity of certain of their vessels. It is noted that the British Ambassador expresses the assured feeling that the United States Government will recognize the necessity for the procedure decided upon and will inform merchant shipping in American ports accordingly.

In reply, I beg to state that this Department is not in sympathy with the proposed departure from the established procedure under

<sup>1</sup> Not printed. See footnote to the preceding document.

international law prescribed for the exercise of belligerent right of visit and search, and considers it would be inadvisable and unwise to enter into any form of agreement with one belligerent power recognizing a departure or change from such established custom.

Sincerely yours,

JOSEPHUS DANIELS

File No. 763.72111Z1/26

*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1134

WASHINGTON, April 10, 1916.

EXCELLENCY: I have the honor to acknowledge receipt of your excellency's note of the 17th of February in regard to the action of the commander of H. M. S. *Isis* in boarding and searching the American steamer *Zealandia* in Mexican waters at the port of Progreso on the 5th of November last. It is noted that His Majesty's Government maintain their view that the *Zealandia*, at the time when the search took place, was lying outside the three-mile limit from shore.

In reply to this the Government of the United States calls attention to the fact that the operation of finding the distance of the vessel from shore by the use of the sextant angle is a simple process which may be checked up by the data given in the entry in the log made by the Mexican port official. This entry, as reported by Commander Dismukes of the U. S. S. *Kentucky* and translated by a nautical expert in the Hydrographic Office, is as follows:

In compliance with the order No. 104 of the captain of the port and on request of C. Adolfo C. Fabricius, agent of the American Steamship *Zealandia*, I give the data of the position of the vessel: L. house bearing S 40 E mag.—correction 10°, sextant arc 22', elevation of lighthouse 115 feet, resulting 2.7 miles.

As the lighthouse bearing was not normal to the coast line, the distance from the ship to the nearest point on the coast line was clearly less than three miles. This does not take into consideration the distance of the lighthouse from the shore. The captain of the *Zealandia* believes that his vessel was within the three-mile limit, as does the Mexican Government which has, as your excellency states, made a protest to His Majesty's Government on account of this violation of Mexican jurisdiction.

It is true that your excellency states in an informal note of November 29, 1915,<sup>1</sup> that "the distance was *estimated* by a range finder, while the local authorities measured the distance by sextant angle—which, in the opinion of British naval authorities gives less accurate results." But attention is called to the admission that the distance was "estimated" by range finder and to the fact that no data are given in support of the estimate. The Government of the United States feels warranted therefore in maintaining the view that the American vessel *Zealandia* was boarded and searched within the territorial waters of a neutral country.

In this connection it is important to recall certain irregularities in the manner in which this search was carried out, which tend, in the

<sup>1</sup> Not printed.

view of this Government, to aggravate the circumstances of the case. In the first place the boarding officer from H. M. S. *Isis* refused, upon request of the captain of the *Zealandia*, to make an entry in the log of the *Zealandia* and refused to give the name of the vessel from which he came. The failure to make the entry in the log was subsequently recognized as a mistake, as the desire was expressed later to make the entry, which the captain of the *Zealandia* not improperly refused to allow. In addition to the refusal to make an entry in the log of the vessel may be mentioned the unnecessarily large number of armed men who, together with officers, boarded the ship and, according to the report of the captain, remained on board until after the search was completed and some of these until they received orders from the cruiser to return. Furthermore, the boarding officer demanded, contrary to the usual custom, that the captain send ashore for the papers properly on shore at the time in the custody of either the American Consul or the Mexican authorities. Finally, the boarding of the vessel by force was accomplished while the vessel was in the custody of Mexican authorities and under their rightful jurisdiction and control.

It is unnecessary to point out to your excellency that in this situation the procedure for obtaining information regarding her nationality and cargo, recognized by all maritime nations as considerate and regular, should have been to apply to the authorities of the port or the captain of the vessel.

In connection with these irregularities in the manner of conducting visit and search of the *Zealandia*, attention may be called to the instructions on this subject to commanders of Her Majesty's Fleet, in Holland's *Manual of Naval Prize Law* issued in 1888 by authority of the Lords Commissioners of the Admiralty. The pertinent paragraphs read as follows:

205. The only persons who should in the first instance go on board the Vessel are the Visiting Officer and the Officer by whom he is accompanied; none of the Crew should be allowed to quit the boat, unless expressly ordered. If found necessary, they should be ordered on board.

211. The Visiting Officer should enter on the Log book of the Vessel a Memorandum of the Visit. The Memorandum should specify the date and place of the Visit, and the name of Her Majesty's Ship and of the Commander; and the Visiting Officer should sign the Memorandum, adding his rank in the Navy.

The supposed irregularities in the papers of the *Zealandia* it is not necessary to discuss, as these irregularities, if proven, would give no warrant for a belligerent to visit an American vessel flying an American flag and lying in a neutral port, and hence would have no bearing on the actual offense committed by the *Isis*.

In the circumstances as set forth above, I have the honor to request your excellency to lay this view of the incident before His Majesty's Government with the request that they give the case careful reconsideration in the light of the facts herein stated, which the Government of the United States does not doubt are correct, and that they acknowledge the illegality of the course of their naval officers and the liability to make such amends as in all the circumstances may be just.

Accept [etc.]

ROBERT LANSING

File No. 763.72112/2410

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, April 13, 1916.

SIR: I have the honor to acknowledge the receipt of your Department's reference, on the 4th instant, of letters addressed to you by the collector of customs at Boston, Massachusetts, and from the collector of customs at Norfolk and Newport News, Virginia,<sup>1</sup> reporting the receipt from the British consular officers of a notice to the effect that His Majesty's Government intends to change in certain respects the method of procedure adopted by British men-of-war for exercising the right of visit and search at sea.<sup>1</sup> You ask to be advised as to the views of this Department in the matter.

I have the honor to say in reply that this Department has received the substance of the notices mentioned by the collectors at Boston and Norfolk, but has deemed it wise not to agree to or acquiesce in any departure from or change in the established rules or customs in regard to the procedure to be followed by belligerent men-of-war in exercising the right of visit and search at sea.

I have [etc.]

ROBERT LANSING

File No. 763.72112/2445

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, April 25, 1916.

SIR: I have the honor to acknowledge the receipt of your Department's letter of the 17th instant, in which you ask to be informed whether the Treasury Department should approve or disapprove the action already taken by the collector of customs at Norfolk and proposed by the collector of customs at Boston to bring to the attention of shipmasters in the United States the recent British orders to men-of-war as to the exercise of the right of visit and search.<sup>1</sup>

In reply I have the honor to say that the Department's opinion is that the action of the collectors should be disapproved.

I have [etc.]

ROBERT LANSING

File No. 763.72112/2536

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, May 5, 1916.

MY DEAR MR. AMBASSADOR: I have just received a message from the Commander in Chief of the American Asiatic Fleet stating that since April 5 six instances have been reported of visit and search of American vessels engaged in the coastwise trade of the Philippine Islands by belligerent vessels which are believed to be British ships. The boarding officer, he states, invariably refused to give the name of the vessel from which he came, and to make entries in the log books of the vessels boarded; and the boarding parties exceeded the

<sup>1</sup> Not printed.

customary limit as to arms and number of men. One of these visiting cruisers has been identified as H. M. S. *Fantome*. The Commander in Chief believes that these searches are being conducted for the purpose of finding particular Indians or Germans.

As I am under the impression that His Majesty's ships that are patrolling in the vicinity of the Philippine Islands are auxiliary cruisers officered perhaps by inexperienced men, I believe it is only necessary for me to call attention to these non-observances of the customary rules regarding the display of colors by men-of-war while exercising belligerent rights, the entry in the log of the vessel searched of appropriate items, and the boarding of merchantmen by an officer and perhaps a few men instead of an armed force, to have your Government promptly instruct its naval officers in question to observe the recognized rules applicable to the exercise of visit and search.

I can not close this note, however, without calling your particular attention to the supposition of the Commander in Chief that the object of these visits by His Majesty's ships is to apprehend certain Indians or Germans, and to the definite stand which has been recently taken by my Government in the *China* case in regard to the removal of non-combatants from American ships on the high seas—a practice which your Government, contrary to the position which it took in the *Trent* case, appears to be endeavoring to rejuvenate with a semblance of legality, but which remains to-day as obnoxious to this country as in the early days of the Republic.

I am [etc.]

ROBERT LANSING

File No. 763.72112/2620

*The Ambassador in Japan (Guthrie) to the Secretary of State*

No. 516

TOKYO, May 17, 1916.

[Received June 9.]

SIR: I have the honor to transmit herewith, for the information of the Department, copy of instructions received from the Imperial Foreign Office which have been issued by the Japanese Navy Department for the guidance of its naval officers in boarding merchant vessels.<sup>1</sup>

Copies of these instructions have been sent to American consular officers in this Empire, as well as to the naval attaché of this Embassy.

I have [etc.]

GEO. W. GUTHRIE

File No. 763.72112/2628

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, June 9, 1916.

[Received June 12.]

MY DEAR MR. SECRETARY: With reference to your letter of May 5 last, I beg to inform you that I have received a telegram from Sir

<sup>1</sup> Not printed; similar to those conveyed in the British Ambassador's note No. 67 of March 11, 1916, *ante*, p. 680.

Edward Grey stating that the naval officers in question have been directed to observe the customary procedure as to entries in the logs of all neutral vessels boarded except when military necessities demand the omission of such entries. They have also been instructed never to send armed parties on board unless their presence is necessary, the number of men in each case being reduced to a minimum. Men carry sidearms when required for guard or search purposes.

Sir Edward Grey desires me to express regret for the omission of entries in the log in any cases not covered by military necessities.

I beg to add that I am bringing to his notice the cases mentioned in your two letters of June 7 and in your letter of June 8, all of which occurred prior to the issue of the instructions referred to above.

Believe me [etc.]

CECIL SPRING RICE

File No. 763.72112/2621

*The Secretary of State to the Ambassador in Japan (Guthrie)*<sup>1</sup>

[Telegram]

WASHINGTON, June 28, 1916, 5 p. m.

Your mail despatches 516, May 17, and 520,<sup>2</sup> May 22.

This Government does not recognize the right of belligerents to change customary rules regarding signals at sea, and therefore you should instruct consuls to take no action in regard to the Japanese instructions respecting signals for use in boarding merchant ships, which would indicate approval of or acquiescence in them by this Government.

LANSING

File No. 763.72111Z1/28

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 196

WASHINGTON, July 3, 1916.

[Received July 5.]

SIR: In my note No. 154 of the 6th ultimo,<sup>2</sup> I had the honour to communicate to you the observations of His Majesty's Government on the discrepancy between the calculations of the British and Mexican officers in regard to the distance at which the S. S. *Zealandia* was lying from the shore at the time when she was visited by a party from the British cruiser *Isis*, and I added that a further reply would be returned dealing with the additional points raised in your note No. 1134 of the 10th April last.<sup>3</sup>

The question of the measurement of the distance of the vessel from the shore having been dealt with in my note already referred

<sup>1</sup> A similar telegram was sent to the Ambassador in Italy, No. 586, July 7, 1916, upon receipt of a despatch stating that copies of the new rules, as announced by the Italian Government, had been sent to consular officers for communication to the masters of American ships (File No. 763.72112/2683).

<sup>2</sup> Not printed.

<sup>3</sup> *Ante*, p. 682.



to, I need only add that His Majesty's Government do not at present see any reason to modify the view already expressed that the *Zealandia* was, at the time of the search, lying outside the three-mile limit from the Mexican shore. As regards the question of the hesitation of the boarding officer to make an entry in the ship's log, I have already, in my unofficial letter of the 9th ultimo, referred to the military necessities which sometimes render it difficult to make such entries, and to the directions which have been given that such entries should be made whenever possible. In the present instance, it is admitted that the boarding officer subsequently offered to make the entry which the captain of the *Zealandia* had desired, and His Majesty's Government are therefore not disposed to consider that blame can be attached to the boarding officer on the ground that the entry was not made.

As regards the number of officers and men constituting the boarding party, which is described as unnecessarily large, His Majesty's Government are disposed to think that the actual facts hardly appear to justify any strong exception being taken to the number of men employed on this duty. It is true that the visiting officer and the one other officer whose presence was necessary as a witness in case of prize proceedings were accompanied by a third officer to act as interpreter, and also by a boatswain and a signalman, but the total number only amounted to five persons (one being an interpreter); the crew remained in their boat alongside throughout the proceedings, and the officer who accompanied the party merely to act as an interpreter can, in the opinion of His Majesty's Government, scarcely be considered as a member of the visiting party.

In reply to the observations made as to the length of time for which the party remained on board, I am instructed to state that one officer of the *Isis* returned to that vessel while the other members of the party remained on board the *Zealandia*, and that as soon as his report had been received and it had been decided that no immediate proceedings against the *Zealandia* were necessary, the rest of the party were forthwith recalled to the *Isis*.

An additional point in regard to the visit, which is referred to in your note, is that the boarding officer requested the captain to send ashore for papers which, it is held, were properly on shore at the time. The report of the boarding officer on this matter is that he asked the master of the *Zealandia* whether there was any objection to one of his officers going ashore with one of the officers of the *Isis* for the purpose of inspecting these papers, and that the offer was declined. In this connection, it may be observed that if, as His Majesty's Government are convinced, the *Zealandia* was in fact outside neutral waters, the absence of papers on board would in itself have afforded legitimate ground for the detention of the vessel on suspicion, and the course adopted would seem to have been the most reasonable and considerate one which could have been taken in order to avoid detaining the vessel.

In conclusion, I have the honour to refer to the observations made in your note to the effect that the procedure for obtaining information with regard to the nationality and cargo of the *Zealandia* should

properly have been to apply to the authorities of the port or the captain of the vessel. It has already been stated that His Majesty's Government adhere to their view that the *Zealandia* was, at the time of the visit, outside Mexican territorial waters, and, consequently, that she was not within the jurisdiction of the port authorities. In these circumstances, it would not appear feasible for the British officers concerned to have adopted the method of procedure suggested.

In communicating the above facts with regard to this incident for the consideration of the United States authorities, I have the honour to express the hope that, in view of the reports now received as to the facts of the visit of the *Zealandia* by His Majesty's officers, the United States Government will find themselves able to modify the view which they have previously entertained as to the irregular nature of the action taken in this case.

I have [etc.]

For the Ambassador:  
COLVILLE BARCLAY

*The Acting Secretary of State to the British Ambassador  
(Spring Rice)*

No. 1248

WASHINGTON, July 11, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of July 3, 1916, in further relation to the discrepancy between the conclusion of the British and Mexican officers in regard to the distance at which the S. S. *Zealandia* was lying from the shore at the time she was visited by a party from the British cruiser *Isis*.

In reply I have the honor to say that, as already stated in this Department's note of June 23, 1916,<sup>1</sup> this Government reserves all its rights in this case, and it is only necessary to add that this Government has adopted this course out of its regard for the assertions of His Majesty's Government in a case involving a disagreement as to facts. This Government, however, remains of the opinion that even assuming that the facts are as stated by your excellency's Government, the search of an American vessel only a short distance beyond three miles from shore, in the harbor of a neutral country and in charge of the customs officials of Mexico, is an undue and discourteous exercise of belligerent rights.

I have [etc.]

FRANK L. POLK

**PROJECTS OF COOPERATION AMONG THE NEUTRAL STATES IN  
DEFENSE OF NEUTRAL RIGHTS**

[For the appeal of the Swedish Government "for cooperation for the purpose of seeking to bring about a discontinuance of the violations of international law, at least so far as the same concerns first-class mail," see the Swedish Minister's note of January 24, 1916 (received January 26), *ante*, page 594.]

<sup>1</sup> Not printed.

File No. 763.72112/2277½

*The Swedish Minister in Great Britain (Wrangel) to Colonel House*

[Memorandum]

LONDON, *February 14, 1916.*

His Swedish Majesty's Government, ever since the beginning of the grand crisis, have been endeavoring to arrive at an effective collaboration with other neutral powers in view of common material and idealistic interests. The Government, who are sincerely pacific, have been compelled to recognize that the difficulties must increase with the extension of the fight, and that the possibilities for neutral interests to assert themselves evidently decrease in the same proportion as the circle of neutrals becomes narrowed down through the entry in the struggle of new powers.

The Government are convinced that it would prove a great and irreparable damage if the voice of neutrals could not make itself heard with sufficient weight. With regard to this, the Government do not only think of the difficulties and losses inflicted upon one or the other of neutral countries through undue interference from the belligerents, inconveniences which might have been avoided through a unanimous action of the interested neutral states.

The Swedish Government consider it as the precious duty and the inalienable right of all sincerely neutral countries to intervene with impartiality and firmness against every attempt, whencever they come, to render non-valid and void international rules, which are the fruit of centuries of experience and work. By preserving the inheritance of the law of nations a service is indeed also rendered to the belligerents themselves, who under altered circumstances may one day have bitterly to regret—also from practical point of view—the actions in which they now allow themselves to indulge in order to gain a casual and often doubtful advantage.

His Majesty's Government have often, during the war, put forward these points of view. Especially may be remembered the note of November 12, 1914,<sup>1</sup> addressed to both the belligerent groups, which in identical wording was also sent by the Danish and Norwegian Governments and about which, as a matter of fact, the Dutch Government also agreed.

The above-mentioned is an instance amongst others of the Swedish Government's efforts to attain collaboration with other neutral countries. Such a collaboration would be especially precious and effective if it could be established with the United States. That country is without comparison the most powerful and influential amongst the neutrals. Its influence is due not only to its riches, great population and power, but also to moral factors of greatest importance. To this it may be added that also with regard to material relations there exists between Sweden and the United States a communion of interest, which has been steadily increased by the new conditions created by the war. These new conditions have caused the commercial relations between the two countries to take a greater importance than before, and this, on the other hand, has decided the Swedes to

<sup>1</sup> *Foreign Relations*, 1914, Supplement, p. 360.

establish a new and important direct shipping line between Sweden and the States.

His Swedish Majesty's Government have therefore hailed with sincere satisfaction each evidence that the United States Government share their opinion with regard to the great questions now involved, and that they are willing to work in the same direction. The Swedish Government had particularly to express their gratification of the clear, decided, and comprehensive utterances which found their expression in the note of November 5, 1915,<sup>1</sup> to the British Government and which will constitute not only a lasting memorial of a grand nation's unbiased conception of the right, but also an unmistakable promise that the right will be enforced. On the other hand His Majesty's Government must deeply regret that unforeseen circumstances seem to have, so far, put some obstacle in the way of the complete realization of the program enunciated in the note and which is of the greatest interest also to Sweden. It is the Swedish Government's sincere hope that it will soon be found possible completely to overcome these obstacles.

Apart from the commercial relations, there exists a special sphere within which Sweden and the United States of America have a strong common interest of unimpeded communications between the two countries. On account of the fact that a great number of the sons of Sweden have sought and found a new home under the Star-Spangled Banner, innumerable personal bonds of family relations and faithful friendship extend over the Atlantic Ocean. Also for this reason a check in the postal traffic is bound to create disappointment in both countries. The Swedish Government state with no little satisfaction that the United States of America with righteous appreciation hereof have taken measures to prevent interference with the postal traffic in spite of the law of nations. The Swedish Government expect a speedy and complete correction as a result of the American intervention, which is in accordance with measures taken by themselves for the same purpose.

The Swedish Government who wish to maintain a loyal and impartial neutrality and, at the same time, desire to defend their own and other neutral countries' rights and interests, will view with special satisfaction any action from the United States of America susceptible to favor this object, either in collaboration or in parallel efforts. The Swedish Government express the hope that the United States will make all the powerful contribution they are capable of to further the maintenance and the restoration of the law of nations.

As far as His Swedish Majesty's Government know, none of the belligerents are yet desirous to listen to proposals of peace or mediation. But nevertheless a day will come when there must be peace. It is not unlikely that the neutrals who through their loyal and impartial action during the war have deserved—if not immediately obtained—the respect and the confidence of the belligerents, will have to play a momentous part in connection with the conclusion of peace.

<sup>1</sup> The note, based on instruction of October 21, 1915 (*Foreign Relations, 1915, Supplement, p. 578*), was delivered by the Ambassador in Great Britain on November 5.

File No. 763.72/2535

*The Minister in Norway (Schmedeman) to the Secretary of State*

No. 190

CHRISTIANIA, *March 14, 1916.*

[Received March 28.]

SIR: I have the honor to inform the Department that an official meeting of the Prime and Foreign Ministers of the three Scandinavian countries was held at Copenhagen from March 9 to 11 instant, for the object of further discussing the questions which arose at the conference of the three Scandinavian Kings in December 1914 at Malmö, Sweden. Norway was represented by Prime Minister Gunnar Knudsen and Minister for Foreign Affairs Nils Ihlen.

The meeting took place at the suggestion of the King of Sweden and was held at Copenhagen at the request of the Danish Government.

I have seen the Minister for Foreign Affairs since his return to Norway, who informed me that, although many questions of vital importance to the welfare of the three Scandinavian nations were discussed, they were, for the most part, of interest to these countries only, and touched mainly upon economic and interior conditions as affected by the war. The chief question of international interest, as reported in the official *communiqué* of the meeting, is the understanding which has been confirmed between the three countries to maintain a strict and impartial neutrality and to cooperate to this end. This *communiqué* was published in the press on March 12, 1916, and I enclose herewith a copy of it taken from the *Tidens Tegn*, together with a translation. The question of trade between Norway and the United States and of the difficulties of transportation, owing to the control exercised by the belligerent countries, was likewise discussed, but, as far as I could ascertain from Mr. Ihlen, no tangible solution of the problem was arrived at.

He further stated that an endeavor on the part of the Ford Peace Party and of the Women's International Peace Commission, during the sojourn of the ministers at Copenhagen, to obtain the recognition and cooperation of the three Scandinavian countries met with no success.

He also informed me that similar meetings would be held from time to time, in order to insure the solidarity of the three northern countries, and that the next one would take place at Christiania.

I have [etc.]

A. G. SCHMEDEMAN

[Enclosure—Translation]

*Official communiqué regarding the conference of Scandinavian Ministers at Copenhagen, March 9–11, 1916*

The negotiations started on Thursday, March 9 and closed on Saturday, the 11th of the same month. They were opened with a discussion of the questions which had been before the northern Governments during the course of the war and especially since the meeting of the Kings at Malmö in December 1914. In this connection, several matters of great importance which had come forward during the time which had elapsed were touched upon. Unanimity was arrived at concerning many special questions of practical importance, partly for the continuation of joint measures which had already been agreed upon, partly for the establishment of new measures in the interest of the three countries.

The negotiations which had the result of further strengthening the good relations between the three kingdoms gave a new expression to the wish for

the maintenance of a strict and impartial neutrality. From all sides, the wish was expressed that the cooperation which had existed up to the present time might continue in the future and that, in furtherance of this, meetings of the members of the Governments or other representatives might take place whenever the conditions would seem to require it.

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[For the Brazilian Government's suggestion of a conference of leading American states in Washington to agree upon a common policy in relation to submarine warfare and other belligerent actions affecting neutral rights, see the telegram from the Ambassador in Brazil, March 31, 1916 (received April 1, 8 a. m.), and the telegram to the Ambassador, April 6, 5 p. m., stating that the suggestion is receiving sympathetic consideration, *ante*, pages 217, 223.

For the Spanish Government's suggestion of a joint protest by all neutral powers against the torpedoing of merchant vessels, see the telegram from the Ambassador in Spain, April 12, 1916 (received April 13, 8.10 a. m.), and the telegram to the Ambassador, April 17, 4 p. m., stating that the suggestion is receiving sympathetic consideration, but the existing crisis allows no time for its discussion, *ante*, pages 229, 230.

For an expression of Sweden's readiness to cooperate in steps looking toward relief from the conditions created by the British black list, see the Swedish Minister's letter of July 28, 1916, received August 1, *ante*, page 425.]

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File No. 763.72112/3010

*The Greek Legation to the Department of State*

[Translation]

MEMORANDUM

Since the outbreak of the war in Europe, the states belonging to the two warring groups have, at times according to the principles of international law, at other times carrying out declarations concerning contraband of war, blockade of enemy commerce, or other similar measures, resorted to acts such as visitations at sea, embargoes, or even the destruction of vessels by torpedoes or bombs, which have worked deep injury to the interests of the subjects of neutral states and are still injuring them.

The importance of the indemnity claims, if one may judge from the large number of applications filed with the Royal Government by Hellenic subjects who have suffered from the acts of the belligerents, is such as to engross for a long time the services of the competent authorities of the states concerned. And while at the present time we may not expect to achieve practical results through the diplomatic channel as to a settlement of such claims, it will be just as difficult for the claimants to secure impartial justice from the courts or other authorities of the warring states in the very nice cases wherein the dispensers of justice, in spite of their fairness and learning, may not escape the influence of subjective impressions.

On the other hand, the whole attention of the governments concerned will be so deeply absorbed in the settlement of questions of

vital consequence and of a more general order, that private interests injured by the present war will surely be overlooked.

These are the reasons which have led the Royal Government to consider whether a joint and timely action of the neutral states that are confronted by the same difficulties as the Royal Government in the matter of protecting the interests of their subjects might not bring the belligerents to accept a reference of all such cases to an international authority offering every guarantee of impartial justice whereby every unavoidable friction growing out of a settlement of the said cases by the interested parties would be forestalled.

The Second Conference of The Hague had designated the International Prize Court as that authority. The present war affords a unique opportunity to put such a tribunal into operation. The step would be amply warranted by the large number of cases of this nature accumulated after so long a war.

The convention of the Second Conference of The Hague on the subject, which has not yet been ratified, had determined the jurisdiction, organization, and membership of the said court. It would then suffice to urge its ratification and its signature by the states that have not yet signed it, and the appointment of the judges to enable claimants to apply to it, after the war, as easily as to ordinary courts.

The Royal Government, however, cannot take the initiative of the preliminary negotiations required for an agreement to that effect with the neutral governments and of the negotiations with the belligerent states, as it believes that the United States is marked for that part, and on more general considerations such as its being a great maritime power with a vast merchant marine and a nation entitled to a permanent judge under the Hague convention, and furthermore, because the initiative in bringing the proposition of an international prize court is in a high degree that of the United States.

The Royal Government would stand ready to lend every requisite assistance in any steps that the Government of the United States might be inclined to take.

WASHINGTON, August 29, 1916.

[Received August 31.]

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*The Department of State to the Greek Legation*

MEMORANDUM

The Government of the United States has received the memorandum of the Royal Legation of Greece, dated August 29, 1916, suggesting that the United States propose to the belligerent powers the institution of an international prize court, as provided for in the convention of the Second Hague Conference on that subject.

The Government of the United States has given careful attention to the considerations set forth by the Royal Government in behalf of the action proposed by it, and, while the Government of the United States agrees in principle with the Government of Greece as to the institution of such an international prize court and believes that it would be acceptable to many powers, both neutral and belligerent, to have such a court established, the Government of the

United States feels that the present is not an opportune time to broach the subject to the powers engaged in the present war. The Government of the United States is the more inclined to this opinion in view of the fact, as is evident from the history of the endeavors to establish such a court, that the convention relating to the organization and establishment of an international prize court, though signed by the representatives of the powers at the Second Hague Conference, was never ratified by them and never became effective because of the apparent desire of certain of the principal maritime powers that the law to be applied by such an international court be agreed upon and codified before the convention creating the court became operative. As is well known the attempts in this direction failed for various reasons which it is unnecessary to enumerate here, and the international prize court convention, as a consequence, remains unratified. As the obstacles, which have up to the present rendered it impossible or at least inexpedient to put this convention into effect, still exist, and as it is understood that most of the maritime powers engaged in the present conflict have not only repudiated the codification attempted by the London Conference of 1908-9, but have announced that this codification was incomplete and inadequate, the Government of the United States on account of this situation regrets to state that in its opinion to act upon the suggestion of the Royal Government at the present time would accomplish no actual result and might embarrass future action looking toward the same end. The Government of the United States is led to this conclusion the more reluctantly on account of its deep interest, which it has so frequently manifested, in the avoidance or settlement of international disputes by means of judicial proceedings before tribunals composed of impartial and disinterested jurists.

WASHINGTON, *September 11, 1916.*

File No. 763.72/2937

*The Minister in Norway (Schmedeman) to the Secretary of State*

No. 271

CHRISTIANIA, *September 26, 1916.*

[*Received October 13.*]

SIR: Pursuant to my despatch No. 262 of the 12th instant<sup>1</sup> informing the Department that a meeting of Scandinavian ministers would be held on the 19th instant, I have the honor to enclose herewith a copy and translation of the official *communiqué* of the meeting handed to me by the Royal Norwegian Minister for Foreign Affairs, and to report the following:

The conference lasted for three days and was held at the Royal Palace, the Swedish and Danish Ministers being the guests of the King.

As the Department has already been informed, the principal object of the calling of the meeting was to give renewed expression to the desire of the three Scandinavian countries to maintain a

<sup>1</sup> Not printed.



loyal and impartial neutrality, which was confirmed accordingly. At the same time it was established that entire agreement existed between the three countries regarding the necessary measures to be taken for the preservation of their neutrality, in accordance with the provisions of the Hague convention.

Special importance was attached to a wider collaboration regarding the commercial policy of the three countries, in view of the difficulties caused by the actions of the belligerents.

The paragraph of the *communiqué* dealing with the destruction and the holding up of vessels and cargoes and the issuance of black lists has called forth a great deal of adverse comment on the part of the Allied representatives here. This I have gathered from personal conversation with the different ministers; some of them even state that the *communiqué* is not a true expression of Norwegian and Danish sentiment, but rather the result of Swedish influence. This was confirmed in the reports quoted in the Norwegian press from the French papers, but, so far, no comments on the part of the other Allies have been quoted in the press here. On the other hand, the Scandinavian press, as a whole, expresses itself very favorably regarding the wording of the *communiqué*.

It will perhaps be interesting to the Department to learn that, previous to the holding of the meeting, reports were current in the Norwegian press to the effect that the question would be discussed of the calling of a conference of the neutral nations to consider the question of mediation in the present war. Referring to the paragraph in the *communiqué* dealing with memoranda addressed to the meeting on this subject, the Minister for Foreign Affairs informed me confidentially that the British and French Ministers at Christiania had intimated to him that the calling of a conference of neutral nations to discuss the question of mediation at this time would be displeasing to the Allied Governments.

Mr. Ihlen further informed me, confidentially, that the question was considered of inviting the neutral European nations and the United States to a conference for the purpose of discussing economic and other questions of mutual interest, but that, as all the European countries are not represented in Christiania and are all represented in Stockholm, it was deemed advisable to authorize the Swedish Minister for Foreign Affairs to take up the matter verbally with the representatives of the different neutral nations.

I have [etc.]

A. G. SCHMEDEMAN

[Enclosure—Translation]

*Official communiqué regarding the conference of Scandinavian Ministers at Christiania, September 19–22, 1916*

The conference discussed, in accordance with the program presented by the Norwegian delegation, different questions of a joint interest in connection with their rights and duties as neutrals. With regard to the questions which were considered at the conference and the decisions which were taken, the following communications may already be made public:

The three countries agree to maintain a loyal and impartial neutrality during the present war.

The violations of the rights and interests of the neutrals on the part of the belligerent powers, as well as the difficulties of a political commercial nature which have been occasioned thereby for the neutrals, have been subjected to careful examination which resulted in an agreement to establish a wider collaboration between the three countries. Special attention has been given to

the destruction or to the holding up of neutral vessels and cargoes as well as to the results produced by the "black lists" published by the belligerent powers.

As a consequence, it has been agreed that, in order to facilitate the commercial policy of the three countries, they should inform each other mutually, either through their Governments or through the competent authorities, of the measures taken in the respective countries as regards this policy as well as for the suppression of commercial espionage.

In order to maintain their interests as to their commercial policy after the war it was agreed that it is necessary to take preparatory measures in the three countries by the mutual collaboration of their competent authorities.

Another matter which came under consideration during the conference was that of the attitude which the Scandinavian countries should adopt relative to certain questions concerning the duty of neutral states to make provisions for the preservation of their neutrality. It was found that entire agreement existed in regard to this question, based on the provisions of the Hague convention.

With reference to various memoranda addressed to the conference, it was decided, in view of existing circumstances, to state that the Governments of the three countries consider it out of the question that they, either alone or conjointly with other neutral governments, should take the initiative in view of mediation between the belligerent powers, or other similar measures. On the other hand, the desirability was recorded of the establishment of a closer collaboration between as many neutral states as possible, for the purpose of protecting their joint interests while observing the strictest impartiality.

Convinced of the importance of the collaboration of the Scandinavian countries, both at the present time and in the future, the ministers of the three countries separated on the understanding that further meetings between the representatives of the respective countries should take place whenever the circumstances rendered it necessary or desirable.

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File No. 763.72/3034

*The Chargé in Spain (Wilson) to the Secretary of State*

[Telegram]

MADRID, December 1, 1916, 1 p. m.

[Received 8.45 p. m.]

294. Understand that Swedish Government has approached neutral powers, including United States, with a view to securing joint action on questions affecting them. Am informed confidentially by French Embassy that Spanish reply amounts practically to statement that Spain would take only such action as England and France desired. French and British Embassies consider Swedish proposals, which are apparently strongly seconded by Switzerland, as clearly directed against Allies.

WILSON

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File No. 763.72/3039a

*The Secretary of State to Diplomatic Officers in European Countries*

[Circular telegram]

WASHINGTON, December 4, 1916, 4 p. m.

In an interview with the Swedish Minister on December 1, in regard to this Government's joining the neutral governments of Europe in a conference for the consideration of certain subjects, although not formally invited to participate, I told the Minister that after very careful consideration, and after a conference with the President it had been concluded to be inadvisable for this Government to participate in the proposed conference. The reasons for this decision are that on account of our geographical location our problems in

regard to the subjects proposed for discussion are so different from those of countries contiguous to the belligerents that there would be no common ground for discussion; that we are peculiarly related to the American republics, who were not included as possible conferees; and that it has been our policy heretofore, and it seemed to be a wise one, to act independently of other countries although, as far as possible, identically with them. The Minister said he appreciated our attitude and would communicate our decision to his Government.

The above is for your confidential information.

LANSING

File No. 763.72/3043

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 6, 1916, 5 p. m.

[Received 4 p. m.]

5278. The Department's circular telegram December 4, 4 p. m., does not give the subjects of the conference mentioned by the Swedish Minister. May I have this information?

PAGE

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, December 7, 1916, 4 p. m.

4141. Your 5278, December 6. As special subjects that should be brought up at the conference were mentioned: Treatment of submarines and airships; destruction of neutral prizes; granting of asylum to prizes; issuance of black lists by the belligerents; and the economic situation after the war. In choosing subjects for discussion, the guiding principle was to avoid the appearance of taking sides with either of the belligerent groups. The question of mediation was excluded from the program.

LANSING

File No. 763.72/3076

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, December 20, 1916, 2 p. m.

[Received 5 p. m.]

108. Department's circular telegram December 4, 4 p. m. The Minister for Foreign Affairs informs me that Switzerland and Holland have accepted the invitation of Scandinavian Governments to hold a meeting for the purpose of calling a conference of neutral powers; that Spain has not yet answered but will probably refuse owing to possible influence of the Allied Governments; that he understands that United States will also probably not accept. He further stated that if Spain accepts, it is intended to call a conference of neutral European countries, but that if Spain refuses, the question of holding a meeting will have to be reconsidered.

SCHMEDEMAN

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting process.

In addition, the document highlights the need for a clear and consistent chart of accounts. This helps in organizing the financial data in a way that is easy to understand and analyze. It also stresses the importance of using standardized accounting principles and practices to ensure that the information is reliable and comparable over time.

The second part of the document focuses on the role of the accounting department in providing valuable insights into the company's financial performance. It explains how the analysis of financial statements can help management make informed decisions about the future of the business. The text also discusses the importance of communicating this information effectively to the relevant stakeholders.

Furthermore, the document addresses the challenges of managing financial data in a complex and rapidly changing business environment. It suggests that companies should invest in modern accounting software and systems to streamline their processes and reduce the risk of human error. It also emphasizes the need for ongoing training and development for the accounting staff to keep them up-to-date with the latest industry trends and technologies.

Finally, the document concludes by reiterating the importance of a strong and ethical accounting function. It states that the accounting department is not just a support function but a key driver of the company's success. By maintaining high standards of accuracy and integrity, the accounting team can provide the reliable financial information that the company needs to thrive in a competitive market.

The document also includes a section on the importance of internal controls. It explains that a robust system of internal controls is essential for preventing fraud and ensuring the accuracy of financial reporting. It provides some examples of common internal control procedures, such as segregation of duties and regular reconciliations. The text also mentions that these controls should be regularly reviewed and updated to reflect changes in the business environment.

In conclusion, the document provides a comprehensive overview of the key aspects of financial accounting and management. It emphasizes the importance of accuracy, transparency, and ethical behavior in all accounting activities. By following the guidelines outlined in the document, companies can ensure that their financial data is reliable and that they are able to make informed decisions about their future.

PART III  
NEUTRAL DUTIES



## PART III

### NEUTRAL DUTIES

#### THE ENTRANCE INTO AND TRANSIT THROUGH THE UNITED STATES OF ACTIVE AND DISCHARGED MEMBERS OF BELLIGERENT ARMED FORCES

File No. 763.72111So4/72

*The Secretary of State to the French Ambassador (Jusserand)*

WASHINGTON, December 28, 1915.

MY DEAR MR. AMBASSADOR: The Department has been informed of what you have, no doubt, seen in the press, that Second Lieutenant William Thaw, Sergeant Elliot Cowdin and Sergeant Norman Prince of the French Army Flying Corps arrived in New York on December 23d on the Holland-America liner *Rotterdam*. As it appears that these gentlemen are in the active service of the armed forces of your Government, I would be pleased if you could find it possible to inform me as to whether this is true, and as to their purpose in thus visiting this country. I am desirous of having this information in the interest of protecting the neutrality of the United States.

I am [etc.]

ROBERT LANSING

File No. 763.72111So4/71

*The French Ambassador (Jusserand) to the Secretary of State*

WASHINGTON, December 30, 1915.

[Received January 3, 1916.]

DEAR MR. SECRETARY: The information mentioned in your letter of the 28th concerning Mr. Thaw, Mr. Cowdin and Mr. Prince was known to me, but, as you surmised, only from the papers. I cabled at once to my Government making them aware of your request.

From what I hear, and this I have from quite trustworthy authority, the motive of their coming, for the briefest stay in the United States, was a desire to see their relatives in this season, and they had no other.

Believe me [etc.]

JUSSERAND

File No. 763.72111So4/75

*The Secretary of State to Representative J. A. Elston*

WASHINGTON, January 27, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant enclosing a copy of a communication signed by residents of Oakland, California, requesting that certain members of the French Army Flying Corps, who recently arrived at New York on the S. S. *Rotterdam*, be interned "in accordance with the universally accepted canons of international law governing neutrality."<sup>1</sup>

<sup>1</sup>Not printed.

In reply you are informed that after earnest consideration the Department arrived at the conclusion that the presence of these gentlemen in the United States was not a violation of its neutrality in view of the circumstance, among others, as known and understood by the Department, that they arrived voluntarily upon a furlough merely for the purpose of visiting friends and relatives.

I have [etc.]

ROBERT LANSING.

File No. 763.72111So4/9

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 214

WASHINGTON, July 13, 1916.

[Received July 14.]

SIR: I have the honour to bring to your notice certain points which have arisen in connection with the return to this country of British subjects, ordinarily resident in the United States, who have been serving with the British armed forces.

It has hitherto been the practice, in cases where a discharged soldier is entitled to a passage at the expense of army funds, for the passage to be engaged for him by the military authorities, who have adopted this procedure in preference to that of advancing the cost of the journey and leaving the soldier to make his own arrangements. The practice of officially making arrangements for the passage has been found to present various advantages, and to be for the advantage of the men themselves, who are thus assured of an opportunity of returning home. Passages to the United States would of course only be granted on production of proof that the soldier applying for such grant had proceeded from the United States subsequent to the outbreak of war for the purpose of joining His Majesty's forces.

His Majesty's Government have now learnt that difficulties may arise in connection with the entry of discharged soldiers into the United States, owing to the system, to which I have referred above, under which their passages are booked by the Government authorities, and I am accordingly instructed to enquire whether it would not be possible, in view of the precautions which are taken to prevent the issue of such passages to persons not entitled to them, that permission should be given for the reentry into the United States, on production of a passport, of discharged British soldiers for whom return passage has been provided by His Majesty's Government.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111So4/11

*The Acting Secretary of Labor (Densmore) to the Secretary of State*

WASHINGTON, August 21, 1916.

SIR: Replying to your letter of the 26th ultimo,<sup>1</sup> with which was transmitted a copy of a note, dated the 13th ultimo, from the British Ambassador at this Capital, concerning the matter of the reentry into the United States of British subjects who have enlisted in the

<sup>1</sup> Not printed.



British Army and been discharged therefrom and who seek to return on passage furnished by the British Government, I have to advise you as follows:

Among the classes of aliens excluded by Section 2 of the Immigration Act (Act of February 20, 1907, 34 Statutes, page 898) is:

any person whose ticket or passage is paid for with money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly.

Whether or not the case of any given alien will fall within the foregoing class, or any other excluded class, is impossible of determination in advance of the physical arrival of such alien at a designated port of entry of this country and the ascertainment by the appropriately designated immigration officials of the exact facts in the matter. The power to ascertain these facts, and to determine the admissibility of the alien thereon, is vested primarily in such officials, and the Department gains jurisdiction only on appeal being taken from a decision rendered by said officials.

It will not be possible, therefore, to make a definite answer to the Ambassador's inquiry. Cases falling within the category covered by his communication, like all other cases involving the rights of aliens to admission, will necessarily have to be considered individually as they arise.

Respectfully,

J. B. DENSMORE

*The Secretary of State to the Secretary of Labor (Wilson)*

WASHINGTON, September 1, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, in which you refer to a note addressed to this Department on July 13 last, by the British Ambassador, regarding the matter of the reentry into the United States by British subjects who, after enlisting in the British Army, had been discharged therefrom and who have sought to return to this country, their passage money having been furnished by the British Government. You point out that it is impossible to make a definite answer to the Ambassador's inquiry, each case having to be considered individually in accordance with the circumstances thereof.

I have the honor to say, in reply, that this Department is of the opinion that in each case it should be determined before entry whether the person under consideration has been actually discharged from the army of the belligerent, and whether he is destined to some point in the United States or intends to pass through the United States to Canada. If he is not discharged, or if he intends to go to Canada, the matter should be brought to the attention of this Department, as the neutrality of the United States might be involved.

In this relation I enclose for your information a copy of a note addressed to the British Ambassador by this Department on December 23, 1915.<sup>1</sup>

I have [etc.]

ROBERT LANSING

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 776.

File No. 763.72111So4/14

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, September 22, 1916.

MY DEAR MR. AMBASSADOR: I am advised by the immigration authorities that one Claude Sheppard, apparently a British subject and a discharged member of the Canadian military forces, has applied for entry into the United States for the purpose of crossing into Canada.

On account of the views expressed in my note to you of December 23d last<sup>1</sup> on this subject, I regret that I must ask your Government to take steps to prevent the application for entry into the United States for the purpose of crossing into Canada of discharged, or invalided soldiers returning to their homes in Canada from Europe. In order that Claude Sheppard shall not be subjected to the hardships consequent upon deportation, I have made an exception in the present case and have requested the immigration authorities not to object to the entry of this man on account of his desire to proceed to Canada. I have also communicated with the French Ambassador in regard to two discharged French soldiers who are also returning to Canada.

I am [etc.]

ROBERT LANSING

*The Secretary of State to the French Ambassador (Jusserand)*

WASHINGTON, September 22, 1916.

MY DEAR MR. AMBASSADOR: The Department of Labor has called my attention to the fact that certain aliens who have been discharged from the French Army are seeking entrance into the United States with a view to crossing into Canada. The names of these persons are Jean Robert, and Julian Dequidt.

In this connection I desire to call your attention to the case which occurred in December last, when the British Ambassador inquired of the Department whether discharged or invalided soldiers returning from Europe and no longer forming a part of any military unit and traveling as individuals would be allowed to cross American territory into Canada. In reply I felt under the necessity of saying that the transportation of such soldiers could not be allowed on account of the embarrassment which might follow if free passage were permitted. In arriving at this decision I was not insensible to the convenience of allowing the passage of such soldiers over American territory, but on the other hand it was evident that such soldiers, sick, wounded, or discharged, could easily be repatriated without entering any other than Canadian jurisdiction.

I am sure you will understand that in these circumstances I must ask that your Government take steps to prevent discharged soldiers, intending to go to Canada, from applying for entry at American ports for the purpose of proceeding to that country. In order to relieve Jean Robert and Julian Dequidt from the hardships consequent upon deportation, I have made an exception in the present case and have requested the immigration authorities not to object to the

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 776.

entry of these men on account of their desire to proceed to Canada. I have communicated with the British Ambassador in a similar sense in regard to a British subject discharged from the British Army who desires to enter the United States in transit to Canada.

I am [etc.]

ROBERT LANSING

File No. 763.721118o4/16

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, September 30, 1916.

[Received October 4.]

MY DEAR MR. SECRETARY: I beg to acknowledge with thanks the receipt of your letter of the 29th instant<sup>1</sup> and to inform you that I have not failed to communicate to His Majesty's Government the desire of the United States Government that steps may be taken to prevent members of the armed forces of the United Kingdom from entering United States ports *en route* to Canada after September 26.

Believe me [etc.]

For the Ambassador:

COLVILLE BARCLAY

File No. 763.721118o4/18

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, October 7, 1916.

[Received October 9.]

MY DEAR MR. SECRETARY: I have received a telegram from the Governor General of Canada with regard to the case of some invalided soldiers from Jamaica who are now at Halifax. It appears that the Government of Jamaica have requested the Canadian authorities to forward these men to Jamaica by way of New York, but the Canadian authorities are uncertain whether this procedure would not be contrary to the wishes of the United States Government in such matters, as indicated in your letter to me of the 22d ultimo. The Governor General has therefore asked me to ascertain whether there would, in the special circumstances of the case, be any objection to these men being sent from Halifax to Jamaica via New York.

As the matter is somewhat urgent, I should be grateful if I could be favoured with your views on the point as soon as may be conveniently practicable.

I am [etc.]

CECIL SPRING RICE

File No. 763.721118o4/16

*The Secretary of State to the Secretary of Labor (Wilson)*

WASHINGTON, October 11, 1916.

SIR: In response to your letters of September 28 and 30 last,<sup>2</sup> I have the honor to enclose a copy of a note which I have received

<sup>1</sup> Not printed; see letter of September 22, *ante*, p. 704.

<sup>2</sup> Not printed.

from the British Ambassador in regard to members of the armed forces of the United Kingdom entering United States ports *en route* to Canada after September 26.

In view of the proposal made to the British and French Ambassadors as stated in my letter to you of September 23,<sup>1</sup> which this Department expects the British and French Governments will accept, this Department concurs in your action in withdrawing your Department's circular of September 8 in this matter. This Department desires, however, to be advised, if possible, of all cases of soldiers discharged or on furlough or in the active service of any of the belligerents who enter at United States ports, and the purpose of their visit here; but it is not deemed necessary to detain any such soldiers in order to obtain this information, nor is the correspondence on this subject to be regarded as affecting the understanding arrived at by the Department of Justice, this Department, and the Department of Labor in April last in regard to obtaining a test case in order to construe the provision of the act of March 7, 1907, in respect to expatriation by taking an oath of allegiance to a foreign government.

I have [etc.]

ROBERT LANSING

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File No. 763.72111So4/18

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, *October 12, 1916.*

MY DEAR MR. AMBASSADOR: I have received your communication of the 7th instant, in which, on behalf of the Governor General of Canada, you inquire whether there would be any objection to some invalided soldiers from Jamaica, now at Halifax, being sent from Halifax to Jamaica via New York.

In reply I regret to say that on account of the desire of this Government not to allow soldiers, whether discharged, invalided or in the active service of the belligerents, to pass over American territory to belligerent territory, I am unable to comply with the request of the Governor General of Canada.

I am [etc.]

ROBERT LANSING

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File No. 763.72111So4/26

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, *November 24, 1916.*

MY DEAR MR. SECRETARY: I beg to inform you, with reference to Mr. Barclay's letter of September 30 last, that I have received a despatch from Viscount Grey stating that he has been in communication with the competent departments of His Majesty's Government in regard to your request that they should take steps to prevent, after September 26, the passage of wounded and discharged British soldiers through the United States to Canada.

Viscount Grey authorises me to inform you that His Majesty's Government will endeavour to meet the wishes of the Department of

<sup>1</sup> Not printed.

State in the matter, but they hold that the passage of such soldiers through the United States was perfectly legitimate so long as it was not formally and publicly prohibited by the United States Government.

Believe me [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, December 1, 1916.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your personal note of November 24, 1916, in which, with reference to the Embassy's communication on the subject dated September 30, 1916,<sup>1</sup> you advise me that you have received a despatch from Viscount Grey to the effect that he has been in communication with the competent departments of His Majesty's Government in regard to this Department's request that steps be taken to prevent, after September 26, the passage of wounded and discharged British soldiers through the United States to Canada.

You add that Viscount Grey authorizes you to state that His Majesty's Government will endeavor to meet the wishes of this Department in the matter, but that they hold that the passage of such soldiers through the United States was perfectly legitimate so long as it was not formally and publicly prohibited by the Government of the United States.

In reply I beg to say that as the exigencies of the war can not be in all cases foreseen, my Government must be free to exercise its right to take such steps as may be necessary to meet them as they arise without first giving preliminary, formal, and public notice of its action. In the present case of the passage of discharged and invalided soldiers, however, the attitude of my Government has long been known to your Government from our past correspondence on the subject, and I am pleased to be advised by you that His Majesty's Government will endeavor to meet the wishes of this Government in this respect.

I am [etc.]

ROBERT LANSING

File No. 763.72111So4/40

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, January 15, 1917.

DEAR MR. AMBASSADOR: I am in receipt of your letter of the 9th instant<sup>2</sup> in further regard to the invalided soldiers from Jamaica who were the subject of your former letter of October 7 and my letter of October 12 last in reply. In your present letter you state that these men have all lost legs or arms, but have been provided with artificial limbs and in a short time will be fit to travel; that owing to the lack of passenger vessels, it is practically impossible to ship them direct to

<sup>1</sup> *Ante*, p. 705.

<sup>2</sup> Not printed.

Jamaica from Halifax and that, while they are still soldiers, it is proposed to discharge them before they leave Canada and to send them home as civilians. You add that they can never serve again.

In these circumstances the Government of Canada, you state, desire you to make a further appeal to the Government of the United States on the grounds of humanity that permission may be granted, as a special exception, for these men to return to Jamaica by way of the United States.

In reply I beg to say that if these men are discharged in Canada and sent home as civilians, never to serve again in the war and not as an organized body, the Department is disposed to treat this as a special case and will, in the interest of humanity, interpose no objection to their passage over American territory, so long as the immigration regulations are complied with.

I am [etc.]

ROBERT LANSING

**THE SALE OF CONTRABAND GOODS—THE TRANSFER TO ANOTHER NEUTRAL GOVERNMENT OF WARSHIPS BUILT IN AMERICAN YARDS FOR A BELLIGERENT GOVERNMENT**

File No. 763.72111/3559

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 2631

BERLIN, March 7, 1916.

[Received March 20.]

SIR: I have the honor to transmit herewith copies and translations of a *note verbale* dated February 29, 1916, received from the Imperial Foreign Office covering a memorandum regarding the stand taken by the Imperial German Government in regard to the supply of munitions during the Spanish-American war of 1898, which the Foreign Office has requested me to bring to the attention of my Government.

In this connection I would observe that a careful search of the Embassy's files reveals no correspondence regarding the steamer *Pinzon* mentioned in the aforesaid memorandum, nor am I able to find that a copy of Ambassador Andrew D. White's letter of May 20, 1898, to Baron von Richthofen, quoted in the memorandum, was retained in the Embassy's archives. There is also no trace of Baron von Richthofen's "kind note of yesterday" informing Mr. White of his prompt action regarding the steamer *Pinzon*.

For the Department's information I enclose herewith, as listed below, copies of certain letters which passed between the Embassy and the Consulate General at Hamburg in 1898 which is the only correspondence I can find upon the Embassy's files—as traceable through the index then kept—with regard to the general subject of the exportation of arms and ammunition from Germany during the Spanish-American war.<sup>1</sup>

I have [etc.]

For the Ambassador:  
J. C. GREW

<sup>1</sup> Not printed.

[Enclosure—Translation]

*The German Foreign Office to the American Embassy*

Nr. III a 3400/39494

## NOTE VERBALE

The Foreign Office has the honor to transmit herewith to the American Embassy two copies of a memorandum regarding the stand taken by the Imperial German Government in regard to the supply of munitions during the Spanish-American war of 1898, and to request that the contents of said memorandum be brought to the attention of the American Government.

BERLIN, February 29, 1916.

[Subenclosure—Translation]

*Memorandum regarding the stand taken by the Imperial German Government in regard to the supply of munitions during the Spanish-American war of 1898*

Mr. Andrew D. White, former American Ambassador at Berlin, has published an article in the *New York Times* in which he asserts that during the Spanish-American war of 1898, Germany furnished arms and munitions to America as well as to Spain; he disputes the fact that the German Government had stopped a ship with munitions intended for Spain, and only admits that the Government had replied to his question as to the character of the cargo. According to the tenor of the records of the Foreign Office, these assertions are incorrect. While the German Government does not know whether or not arms were supplied at that time by private parties to one of the belligerents or to both, it has, for its part, hindered such deliveries on repeated occasions. In particular, however, the officials representing the United States at that time made formal request to the German Government in several cases to detain deliveries of munitions for Spain. While the German Government did not acknowledge in principle that, as a neutral power, it was under obligation to forbid private parties the delivery of arms and munitions to a belligerent, it complied with the American wishes out of friendship and good will.

The first case referred to a number of torpedoes which had been manufactured for the Spanish Government by the private German firm of Schwarzkopf at Kiel and were ready for delivery upon the outbreak of the Spanish-American war. In conformity with a request of the American Consul at Kiel, the local police authorities of the governmental district of Schleswig were ordered to prevent the dispatch of the torpedoes.

In the second case, the American Ambassador informed the Undersecretary of State for Foreign Affairs that a large Spanish steamer called *Pinzon* was about to leave the port of Hamburg with a great mass of contraband of war, and requested that the cargo be stopped. The steamer which, at the time of this information, viz., on May 18, 1898, was already *en route*, was stopped by the Hamburg authorities at Cuxhaven and examined with regard to contraband. As nothing suspicious was found, she was permitted to continue on her journey. The American Ambassador, who was informed of the result of the measure taken, sent the following letter to the Undersecretary of State for Foreign Affairs, then holding office:

EMBASSY OF THE UNITED STATES OF AMERICA,

*Berlin, May 20, 1898.*

BARON VON RICHTHOFEN,

*Undersecretary of State for Foreign Affairs.*

MY DEAR BARON: Accept my sincere thanks for your kind note of yesterday informing me of your prompt action regarding the steamer *Pinzon* for which also I would tender the sincere thanks of my Government.

With assurances of my most sincere respect and regard

I remain [etc.]

ANDREW D. WHITE

File No. 763.72111/3559

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

No. 2444

WASHINGTON, May 25, 1916.

SIR: The Department acknowledges the receipt of your No. 2631 of March 7, 1916, enclosing a copy and translation of a *note verbale*, dated February 29, 1916, received by you from the Imperial Foreign Office covering a memorandum regarding the stand taken by the Imperial German Government in regard to the supply of munitions during the Spanish-American war of 1898 which the Foreign Office requested you to bring to the attention of this Government.

The memorandum furnished to you by the Foreign Office refers to an article said to have been published in the *New York Times* by Mr. Andrew D. White, former American Ambassador at Berlin, in which he asserts that during the Spanish-American war of 1898 Germany furnished arms and munitions to America as well as to Spain, and "disputes the fact that the German Government had stopped a ship with munitions intended for Spain, and only admits that the Government had replied to his question as to the character of the cargo." The memorandum disputes the correctness of these statements, and adds that while the German Government does not know whether or not arms were supplied at that time by private parties to one of the belligerents, or to both, it had for its part hindered such deliveries on repeated occasions, and that the officials representing the United States at that time made formal request to the German Government in several cases to detain delivery of munitions for Spain.

The memorandum mentions a case of a number of torpedoes which had been manufactured for the Spanish Government by the private German firm of Schwarzkopf at Kiel, the shipment of which, in conformity with a request of the American Consul at Kiel, it is stated the local police authorities of the governmental district of Schleswig were ordered to prevent, and also the case of the Spanish steamer *Pinzon* which the memorandum states was stopped by the Hamburg authorities at Cuxhaven and examined with regard to contraband, but was permitted to continue on her journey as nothing suspicious was found. In conclusion the memorandum quotes a personal letter, dated May 20, 1898, to Baron von Richthofen, Undersecretary of State for Foreign Affairs, in which Mr. White asks the acceptance of his sincere thanks for Baron von Richthofen's note of the preceding day informing Mr. White of his prompt action regarding the steamer *Pinzon*, for which Mr. White also tendered the sincere thanks of his Government.

Your transmitting note states that a careful search of the Embassy's files reveals no correspondence regarding the steamer *Pinzon* mentioned in the memorandum, and that the Embassy had been unable to find that a copy of Mr. White's letter of May 20, 1898, to Baron von Richthofen, quoted in the memorandum, was retained in the Embassy's archives, in which also could be found no trace of Baron von Richthofen's note of the previous day informing Mr. White of his action regarding the *Pinzon*.

An exhaustive search of the records of the Department has failed to disclose any correspondence substantiating the statements in the



German memorandum that formal request was made to the German Government in the cases cited in the memorandum. No copies of correspondence with the German Foreign Office concerning the *Pinzon* were enclosed by Mr. White to the Department. The correspondence with Mr. White in this case consists of his despatch No. 429 of May 19, 1898; the Department's instruction in reply No. 479 of June 6, 1898, and Mr. White's despatch No. 467 of June 22, 1898, in acknowledgment of the Department's instruction. As you state that these papers have not been found of record in the Embassy, copies of them are enclosed herewith for your information and the Embassy's files.<sup>1</sup>

From this correspondence the facts appear to be as follows:

On May 18, 1898, Mr. White received a message by telephone from the American Consul at Hamburg that the Spanish ship *Pinzon* would sail within an hour for Cardiff to take on a cargo of coal for a Spanish port. A part of the message was indistinct, and it could not be clearly understood whether the ship was or was not liable to seizure on other grounds. The Ambassador therefore not desiring to incur delay by asking explanations, went immediately to the Foreign Office and asked for the arrest and search of the vessel, and it was promised that everything possible would be done. On the next morning the Ambassador received a telegram from the American Consul that the *Pinzon* in passing Cuxhaven the previous night was searched for war contraband by order of the German Chancellor, but that none was found. Upon receipt of this information the Department on June 6, 1898, instructed the Ambassador that:

In view of the reported action of the Imperial German Government in directing the search of the *Pinzon* for contraband of war, the Department desires to be informed as to whether there are any laws or regulations in force which forbid the shipment of contraband of war from Hamburg or any other German port. It is assumed that you can obtain such information without applying to the German Government for it. It is important that if any such laws or regulations exist, this Government and its agents may be informed of them so as to avoid the embarrassments which might arise if it should appear to protest on the general principles of international law against neutral governments allowing articles regarded merely as contraband of war to be shipped from their ports.

In reply to this instruction Mr. White, on June 22, 1898, informed the Department, without application to the German Government for positive information on the subject, that he had been unable to ascertain that there had ever been any legislation upon the subject of contraband in the Empire. Mr. White added that Germany had never issued a proclamation of neutrality, and that the Reichstag had not discussed the question of contraband since 1894, and that the Embassy had no knowledge of the issuance of any regulations on the subject since the existence of war with Spain.

No further correspondence appears to have taken place on the subject.

I am [etc.]

FRANK L. POLK

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<sup>1</sup> Not printed.

File No. 763.72111/4227

*The Ambassador in Chile (Shea) to the Secretary of State*

[Telegram]

SANTIAGO, November 2, 1916, 5 p. m.

[Received 6.30 p. m.]

Minister of Marine informs me that in view of the delays experienced in the construction of the naval vessels in England on account of the war, the British Government has tendered to the Chilean Government, as a friendly compensation, five submarine boats belonging to Great Britain now in the United States, and that a sixth similar vessel may be purchased by Chile at about one-half its value, delivery of the above to be made June 8 next year, and sooner should the war end before that date.

SHEA

*The Secretary of State to the Ambassador in Chile (Shea)*

[Telegram]

WASHINGTON, November 10, 1916, 2 p. m.

Your November 2, 5 p. m., appears to indicate that the proposed transfer of submarines will result in the release to the British Government of the submarines now being built in Great Britain for Chile. This would amount to the same thing as allowing Great Britain to obtain the same number of submarines from those which have been constructed for her in the United States and which the Fore River Shipbuilding Company have promised the Department would not be delivered during the present war. If the proposed transaction between Chile and Great Britain is to have this result, this Government may be impelled to take the position, in defense of the neutrality of the United States, that these submarines should not be delivered to Chile during the present war.

Please discuss the matter orally with the Foreign Minister in this light, and ascertain, if possible, the true nature of the arrangement between Chile and Great Britain.

LANSING

File No. 763.72111/4231

*The Ambassador in Chile (Shea) to the Secretary of State*

[Telegram]

SANTIAGO, November 11, 1916, 4 p. m.

[Received 6 p. m.]

Your November 10, 2 p. m. I am reliably informed that no submarines have been contracted for by Chile in Great Britain; two battleships, several destroyers, and one or more tugs only.

SHEA

File No. 763.72111/4231

*The Secretary of State to the Ambassador in Chile (Shea)*

[Telegram]

WASHINGTON, November 14, 1916, 3 p. m.

Your November 11, 4 p. m. Department's November 10, 2 p. m., would apply as well to battleships or destroyers.

LANSING

File No. 763.72111/4244

*The Ambassador in Chile (Shea) to the Secretary of State*

[Telegram]

SANTIAGO, November 16, 1916, 5 p. m.

[Received 10.20 p. m.]

Minister for Foreign Affairs makes following reply to my oral representations regarding your cipher telegram November 10, 2 p. m.

The proposal to transfer to the Government of Chile the submarines that are being constructed in the United States of America for the Government of Great Britain is not morally an agreement by which Chile promises to transfer to the Government of His Britannic Majesty the only ship that [is] under construction for Chile in England.

The British Government requisitioned the first of our two dreadnoughts which was almost completed at the outbreak of the European war. It has declared its intention not to do likewise with the second, the construction of which, however, is practically at standstill.

The transfer of the five submarines is a compensation offered by the British Government and accepted by us for the serious damages caused by the delay in the delivery of our ships.

Under these conditions the change of flag of the five submarines can nowise affect the neutrality of the United States.

SHEA

*The Secretary of State to the Ambassador in Chile (Shea)*

[Telegram]

WASHINGTON, November 20, 1916, 4 p. m.

In view of statement of Chilean Government in your November 16, 5 p. m., which intimates without stating directly that these submarines are for the use of Chile and are not to be transferred to any of the belligerents during the present war, I assume that the Minister of Foreign Affairs would not object to giving this Government an explicit assurance in this sense. I desire to have this assurance in order to disarm criticism which I am sure will arise in certain quarters should these five submarines be allowed to leave American waters for Chile.

LANSING

File No. 763.72111/4288

*The Ambassador in Chile (Shea) to the Secretary of State*

[Telegram]

SANTIAGO, November 29, 1916, 5 p. m.

[Received 7.25 p. m.]

Your November 20, 4 p. m. Minister for Foreign Affairs submits the following statement dated 28th:

In deference to the friendly request of the Government of the United States, the Government of Chile, which has always zealously complied with the duties imposed by neutrality, has no objection in declaring through the medium of its Ministry for Foreign Affairs that the submarines in question are for the use of Chile and will not be transferred to any of the belligerents during present war.

SHEA

**TREATMENT OF BELLIGERENT WARSHIPS IN AMERICAN PORTS:  
THE ESCAPE OF MEMBERS OF THEIR INTERNED CREWS**

File No. 763.72111K92/44

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, December 22, 1915, 3 p. m.

2525. Department's 2413, November 17.<sup>1</sup> Please make inquiry at the Foreign Office as to whether German Ambassador here has called the matter of escape of interned German officers and men to attention of Foreign Office, and if so, urge Government to make prompt reply to Department's representations to the Ambassador. Report by cable.

LANSING

File No. 763.72111/3332

*The Secretary of State to the Secretary of War (Baker)*

WASHINGTON, January 14, 1916.

SIR:-Replying to your letter of January 13,<sup>1</sup> quoting a message from the Governor General of the Philippine Islands, who requests to be informed as to the attitude to be taken in regard to the *S. S. Empire*, which is expected to arrive at Manila with 75 officers and men, composing a guard for war prisoners transported on this ship from Hongkong to Australia, I have the honor to state that in the view of this Department the presence of this crew on board this vessel on the return trip serves to preserve to her the character of a military transport, which she had on her outward voyage, and that therefore, the 24-hour rule should be applied to her stay in the port of Manila.

I have [etc.]

ROBERT LANSING

<sup>1</sup> Not printed.

File No. 763.72111K92/80

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *February 19, 1916, 2 p. m.*

[Received February 20, 5.40 p. m.]

3508. Department's 2525, December 22, 3 p. m. Foreign Office reports that escape of officers and men from German auxiliary cruisers *Kronprinz Wilhelm* and *Prinz Eitel Friedrich* at present interned in American ports has been brought to attention of German naval administration. According to investigations made by latter, the commanders of the two auxiliary cruisers unfortunately failed to sufficiently instruct their officers and crews regarding significance of the "assurance" given by them; moreover the expression "pledge" chosen by Rear Admiral Beatty in his letter to the commanders does not conform absolutely to the idea of "word of honor." The persons who escaped, therefore, were obviously convinced that they would not, through their act, render themselves guilty of a breach of their word of honor.

The German Government acknowledges the fact, however, that the members of the crew—and only they—who escaped after the "assurance" of the commanders had been given on April 13 and May 5, 1915, respectively, were in the wrong towards the American Government, and that they are to be sent back to their vessels. Of the persons mentioned in the note of the American Government to the German Ambassador at Washington of November 16, 1915, No. 1661,<sup>1</sup> the following are therefore concerned: Marine-Stabsarzt Krüger-Kroneck, Leutnant zur See Koch, Doctor Nolte, Vize-Steuermann der Reserve Hoffmann, Vize-Steuermann der Reserve Ruedebusch, Vize-Steuermann der Reserve Forstreuter, Vize-Steuermann der Reserve Biermann, Ingenieur-Aspirant der Reserve Lustfeld, Ingenieur-Aspirant der Reserve Fischer, Heizer Thierry. Of these persons, only Stabsarzt Krüger-Kroneck has so far returned to Germany. He will be instructed to return to his vessel as soon as safe-conduct for his return to America has been obtained from the hostile governments.

The German Government states expressly that by the return on board his ship of Stabsarzt Krüger-Kroneck the question is not touched whether his release later on may not have to be granted in accordance with the Hague convention regarding the application of the rules of the Geneva convention to naval warfare.

GERARD

File No. 763.72111K92/88

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, *March 9, 1916, 5 p. m.*

2792. Your 3508, February 19, 2 p. m. Department referred to Navy Department the Imperial Foreign Office's reply concerning the

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 839.

escape of officers and men of German auxiliary cruisers at present interned in American ports. In reply Navy Department takes the position that the *Prinz Eitel Friedrich* and the *Kronprinz Wilhelm* sought refuge in a port of the United States and agreed to be interned. The obligation of remaining with their ships rested, therefore, wholly with the officers of those ships. It can not be assumed that these officers are not cognizant of the principles of international law. The captains of the two ships gave their promises in writing for themselves, the officers, and the crew of the ships, that they would in no way violate the neutrality of the United States during their internment.

The answer of the German naval administration seems to indicate that it does not fully appreciate the seriousness of the obligation thus assumed by their naval representatives on these two vessels to remain within the limits assigned with the least amount of trouble to the Government of the country in which they are interned. They were not considered as prisoners of war but as guests of this Government, and as such were given permission to leave the navy yard and to go to any part of the United States on leave. Doctor Krüger-Kroneck and Leutnant zur See Koch availed themselves of this permission to leave the limits of their internment and failed to return, as they were undoubtedly bound to do. In addition Doctor Kroneck supplied money with which six officers of the *Kronprinz Wilhelm* purchased the yacht *Eclipse* and escaped from the jurisdiction of this Government. Should Doctor Kroneck be returned, this Government should not consent to his removal under the application of the rules of the Geneva convention to naval officers, as his presence on board is necessary on account of considerable sickness on the interned ships.

In reply of the Imperial Foreign Office no mention is made of the executive officer of the *Prinz Eitel Friedrich*, Otto Brauer, who left that vessel after the captain of the ship had been requested by this Government not to permit his officers or men to go ashore, which request the captain acknowledged and stated that he would act accordingly. The Navy Department can not conceive of the executive officer, the next in command, being in ignorance of this request of the United States Government. The departure of the executive officer, Otto Brauer, was taken against the express direction of this Government and it is the opinion of the Navy Department that this officer should be returned to the jurisdiction of this Government.

Also no reply is made to the case of Herman Dieke, engineer officer of the *Locksun*, interned at Honolulu, who absented himself while on parole. Full reply of the Navy Department is being sent to you by mail. You will present the views of this Government and say that the Department would be glad to have an early reply.

LANSING

File No. 763.72111/3715

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 20, 1916, 4 p. m.

3109. Please again ask Foreign Office for reply to statements contained in Department's telegram 2792, March 9, regarding question

of apprehension, punishment, and return to United States of those German subjects who escaped from internment in this country in violation of their parole.

LANSING

File No. 763.72111E19/69

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. B 6383

RYE, N. Y., June 29, 1916.

[Received July 3.]

MR. SECRETARY OF STATE: The commanding officers of H. M. S. S. *Prinz Eitel Friedrich* and *Kronprinz Wilhelm*, at the request of Rear Admiral Beatty, then commandant of the Navy Yard at Portsmouth, Va., gave, after they were interned, the assurance for themselves, their subordinate officers and men not to go beyond the assigned limits without permission.

This they reported to their superior authorities, the General Staff of the Navy at Berlin, but owing to the uncertainty of mail communications the answer has just been received.

The General Staff at Berlin does not assent to the form of the pledge given and declares that it cannot be admitted that commanding officers may give such an assurance for others. The assurance can only be given by every individual for himself. On the other hand the commanding officers may well give the assurance that they will use their best efforts and every means to see that their officers and men observe the required conditions.

The commanding officers are therefore constrained to withdraw the assurance given by them at the time.

The General Staff in no wise intends this order to be taken as meaning to release the interned officers and men in any way from the obligations put upon them by the Government of the United States, but merely has in view a direction to the commanding officers to agree with the military authorities upon a form that will not conflict with the German ideas concerning the pledging of one's honor. In the German Army and Navy the prevailing sentiment is that an officer may not pledge his honor for a subordinate. But he is fully empowered to order his subordinates to obey the directions issued by the authorities of the United States and to enforce such an order by every means at his disposal.

Officers and men may also pledge their honor that while on shore leave they will not either flee beyond the limits of the internment camp or prepare for an attempt to escape or engage in any unneutral act. The declaration can either be made on every occasion for the time of the leave or also in such a form that the declaration once made is valid for every leave granted during internment.

The commanding officers of H. M. S. *Prinz Eitel Friedrich* and *Kronprinz Wilhelm* have asked me to bring the foregoing to the knowledge of the proper authorities of the United States through your excellency in order that there be no misconception when they shortly call on the commandant of the United States Navy Yard

at Portsmouth, Va., and ask to be released from the pledge given by them at the time. The General Staff of the Imperial Navy is also of the opinion that interned officers and men must unconditionally comply with the regulations issued by the interning states.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/3935

*The Secretary of the Navy (Daniels) to the Secretary of State*

WASHINGTON, August 15, 1916.

[Received August 16.]

SIR: By agreement with the Treasury Department the Navy Department is taking over exclusive cognizance of the internment of belligerent vessels of war. I have caused to be prepared certain regulations for the guidance of naval officers in visiting, interning, and guarding belligerent vessels of war which enter the territorial waters of the United States. These regulations are based, in part, on the assumption that:

The policy of the United States regarding the internment of belligerent vessels of war is as follows:

If the government to which the vessel belongs will give its assurance that neither such vessel nor any member of her crew will attempt to leave the territory of the United States, or violate the neutrality thereof during the war in progress; and if that government will authorize the officers to give their parole to that effect, and the commanding officer to give his parole for the enlisted men under his command; and if further the government to which the vessel belongs will use all practicable means to apprehend, punish, and return to the custody of the United States any officer or member of the crew thus paroled who escapes—

Then the Government of the United States will accept such assurances and paroles and will, after the officers and men have been paroled and after the vessel has been rendered incapable of again taking the sea, extend to such vessel, its officers and crew, the treatment which is usual in time of peace, reserving only such supervision as necessary to safeguard the neutrality of the United States:

Provided that the right to revoke the above privileges at any time without notice and without assigning a cause, and to place in operation the vigorous methods of internment recognized by international law as legitimate, is reserved, such revocation to be considered in no sense an unfriendly act.

If the above statement of policy is in accord with your views, I propose incorporating the statement of policy in the printed regulations.

Respectfully,

JOSEPHUS DANIELS

*The Secretary of State to the Secretary of the Navy (Daniels)*

WASHINGTON, September 1, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th ultimo enclosing a proposed statement of policy for the guidance of naval officers in visiting, interning, and guarding belligerent vessels of war which enter territorial waters of the United States. You ask whether the statement of policy is in accordance with the views of this Department.



This Department suggests that the statement of policy be modified by the insertion of the words "cooperate with the United States in using" in place of the word "use" in the first paragraph.

This Department understands that this announcement of policy or the regulations to be issued thereunder will not modify the restrictions now placed upon certain Germans interned in United States ports, and will not prevent placing the same restrictions upon any Germans who may hereafter during this war be interned in the United States, and will not grant to persons of other nationality who may be interned in the United States during the present war, greater freedom than was accorded to the Germans when they were first subjected to internment in the United States.

On these understandings this Department perceives no objection to the statement of policy with the modification suggested herein.

I have [etc.]

ROBERT LANSING

File No. 763.72111/4135

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, *September 21, 1916.*

SIR: I have the honor to enclose herewith a copy of a letter dated the 20th instant from the collector of customs at New York, N. Y., relative to certain alterations which are in progress on the British steamships *Laconia* and *Tuscania*.

I will thank you to advise me what instructions you desire given to the collector in the matter. Attention is invited to the collector's statement that the *Laconia* is to sail on Friday and the *Tuscania* on Saturday, and that the steamship company therefore requests an early decision.

By direction of the Secretary.

Respectfully,

JAMES L. WILMETH  
*Acting Assistant Secretary*

[Enclosure]

*The Deputy Collector of Customs in New York (Stuart) to the Secretary of the Treasury (McAdoo)*

NEW YORK, *September 20, 1916.*

SIR: The attention of the Department is called to certain alterations which have been made at this port on the British steamships *Tuscania* and *Laconia*, which arrived on the 18th instant.

On the S. S. *Laconia* an addition of one temporary berth has been made to many of the staterooms on "B" deck, and on "D" deck 60 tables of plain wood with benches capable of accommodating 20 men each have been set up. More of these tables are being set up on this deck. On "D" deck and "F" deck hooks from which to swing about 3,000 hammocks have been placed in position.

On the S. S. *Tuscania* the fittings in the first cabin saloon were removed at this port, and carpenters are at work fitting up plain wooden tables and benches in the saloon sufficient to accommodate about 700 people. A quantity of lumber has been taken on board to be used in similar construction.

One of the stewards on the *Tuscania* informed an officer of the Neutrality Bureau that the steamer was proceeding to Halifax, from which place she is to carry troops to England. It is quite clear from the nature of the changes being

made that both vessels are intended to transport troops from Halifax to England.

Owing to the fact that the *Laconia* is to sail on Friday and the *Tuscania* on Saturday, the Cunard Steamship Company requests that their right to make these alterations be decided as soon as may be convenient, and that the decision be communicated by telegraph at their expense.

The matter is submitted to the Department for its information, and for such instructions as it may deem appropriate.

Respectfully,

H. C. STUART

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, September 22, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of September 21 enclosing a copy of a letter dated the 20th instant from the collector of customs at New York relative to certain alterations which are in progress on the British steamships *Laconia* and *Tuscania*.

In reply I beg to confirm the telephone conversation had with your Department last evening to the effect that these ships appear to be to all intents and purposes army transports, and therefore should not be allowed to outfit in a United States port for the carriage of troops and must be returned to the condition in which they arrived in port. Clearance of the vessels should be granted as soon as they have been put in their former condition.

If the collector of customs at New York has any information in regard to these ships being in the service of the British Government, when this service began, its nature, etc., this Department would be glad to be advised thereof, but clearance of the vessels should not be withheld to procure such information.

I have [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

File No. 763.72111K92/65

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 4052

BERLIN, September 16, 1916.

[Received October 9.]

SIR: With reference to the Department's telegraphic instruction No. 3109 of June 20, 1916, 4 p. m.,<sup>1</sup> I have the honor to transmit to the Department herewith copy and translation of a note received from the Imperial Foreign Office, dated September 12, 1916, No. IIIa 12000, regarding the escape of certain officers and men of the German auxiliary cruisers *Kronprinz Wilhelm* and *Prinz Eitel Friedrich*, interned in American ports.

I have [etc.]

JAMES W. GERARD

<sup>1</sup> *Ante*, p. 716.

[Enclosure—Translation]

*The German Undersecretary of State for Foreign Affairs (Zimmermann) to the American Ambassador (Gerard)*

Nr. III a 12000/157999

BERLIN, September 12, 1916.

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of June 22, 1916, Foreign Office No. 10716, on the subject of the escape of officers and men of the German auxiliary cruisers *Kronprinz Wilhelm* and *Prinz Eitel Friedrich*, interned in American ports, that the matter was examined by the German Government with all possible care from the very beginning. The undersigned communicated the result of this examination to the Ambassador with his note of February 16, 1916, IIIa 2610. It is acknowledged therein that some of the members of the crews of the German auxiliary cruisers who escaped were in the wrong towards the Government of the United States of America and are therefore required to be sent back to their vessels. If expression was given in the note of the Ambassador of March 13, 1916, Foreign Office No. 8555, to the assumption that the reply of the German Government of February 16, 1916, did not fully appreciate the seriousness of the obligation assumed by the commanders of the two auxiliary cruisers, the German Government is unable to see any reason for such a remark. Upon renewed consideration of the matter nothing has resulted which might induce the German Government to depart from its standpoint in the matter made known to the American Government.

The declaration relative to Kapitänleutnant Brauer, who is missed by the American Government, may be inferred from the German reply of February 16<sup>1</sup> last to the extent that it is said therein that merely these German officers and men who fled subsequent to the giving of the assurance by the commanders on April 13 and May 5, and whose names were given in the reply, could be considered in connection with the return to the vessels, and Kapitänleutnant Brauer was not among them. By way of further explanation it is added that Kapitänleutnant Brauer was last on board his vessel (*Prinz Eitel Friedrich*) on March 16, 1915, and was missing ever since the 17th of March, whereas it was not until April 13, 1915 that the commander of the *Prinz Eitel Friedrich* gave his promise, for himself, his officers and men, not to pass beyond the limits of the country without the permission of the commander of the American navy yard. Kapitänleutnant Brauer was not in a position to violate this assurance, since he had absented himself before it was given. Previous to April 13, 1915, the German commander had merely received orders not to permit anybody to go ashore, and he had informed his officers and men accordingly that he would give no shore leave. Kapitänleutnant Brauer violated this order of his superior. Punishment for this disobedience is, however, a purely internal affair of the German Navy. There is therefore no occasion for sending him back to the ship; for there is no rule of international law which prohibits attempt to escape on the part of the crew of a warship interned in a neutral port.

As for the details concerning the flight and present whereabouts of engineer officer Deicke of the steamer *Locksun*, interned in Honolulu, it has proven impossible to find out anything on the subject. Mr. Deicke has not returned to Germany.

With regard to the return of the officers and men whose obligation to return was acknowledged in the reply of the undersigned dated February 16, 1916, no one of them has arrived in Germany during the intervening period, with the exception of Staff Surgeon Krüger-Kroneck. It is, however, reported that Doctor Nolte was captured by English naval forces on a neutral ship on his voyage to Germany and taken to England, where he is stated to be detained. Furthermore, from a report in the *Evening Post* newspaper of New York of October 30, 1915, the accuracy of which it was not possible to control here, travelers who arrived at New York from Bermuda related that on October 20, 1915, officers of the Australian cruiser *Sidney* came on board the steamer *Bermudian* and reported that on the 19th of October, 1915, they had sunk the motor yacht *Eclipse* with six deck officers of the interned German cruiser *Kronprinz Wilhelm*, and that they had all been lost. It is apparent from the

<sup>1</sup> Not printed. See telegram No. 3508 of February 19, 1916, from the Ambassador in Germany, *ante*, p. 715.

surrounding circumstances that this report relates to the German Second Mates Biermann, Forstreuter, Hoffmann, Ruedebusch and Sub-engineers Fischer and Lustfeld, mentioned in the German reply of February 16, 1916.

With regard to Staff Surgeon Doctor Krüger-Kroneck the German Government had declared in its reply of February 16, 1916, that the question whether his release was to be granted later on the ground of the tenth Hague convention of October 18, 1907, relative to the application of the principles of the Geneva convention to maritime war, could not be affected by his return on board the vessel. In the face of this the American Government believes that it should refuse his release in the event of his return on the ground that his presence on the ship is necessary on account of the considerable number of cases of illness. The German Government is unable to recognize this standpoint as correct. According to international law (see also Article 10 of the Hague convention mentioned), the sanitary personnel of captured ships cannot be made prisoner by the enemy. This provision must be applicable in a still higher degree to a neutral country interning the warship of a belligerent. Accordingly the American Government would be under obligation to permit Doctor Krüger-Kroneck at any time to leave American territory again. The decision of the question whether or how long his presence on board will be necessary rests within the competency of the German commander. The German Government must therefore persist in its standpoint that it is unable to send this medical officer back to the ship until the American Government secures a safe-conduct for him from Germany's adversaries for his return to America as well as for his subsequent removal to Germany. He would be able to enter upon this journey home at any time, as soon as the commander of the *Prinz Eitel Friedrich* declared that his presence on the ship had become unnecessary. The German Government begs for the present to await a further statement from the Ambassador relative to the safe-conduct.

The undersigned begs the Ambassador to bring the above to the knowledge of the Government of the United States, and avails himself [etc.]

ZIMMERMANN

#### TREATMENT OF PRIZE SHIPS IN AMERICAN PORTS—CASE OF THE "APPAM"

File No. 763.72111Ap4/118

*The Secretary of the Treasury (McAdoo) to the Counselor for the  
Department of State (Polk)*

WASHINGTON, February 1, 1916.

DEAR MR. POLK: The collector of customs at Norfolk has just called me on the telephone and given me the following information:

The S. S. *Appam*, 4,761 tons, net register, owned by the British and African Steamship and Navigation Company, Ltd., Elder-Dempster Company, of Liverpool, agents, passed in the Virginia Capes early to-day, flying the German naval ensign and dropped anchor at Fortress Monroe about 8 a. m. The *Appam* left Liverpool on November 17 for Callabar, West Africa. On her return voyage to England she was captured by a foreign vessel, in charge of Germans. This was said to be the seventh vessel to have been captured by said iron [*sic*] vessel. A German prize crew was placed aboard the *Appam* to the number of 22 men. Lieutenant Berg of the German Navy was in charge of the prize crew and is now in command of the *Appam*. Later the *Appam* captured another vessel.<sup>1</sup> There are a total of 431 people on board the *Appam*, including about 20 people taken from the vessel captured by the *Appam*. This captured vessel was sunk by the *Appam* according to best advices at this time. When

<sup>1</sup> A later communication of the same day contained the correction that this vessel "was captured by the same vessel that captured the *Appam* subsequent to the *Appam's* capture" and the addition: "Commander Berg states he was placed aboard the *Appam* with orders to bring that vessel to Hampton Roads." (File No. 763.72111 Ap4/119.)

the *Appam* was first captured there were 138 people placed aboard of her from the capturing vessel, these people being from seven vessels which had been previously captured and sunk. There are on board of the *Appam* four men who will have to go to the hospital. The *Appam* is equipped with wireless apparatus.

In view of the circumstances, will you please advise me what instructions I shall give the collector of customs at Norfolk.

By direction of the Secretary.

Very truly yours,

A. J. PETERS  
*Assistant Secretary*

File No. 763.72111Ap4/6a

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

[Telegram]

WASHINGTON, February 2, 1916.

Confirming the telephonic message sent to your Department by this Department to the effect that, subject to the immigration laws and regulations, the collector of customs at Norfolk be instructed immediately to request the commander of the *Appam* to release at once from his ship all those persons who desire to be released and who came in on the ship, except the prize officer and prize crew, including any persons who have been incorporated into such prize crew or acted as a part of said prize crew in the navigation of the ship, and referring to your telephonic message and letter to the effect that the prize master raises no objection to the release of persons on his ship except the officers and crews of the *Appam* and of the ships which resisted capture by the German raider, I have the honor to suggest that a formal demand be made upon the prize master to release immediately all persons on board except those mentioned in my first telephonic message, recited above, on pain of such action by the Government of the United States as may be necessary to secure compliance with such demand.

ROBERT LANSING

File No. 763.72111Ap4/6

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 785

WASHINGTON, February 2, 1916.

MR. SECRETARY OF STATE: I have the honor to inform your excellency that the British steamer *Appam*, captured by the German naval forces, arrived at Newport News, Va., on the 1st of this month under the command of Lieutenant Berg of the Navy. The commanding officer intends, in accordance with Article 19 of the Prusso-American treaty of September 10, 1785, to stay in an American port until further notice.

The *Appam* has not been converted into an auxiliary cruiser, is not armed, and has made no prize under Mr. Berg's command. She carries on board the crews of seven enemy vessels taken by H. M. S. *Moewe* who have been transferred to her by that ship.

There is on board a locked-up military party of the enemy whose internment in the United States I request.

The crew of the *Appam* tried to offer resistance when the ship was captured, as the guns at hand were already in place and trained on the German warship. The members of the crew are therefore to be looked upon likewise as combatants, and I have the honor to ask of your excellency that they too be detained in the United States until the end of the war.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111Ap4/114

*The Collector of Customs at Norfolk (Hamilton) to the Assistant Secretary of the Treasury (Peters)*

[Extract]

NORFOLK, February 3, 1916,

[Forwarded to the Secretary  
of State, February 4.]

. . . In compliance with departmental instructions based upon telegram received from the Honorable Secretary of State February 2d, I proceeded to-day in person aboard the S. S. *Appam* accompanied by customs officers, and immediately went to a conference with Commander Berg on the subject of the immediate release from the *Appam* of all persons who desired to be released, and who came in on the ship, except the prize officer and prize crew, or those who had acted as members of the prize crew in the navigation of the ship. There were present at this conference, Commander Berg, Prince Hatzfeldt from the German Embassy, who was at the time aboard the ship, Deputy Collector and Inspector of Customs J. A. Kendler, and myself. I carried with me aboard of the *Appam* a memorandum, copy of which enclosed herewith marked Exhibit 1, and a letter addressed to Lieut. Hans Berg, also enclosed, marked Exhibit 2.<sup>1</sup> My planned course of action was to renew verbal request for release of all those aboard the *Appam* except as above outlined, by making verbal request in the words of the enclosed memorandum marked Exhibit 1. If refusal came from the German commander my plan was then to deliver the enclosed written communication marked Exhibit 2. Upon making the renewed request in the words as contained in Exhibit 1, Prince Hatzfeldt asked if this was based upon decision by the State Department following Commander Berg's contention that the crew of the *Appam* and certain others should not be released. I informed him it was. Whereupon, the commander of the ship, at the instance of Prince Hatzfeldt, said all would be released as outlined in the request. . . .

[File copy not signed]

<sup>1</sup> Neither printed.

File No. 763.72111Ap4/115

*The British Embassy to the Department of State*

## MEMORANDUM

The British Embassy has the honour to refer to the rule of international law now generally recognised and embodied in Articles 21 and 23 of the Hague Convention XIII of 1907 and to request that the principles in question should be applied to the *Appam*.

These principles have been accepted by both the British and the United States Governments. The Queen's Proclamation of 1861 interdicted the armed ships of belligerents from carrying prizes made by them into British ports, harbours, roadsteads, or waters, a measure of which the Secretary of State of the United States expressed his approval.

In the report of the American delegates to the Hague Conference it is stated that while Articles 21 and 22 seemed unobjectionable, Article 23 (allowing the sequestration of prizes) "was objectionable for the reason that it involves a neutral in participation in the war to the extent of giving asylum to a prize which the belligerent may not be able to conduct to a home port. This article represents the revival of an ancient abuse and should not be approved. In this connection it is proper to note that a proposition absolutely forbidding the destruction of a neutral prize, which was vigorously supported by England and the United States, failed of adoption. Had the proposition been adopted there would have been some reason for authorizing such an asylum to be afforded in the case of neutral prizes."

This declaration shows that the Prussian treaty of 1799 (by which in any case Great Britain, not being a party, can not be affected) was regarded as obsolete and inconsistent with modern doctrines, and the fact that the United States Government adhered to the convention while reserving Article 23 shows that in so far as the provisions of the treaty of 1799 conflict with the convention, they are regarded as overridden by the later instrument.

The rule embodied in Article 21 of the 1907 convention is of general application, and the fact that Great Britain has not ratified the convention does not affect the obligation of the United States to treat ships and property of all nations in accordance with what the attitude of the United States towards the convention shows that they themselves regarded as the general rule.

Relying on the above considerations this Embassy is instructed to request that if the *Appam* is regarded by the United States Government as a prize she should be restored to her owners and the prize crew interned.

The British Embassy begs to add that according to information received the captain of the German prize crew signalled on arrival that the ship was a part of the armed naval force of the German Empire. If this claim is advanced the United States Government will doubtless deal with the ship according to their recognised practice. If, however, she is regarded as a prize, this Embassy expresses its entire confidence that she will not be allowed to leave United States jurisdiction under German control in a condition which would enable her to undertake offensive action; and that she will not be

allowed to increase or augment her force by adding to her armament or her crew or by transfer of trained men to the ship or by a change of personnel or in any other manner. The British Embassy begs to add that the claim that the ship was a war vessel shows that if allowed by the United States to leave as a prize under German control, she would be used by the Germans as a man-of-war; and it is needless to remind the State Department of the doctrine accepted by both our Governments, under which the British Government would be compelled to hold the United States Government responsible for any injury which she may inflict.

WASHINGTON, *February 4, 1916.*

File No. 763.72111Ap4/111

*The German Ambassador (Bernstorff) to the Secretary of State*

[*Handed by the Ambassador to the Secretary, February 8, 1916.*]

Telegram from the German Government concerning its opinion on *Appam* case:

*Appam* is not an auxiliary cruiser, but a prize. Therefore she must be dealt with according to Article 19 of Prusso-American treaty of 1799. Article 21 of Hague convention concerning neutrality at sea is not applicable, as this convention was not ratified by England and is therefore not binding in present war according to Article 28. The above-mentioned Article 19 authorizes a prize ship to remain in American ports as long as she pleases. Neither the ship nor the prize crew can therefore be interned nor can there be question of turning the prize over to English. . . .

[File copy not signed]

File No. 763.72111Ap4/24

*The British Embassy to the Department of State*

MEMORANDUM

The British Embassy has the honour to inform the State Department that the British Government reserves all rights under accepted principles and practice of international law with regard to the *Appam*, and that any action taken in the matter by the owners in maintenance of their interests is not in any way to be considered as prejudicing any claim advanced or to be advanced by the British Government.

WASHINGTON, *February 15, 1916.*

File No. 763.72111Ap4/140

*The Attorney General (Gregory) to the Counselor for the Department of State (Polk)*

WASHINGTON, *February 16, 1916.*

[*Received February 17.*]

MY DEAR MR. POLK: Confirming my telephone conversation with you this afternoon, I transmit herewith copy of telegram received



from the judge of the District Court for the Eastern District of Virginia:

British & African Steam Navigation Co., Ltd., claiming to be owners of *S. S. Appam*, have filed libel in this court for possession of the steamship and asked for usual process. Wire please whether the allowance of same by me will involve any embarrassment to Executive Department in handling same.

I have this afternoon wired him as follows:

Will wire you to-morrow on receipt by this Department of the views of the State Department.

I shall be glad to receive from the State Department, on February 17, a further statement which I may transmit to the judge by telegram.<sup>1</sup>

Respectfully,

For the Attorney General:  
CHARLES WARREN

File No. 763.72111Ap4/33

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, February 17, 1916.

[Received February 19.]

DEAR MR. SECRETARY: I have just received a telegram from my Government instructing me to express the desire that the United States Government should see its way to giving me an assurance that the *Appam* will not be allowed to leave pending a decision as to her status. They also request that reasonable notice should be given of the date on which such a decision will be notified, or from which it will be operative.

I am [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, February 21, 1916.

MY DEAR MR. AMBASSADOR: Replying to your note of February 17, which was received at the Department on the 19th, and which requested an assurance that the *Appam* would not be allowed to leave American waters pending a decision as to her status, and that reasonable notice should be given of the date on which such a decision would be notified or from which it will become operative, I regret to inform you that the circumstances of the case do not allow me to comply with your requests, for if the *Appam* falls within the provisions of the treaty of 1799 with Prussia, as revised by the treaty of 1828, she has the privilege of leaving American waters at will; while, on the other hand, if the vessel does not fall within these treaty provisions, she is undoubtedly a prize of war and subject to notice to leave American

<sup>1</sup>According to an attached memorandum initialed by the Counselor, the following message was telephoned to the Department of Justice: "Do not feel that the Department should attempt to control jurisdiction of court or limit rights of claimants."

jurisdiction within a reasonable period, if she has not already voluntarily left. Moreover, as notification to your Government in regard to the decision which this Government arrives at in regard to the *Appam* would be information of value to your Government in their naval operations, this Government would, in the interest of neutrality, be unable to convey information of this character to your Government.

I am [etc.]

ROBERT LANSING

File No. 763.72111Ap4/108

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 1293

WASHINGTON, February 22, 1916.

MY DEAR MR. SECRETARY: Lieut. Hans Berg, of the German Imperial Navy and Commander of H. M. S. *Appam*, now lying at anchor near Newport News, Va., has informed me that a libel was filed against said vessel in the United States District Court for the Eastern District of Virginia, at Norfolk, on the 16th day of February, 1916, by the British & African Steam Navigation Co., Ltd., and that, under the authority of said court, he has been cited by the marshal of the Eastern District of Virginia to appear before said court on Friday, the 3d day of March 1916, to answer the said libel.

As the *Appam* was captured at sea by a German man-of-war and brought to the Virginian port as a prize ship according to the treaty existing between our countries, you may well appreciate my surprise at the action which has been taken.

Article 19 of the treaty of 1799 between Prussia and the United States, renewed in part by Article 12 of the treaty of 1828, provides that "the vessels and effects taken from" the enemies of the contracting parties may be carried freely wheresoever they please, and that such prizes shall not be "put under legal process when they come to and enter the ports of the other party. . . ."

In view of the terms of the treaty, I am at a loss to understand why such action has been taken by a court of your country. It may be argued that it has been because Article 21 of the Hague convention concerning the rights and duties of neutral powers in naval war is applicable. This article provides:

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral power must order it to leave at once; should it fail to obey, the neutral power must employ the means at its disposal to release it with its officers and crew and to intern the [prize] crew.

But as Great Britain has not ratified the convention, the article is not binding for the reason that Article 28 provides:

The provisions of the present convention do not apply except to the contracting powers, and then only if all the belligerents are parties to the convention.

Besides, the *Appam* flies the naval flag of and belongs to the German Government, and therefore the possession of the captors in a neutral port is the possession of their sovereign. The sovereign whose officers have captured the vessel as a prize of war remains in possession of that vessel and has full power over her. The neutral

sovereign or its court can take no cognizance of the question of prize or no prize and can not wrest from the possession of the captor a prize of war brought into its ports.

The position which I take is fully supported by an opinion of the Attorney General of the United States (7 Op. 122), the syllabus of which recites that "a foreign ship of war or any prize of hers in command of a public officer possesses in the ports of the United States the right of extraterritoriality and is not subject to the local jurisdiction."

I would therefore most respectfully protest against the action of the United States District Court, and request that you may ask the Attorney General to instruct the United States District Attorney for the Eastern District of Virginia to appear before the United States District Court and take such steps as may be necessary and proper to secure the prompt dismissal of the libel.

I am [etc.]

J. BERNSTORFF

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, March 2, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 2d of February,<sup>1</sup> informing me that the British steamer *Appam*, captured by the German naval forces, had arrived at Norfolk under the command of Lieutenant Berg, of the Imperial German Navy, who intends, in accordance, as he believes, with Article 19 of the Prussian-American treaty of 1799, to remain in American waters until further notice, and that the *Appam* has not been converted into an auxiliary cruiser, is not armed, and has taken no prizes under Lieutenant Berg's command. In conclusion your excellency requests internment in the United States during the remainder of the war of a military party belonging, your excellency states, to the enemy of Germany and also the internment of the crew of the *Appam*, inasmuch as they offered resistance to capture by His Majesty's forces.

I have the honor also to acknowledge the receipt of your excellency's note of February 22, calling my attention to a libel which has been filed against the *Appam* by the United States District Court on February 16 by the British & African Steam Navigation Co., Ltd., and to the fact that Lieutenant Berg has been cited to appear before the court on March 3 next to answer this libel [*sic.*]. Your excellency points out that in view of the terms of Article 19 of the treaty of 1799 and of the inoperation of the Hague convention relating to neutral rights and duties in naval warfare, you are at a loss to understand why such action has been taken in this country. Your excellency, moreover, asserts in effect that as the *Appam* flies the naval flag of, and belongs to, the German Government, and as the possession of the captors is the possession of their sovereign, "the neutral sovereign or its court can take no cognizance of the question of prize or no prize and can not wrest from the possession of the captor a prize of war brought into its ports." Your excellency, in conclusion, protests against the action of the court and requests that

<sup>1</sup> *Ante*, p. 723.

the Attorney General instruct the proper United States District Attorney to take such steps as may be necessary and proper to secure the prompt dismissal of the libel.

Article 19 of the treaty of 1799, to which your excellency refers, reads as follows:

The vessels of war, public and private, of both parties, shall carry (*conduire*) freely, wheresoever they please, the vessels and effects taken (*pris*) from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes (*prises*) be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried (*conduites*) out again at any time by their captors (*le vaisseau preneur*) to the places expressed in their commissions, which the commanding officer of such vessel (*le dit vaisseau*) shall be obliged to show. But conformably to the treaties existing between the United States and Great Britain, no vessel (*vaisseau*) that shall have made a prize (*prise*) upon British subjects shall have a right to shelter in the ports of the United States, but if (*il est*) forced therein by tempests, or any other danger or accident of the sea, they (*il sera*) shall be obliged to depart as soon as possible.

This translation is taken from the published treaties of the United States, and while not conforming strictly to the original French text (a copy of which is enclosed),<sup>1</sup> is sufficiently accurate for the purposes of this note. At the outset it may be pointed out that as the object of this provision was to mollify the existing practice of nations as to asylum for prizes brought into neutral ports by men-of-war, it is subject to a strict interpretation when its privileges are invoked in a given case in modification of the established rule. By a reasonable interpretation of Article 19, however, it seems clear that it is applicable only to prizes which are brought into American ports by vessels of war. The *Appam*, however, as your excellency is aware, was not accompanied by a ship of war, but came into the port of Norfolk alone in charge of a prize master and crew. Moreover, the treaty article allows to capturing vessels the privileges of carrying out their prizes again "to the places expressed in their commissions." The commissions referred to are manifestly those of the captor vessels which accompany prizes into port and not those of the officers of the prizes arriving in port without convoy, and it is clear that the port of refuge was not to be made a port of ultimate destination or indefinite asylum. In the case of the *Appam* the commission of Lieutenant Berg, a copy of which was given to the collector of customs at Norfolk, not only is a commission of a prize master, but directs him to bring the *Appam* to the nearest American port and "there to lay her up." In the opinion of the Government of the United States, therefore, the case of the *Appam* does not fall within the evident meaning of the treaty provision which contemplates temporary asylum for vessels of war accompanying prizes while *en route* to the places named in the commander's commission, but not the deposit of the spoils of war in an American port. In this interpretation of the treaty, which I believe is the only one warranted by the terms of the provision and by the British treaties referred to in Article 19, and by other contemporaneous treaties, the Government of the United States considers itself free from any

<sup>1</sup> Not printed.

obligation to accord the *Appam* the privileges stipulated in Article 19 of the treaty of 1799.

Under this construction of the treaty the *Appam* can enjoy only those privileges usually granted by maritime nations, including Germany, to prizes of war, namely, to enter neutral ports only in case of stress of weather, want of fuel and provisions, or necessity of repairs, but to leave as soon as the cause of their entry has been removed.

As to the grounds upon which the application for the libel of the *Appam* by the United States court was made, this Department has no direct information; but it is understood that the libelant contends that the *Appam* is not, assuming that it is a prize of the German Government, the property of that Government, but that, on the contrary, the title to the vessel is now properly in the British owners. Whether in these circumstances the United States court has properly or improperly assumed jurisdiction of the case and taken custody of the ship, is a legal question which, according to American practice, must now be decided by the municipal courts of this country. With the purpose, however, of having your excellency's views as to this matter brought to the attention of the court, I have transmitted your note of February 22 to the Attorney General, with a request that he instruct the United States District Attorney to appear in the case as *amicus curiæ* and present to the court a copy of your excellency's note.

As to the internment of the military party which your excellency states was on board the *Appam*, as well as the officers and crew who offered resistance to capture by His Majesty's ships, I have the honor to inform you that the Government has, after due consideration concluded that they should be released from detention on board the *Appam*, together with their personal effects.

Accept [etc.]

ROBERT LANSING

File No. 763.72111Ap4/62

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 1829

WASHINGTON, March 14, 1916.

MY DEAR MR. SECRETARY: Referring to previous correspondence in regard to H. M. S. *Appam*, I am informed by our counsel that the State and Treasury Departments, mainly through the collector of customs, have been requesting the District Court of the United States for the Eastern District of Virginia to guard against two things: (1) An augmentation of the crew of the *Appam*; and (2) an attempt on her part to escape; and that such action would tend to disturb the peace of mind of the court.

While I can not understand on what theory the court can be asked to have anything to do with questions of augmentation, I can readily appreciate its desire to prevent any possible escape so long as court proceedings are pending.

In view of the action of the Departments, the court appears unwilling to permit the ship to continue in the stream with only two keepers, and has requested counsel to consent to her removal to a wharf or some safer anchorage.

Lieutenant Berg objects to her being taken to a wharf on account of increased difficulty of controlling his crew, the danger of annoyance from curiosity seekers, and the possibility of injury from hostile sources.

Because of the divergent wishes in this respect, I believe that the court will be fully satisfied, and at the same time Lieutenant Berg can carry out his wishes, if I now assure you, as I do, that, while reserving all the rights of the German Government in this case, both before the court and in our diplomatic negotiations, and with a further reservation that such assurance and agreement shall be without prejudice to the defense, no change shall be made in the *status quo* with respect to augmentation of the crew or equipment that might be considered a breach of neutrality, and that no attempt to run the vessel away will be made so long as said ship remains under the custody of said court.

I would, therefore, most respectfully request that you may communicate my assurance to the Treasury Department, and that both Departments may communicate, through the proper officers, with the court and inform it that, in view of my assurance, they have no further requests to make along this line at the present time, and that for the present it would not appear to be necessary that the ship be removed to a wharf.

In my note of February 22 I requested you to ask the Attorney General to instruct the United States District Attorney for the Eastern District of Virginia to appear before the United States District Court and take such steps as may be necessary and proper to secure the dismissal of the libel. At a hearing held before said court at Richmond, Va., on March 7, said attorney appeared and presented a copy of my said note of February 22 to you, but did not ask for the dismissal of the libel. In view of this fact, and believing at this time that his presence in said court will not be further necessary for assisting in arriving at a solution of the case, I would most respectfully request that you may ask the Attorney General to instruct him not to appear further without securing express instructions so to do for such special reasons as your Government may have for so authorizing him.

I am [etc.]

J. BERNSTORFF

File No. 763.72111Ap4/60

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 1727

WASHINGTON, *March 16, 1916.*

In reply to your kind note of the 2d instant, I have the honor, in compliance with instructions, to submit to you the enclosed memorandum of the Imperial Government on the subject that has been received by me.

Should the Government of the United States fail to concur in the Imperial Government's interpretation, the Imperial Government would propose that the construction of the treaty in question be referred to the Hague Court of Arbitration in the same way as the Imperial Government proposed in the *William P. Frye* case in Secretary of State von Jagow's note of November 29 last, to Mr. Gerard, Ambassador of the United States at Berlin, provided that the *status*

*quo* of the S. S. *Appam* will remain unchanged throughout the arbitration proceedings and that the steamer will be allowed to remain with her prize crew in an American port during that time.

Accept [etc.]

J. BERNSTORFF

[Enclosure]

MEMORANDUM

The Imperial Government does not consider correct the interpretation of the Department of State of Article 19 of the treaty of 1799 as given in the note.

The Department of State criticized that the *Appam* was not brought into port by a warship, but arrived only with a prize crew on board. The treaty of 1799, referring to prizes accompanied by a warship, speaks, of course, of commercial warfare as it was usual in those times and which could be carried on by both parties only by privateers. This made it necessary that the prize was brought into port by the capturing vessel. The development of modern cruiser warfare, where, as a rule, the warship sends her prize into port by a military prize crew, can not render the stipulations of Article 19 of said treaty null and void. The prize masters and prize crew, who represent the authority of the belligerent state, now take the place which the capturing vessel held formerly. That such stipulations are not in contradiction to the general rules of international law, and that, therefore, the treaty is not subject to the especially strict interpretation given to it by the Department of State, is proved by Article 23 of the Hague convention regarding neutrality on sea, which was adopted by a great majority, although under reservation by the United States, Great Britain, and Japan.

The Department of State missed in the commission of Lieutenant Berg an order to take the prize into a German port, as it is unwilling to admit the permanent internment of the German prize in an American port as a consequence of the treaty. As proved by the last but obsolete sentences of Article 19 of the treaty of 1785 and Article 19 of the treaty of 1799, the object of Article 19 is to grant asylum or shelter to prizes of one contracting party in the ports of the other party. The asylum naturally continues only as long as the prize crew is on board and the danger of being captured by enemy naval forces exists. Both premises prevail in this case. Lieutenant Berg, an officer of the Imperial Navy, was commissioned by the commander of a German warship to seek with his prize in an American port the asylum guaranteed by the treaty. The opinion of the Department of State that the commission must mention a German port of destination for the prize is unfounded, as Article 19 only provides the freedom of the prize to leave for the places which are named in the commission, but does not make the right of asylum depend on such port being mentioned. Such an indication seems superfluous if the prize is conducted by a prize crew mustered from the Imperial Navy, for such crew has to bring the prize into a German port as soon as possible. At present the claim for asylum naturally still exists, considering the uneven distribution of the domination of the seas between the belligerents.

As long as the right of asylum lasts, the jurisdiction of American courts over the prize is formally excluded by Article 19; a German prize court alone is competent. The opinion of the Department of State that the American courts must decide about the claims of the British shipping company is incompatible with the treaty stipulations.

It is therefore respectfully requested that the prize crew should be permitted to remain in the American port, and also that the legal steps before an American court should be suspended.

File No. 763.72111Ap4/70

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, March 31, 1916.

[Received April 1.]

MY DEAR MR. SECRETARY: On February 3d last, I had the honour, under instructions from my Government, to request that if the *Appam* were regarded by the United States Government as a prize, she should be restored to her owners and the prize crew interned.

Since that date it has come to my knowledge that a proceeding has been brought in the Admiralty Court of the United States by the owners of the vessel for its restitution and that the court has taken jurisdiction of the suit. It appears that the vessel had been detained in an American port by the prize crew for more than two weeks before the suit was instituted. I am informed that the vessel was in a seaworthy condition when brought into port and that the time which elapsed before the beginning of the suit was more than sufficient to supply any deficiencies of coal and provisions. The detention of the vessel for such a period of time was therefore a violation of the neutrality of the United States under the law of nations as expressed in Articles 21 and 22 of Convention XIII as formulated at The Hague in 1907 and as previously understood and applied among the nations.

I understand that the Admiralty Courts of the United States have jurisdiction to decree the restitution to the owners of a prize brought into an American port by a belligerent captor when there has been a violation of American neutrality on the part of the captor. It seems to me desirable and proper that such violation of American neutrality should be called to the court's attention, not only by the private owners of the captured vessel, but also by the official representatives of the United States Government.

I have therefore the honour to request that, if the United States Government do not see their way clear to direct by Executive order, as suggested in my note above referred to, the return of the vessel to her British owners, instructions may be given, should there be no objection, to the proper representatives of the Department of Justice of the United States to appear in their official capacity before the United States District Court for the Eastern District of Virginia, in which the suit for the recovery of the *S. S. Appam* is pending, and to represent to that court on behalf of the Government of the United States, that the detention of the *S. S. Appam* under the circumstances above set forth constituted a violation of the neutrality of the United States and apply to the court to direct the return of the vessel to her owners upon due proof of their ownership and of the facts constituting the violation of neutrality above set forth.

I am [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, April 4, 1916.

MY DEAR MR. AMBASSADOR: I have received your formal note of the 31st ultimo, in which you request that as the *Appam* had violated the neutrality of the United States by her staying in port up to the beginning of the suit now pending against her, such violation of American neutrality be called to the court's attention by the proper representatives of the Department of Justice on behalf of the Government of the United States, and that application be made to the court to direct the return of the vessel to the owners upon due proof of their ownership and of the facts constituting a violation of neutrality.

In reply, allow me to say that as the vessel was in American jurisdiction up until the time of the filing of the suit against her, pending



consideration of the question as to whether she was entitled to the privileges claimed for her by the German Government by virtue of Article 19 of the treaty of 1799, and as this Government reached a decision on that question only after the libel had been filed, I am unable to accept your suggestion that the presence of the *Appam* in American waters, in the circumstances, constituted a violation of the neutrality of the United States. Holding this view, I regret that I am unable to comply with your request to have official representations made to the court in the sense of your note under acknowledgment.

I am [etc.]

ROBERT LANSING

File No. 763.72111Ap4/60

*The Secretary of State to the German Ambassador (Bernstorff)*

No. 2217

WASHINGTON, April 7, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th ultimo, enclosing a memorandum of the Imperial German Government on the subject of the *Appam*, now at Norfolk. The memorandum of the Imperial Government contends, in brief, that Article 19 of the treaty of 1799 "speaks, of course, of commercial warfare as it was usual in those times and which could be carried on by both parties only by privateers," and that the development of modern cruiser warfare, in which a prize master and crew representing the authority of a belligerent state now take the place which the convoying vessel formerly held, should govern the present interpretation of the treaty. The Government of the United States agrees with the German Government's statement that the treaty speaks of a mode of warfare in use at the time the treaty was negotiated. It is precisely for this reason that the Government of the United States does not believe that the treaty was intended to apply to circumstances of modern warfare which are essentially different from those in vogue at the close of the eighteenth century. The Government of the United States does not understand upon what ground the Imperial Government contends that a treaty granting concessions under specifically mentioned circumstances can be construed to apply to a situation involving other and different circumstances. To grant limited asylum in a neutral port to a prize accompanied by the capturing vessel is not the granting of a right of "laying up" in a neutral port a prize which arrives in the control of a prize master and crew.

Your excellency's Government further contends that Article 19, besides being applicable to modern conditions, is not contrary to the general rules of international law, and therefore not subject to a restricting interpretation, and in support of this cites as declaratory of the general rules of international law Article 23 of Hague Convention XIII. As indicated by the Imperial Government, the United States did not in the case of this convention, and never has, assented to the sequestration of prizes in its ports. The ground of this position of the United States is that it does not, in the opinion of this Government, comport with the obligations of a neutral power to allow its ports to be used either as a place of indefinite

refuge for belligerent prizes or as a place for their sequestration during the proceedings of prize courts. The contention of the Government of the United States in its note of March 2 in this case is consistent with this long-established and well-known policy of the American Government, in the light of which the treaty of 1799 was negotiated and has been enforced and applied. Provided the vessel enters an American port accompanied by a German naval vessel, Article 19 contemplates in the view of this Government merely temporary sojourn of the prize in an American port and not its sequestration there pending the decision of a prize court.

Holding the view that Article 19 is not applicable to the case of the *Appam*, this Government does not consider it necessary to discuss the contention of the Imperial Government that under Article 19 American courts are without jurisdiction to interfere with the prize, and for the same reason it can not accede to the request that the "legal steps before an American court should be suspended."

In your excellency's note transmitting the memorandum of your Government it is proposed that should this Government fail to concur in the contentions of the Imperial Government the construction of the treaty in question be referred to the Hague Court of Arbitration in the same way as the Imperial Government has proposed to do in the *William P. Frye* case, provided that the *status quo* of the *Appam* remain unchanged throughout the arbitration proceedings and that the steamer be allowed to remain with her prize crew in an American port during that time. It is regretted that this proposal which appeals to the principle of arbitration, of which this Government is an earnest advocate, can not be accepted in this particular case by the Government of the United States. Its acceptance would manifestly defeat the very object of the United States in its reservation to Article 23 of Convention XIII, by allowing the prize to remain in an American port for an indefinite period while the arbitration proceedings were in progress, which might continue until after peace is restored. In this respect the case differs from that of the *William P. Frye*. Moreover, inasmuch as the *Appam* has been libeled in the United States District Court by the alleged owners, this Government, under the American system of government, in which the judicial and executive branches are entirely separate and independent, could not vouch for a continuance of the *status quo* of the prize during the progress of the arbitration proposed by the Imperial Government. The United States court, having taken jurisdiction of the vessel, that jurisdiction can only be dissolved by judicial proceedings leading to a decision of the court discharging the case—a procedure which the Executive can not summarily terminate.

In these circumstances the Government of the United States can only accept the proposal of the German Government for the arbitration of the meaning of Article 19 of the treaty of 1799, upon the understanding that the *Appam* depart from the territorial jurisdiction of the United States, in the event that the libel is dismissed by the court and after she has had a reasonable time to take on board such supplies as may be necessary, in the judgment of this Government, for a voyage to the nearest port subject to the sovereignty of Germany; and failing this, that she be released and the prize master and crew be interned for the remainder of the war.

Accept [etc.]

ROBERT LANSING

File No. 763.72111Ap4/126

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, April 12, 1916.

[Received April 13.]

DEAR MR. SECRETARY: Referring to your letter of the 4th in regard to the *Appam*, I understand that the matter being now in suit, you do not wish to determine the question whether the presence of the *Appam* in American waters "in the circumstances constitutes a violation of the neutrality of the United States."

My letter did not intend to ask a decision of the Department on this question, the rights of my Government in the matter having already been placed before you in an official communication and the rights of the private owners being before the court.

My object was to ascertain whether the Department of State were willing to suggest to the court that the United States adhere to the general maritime rule that prizes of war were only to be allowed to enter neutral ports in case of stress of weather, want of fuel or provisions, or under necessity of repairs, and must leave as soon as the cause of their entry has been removed. It seems important to avoid any possible inference that the Department deemed it lawful for prizes to be given asylum in United States ports except under the circumstances above mentioned. Should the captors urge that whatever the law, the Executive had, by permitting the vessel to remain, or by not expressly requiring her to depart, precluded the courts from considering the question, it should be possible to show that the Government of the United States never intended that its ports should be used to give asylum to prizes pending condemnation or sequestration, or during the period of the war.

A suggestion from the State Department that they so understood the law and that no action of theirs was to be construed as having in any way waived the neutral rights of the United States under such law, would leave the court free to determine whether, upon the facts of the case, the law had been violated. Such action on your part would merely make it clear that the court was to be left entirely free to determine the question as a justiciable one. I assume that a judicial ruling on the question would be agreeable to the Department, and if so, it would appear that such a suggestion would tend to assure that result.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111Ap4/135

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 4387

RYE, N. Y., June 30, 1916.

[Received July 1.]

MR. SECRETARY OF STATE: In reply to your kind note No. 2217 of April 17 [7] of this year, I have the honor, by direction of my Government, to lay the following statement before your excellency.

The history of paragraph 1 of Article 19 of the treaty of commerce of 1799 between Prussia and the United States of America, which

is still in force, has been made the subject of a thorough examination of the records of the Prussian secret archives. It has been found that the above-mentioned provision was taken without change from the Prussian-American commercial treaty of September 10, 1785. The Swedish-American commercial treaty of April 3, 1783, first served as a foundation for the preliminary negotiations in that treaty. A provision corresponding to that found in paragraph 1, Article 19, of both Prussian-American treaties is contained therein. Prussia twice in the course of the negotiations proposed to drop that provision and to agree to a mere asylum for prizes in distress. The United States rejected the proposition both times and stated through its plenipotentiaries, John Adams, Benjamin Franklin, and Thomas Jefferson, in a note of March 14, 1785, a certified copy of an extract from which, taken from the secret archives, is enclosed, that it desired it to have it agreed that prizes captured by one of the signatories should have the right to stay in the ports of the other signatory so that it might bring its prizes into Prussian harbors and sell them there. In order not to break off negotiations on that question, the Prussian Government finally declared its willingness to accept Article 19 in the treaty.

The statement of the American plenipotentiaries that the practice of carrying prizes into neutral ports and there selling them is admitted by the usage of nations finds confirmation in the fact that provisions to that effect were embodied in a number of international treaties at the end of the eighteenth century. They are found, besides the two Prussian-American treaties and the above-mentioned Swedish-American commercial treaty, in Article 14 of the Franco-English treaty of September 26, 1786, in Article 17 of the Franco-American treaty of February 6, 1778, and in Article 25 of the Anglo-American treaty of November 19, 1794.

Hence the provision in Article 19, paragraph 1, in harmony with an international usage and the will of the contracting parties couched in unmistakable language, must be taken to mean that a prize taken by one of the parties to the treaty may make a prolonged stay in the ports of the other party and even be sold there. As already pointed out by your excellency in your note of March 2 last,<sup>1</sup> the English part of the article under consideration, as given in the published treaties of the United States, does not exactly render the French original. The first part of the translation is passably accurate except that the word "*conduire*" is rendered as "to carry." There is a difference in the meaning of the two words. The correct translation of "*conduire*" is "to conduct" (to cause to give the right direction).<sup>2</sup> In the second part of the paragraph several words have also been left out of the translation. In its entirety the paragraph should read: "But they shall have power to go out therefrom freely and to be conducted at any time by the captor vessel to the places designated by the commissions which the officer commanding the said vessel shall be obliged to show."

In this is based the opinion of the Imperial Government that the understanding of the Government of the United States that Article 19 of the treaty of 1799 is not applicable to the prize *Appam* does not accord with the treaty. It was the intention of the negotiation of the

<sup>1</sup> *Ante*, p. 729.

<sup>2</sup> In English in the original.

treaty that every prize lawfully brought into a port of the other contracting party should enjoy the right of asylum. As worded in the original part of the treaty, it is also immaterial whether the prize is brought into the port by a ship or a prize crew.

The Government of the United States is further of the opinion that under Article 19 a prize is only entitled to a limited stay in a neutral port, as this long-known principle of American policy is conclusive in interpreting the treaty. The above-cited article, however, contains no such restriction. At the time of the conclusion of the treaty the Government of the United States, as shown by the above-stated particulars, entertained the opposite opinion. Even in the last war in which Prussia was engaged before the present one, in the Franco-German war, General Grant, in his neutrality proclamation of August 22, 1870, cites Article 19 of the treaty of 1799 in express words as being still in force.

To be sure, Articles 21 and 22 of Hague Convention XIII lay down the opposite rule of law, but the preamble to the convention expressly provides that the convention will not modify existing treaties. In your note to the British Ambassador of March 13 of last year,<sup>1</sup> your excellency declared the position of the Government of the United States to be that it did not regard Article 21 of Hague Convention XIII as binding between Great Britain and the United States; neither has the Government of the United States at any time, either after ratification of Hague Convention XIII or at the outbreak of the present war, made known to the Imperial Government that it no longer regarded Article 19 of the treaty of 1799 as binding. On the strength of the foregoing it seems to the Imperial Government that there can be no doubt that the prize *Appam* comes under the provisions of Article 19 of the treaty of 1799. Even though the executive and judiciary branches of power of the United States be independent of each other, this may not serve as a justification of the proceedings instituted by the court against the *Appam* and her cargo, for, in my Government's opinion every government is responsible for the execution of the international obligations it has assumed.

I am instructed and hereby have the honor to ask of your excellency that the Government of the United States reconsider the position declared in the note of April 2 of this year in the light of the foregoing statements, that lasting asylum be granted the *Appam*, and that the judicial proceedings now pending against her and her cargo be dismissed.

Should your excellency's Government nevertheless feel that it can not concur in the Imperial Government's interpretation, I am instructed to renew the proposal of an arbitral settlement of the question as offered in my note of March 16 of this year. The arbitral tribunal should first have to pass upon the import of the treaty for further cases, and next to lay down a principle for eventual indemnity claims in the event of the Government of the United States violating the treaty at its own risk by denying the prize ship *Appam*.

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 823.

the right of asylum guaranteed by the treaty and allowing judicial proceedings which, instituted in contravention of the treaty provisions, might result in a decision adverse to Germany.<sup>1</sup>

Accept [etc.]

J. BERNSTORFF

[Enclosure]

To His Excellency the Baron de Thulemeier,  
Envoy Extraordinary from His Prussian Majesty, at The Hague

PASSY, March 14th, 1785.

SIR: We had the honour of receiving your letter of January 24, covering a Translation into French of the draught of a Treaty proposed between His Majesty the King of Prussia, and the United States of America, together with answers to the several articles. We have considered them with attention, and with all those dispositions to accommodate them to the wishes of His Majesty, which a respect for his character, and a desire of connecting the two nations in amity and commerce would naturally produce. We will now take the liberty of troubling you with the result of our deliberations, article by article.

Art. 2.

Art 19. . . . The practice of carrying prizes into neutral ports and there selling them, is admitted by the usage of nations, and can give offence to none where they have not guarded against it by particular contract. Were the clause now under consideration to be so changed as to exclude the prizes made on the enemies of either from being sold in the ports of the other, and that kind of stipulation to take place generally, it would operate very injuriously against the United States in cases wherein it is not presumed, His Majesty would wish it. For suppose them to be hereafter in war with any power in Europe, their enemy, tho' excluded from the ports of every other State, will yet have their own ports at hand, into which they may carry and sell the prizes they shall make on the United States, but the United States under a like general exclusion, having no ports of their own in Europe, their prizes in these seas must be hazarded across the Ocean, to seek a market at home: an incumbrance which would cripple all their efforts on that element, and give to their enemies great advantage over them.

Art. 21.

Upon the whole it will be seen that we accommodate ourselves to the amendments proposed to the 2d, 3d, 5th, 8th, 9th, 10th, 12th, 13th, 21th, and 25th articles; that we agree to the amendments proposed to the 4th article with certain qualifications, and we can not but hope that the 4th and the 19th articles so amended and qualified may be permitted to stand.

We have the honor to be [etc.]

JOHN ADAMS B. FRANKLIN TH. JEFFERSON

[On July 29, 1916, the United States District Court for the Eastern District of Virginia handed down a decision "that the manner of bringing the *Appam* into the waters of the United States, as well as her presence in those waters, constitutes a violation of the neutrality of the United States; . . . that she, as between her captors and owners, to all practical intents and purposes, must be treated as abandoned and stranded upon our shores; and that her owners are entitled to restitution of their property . . . ; and it will be so ordered." 234 *Fed. Rep.* 389. An appeal was taken to the Supreme Court.]

<sup>1</sup>The last sentence is substituted for the concluding passage of the note as first received, in accordance with a further note of July 14 stating that the Ambassador's instructions had been garbled in transmission by telegraph, but a correct copy had arrived on the submarine *Deutschland*.

File No. 763.72111Ap4/173

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, August 3, 1916.

[Received August 5 (?)]

DEAR MR. SECRETARY: May I again call your attention to the fact that the British steamship *Appam*, brought into Hampton Roads in violation of the neutrality of the United States, as your Department and the District Court of the United States have both held, still remains in that port.

My Government again requests me to call your attention to her prolonged detention and to request that she be released to her British owners as originally requested by my Government.

My Government also requests me to state that it considers itself entitled, under the law of nations, to all damages necessarily incurred by the withholding of the vessel from her rightful owners.

I beg to add that my Government requests that in the event of the *Appam* not being handed over to the original owners, the United States Government as being responsible for her safe keeping, should take charge of her pending a final settlement.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111Ap4/174

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, August 5, 1916.

[Received August 7.]

MY DEAR MR. SECRETARY: Referring to my letter of yesterday [August 3], I beg to state that I have just received a further telegram from my Government on the subject of the *Appam*.

In Lord Grey's opinion the question whether the ship is to be handed over to the owners pending appeal is of course one for the court to decide and His Majesty's Government has no right or desire to intervene.

But Lord Grey instructs me to point out that if the ship is not handed over His Majesty's Government have good reason to protest if the prize crew, who in the view of my Government ought to be interned, are allowed to remain on board, especially after the decision of the court already given. If the vessel is not handed over to the owners, my Government consider that she should be placed in the effective custody of the United States authorities, and Lord Grey cannot but regard the presence of the prize crew on board the vessel as incompatible with such effective custody.

On these grounds I have the honour to state, in obedience to my instructions, that if the prize crew remains on board, and if in consequence the ship were to be ultimately damaged or sunk, my Government would feel itself justified in holding the Government of the United States responsible.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111Ap4/173

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, August 24, 1916.

MY DEAR MR. AMBASSADOR: I have received your notes of August 3d and 5th last in regard to the disposition of the S. S. *Appam*, which, as you state, was "brought into Hampton Roads in violation of the neutrality of the United States, as your Department and the District Court of the United States have both held."

In the first place, I wish to point out that this Department has not, so far as I am aware, stated that the *Appam* was brought into an American port in violation of the neutrality of the United States. What my Government has stated is "that it does not, in the opinion of this Government, comport with the obligations of a neutral power to allow its ports to be used either as a place of indefinite refuge for belligerent prizes or as a place for their sequestration during the proceedings of prize courts." That the *Appam* is undergoing a prolonged detention in American waters is, as you know, due to her being libeled by British subjects rather than to any action by my Government.

I am pleased to note that "In Lord Grey's opinion, the question whether the ship is to be handed over to the owners pending appeal is of course one for the court to decide, and His Majesty's Government has no right or desire to intervene." This relieves me from replying to the unusual request in your note of the 3d instant, that the *Appam* be released to her British owners as originally requested by your Government. This, of course, I could not do, as the vessel is in jurisdiction of the court as the result of a suit which the British owners themselves instituted, probably with the full knowledge of His Majesty's Government, and doubtless after due consideration of the nature of the legal proceedings to which the owners were submitting their vessel. Your note of the 5th instant also relieves me from replying to the general statement in your earlier note, that your Government "considers itself entitled, under the law of nations, to all damages necessarily incurred by the withholding of the vessel from her rightful owners."

As to your Government's protest against the prize crews remaining on board, "especially after the decision of the court already given" and your Government's view that "she should be placed in the effective custody of the United States authorities," I beg to state that it is, I presume, competent for the owners to bring these matters to the attention of the court to which they have chosen to confide the case for its consideration and action. I may add, however, that this Government has been repeatedly assured by the German Government that the prize commander and crew will preserve and protect the property of the vessel, that no explosives capable of doing injury to the vessel or the public peace are or will be allowed on board the vessel, and that the vessel will remain at an anchorage satisfactory to the officials of the United States.

In view of all the circumstances of the case, therefore, I am of the opinion that there is no need for apprehension in regard to the safety of the ship, without admitting, however, on the part of my Government, that it is responsible for the effective custody of a vessel within



the jurisdiction of the court pending an appeal in a case where private individuals of foreign nationality have declined to await the results of executive action and chosen to take advantage of such judicial proceedings as are open to them in this country. Consequently, I must decline to accept the responsibility which your Government desires to cast upon the Government of the United States for any damages which may result to the vessel "if the prize crew remains on board and if in consequence the ship were to be ultimately damaged or sunk."

I am [etc.]

ROBERT LANSING

File No. 763.72111Ap4/150

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 347

WASHINGTON, December 1, 1916.

[Received December 2.]

SIR: I did not fail to transmit to Viscount Grey of Fallodon the note which you were good enough to send me on August 24 in reply to my communications of August 3 and August 5 relative to the case of the *Appam*. I have now received His Lordship's instructions to communicate to you the following observations.

Your note of August 24 maintains that the cause of the prolonged detention of the *Appam* in American waters is the suit brought against her by British subjects and not the action of the United States Government. It is also stated that the contents of my note of August 5 relieve the United States Government of replying to the request in my note of August 3, that the *Appam* should be released to her British owners as originally requested by His Majesty's Government.

I am directed to point out that these contentions would appear to overlook the fact that the question of the status of the *Appam* and the treatment which should have been accorded to her from the moment when she was brought within United States waters is primarily one between His Majesty's Government and that of the United States, and not one between the British owners of the ship and those who are in temporary possession of her. The contention advanced by His Majesty's Government is that the obligations of neutrality imposed upon the Government of the United States the duty of releasing the vessel directly it was found that she had come within United States jurisdiction for purposes not recognized by the law of nations. The obligation is summarized in the rule that a neutral power must release a prize brought into its ports except on account of unseaworthiness, stress of weather, or want of provisions. It is upon the Government in its executive capacity that this obligation is laid, and it is for the Government to take of its own motion such action as may be necessary to carry out this duty.

The fact that in the United States an alternative remedy is open to the private parties concerned does not affect or diminish the obligation incumbent upon the United States Government as a neutral government to release belligerent prizes improperly brought within its ports.

At the time when the suit in the *Appam* case was instituted, she had already been in United States waters for a fortnight. Even allowing that there were exceptional circumstances connected with the case which rendered it necessary for the United States Government to consider their position carefully, there was ample time for the matter to have been decided before the suit was commenced. His Majesty's Government cannot accept the contention urged in your letter, that the mere fact that the owners of a vessel which ought to be released think it prudent for private reasons to resort to a remedy which is open to them in the courts, frees the United States Government of the obligations which are incumbent upon them as a neutral government. Otherwise the unreasonable consequence would ensue that a government might provide an alternative remedy in the law courts and then—by delay so vexatious as to drive the owners to their legal remedy from sheer despair—claim to escape all liability for failure to carry out its obligations.

It is not suggested in your note of August 24 that the institution of proceedings under the alternative remedy provided in the United States deprives the executive Government of the power to release the *Appam*, and it clearly would not be right for His Majesty's Government to assume the existence of any such defect of procedure.

My note of August 3 dealt with the question existing between the two Governments; on the other hand my note of August 5 related to a point arising in the course of the litigation between the private parties. The court has given a decision from which one of the parties was entitled to appeal. The question what should be done with the ship pending any such appeal, so long as it remained in the jurisdiction and under the control of the court, was clearly a matter for the court to decide, and as my note pointed out, was a matter in which His Majesty's Government had no desire to intervene; but the fact that the court had pronounced a decision did not affect the responsibility of the United States Government. That responsibility arose at the moment when it became clear that the *Appam* had been brought within the jurisdiction in breach of the neutrality of the United States and the contention of His Majesty's Government is that from that moment their claim that the *Appam* should be released was a well-founded claim.

The question of the internment of the prize crew was not however dependent in reality on the course of the litigation between the parties. As part of the fighting forces of a belligerent coming within the jurisdiction in the course of military operations, they should have been interned as soon as it was established that the *Appam* had not merely called at an American port for recognised and authorised purposes.

In addition, the sinking of the *Westburn* in Spanish waters had disclosed the extreme peril of leaving any captured vessel in the hands of a German prize crew, and my note of August 5 was intended to reiterate the request which I had already made for the internment of the crew, not merely because there had ceased to be any practical reason for allowing them to remain on board during the months that must elapse before the hearing of the appeal, but because the decision of the court rendered still more obvious the failure of the United States Government to carry out its duty of

interning these members of the fighting forces of a belligerent who had come within the jurisdiction when acting in execution of their military duties.

For these reasons His Majesty's Government consider they are justified in maintaining the claim put forward in my note of August 3 to such compensation as may be justly due.

I have [etc.]

CECIL SPRING RICE

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*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1394

WASHINGTON, December 13, 1916.

EXCELLENCY: I have given consideration to your excellency's note of the 1st instant, relative to the case of the *Appam*, now libeled in the United States courts.

In reply I have the honor to state that the Government of the United States does not concede that "the question of the status of the *Appam* and the treatment which should have been accorded her from the moment when she was brought within United States waters is primarily one between His Majesty's Government and that of the United States, and not one between the British owners of the ship and those who are in temporary charge of her." In the view of this Government the United States has no concern whatever with the actual "status" of the *Appam*, if by that term is meant whether she is good prize or no prize, and whether she now belongs to the German Government or to her original owners.

As to the treatment to be accorded the vessel, this Government holds that the owners of the vessel are the direct parties in interest, and that, being unwilling to await the decision and action of this Government, and having had recourse to legal remedies to preserve their asserted rights, they must, according to the rule of practice which His Majesty's Government have contended for and endeavored to enforce with exceptional vigor during the present war with regard to the detention of ships and cargoes of American citizens, exhaust their legal remedies with a resulting denial of justice before the questions involved can be taken up through diplomatic channels. Consequently, there can not as yet, in the view of this Government, be entertained any diplomatic reclamation by the British Government on behalf of the owners of the vessel in question.

The Government of the United States is not "claiming to escape all liability for failure to carry out its obligations"; it is maintaining that the interested parties, having selected an alternative remedy—that is, the judicial remedy—their Government have not, at least as yet, any grounds for initiating a diplomatic discussion of the questions involved in the case while it is pending before a United States court.

Accept [etc.]

ROBERT LANSING

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[On March 6, 1917, the Supreme Court of the United States delivered its opinion affirming the decree of the District Court for the Eastern District of Virginia, of July 29, 1916. 243 *U. S. Rep.* 124.]

TREATMENT OF BELLIGERENT MERCHANT SHIPS WHICH HAVE  
TAKEN REFUGE IN AMERICAN PORTS

File No. 763.72111/3518

*The Acting Secretary of the Treasury (Newton) to the Secretary  
of State*

WASHINGTON, March 9, 1916.

SIR: Referring to your letter of the 14th ultimo,<sup>1</sup> advising this Department that information had been received to the effect that the German Government was about to attempt to make use of certain German vessels now in neutral ports, and suggesting that this information be conveyed to the various collectors of customs in order that they might guard against anything of the kind, and further suggesting that it would probably be well to take unusual precautions in the premises, I have the honor to inform you that in October 1915, the Coast Guard cutter *Itasca* was sent to the harbor of San Juan, Porto Rico, and assigned to the duty of assisting the collector of customs at that port in the enforcement of the neutrality laws. The *Itasca* has continued on this duty up to the present time, but it is now necessary to withdraw her on April 1 in order that she may proceed north and prepare for the annual cruise for the instruction of Coast Guard cadets, and there is no vessel of the Coast Guard available to replace the *Itasca* at San Juan except the *Seminole*, which is now stationed at Wilmington, North Carolina. There are, however, two self-interned German vessels at Wilmington, and to withdraw the *Seminole* from that port for the purpose of enforcing the law at San Juan, would leave the collector of customs at Wilmington without assistance to prevent violations of the law at his port.

Under these circumstances a communication was addressed to the Secretary of the Navy on the 2d instant, setting forth the foregoing and requesting the Navy Department to assign a suitable vessel for neutrality duty at the port of San Juan to relieve the *Itasca*. Under date of the 4th instant the Secretary of the Navy replied to that request as follows:

I have the honor to acknowledge receipt of your letter of March 2, 1916, in which you request that this Department assign a suitable vessel for neutrality duty at the port of San Juan, Porto Rico.

I regret exceedingly that there are no naval vessels available for this duty. It is suggested that the neutrality of San Juan might properly be preserved by so disabling the engines of all belligerent vessels as to prevent their unauthorized departure, or that the same results might be accomplished by maintaining guards on board belligerent vessels.

Upon receipt of the foregoing from the Navy Department, the following cablegram was sent to the collector of customs at San Juan:

Necessary for cutter *Itasca* leave San Juan come north April first. Your cable July 28, 1915, stated Colonel of Army post and Commander of *Paducah* concurred in your opinion that presence of some armed Government vessel necessary San Juan Harbor. Wire Department whether it is still absolutely

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<sup>1</sup> Not printed.

necessary for some other armed Government vessel in San Juan during time *Itasca* is absent, which will be six months, or whether you will be able to arrange with Commandant of land forces, San Juan, to adequately assist you in preventing violation of neutrality.

The collector of customs at San Juan replied by cable as follows:

Answering your cable reference to necessity of continuance of armed Government vessel in San Juan in connection with neutrality, at conference held this morning with Commandant of land forces and Commander of *Itasca* these officers expressed their opinion, in which I concur, that under existing conditions the presence of armed Government vessel to assist in preventing violation of neutrality is absolutely necessary.

The situation therefore presents itself as follows:

The collector of customs, the commandant of the land forces, and the commanding officer of the *Itasca*, all at San Juan, advise this Department that the presence of an armed Government vessel in the harbor of San Juan is absolutely necessary to assist in preventing violations of neutrality. This Department finds it absolutely necessary to withdraw the *Itasca* on April 1 and has no other cutter which can be detailed to relieve the *Itasca* without leaving the neutrality of certain Atlantic ports unguarded. The Navy Department advises this Department it has no naval vessel available for this duty and suggests that the neutrality of San Juan might properly be preserved by disabling the engines of all belligerent vessels or maintaining guards on them.

This Department, under existing conditions, hesitates to adopt either of the unusual measures suggested by the Secretary of the Navy without the express sanction and desire of the Department of State, and it is requested that you advise this Department as to the wishes of the State Department in this matter at as early a date as practicable.

The following German vessels are now in the harbor of Wilmington, North Carolina: The steamships *Nicaria* and *Kiel*.

The following German vessels are now in the harbor of San Juan, Porto Rico: The steamships *Odenwald*, *KD-3*, and *President*.

Of these the *Odenwald* is in charge of the United States Marshal for past violations of law; the *KD-3* was decided to be an armed auxiliary; and, therefore, the machinery of each of these vessels has been disabled. The *President* is a merchant vessel.

Respectfully,

BYRON R. NEWTON

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*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, March 11, 1916.

SIR: I have the honor to acknowledge the receipt of your Department's letter of the 9th instant, in which you state that it would be necessary to withdraw the Coast Guard cutter *Itasca* from San Juan, Porto Rico, which has been assigned there for the purpose of assisting the collector of customs at that port in the enforcement of the neutrality laws, that you will be unable to replace the *Itasca* by any other cutter, and that the Navy Department has

advised you that it cannot detail any naval vessel for that purpose. You add that the Navy Department suggested that the neutrality of the port might be preserved by disabling the engines of all belligerent vessels or maintaining guards on them.

I have the honor to say in reply that in the view of this Department it would be inadvisable to disable the machinery of or place guards upon self-interned German vessels in American ports. The importance of the preservation of the neutrality of the United States needs, of course, no emphasis at the present time, and this Department earnestly hopes that all necessary and proper means to that end will be used. It is presumed your Department has considered the effectiveness of the guns in the fort at San Juan and the restriction of the coal supply in preventing the German steamer *President* from making an irregular departure from that port, in case the *Itasca* shall be withdrawn.

I have [etc.]

ROBERT LANSING

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File No. 763.72111/3659

*The Attorney General (Gregory) to the Secretary of State*

WASHINGTON, April 20, 1916.

SIR: The Department is in receipt to-day of a cablegram from the United States Attorney for the District of Porto Rico, as follows:

Reported to me that Germans here have made statement that the three ships in harbor here would be disabled if relations are broken off. I think there is ground for believing this. Can you cable authority to marshal to appoint special deputies if necessary? Marshal joins in request.

The Department has cabled to him the following reply:

So far as may be necessary to protect vessels in custody of the court, marshal is authorized to appoint special deputies.

Respectfully,

For the Attorney General:

CHARLES WARREN

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File No. 763.72111P88/15

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, April 22, 1916.

[Received April 24.]

SIR: I have the honor to quote the following cablegram from the collector of customs at San Juan, relative to the proposed removal of the crews from the German vessels at that port:

Military commander has made arrangements to take crew off interned steamer *KD-3* and Federal Court believes necessity for same action regarding *Odenwald* should there be a break in relations with Germany. Have reliable information that crew may attempt to damage vessels should situation become serious. Wire whether same action should also be taken regarding German steamer *President* which is in this port but not interned.

I shall be pleased to receive an expression of your views as to the instructions which should be sent to the collector in this matter.

By direction of the Secretary.

Respectfully,

WM. P. MALBURN  
*Assistant Secretary*

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, *April 29, 1916.*

SIR: I have the honor to acknowledge the receipt of your Department's letter, quoting a cablegram from the collector of customs at San Juan inquiring whether the German crew on board the German steamer *President*, lying at San Juan, should be removed from the vessel.

In reply I have the honor to say that the Department does not at present see its way clear to recommend that the crew be taken off the *S. S. President*.

I have [etc.]

ROBERT LANSING

#### TREATMENT OF ARMED MERCHANT SHIPS

File No. 763.72111/3509g

*The Secretary of State to the Italian Ambassador (Macchi di Cellere)*

WASHINGTON, *December 31, 1915.*

MY DEAR MR. AMBASSADOR: In accordance with your request, I am enclosing memorandum issued by the Department on September 19, 1914, which defined the general rules this Government then felt should be followed in cases involving the status of armed merchant vessels visiting American ports.<sup>1</sup>

Since this memorandum was drawn up the situation has been changed by the use of submarines as commerce destroyers, and for that reason this Government feels that these rules should be modified, as a small caliber gun on a merchant ship is just as effective for purposes of attack against the submarine as the large caliber gun. Therefore, the presence of any gun on a merchant ship of a belligerent nationality could well create presumption that the armament was for offensive purposes, thereby causing this Government to treat the ship as a ship of war.

I am [etc.]

ROBERT LANSING

File No. 763.72111/3335

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, *January 7, 1916.*

SIR: I have the honor to enclose herewith a copy of a letter dated the 6th instant from the collector of customs at New York, and the

<sup>1</sup> *Foreign Relations, 1914, Supplement, p. 611.*

affidavit and memorandum enclosed therewith, relative to the armament of the S. S. *Giuseppe Verdi*, of the Transatlantica-Italiana Line.<sup>1</sup>

The collector reports that the steamer has mounted in her stern two 76 millimeter Armstrong guns, with a hundred rounds of ammunition for each gun.

I will thank you to advise me as soon as possible whether or not this vessel shall be permitted to clear with the armament referred to.

By direction of the Secretary.

Respectfully,

A. J. PETERS  
Assistant Secretary

File No. 763.72111/3333

*The Italian Ambassador (Macchi di Cellere) to the Secretary of State*

WASHINGTON, January 11, 1916.

[Received January 13.]

MY DEAR MR. SECRETARY OF STATE: With reference to our conversation of yesterday concerning Italian armed merchant vessels, I beg to confirm the formal assurance I gave you that the guns carried by them will be used only for defensive purposes and will not be used to attack a submarine whilst being warned.

Believe me [etc.]

MACCHI DI CELLERE

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, January 13, 1916.

SIR: I have the honor to acknowledge the receipt of Mr. Peters' letters of the 7th and 8th instants,<sup>2</sup> transmitting the reports of the collector of customs at New York relative to the armament on the S. S. *Giuseppe Verdi* of the Transatlantica-Italiana Line, and in reply to state that the Department is in receipt to-day of the formal assurances of the Italian Ambassador that the guns on this vessel will be used only for defensive purposes and will not be used to attack a submarine whilst being warned. In these circumstances I have the honor to suggest that no objection be raised to the clearance of the vessel on account of the armament that she carries.

I have [etc.]

ROBERT LANSING

File No. 763.72111/3358

*The Secretary of State to the Italian Ambassador (Macchi di Cellere)*

WASHINGTON, January 26, 1916.

MY DEAR MR. AMBASSADOR: I have just been informed by the Treasury Department that the Italian steamer *Verona* has arrived at New

<sup>1</sup> Enclosures not printed.

<sup>2</sup> Letter of January 8 not printed.



York from Genoa with two 76 millimeter Armstrong rapid-fire guns mounted on the stern and 200 solid armor piercing shells, and that the first, second, and third officers and first and second engineers and some of the crew are members of the Italian Naval Reserve, the gun crew consisting of first and second officers and seven men.

In conformity with the case of the Italian steamship *Giuseppe Verdi*, I wish to call this matter to your attention with the hope that you will find it possible to instruct the captain either to remove these guns before he clears, or that you will obtain for me the formal assurances of your Government that the guns on board the *Verona* will only be used for defensive purposes, and not to attack a submarine whilst being warned.

I am [etc.]

ROBERT LANSING

File No. 763.72111/3370

*The Italian Ambassador (Macchi di Cellere) to the Secretary of State*

WASHINGTON, January 27, 1916.

MY DEAR MR. SECRETARY OF STATE: I beg to acknowledge the receipt of your letter of yesterday concerning the arrival at New York of the S. S. *Verona* with two 76 millimeter guns mounted aft and 200 shells for same.

As far as the officers and members of the crew of the said steamer are concerned, you are no doubt aware that, as we have conscription in Italy, every man who is physically fit must do a term of military service either in the Army or in the Navy. At the expiration of their term both officers and men are discharged, but, up to a certain age, they are kept on the Reserve lists and are liable to be recalled to the colors.

The mere fact that they are employed on board a merchantman flying the merchant flag proves that they have not been recalled, as, in this latter case, they would have to quit their occupation immediately in order to join the colors and return to active service under control of naval or military authorities.

In the case of the *Verona* the vessel is manned by its usual crew and the officers are old employees of the Navigazione Générale Italiana, upon whose steamers they have served many years.

As to the assurances I gave you on the occasion of the arrival at New York of the *Verdi*, they were given not only with the full cognizance and authorization, but in the name of His Majesty's Government, and they were intended to cover, not only the case of the *Verdi*, but any other case of Italian merchantmen armed for merely defensive purposes visiting American ports.

Should you, however, prefer that these assurances be repeated to you for each single armed ship visiting American ports, I am quite prepared to do so at your request, as in the present case of the *Verona*, concerning which I beg to confirm that her guns will only be used for defensive purposes, and not to attack a submarine whilst being warned.

I am [etc.]

MACCHI DI CELLERE

File No. 763.72111/3370

*The Secretary of State to the Italian Ambassador (Macchi di Cellere)*WASHINGTON, *January 28, 1916.*

MY DEAR MR. AMBASSADOR: Replying to your note of yesterday's date stating that the assurances which you gave this Government prior to the departure of the S. S. *Verdi* were intended to cover any other case of Italian merchantmen armed for merely defensive purposes which visit American ports, including the case of the S. S. *Verona*, I desire to state that the Government prefers to receive a separate formal assurance in each case, as no case is to form a precedent or establish a practice. I therefore wish to avail myself of your willingness to furnish me with a separate formal assurance of your Government in regard to the guns on board the S. S. *Verona*, as in the case of the S. S. *Verdi*.<sup>1</sup>

I am [etc.]

ROBERT LANSING

File No. 763.72111/3401

*The Minister in Costa Rica (Hale) to the Secretary of State*

[Telegram]

SAN JOSÉ, *February 7, 1916, 8 p. m.*[Received *February 8, 7.30 p. m.*]

Costa Rican Minister for Foreign Affairs has called to ask advice as follows:

He says that the Italian Minister two weeks ago telegraphed to know if the Costa Rican Government would admit into its ports an Italian [merchant<sup>2</sup>] vessel "armed against submarines." He replied, "No." He received to-day another telegram from the Italian Minister saying that the United States had granted a similar request. He says that the Costa Rican Government desires to conform to the policy of the United States and that he asks advice in the present case. Please instruct me by cable.

HALE

*The Secretary of State to the Minister in Costa Rica (Hale)*

[Telegram]

WASHINGTON, *February 9, 1916, 4 p. m.*

Your February 7, 8 p. m. While Department admits principle announced September 19, 1914,<sup>3</sup> that merchant ships may arm for defensive purposes, yet in practice Department has insisted that armed merchant vessels of belligerent countries arriving in American ports should, before departure, either land their guns or obtain from their Government a formal assurance that the guns will be used only for defensive purposes and will not be used to attack a

<sup>1</sup> This assurance was received on January 28. Similar assurance was thereafter given each time clearance was sought for an armed merchant ship, and the same practice was followed by the French and British Ambassadors.

<sup>2</sup> Word inserted according to a further explanatory telegram of February 8.

<sup>3</sup> *Foreign Relations, 1914, Supplement, p. 611.*

submarine while being warned. Department is taking this attitude pending decision as to whether it should, in view of the superiority of an armed merchant vessel over a submarine in point of offense, regard armed merchant vessels as naval auxiliaries and accord them the same treatment as warships when they enter American ports.

LANSING

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[For a statement of principles regarding the treatment of armed merchant vessels in neutral ports, see the memorandum on the status of armed merchant vessels, dated March 25, 1916, published by the Department of State April 27, *ante*, pages 244-48.]

File No. 763.72111/3664

*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, April 25, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant,<sup>1</sup> in which you ask this Department to furnish your Department with a statement of the items of information which collectors should report regarding the arrival in the ports of the United States of merchant vessels with guns mounted on them.

In reply I have the honor to say that this Department would like reports from the collectors as to the caliber of the guns; whether they are mounted, and on what part of the vessel they are mounted; their arc of fire; the amount of ammunition on board; the use to which the guns have been put during the voyage, particularly whether they have been used to fire on submarines before the latter gave warning; facts regarding the gun crew, whether they are naval gunners, whether any of the officers are naval officers, what if any instruction they or the gun crew or the owners may have received from the government of the vessel's nationality in regard to the use of the guns, what penalties are attached to the disregard of such instructions, what use is intended to be made of the armament; the general character of fuel, supplies, cargo, and passengers carried by the vessel; and any other facts which may appear to the collectors important or useful in assisting this Department in determining the question whether the guns on board have been or may be used for offensive purposes at sea.

I have [etc.]

ROBERT LANSING

File No. 763.72111/3718

*The Italian Ambassador (Macchi di Cellere) to the Secretary of State*

WASHINGTON, May 2, 1916.

MY DEAR MR. SECRETARY OF STATE: It will no doubt have occurred to you that, since Germany and Austria-Hungary announced their intention to sink armed merchantmen at sight on and after March 1

<sup>1</sup> Not printed.

ultimo, the mere sighting of a submarine by an armed merchantman amounts to an attack, as armed merchantmen have been notified that they will be fired upon without warning.

Consequent to these new conditions, the instructions issued up to now to the captains of Italian armed merchantmen "not to use their guns to attack a submarine whilst being warned," expose such ships to wanton destruction whilst they are waiting for a warning which will no longer be given them by enemy submarines.

I, therefore, venture to suggest that the sentence "and will not be used to attack a submarine whilst being warned" be omitted in the declarations which this Embassy issues for Italian armed merchantmen visiting American ports.

I am confident that you will find my request perfectly justified and whilst awaiting the favor of a reply, I beg to remain [etc.]

MACCHI DI CELLERE

*The Secretary of State to the Italian Ambassador (Macchi di Cellere)*

WASHINGTON, May 3, 1916.

MY DEAR MR. AMBASSADOR: I have received your note of yesterday, in which you suggest that hereafter the clause, "and will not be used to attack a submarine whilst being warned" be omitted in the assurances which you issue in behalf of your Government for Italian armed merchantmen visiting American ports. In reply, I desire to state that in accepting for the present the assurances of your Government with this clause omitted, the Government of the United States does not bind itself to follow this precedent in all future cases.

I am [etc.]

ROBERT LANSING

File No. 763.72111/3832

*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, June 19, 1916.

[Received June 21.]

MR. SECRETARY OF STATE: Referring to the conversation I had the honor to have with your excellency on the 17th of this month, I have the honor to say that there would seem to be some advantage, in order to avoid some writing and chances of delay that are at times harmful, in altering the method now in practice when merchant vessels carrying armament for defense call at American ports.

This Embassy, with the permission of the Government of the Republic, having given once for all the assurance that the said armament will be used for defense only, I venture to suggest that it be no longer required to write another note on every arrival. If your excellency would kindly agree to it, the consul of the district at which the vessel calls might furnish the requisite assurance to the collector of customs, who would then issue the clearance papers.

I should be very thankful to your excellency if, in accordance with the indications you were so kind as to give me, you would decide to have it done in this way and cause the appropriate instructions to be issued to whomever it may concern.

Be pleased [etc.]

JUSSERAND

File No. 763.72111/3826

*The Secretary of the Treasury (McAdoo) to the Secretary of State*

WASHINGTON, June 21, 1916.

[Received June 22.]

SIR: I have the honor to refer to your letter requesting that the collectors of customs be instructed to make report upon a merchant vessel's armament each time the vessel arrives.

This Department notices that this course results, especially in the case of liners arriving at New York, in many duplicate reports, since on each trip the pertinent facts are substantially the same.

I will thank you to inform me, therefore, whether it will not suffice for the purposes of your Department to have reports made and specify authority for clearance requested only when there is some material change in the armament, etc., from what has already been reported on a preceding arrival of the same vessel.

By direction of the Secretary.

Respectfully,

A. J. PETERS  
*Assistant Secretary*

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*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, June 22, 1916.

SIR: In reply to your letter of June 21 inquiring whether collectors' reports on armed vessels of belligerent nationality which repeatedly visit United States ports might be dispensed with in certain cases, I have the honor to enclose a copy of a note from the Ambassador of the French Republic at this Capital, dated the 19th instant,<sup>1</sup> in which he suggests that, the French Embassy having, with the permission of the French Government, given once for all the assurance that the armament of merchant vessels of French nationality calling at American ports will be used for defense only, the French consul of the district in which a French vessel enters might furnish the requisite assurance to the collector of customs, instead of having it furnished by the Ambassador through this Department.

I am inclined to favor both of these suggestions, and I have therefore to recommend that collectors be instructed to dispense with reports on armed merchantmen of belligerent nationality, if after investigation the collector would not materially vary his prior report on the same vessel when it last visited his port, and that collectors be also instructed to clear French vessels (after approval of his report to Washington, if any report is made), upon the production of the formal assurance in writing of a French consul that the armament will be used only for defensive purposes. This assurance should be in writing for each vessel, and in a form similar to the assurances which the French Ambassador has heretofore given. In cases of vessels of nationality other than French, and in cases of French vessels leaving American ports where there are no French consular officers, the assurances will be obtained by this Department from the

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<sup>1</sup> See on opposite page.

appropriate diplomatic representative here in the usual manner upon notice from your Department of the arrival of the vessel in an American port.

If you perceive no objection to the foregoing recommendations and if you will notify me when the corresponding instructions have been issued to the collectors, I will inform the French Ambassador that his suggestion regarding consular assurances has been adopted.

I am [etc.]

ROBERT LANSING

File No. 763.72111/3832

*The Secretary of State to the French Ambassador (Jusserand)*

WASHINGTON, July 3, 1916.

EXCELLENCY: I have the honor to state, in reply to your note of the 19th ultimo, that your suggestion therein set forth, in regard to obtaining assurances from French consular officers that the armament of French merchantmen arriving in ports of the United States would be used only for defensive purposes, has been approved by the Secretary of the Treasury and will be put into operation at all ports where French consular officers are located.

Instructions to this effect are being sent out by the Secretary of the Treasury to the collectors of customs.<sup>1</sup>

Accept [etc.]

ROBERT LANSING

File No. 763.72111/4023

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, September 13, 1916.

MY DEAR MR. AMBASSADOR: I am advised by the Treasury Department that the British steamship *Crewe Hall* is having constructed at the Brooklyn docks, a base and mount for a 4.7 rapid-fire gun, together with a wooden platform on which the gun is to be operated and reinforcements for the deck. It appears from the statement of the chief officer the gun for which these preparations are being made is in the Admiralty warehouse at Gibraltar and will be mounted as soon as the vessel reaches that port.

I am bringing this matter immediately to your attention in order that you may be advised of the view of my Government that this vessel should not be allowed to make preparations for carrying armament in an American port and that accordingly, if clearance is requested by the *S. S. Crewe Hall*, my Government will be under the necessity of declining to grant it until the constructions in place have been removed and the vessel is put in the same condition as when she arrived in port. I regret that this matter had not come to my attention at an earlier date in order that this necessary delay and inconvenience might have been avoided. I am sure that when this matter is called to your Government's attention, they will perceive that in the interest of maintaining the neutrality of the United

<sup>1</sup> Upon receipt of similar notes from the British and Italian Ambassadors, instructions to the same effect applying to ships of their nationalities were sent to collectors of customs, July 20, 25, 1916 (File Nos. 763.72111/3860, 3909).

States, my Government could not well reach a different decision in this case.

I am [etc.]

ROBERT LANSING

File No. 763.72111/4130

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, *October 13, 1916.*

[*Received October 16.*]

MY DEAR MR. SECRETARY: I duly informed His Majesty's Government by telegraph of the contents of your unofficial letter of September 13, in regard to the mounting of a gun platform on board the British steamship *Crewe Hall* at the Brooklyn docks.

As you are no doubt aware, the mounting was subsequently dismantled, but Viscount Grey desires me to inform you that, in the opinion of His Majesty's Government, Article 8 of the thirteenth convention of The Hague, 1907, is not strictly applicable to defensive armament such as is carried by some British merchant ships.

Believe me [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*

WASHINGTON, *October 24, 1916.*

MY DEAR MR. AMBASSADOR: In reply to your informal note of the 13th instant in regard to dismantling a gun-mount constructed on the British steamship *Crewe Hall*, at the Brooklyn docks, I desire to inform you, in order to avoid any possible misunderstanding, that the attitude of my Government was not based, as Lord Grey appears to believe, upon the Hague conventions, but upon a desire to prevent possible embarrassment which might arise if armed British ships should increase their armament in American ports, and thereafter, on the high seas use such armament on the captain's own responsibility or through a misunderstanding of his instructions, offensively against the warships of the enemies of Great Britain. When so many British merchantmen are armed with naval guns, manned by experienced gunners, it is conceivable that in the excitement of the moment, a zealous sea captain might commit acts which would bring his ship within the category of offensively armed ships. It was for the purpose of avoiding possible incidents of this sort that it was felt that this Government should take the conservative view in the case of the S. S. *Crewe Hall*.

Believe me [etc.]

ROBERT LANSING

File No. 763.72111/4133

*The Collector of Customs at San Juan, Porto Rico (Moore) to the Secretary of the Treasury (McAdoo)*

SAN JUAN, *October 19, 1916.*

[*Referred to the Secretary of State, October 26.*]

SIR: Referring to Department circulars (office of the Assistant Secretary, 102574), dated April 28, 1916, and July 5, 1916,<sup>1</sup> addressed

<sup>1</sup> Not printed.

to "collectors of customs at ports on the Atlantic, Gulf, and Pacific coasts," in regard to neutrality observance, in which instructions are given to make a report to the Department in connection with each belligerent armed vessel that arrives, and to withhold clearance pending further instructions, and making certain exceptions as to the procedure to be followed in reporting the arrivals and departures of armed merchant vessels of French nationality, namely, that they "may be cleared without instructions from the Department, provided you would not materially vary your prior report on the same vessel when it last visited your port, as indicated above, and provided there shall be filed with you by the French consul at the port of arrival a formal assurance in writing in behalf of the Government of the French Republic that the armament will be used only for defensive purposes," I have the honor to request definite instructions as to whether or not a French armed merchantman arriving at a United States port with a gun mounted for defense against submarines, for the first time, is to be treated the same as an armed merchant vessel of any other belligerent nation—that is to say, that such armed merchantman arriving armed for the first time as above stated must not receive clearance from the collector until so instructed by the Department in each instance. It is understood, of course, by this office, that such a vessel may be subsequently cleared before specific instructions from the Department are received provided there is no material variance from a prior report on the same vessel.

The reason for requesting these instructions is that the French consul has called at this office several times and presented letters which he had received from the French Ambassador in Washington to the effect that arrangements had been made with the State Department to allow all French merchant vessels arriving at ports in this district, armed against submarine attacks, to clear without waiting for Department instructions, whether on a first or subsequent voyage and entry. I now understand, and had heretofore understood, the instructions to mean that on first entry of a French merchant ship armed against submarines a full report must be made to the Department as set forth in the circular of April 28,<sup>1</sup> and subsequent arrivals of the same vessel must also be reported, but clearance of the vessel not held up providing there is no variance with the prior report on the same vessel, and provided that the assurance in writing is filed by the consul on behalf of the French Republic, that the armament will be used only for defensive purposes.

Respectfully,

H. L. MOORE

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*The Secretary of State to the Secretary of the Treasury (McAdoo)*

WASHINGTON, November 2, 1916.

SIR: I have the honor to acknowledge the receipt of your letter of October 26, enclosing a copy of a letter from the collector of customs at San Juan, Porto Rico, asking for definite instructions with regard to the procedure to be followed in the matter of the clearance of

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<sup>1</sup> Not printed.



armed merchantmen of belligerent nationality arriving in American ports.

In reply you are informed that the collector's interpretation of the instructions sent him seem entirely correct, and that French vessels carrying an armament and arriving in port for the first time are not to be cleared except upon instructions from Washington, notwithstanding that the consul has given an assurance in regard to the defensive use of the guns on board.

I have [etc.]

For the Secretary of State:  
WILLIAM PHILLIPS

**HOVERING OF BELLIGERENT WARSHIPS IN CLOSE PROXIMITY  
TO TERRITORIAL WATERS**

File No. 763.72111V76/10

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 82

WASHINGTON, *March 20, 1916.*

[*Received March 28.*]

SIR: I did not fail to communicate to my Government copies of your notes of December 16 and December 22,<sup>1</sup> in which exception was taken to certain proceedings of His Majesty's ships off the United States coast. Referring particularly to the case of the *Vinland*, you reminded me that the United States Government had always regarded the practice of belligerent cruisers patrolling American coasts in close proximity to the territorial waters of the United States and making the neighbourhood a station for their observations as inconsistent with the treatment to be expected from the naval vessels of a friendly power in time of war, and has maintained that the consequent menace of such proceedings to the freedom of American commerce is vexatious and uncourteous to the United States.

My Government has carefully studied the contents of your notes. They are impressed by the fact that no suggestion seems to be made in either of them that British cruisers enter at all within the territorial waters of the United States, and they note that, on the contrary, the effect of the notes is to take exception to proceedings of these vessels when navigating admittedly on the high seas. The objection appears, indeed, to rest upon a claim to distinguish between different parts of the high seas, a claim which causes surprise to His Majesty's Government, who are unaware of the existence of any rules or principles of international law which render belligerent operations which are legitimate in one part of the high seas, illegitimate in another. Under these circumstances it appears desirable that the position taken up by the United States Government should be more clearly defined. I am therefore instructed to have recourse to your courtesy in order to obtain fuller information as to the precise nature and grounds of the claims which are made by your Government, as well as their extent, since my Government are most anxious to recog-

<sup>1</sup> *Foreign Relations, 1915, Supplement, pp. 879-80.*

nise to the full any claims of this nature which are well founded in law, but are naturally unable to make a concession of what they regard as their belligerent rights.

The rights asserted in this respect by the United States Government in previous wars will no doubt be conceded by the United States Government as well founded when exercised by others. It will be in your recollection that my predecessor, Lord Lyons, complained that Rear Admiral Wilkes had ordered the vessels under his command to anchor in such a position as to control the movements of ships desiring to enter or to depart from the port of Bermuda, and that he maintained a system of cruising in the neutral waters of Bermuda in excess of his rights as a belligerent. The charge was thus of a far more serious nature than that which the United States Government now make against His Majesty's ships. Admiral Wilkes in his reply, which was communicated officially by Mr. Secretary of State Seward to His Majesty's Legation on January 15, 1863, asserted that his vessels "but maintained a system of cruising outside of the neutral waters of Bermuda in and under our rights as a belligerent." It is clear, therefore, that this officer of the United States Navy, whose view was evidently endorsed by the United States Government, considered that his proceedings were fully justified so long as he could maintain that they had been restricted to the very practice of which the United States Government now complain, though resorted to in a far less aggravated form by His Majesty's ships, and of which they appear actually to desire to impugn the legality.

I venture to enclose herewith extracts from the official records of the United States Navy in the War of the Rebellion which will illustrate the practice followed in that war by United States ships when conducting belligerent operations in the neighbourhood of neutral territory.

In this connection I may be permitted to point out that the number of enemy merchant ships now sheltering in harbours of the United States makes it necessary for His Majesty's Government to maintain their cruisers in a position where they can have the best chance of capturing these ships if they should attempt to escape. Another urgent reason for a close and constant watch, which no doubt will be appreciated by the naval authorities, is the fact which I have brought to the notice of your Department and which has since formed the subject of judicial proceedings—that enemy ships received supplies of coal and provisions from neutral vessels leaving American ports. You stated in your reply to my representations that the United States Government could not go further, in any suspicious case brought to its notice, than conduct an investigation in order to determine in every possible way whether the transaction appeared to be *bona fide*. And in the cases of this nature which were brought before the courts the charge was not a breach of neutrality, but merely of making false manifests. Under these circumstances, as enemy cruisers were at sea and preying on the commerce of the Allies while they drew their supplies from American ports, it was incumbent on His Majesty's cruisers to adopt such measures as were possible in order to cut off such supplies; and for this reason it is necessary that British cruisers should maintain such a position on the high seas

as to enable them to intercept such supply ships before they have accomplished their purpose.

I have the honour to add in conclusion that in communicating the foregoing considerations I am instructed by Sir Edward Grey to state that while His Majesty's Government can not abandon any of their rights, so far as they are in accordance with international law and the practice of the United States Government themselves, they will use their best endeavours in order that the exercise of such belligerent rights should be attended with as little inconvenience to neutrals as possible.

I have [etc.]

CECIL SPRING RICE

[Enclosure]

Report of Commander Ridgely, United States Navy, commanding U. S. S. *Santiago de Cuba*, Key West, January 5, 1863:

I left the anchorage off Great Stirrup Cay to visit the Windward Anchorages. On the 8th we passed through the passage between Eleuthera and Cat Islands into Exuma Sound and anchored the same day off Fernandez Cay. On the 9th and 10th we passed close along San Salvador and Conception Islands and Rum Cay, and on the evening of the 10th anchored at the N. E. end of Long Island off Dove Cay.

On the 12th we anchored off the S. End of Eleuthera.

I left Stirrup Cay for the cruising ground to the Northward of Abaco hoping to intercept vessels bound from Nassau to Charleston.

The *Octorara* is watching the Providence Channels.

All the places with the exception of Stirrup Cay are British. Commander Ridgely seems to have cruised in British waters and to have stopped at British ports for belligerent purposes.

Report of Lieutenant Baldwin, U. S. S. *Vanderbilt*, off St. Thomas February 25, 1863:

I came off St. Thomas with the intention of sending in a boat for information, when I received an order from Admiral Wilkes, who was in the harbour, to search the *Peterhoff*, which vessel had just sailed. I boarded her some five miles off the harbour.

Report from Lieutenant Baldwin, Barbados, March 7, 1862:

I sailed to join the U. S. S. *Alabama* at St. Pierre, Martinique. The *Alabama* having just arrived off the harbour, Commander Nichols communicated with our Consul, I remaining outside. . . . The *Alabama* then examined the island of Dominica while I went to Pointe a Pitre, Guadeloupe. I left next morning, meeting as agreed the *Alabama* off Basse Terre, on the western side of that island. After consulting with Captain Nichols, I proceeded to Isle de Aves, arranging that the *Alabama* should go to Sombrero and the *Anegada* passage and toward the N. side of Puerto Rico and the anchorage of the Virgin passage. I found nothing at the Isle of Aves, and after looking among the islands in the Virgin passage went off St. Thomas, intending to send a boat in for information. As I got off the harbour the English steamer *Peterhoff* was coming out; and at the same time I received an order from Admiral Wilkes, who was at anchor in the harbour, to search her, and come in and anchor.

Admiral Wilkes, March 18, 1863:

For a single vessel to blockade these roadsteads it is almost impossible. I have resorted to the plan of having two—one to be anchored at Fort de France and the other at St. Pierre, only some eight miles distant.

Admiral Wilkes, March 20, 1863:

On the subject of the squadron lying at St. Thomas, apparently watching the contrabands, I had some conversation with the Governor. . . . I put it to him that there were vessels in the harbour preparing to run the

blockade, and we were in these waters to prevent them if possible; that so far as the neutrality of the harbours and waters of these islands was concerned we should take care to observe it most strictly. . . . I should not complain of these vessels coaling and refitting, but when they reached the high seas we should act the part of a belligerent and overhaul them. . . . Therefore whether we lay at anchor or cruised off the port was of no consequence. . . .

Admiral Wilkes, April 5, 1863:

You will get your command in condition to cruise off the harbour and island of St. Thomas for the purpose of intercepting contraband runners. After you leave the inner harbour of St. Thomas you will anchor at times in the outer roads to procure information. . . . Bear in mind, however, that if a capture after examination proves necessary the neutrality limits must not be infringed upon.

(See the correspondence between the Governor of St. Thomas and Admiral Wilkes of April, 1863.)

The Admiral states in his letter to the Governor of May 13 that "The idea of our using your harbour to make preparations or of infringing upon your neutral territory has never been conceived. It will not appear that we have in any case done so, but, on the contrary, have avoided making captures when it was ascertained that we were within the limits of His Danish Majesty's territory." He then proceeds to describe the circumstances of the capture of the *Peterhoff*, the attempt to capture the *Neptune*, the capture of the *Dolphin*, and the boarding of the *Intrinsic*. All these ships were pursued after leaving the port by ships of the United States stationed for that purpose in or near the port.

Report of Admiral Wilkes May 13 of his conversation with the Governor of Martinique:

We had looked closely along the shores for any vessels that might be secreted and felt we had a right to remain outside the neutral limit.

Instructions of Admiral Wilkes May 13 to Commander Bryson:

You will proceed to cruise off the North East Channel or Abaco, where you will arrive about the dark of the moon, the time the blockade runners depart.

(See Report of Commander Clary, U.S.S. *Tioga*, May 20, 1863.)

Cruising from Bemini. . . . Matanilla Reef to along north end of Eleuthera to Cat Island and Exuma Sound, returning to South Cays, Abaco Bahama, the Elbow, and Eastward.

Admiral Wilkes in his letter to the Secretary of the Navy of January 2 stated that "we but maintained a system of cruising outside of the neutral waters of Bermuda in and under our rights as a belligerent."

The United States ship *Iroquois* in November 1861, hearing that the Confederate ship *Sumter* was in the port of St. Pierre, Martinique, stationed herself in the offing just beyond the marine league and kept up while there communication by boats with the shore and got the movements of the *Sumter* to be signaled to her. (See Reports of Captain Palmer of November 17, November 23, and November 25, 1861.)

*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1152

WASHINGTON, April 26, 1916.

EXCELLENCY: I have the honor to acknowledge your note of the 20th ultimo in the case of the *Vinland* and to state that I have not failed to give the matter set forth therein careful consideration.

Your Government ask for further information as to the precise nature and grounds of the claims made by this Government, as they are most anxious to recognize to the full extent any claims which

are well founded in law, though unable to make a concession as to what they regard as their belligerent rights.

In reply it may be stated that the Government of the United States advances no claim that British vessels which have been and are cruising off American ports beyond the three-mile limit have not in so doing been within their strict legal rights under international law. The grounds for the objection of the Government of the United States to the continued presence of belligerent vessels of war cruising in close proximity to American ports are based, not upon the illegality of such action, but upon the irritation which it naturally causes to a neutral country. The continued presence of British ships in the offings of the great American commercial centers is, I believe your Government will agree, an inevitable source of annoyance and offense. The cases of the *Vinland* and *Zealandia*<sup>1</sup> show how belligerent vessels may be the cause of offense, and illustrate how the presence of vessels in such close proximity to the coast of a neutral country may easily become the cause of controversy.

The irritation aroused by such a practice was, during the American Civil War, manifested by Great Britain in the cases of the warships under the command of Rear Admiral Wilkes, U. S. N., to which you have called attention, and was the subject of protest by the British Government. The circumstances in those cases, however, were very different from the present, and the practice complained of far less offensive. The cruising, against which Great Britain protested, was done in the vicinity of small islands near the American coast which, after the blockade of the southern ports had been established, were used as rendezvous for vessels notoriously engaged in running the blockade. In the present case British cruisers are patrolling off the great ports of this country from which trade routes diverge to all parts of the world, particularly to Great Britain and her allies.

In this connection, as showing that for over a century the objections of this Government to British vessels hovering about the coasts have been maintained, I take the liberty of quoting from a letter of Mr. Madison, then Secretary of State, dated May 20, 1807, to Messrs. Monroe and Pinkney:

It is much regretted that provision could not be obtained against the practice of British cruisers in hovering and taking stations for the purpose of surprising trade going in and out of our harbours; a practice which the British Government felt to be unjust to the dignity and rights of that nation at periods when it was neutral.

It is thus seen that the contention of this Government in the present war is in no way a departure from the attitude taken in the early days of the Republic, the conduct of American naval officers during the Civil War, referred to above, having at least the justification of having been carried out in proximity to the seat of naval operations.

The fact that a number of German merchant vessels are laid up in American ports during the present war is not, as your excellency would seem to suggest, sufficient cause for the strict surveillance to

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<sup>1</sup> Correspondence dealing with this case is printed in the section "Departures by belligerent governments and naval authorities from the established rules for exercise of the right of visit and search at sea," *ante*, pp. 679-88.

which those ports are subject by British ships of war; for, I may state to you, a considerable number of American naval vessels have been constantly engaged since the war opened—and, I think your excellency will admit, successfully engaged—in preventing the use of American ports as bases of naval operations. Furthermore, the alleged escape of vessels from American ports with supplies for German warships at sea, which has made it necessary, as you state, for His Majesty's vessels to take a position which would enable them to intercept such supply ships, can not now be regarded as a valid excuse for such action, because it is a matter of common knowledge that German warships have for many months been driven from the seas adjoining the coasts of the United States. In fact, your excellency has not called the possibility of the escape of supply ships to my attention since March 1915. In the meantime, however, I have found it necessary to call your attention to certain instances of His Majesty's ships' hovering off American ports and communicating with boats coming out from shore and even coaling in American waters.

Further reasons, if necessary, may be adduced to oppose the British practice. In time of peace the mobilization of an army, particularly if near the frontier, has often been regarded as a ground for serious offense and been made the subject of protest by the government of a neighboring country. In the present war it has even been the ground for a declaration of war and the beginning of hostilities. Upon the same principle the constant and menacing presence of cruisers on the high seas near the ports of a neutral country may be regarded according to the canons of international courtesy as a just ground for offense, although it may be strictly legal.

I have shown, I believe, that this Government's contention is supported not only by ample precedents extending through American and British relations since the early years of the Republic and by the analogy in the mobilization of armed forces near an international boundary, but also by the lack of a sufficient excuse for such an objectionable practice as I have had the unpleasant duty of bringing to your excellency's attention. I trust, therefore, that your Government will be willing to recognize my Government's contention to the extent of instructing His Majesty's cruisers to withdraw from the vicinity of the territorial waters of the United States and remain at such distances from American harbors and coasts as to avoid the annoying and inquisitorial methods which have compelled this Government to complain formally to your excellency's Government.

I have [etc.]

ROBERT LANSING

File No. 763.72111/3693

*The Secretary of State to the French Ambassador (Jusserand)*

No. 1694

WASHINGTON, May 13, 1916.

EXCELLENCY: Referring to the Department's note of December 29 last,<sup>1</sup> regarding the presence of the French cruiser *Descartes* in the vicinity of San Juan, and various incidents connected therewith, and your personal note of December 30 last,<sup>2</sup> in which you stated that you were making the necessary inquiries on the points mentioned in my

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 881.

<sup>2</sup> *Ibid.*, p. 882.

note, I have the honor to ask whether you have received any replies to your inquiries.

Accept [etc.]

ROBERT LANSING

File No. 763.72111/3929

*Memorandum of the Counselor for the Department of State (Polk)*

July 27, 1916.

The French Ambassador called and showed me a letter from the Department asking for an explanation of the conduct of the French cruiser *Descartes* off the coast of Porto Rico. The charge apparently was that the *Descartes* had been watching too closely the coast of Porto Rico and had entered the territorial waters. He said he had heard from the commander of the ship and the commander said that between the dates mentioned he had had information that the German merchant ships *President*, *Farn*, and another intended to escape from the harbor and they feared they would become commerce destroyers. For that reason, the French were unusually on the alert. Apparently, in the Ambassador's opinion, he did not do more than great caution demanded. The Ambassador went on to say that they had given no further grounds for complaint since that day. Although he did not say it, he intimated that the commander would use greater care in the future.

F[RANK] L. P[OLK]

**TREATMENT OF BELLIGERENT WAR AND MERCHANT SUBMARINES IN NEUTRAL PORTS AND WATERS (CASE OF THE "DEUTSCHLAND"): THEIR OPERATIONS BEYOND TERRITORIAL WATERS (CASE OF THE "U-53")**

File No. 763.72111/3847

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 194

WASHINGTON, July 3, 1916.

SIR: As you are doubtless aware, a German submarine recently visited a Spanish port and there received supplies. Soon after its departure several merchant vessels were sunk in those waters.

Now, persistent rumours are current that a German submarine is on its way to a United States port. In view of such a possibility, I am directed by Sir Edward Grey to submit for your consideration some of the views held by His Majesty's Government on the issues raised by the visit of such a craft to a neutral port.

It is unlikely that a German submarine would cross to an American port except for the purpose of conducting hostile operations on this side of the Atlantic. The practice of admitting belligerent vessels of war into neutral ports and allowing them supplies arises, as you are aware, out of the exigencies of life at sea and from the hospitality which it is customary to extend to vessels of friendly

powers. But the principle does not extend to enabling such vessels to utilise neutral ports and obtain supplies for the purpose of facilitating their belligerent operations.

In 1904 when the Russian Baltic Fleet was about to sail for the Far East to attack the Japanese forces and was expected to coal in British ports, His Majesty's Government publicly defined their attitude in the above sense and made it clear that the use of British ports by belligerent men-of-war under such circumstances could not be regarded by them as consistent with the declared neutrality of Great Britain in the war then in progress.

The enemy submarines have been endeavouring for nearly eighteen months to prey upon the Allied and neutral commerce, and throughout that period enemy governments have never claimed that their submarines were entitled to obtain supplies from neutral ports. This must have been due to the fact that they thought they would be met with a refusal and that hospitality could not be claimed as of right. The difficulty of knowing the movements or controlling the subsequent action of the submarines renders it impossible for the neutral to guard against any breaches of neutrality after the submarine has left port and justifies the neutral in drawing a distinction between surface ships and submarines. The latter, it is thought, should be treated on the same footing as seaplanes or other aircraft and should not be allowed to enter neutral ports at all. This is the rule prescribed during the present war by Norway and Sweden. Another point of distinction between surface ships and submarines should be borne in mind. A surface vessel demanding the hospitality of a neutral port runs certain inevitable risks; its whereabouts become known and an enemy cruiser can await its departure from port. This and similar facts put a check on the abuse by belligerent surface ships of neutral hospitality. No such disadvantages limit the use to which the Germans might put neutral ports as bases of supplies for submarine raiders.

For these reasons, in the opinion of His Majesty's Government, if any enemy submarine attempts to enter a neutral port, permission should be refused by the authorities. If the submarine enters it should be interned unless it has been driven into port by necessity. In the latter case it should be allowed to depart as soon as necessity is at an end. In no circumstances should it be allowed to obtain supplies.

If a submarine should enter a neutral port flying the mercantile flag His Majesty's Government are of opinion that it is the duty of the neutral authorities concerned to enquire closely into its right to fly that flag, to inspect the vessel thoroughly and, in the event of torpedoes, torpedo tubes or guns being found on board, to refuse to recognise it as a merchant ship.

In bringing the above to your serious consideration I have the honor to express the confident hope that the United States Government will feel able to agree in the views of His Majesty's Government and to treat submarine vessels of belligerent powers visiting United States ports accordingly.

I have [etc.]

For the Ambassador:  
COLVILLE BARCLAY



File No. 763.72111/3847

*The Acting Secretary of State to the British Ambassador  
(Spring Rice)*

WASHINGTON, July 11, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 3d instant, handed on that day to the Secretary of State by the Counselor of your Embassy, in which in view of persistent rumor that a German submarine is on its way to a United States port, you submit, by direction of Sir Edward Grey for the consideration of the Secretary of State "some of the views held by His Majesty's Government on the issues raised by the visit of such a craft to a neutral port."

I have [etc.]

[File copy not signed]

File No. 763.72111/4048

*Memorandum of the Acting Secretary of State*

July 13, 1916.

The British Ambassador called and left a memorandum in regard to the submarine merchant ship *Deutschland*. I told him that in my opinion they were making entirely too much of the incident; that we would do everything in our power to make sure that the hospitality of our ports was not being abused. He expressed great concern as to the possibility of an accident arising from the maneuvers of our submarines around British cruisers.

He admitted that he had absolutely no right to make any request or representation on the subject, but in view of the long-standing friendship between the two nations, he hoped that the suggestion would not be taken amiss.

I told him that an accident would be most unfortunate and I felt sure that our officers would not go out of their way to disturb the British cruisers. He said that he was very sorry to see this discussion in regard to the possibility of an embargo on nickel as the result of the shipment on the submarine.

F[RANK] L. P[OLK]

File No. 763.72111D48/13

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 15, 1916, 1 p. m.

[Received July 16, 8 p. m.]

4123. Will *Deutschland* be recognized as merchant vessel? Germans much interested.

GERARD

File No. 763.72111D48/14b

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, July 17, 1916, 5 p. m.

3195. Your 4123, July 15, 1 p. m. On July 9, German submarine *Deutschland* arrived in Baltimore bringing cargo dyestuffs. Question as to whether *Deutschland* was war vessel or merchantman was immediately referred to proper authorities, and after careful investigation and consideration, experts reported that they believed it to be merchantman. This Department announced that in view of the circumstances in this particular case, there was no reason for regarding *Deutschland* as a war vessel. Decision rendered promptly as circumstances permitted.

Newspapers here, and apparently newspapers in England, have printed many misleading statements as coming from Department. Department carefully refrained from making any comment. You may formally advise Foreign Office. Confidential. Inasmuch as merchant submarine presents new problem, Department careful to create no precedents.

POLK

File No. 763.72111D48/26

*The Third Assistant Secretary (Phillips) to the Acting Secretary of  
State*

July 19, 1916.

DEAR MR. POLK: The British Ambassador handed me this telegram to-day, not as a protest at the Department's decision regarding the character of the *Deutschland*, but merely to point out the dangers which the decision occasioned. He dwelt particularly on the fact that in future there could be no coast protection for any country; that through submarines customs could be evaded, and that henceforth espionage was made very simple, in that a submarine could land on the coast of the United States and carry on espionage work. He mentioned as a fact that the *Deutschland* was a naval vessel, and left a photograph which appeared in the *San Francisco Call and Post* of July 12, taken at Bremen, showing the *Deutschland* flying the German naval flag and her officers and men wearing the German naval uniform. He said that the United States decision increased the difficulties of the German blockade in that the Scandinavian countries, which have formerly refused to allow the submarines in their waters, would naturally follow the decision of the United States as to submarine merchant ships. He mentioned the embarrassment to which the United States might be subjected in the event of a war with some other power, when it found itself in a position of being unable to maintain a blockade through its own submarine decision.

Sincerely,

W. PHILLIPS

<sup>1</sup> The same, except for initial reference, to the Ambassador in Great Britain, No. 3525.

[Enclosure—Telegram]

*The British Secretary of State for Foreign Affairs (Grey) to the British Ambassador at Washington (Spring Rice)*

LONDON, July 18, 1916.

From point of view of sea power so much depends both now and in the future upon the way in which submarines are to be treated in international law that it seems impossible to leave the controversy at the stage where the United States Government are disposed to let it rest.

The first point to be established is that international law ought not to transfer without modification to submarines, rules and regulations which work fairly well as regards surface vessels. If this be once conceded we may hope to have an international code drawn up which might meet conditions of naval warfare.

It is argued that German commercial submarine carries cargo but no armament and that it should therefore be treated exactly like any other ship which carries cargo but not armament.

On this it must be observed that most formidable part of submarine, namely, its submersibility, is one of its inseparable attributes. Whatever else it carries and for whatever purpose it may nominally have been designed, it cannot divest itself of its most dangerous characteristic. If a belligerent were to use for mercantile purposes a vessel which in every respect was designed and armoured as a battle cruiser, but which carried no guns, everybody would say: "This is only colourably a merchant ship; nine-tenths of work required to convert her into a completely equipped ship of war of most formidable type has already been put into her and cannot be removed. Clearly it is as ship of war that she should be treated."

So it is with the submarine. It is not torpedoes and torpedo tubes which make her what she is. These are weapons which may equally be possessed by a trawler. What really puts her in a class apart and makes it necessary to treat her under special rules is the indefeasible quality which she possesses of travelling under water. She bears no real resemblance to a liner which in time of war may have a few guns put into her and be turned into an auxiliary cruiser but can never be made a powerful fighting unit. The submersible cargo boat, for all her peaceful appearance, possesses and must always possess qualities which would enable her at very short notice to be converted into a fighting vessel of most formidable kind; her case is therefore exceptional and calls for exceptional treatment.

If this be denied it would seem to follow that unarmed submarines might be constructed in any number in neutral countries and then be armed by belligerent purchaser with necessary torpedo tubes. To take an example, Great Britain would then, if Germany and the United States were at war, be compelled to supply Germany with submarines to be subsequently used in destroying Anglo-American trade.

File No. 763.72111/3958

*The French Embassy to the Department of State*<sup>1</sup>[Memorandum—Translation<sup>2</sup>]

WASHINGTON, August 21, 1916.

[Received August 22.]

In view of the development of submarine navigation, and by reason of the acts which, in present circumstances, may unfortu-

<sup>1</sup> Identical memoranda received from: British Embassy, August 23 (dated August 22); Russian Embassy, August 28 (dated August 26); Japanese Embassy, August 28 (dated August 28); Italian Embassy, September 2 (dated August 21); Portuguese Legation, September 11 (dated August 30).

<sup>2</sup> The translation here printed is that published by the British Government in *Parliamentary Papers*, Miscellaneous No. 33 (1916) [Cd. 8349], as being more authoritative, since issued by a participating government, than the one made in the Department, which is printed in *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties (European War No. 4)*, p. 125.

nately be expected from enemy submarines, the Allied Governments consider it necessary, in order not only to safeguard their belligerent rights and the liberty of commercial navigation, but to avoid risks of dispute, to urge neutral governments to take effective measures, if they have not already done so, with a view to preventing belligerent submarine vessels, whatever the purpose to which they are put, from making use of neutral waters, roadsteads, and ports.

In the case of submarine vessels, the application of the principles of the law of nations is affected by special and novel conditions; first, by the fact that these vessels can navigate and remain at sea submerged, and can thus escape all control and observation; and second, by the fact that it is impossible to identify them and to establish their national character, whether neutral or belligerent, combatant or non-combatant, and to remove the capacity for harm inherent in the nature of such vessels.

It may further be said that any place which provides a submarine warship far from its base with opportunity for rest and replenishment of its supplies thereby furnishes such an addition to its powers that the place becomes in fact, through the advantages which it gives, a base of naval operations.

In view of the state of affairs thus existing, the Allied Governments are of opinion that—

Submarine vessels should be excluded from the benefit of the rules hitherto recognized by the law of nations regarding the admission of vessels of war or merchant vessels into neutral waters, roadsteads, or ports, and their sojourn in them.

Any belligerent submarine entering a neutral port should be detained there.

The Allied Governments take this opportunity to point out to neutral powers the grave danger incurred by neutral submarines in navigating regions frequented by belligerent submarines.

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*The Department of State to the French Embassy*<sup>1</sup>

MEMORANDUM

The Government of the United States has received the identic memoranda of the Governments of France, Great Britain, Russia, and Japan in which neutral governments are exhorted "to take efficacious measures tending to prevent belligerent submarines, regardless of their use, to avail themselves of neutral waters, roadsteads, and harbors." These Governments point out the facility possessed by such craft to avoid supervision or surveillance or determination of their national character and their power "to do injury that is inherent in their very nature," as well as the "additional facilities" afforded by having at their disposal places where they can rest and replenish their supplies. Apparently on these grounds the Allied Governments hold that "submarine vessels must be excluded from the benefit of the rules heretofore accepted under inter-

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<sup>1</sup>The same to the British, Russian, and Japanese Embassies, August 31, and *mutatis mutandis* to the Italian Embassy, September 8, 1916, and to the Portuguese Legation, September 13, 1916.

national law regarding the admission and sojourn of war and merchant vessels in neutral waters, roadsteads, or harbors; any submarine of a belligerent that once enters a neutral harbor must be held there," and, therefore, the Allied Governments "warn neutral powers of the great danger to neutral submarines attending the navigation of waters visited by the submarines of belligerents."

In reply the Government of the United States must express its surprise that there appears to be an endeavor of the Allied powers to determine the rule of action governing what they regard as a "novel situation" in respect to the use of submarines in time of war and to enforce acceptance of that rule, at least in part, by warning neutral powers of the great danger to their submarines in waters that may be visited by belligerent submarines. In the opinion of the Government of the United States the Allied powers have not set forth any circumstances, nor is the Government of the United States at present aware of any circumstances, concerning the use of war or merchant submarines which would render the existing rules of international law inapplicable to them. In view of this fact and of the notice and warning of the Allied powers announced in their memoranda under acknowledgment, it is incumbent upon the Government of the United States to notify the Governments of France, Great Britain, Russia, and Japan that, so far as the treatment of either war or merchant submarines in American waters is concerned, the Government of the United States reserves its liberty of action in all respects and will treat such vessels as, in its opinion, becomes the action of a power which may be said to have taken the first steps toward establishing the principles of neutrality and which for over a century has maintained those principles in the traditional spirit and with the high sense of impartiality in which they were conceived.

In order, however, that there should be no misunderstanding as to the attitude of the United States, the Government of the United States announces to the Allied powers that it holds it to be the duty of belligerent powers to distinguish between submarines of neutral and belligerent nationality, and that responsibility for any conflict that may arise between belligerent warships and neutral submarines on account of the neglect of a belligerent to so distinguish between these classes of submarines must rest entirely upon the negligent power.

*August 31, 1916.*

File No. 763.72111/4112a

*The Secretary of State to the Ambassador in Great Britain (Page)<sup>1</sup>*

—[Telegram]

WASHINGTON, *October 9, 1916, 7 p. m.*

3909. German submarines active off coast. Apparent intention is to live up to formal assurances given by Germany in regard to conduct of submarine warfare. French Ambassador yesterday informally discussed question of modifying rules in regard to all submarines entering neutral ports. He was reminded of attitude of Allies in refusing to consider any modification of rule applying to

<sup>1</sup>The same, on the same date, to the Chargé in France (No. 1770).

armed merchantmen in connection with submarine warfare last spring on ground that no change could be made during hostilities. Same point is being made in regard to British withdrawing blockade ships from our coast in response to our protest. In case you should be asked to discuss question it should be borne in mind that at that time the British ships were stationed actually in mouth of Ambrose Channel in full sight of shore and that this was causing unnecessary irritation. It should also be borne in mind that British refused to admit our right to suggest that ships be withdrawn.

LANSING

File No. 763.72111/4121a

*The Acting Secretary of State to Diplomatic Officers in Sweden, Norway, Denmark, the Netherlands, and Spain*

[Circular telegram]

WASHINGTON, October 10, 1916, 1 p. m.

Telegraph me briefly and as soon as possible what position has been taken by the government to which you are accredited in regard to belligerent war or merchant submarines visiting neutral ports or territorial waters. Cable substance of any government decrees or decisions on this subject. I wish to obtain information as to what restrictions, if any, have been imposed upon use of neutral ports and waters by belligerent submarines, either before or since the Entente note of August last respecting treatment of submarines by neutral powers.

POLK

File No. 763.72/2926a

*The Acting Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, October 10, 1916, 4 p. m.

3471. For your information and not for communication to Foreign Office. On Sunday evening, October 8, at dusk, German war submarine *U-53* attacked and sunk off Nantucket Island six merchant ships, and yesterday morning three more ships were sunk.<sup>1</sup> Evident intention of German submarine to act in accordance with principles of international law, and ample time was given for passengers and crews, many of whom were American, to take to life boats. Distress signals were picked up by United States destroyers at Newport, which immediately went out and rescued passengers and crews from small boats. In view fact that sea was calm and that naval vessels were close at hand, no loss of life actually occurred. Feeling throughout country much aroused.

POLK

<sup>1</sup> No opinion was asked of, or given by, the Department of State in connection with the visit of the *U-53* to Newport, R. I., in the afternoon of October 7, 1916; according to reports later received from the Navy and Treasury Departments, the submarine took on no supplies and received no assistance, but obtained newspapers containing shipping lists. (File Nos. 763.72111/4116, 763.72/2953.)

File No. 763.72111/4121

*The Minister in the Netherlands (Van Dyke) to the Secretary of State*

[Telegram]

THE HAGUE, *October 11, 1916, 7 p. m.*

[Received October 12, 12.15 a. m.]

643. Your October 10, 1 p. m. Since July 1914, a Royal decree has forbidden foreign war vessels of any kind including submarines to enter Netherlands harbors or waters. Declaration of neutrality August 4, 1914, Article 4, says: "The presence of no war vessels or assimilated ships of the belligerents will be tolerated within the jurisdiction of the state." A British submarine ran aground in Dutch waters November last, a British submarine January last; both are now interned here with officers and crew.

The Netherlands Government has answered the Entente note of August last by referring to the above decree and proclamation, but has reserved the right to decide whether a particular submarine is a war vessel or a merchant vessel.

The Netherlands Government has asked from Germany an immediate explanation in regard to the sinking of Dutch steamship *Blommersdijk* off the American coast October 8.

The Minister for Foreign Affairs told me that he would be glad if the American Government and the Netherlands Government could cooperate in the whole submarine question. I am free to say that this appears to me very desirable.

VAN DYKE

File No. 763.72/2930

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 11, 1916, 8 p. m.*

[Received October 12, 8.30 a. m.]

5002. Lord Grey privately and informally tells me that his Government are not yet sure what communication, if any, they will make to you about submarine *U-53*, but that they are discussing subject among themselves with the following sequence of events in mind:

(1) We objected to the proximity of British cruisers which were removed. There was therefore no British patrol near our coast which might have sunk German submarine.

(2) We objected to defensive armament of merchantmen entering our harbors; most British merchantmen, if not all, in American waters are therefore defenseless.

(3) We held view that submarines may enter American waters and ports under same regulations as above-water ships; hence *U-53* was given opportunity at Newport to ascertain sailings and whereabouts of British ships.

(4) The British of course regarded our former submarine controversy with Germany as our affair and not theirs, but the sink-

ing of merchant ships without warning and with loss of life has steadily gone on in North and Arctic Seas and in the Mediterranean.

PAGE

File No. 763.72/2931

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 11, 1916, 3 p. m.

[Received October 12, 8 p. m.]

4460. In an informal and unofficial conversation with Herr von Jagow to-day he told me that he could give full assurances that recent operations of German submarine boats off the coast of the United States would make no alteration of policy on the part of the German Government respecting the assurances given us last spring. He added that he had as yet received no information regarding these operations except through the Reuter press reports, but that he personally supposed that the raid of the German submarine boats was for the purpose of proving that Great Britain did not control the seas, and he alluded to the fact that British cruisers had also been stationed off our coast. He said that if the press reports were true that these cruisers had been withdrawn at our request, the German Government should have been informed to that effect. He then went on to say that the German submarine boats would not take their prizes into American ports owing to the *Appam* decision. I report this merely as an informal conversation.

GREW

File No. 763.72/2939

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 6435

WASHINGTON, October 12, 1916.

[Received October 14.]

MY DEAR MR. SECRETARY: I beg to inform you that my Government authorized me by wireless to communicate to your Government that activities of German submarines in the Atlantic will be entirely within the rules of international law and the promises given by the German Government by note of May 4, 1916.<sup>1</sup>

I am [etc.]

J. BERNSTORFF

File No. 763.72/2938

*The British Ambassador (Spring Rice) to the Secretary of State*

No. 309

WASHINGTON, October 13, 1916.

[Received October 14.]

SIR: In compliance with a verbal request I have the honour to transmit herewith an affidavit signed by C. Smith, master of the ship *Stephano* sunk by a German submarine off the American coast.

I have [etc.]

CECIL SPRING RICE

<sup>1</sup> *Ante*, p. 257.



[Enclosure]

*Affidavit of the master of the "Stephano"*

October 11, 1916.

At 6 p. m. sighted submarine; at 6.05 submarine fired shot which struck us under forefoot port side, twisting stem. I having received no warning from submarine, verbal or signaling, she then fired three more which landed fifty to one hundred yards ahead of ship.

C. SMITH

*Master S. S. Stephano*

Witness to above signature:

ARTHUR T. BLACKWOOD

*Commander R. N.*

File No. 763.72111/4127

*The Minister in Denmark (Egan) to the Secretary of State*

[Telegram]

COPENHAGEN, October 14, 1916, 1 p. m.

[Received 11.50 p. m.]

368. Your circular, October 10, 1 p. m.<sup>1</sup> Danish Government have issued no decrees or decisions concerning war submarines except as contained in its law of December 20, 1912, the substance of which is that war submarines shall be treated as other war vessels. The law follows closely the principles of the convention of The Hague. The question of merchant submarines has not arisen and the Government is not willing to give a decision until that question shall arise.

This statement is practically the same as contained in the reply of the Danish Government dated October 6 to the Allies' collective note of August 27. I am forwarding by mail a copy of note which, at the request of the Danish Government, is to be treated as strictly confidential.

EGAN

File No. 763.72111/4134

*The Minister in Sweden (Morris) to the Secretary of State*

[Telegram]

STOCKHOLM, October 14, 1916, 6 p. m.

[Received October 15, 7 p. m.]

142. Department's circular telegram, October 10, 1 p. m.<sup>1</sup> Foreign war submarines prohibited entering Swedish territorial waters except Öre Sund passage, or in case stress weather or disablement, see Legation's despatches 661, June 31, and 662, August 1.<sup>2</sup> Every submarine is treated as war submarine unless commercial character proved, see Legation's 675, September 26.<sup>2</sup> Endeavoring procure further information from Foreign Office.

MORRIS

<sup>1</sup> Ante, p. 772.<sup>2</sup> Not printed.

File No. 763.72111/4141

*The Ambassador in Spain (Willard) to the Secretary of State*

[Telegram]

MADRID, *October 14, 1916, 6 p. m.*[Received *October 16, 9.50 a. m.*]

283. Referring to the Department's telegram of October 10, 8 [1] p. m.<sup>1</sup> Following memorandum received from Spanish Minister for Foreign Affairs:

The Spanish Government, which under date of November 23, 1914, issued a decree adopting provisionally and during the war the application of the thirteenth convention of The Hague, 1907, concerning the rights and duties of neutral powers in naval warfare, when at the time of the visit of the German war submarine *U-35* to Cartagena it received a note from the British Ambassador stating the point of view of the London Cabinet which was opposed to the admittance of belligerent submarines in neutral ports or waters, replied under date of July 5, 1915, on the contrary opinion, in conformity with which the above-mentioned German submarine had been treated as any other war vessel. Later, on account of certain arguments expressed by some of the Allied forces, the attitude of Sweden ratified in its decree of the above-mentioned month of July, and later the memorandum received from England, France, and other Allied powers, induced His Majesty's Government to again examine the matter in which it has not yet come to a decision and is still examining various solutions among which it has given attention to that contained in the following proposed Royal decree:

ARTICLE 1. No submarine of belligerent nationality can enter Spanish ports without due previous permission requested through diplomatic channels stating name and description of submarine, number of crew, and object of visit. Exception will be made if the war submarine is obliged to put into port on account of injury or bad weather. In such case commanding officer must permit visit of port authorities, as provided by following article, stating in writing name and description of submarine, number of crew, and object of visit.

ARTICLE 2. War submarine of belligerent nationality which enters Spanish ports included in cases referred to in previous article must refrain from communication with shore or any ship in port until visit and permission of port authorities, who before such permission must verify after inspection exactness of declaration referred to in previous article.

ARTICLE 3. Length of stay of submarines of belligerent nationality in Spanish ports will be determined by port authorities, not exceeding 24 hours. Upon entry into port on account of injury or bad weather port authorities will decide time of departure when reason for entering port no longer exists.

ARTICLE 4. All persons are forbidden leaving Spanish ports by submarine of belligerent nationality.

ARTICLE 5. Submarines of belligerent nationality may not receive in Spanish ports any material necessary to engines.

ARTICLE 6. Submarines of belligerent nationality must display national flag during stay in Spanish ports or territorial waters.

ARTICLE 7. Before leaving Spanish ports submarines of belligerent nationality must be inspected by port authorities to ascertain whether terms of this decree have been complied with as well as those of the Hague convention, October 18, 1907, which continue in force during the war in a subsidiary provisional character.

ARTICLE 8. War submarines which do not comply with this decree will be interned with their crews until the end of the war. When a submarine evades or escapes internment, all war submarines of that country are prohibited from entering Spanish ports during the war.

ARTICLE 9. The President of the Council and the Ministers of State, War, Marine, Treasury, and Interior are charged with carrying out this decree.

<sup>1</sup> *Ante*, p. 772.

The Government of His Majesty would be greatly interested in learning the opinion which the Cabinet of Washington holds of the proposed Royal decree, and will be then disposed to enter with the said Cabinet on an exchange of views in order to arrive, if it is possible, at an understanding which will permit the two neutral powers to definitely adopt a similar or like point of view in such an important question.

Minister of Foreign Affairs states that no measures have been taken up to the present time concerning merchant submarines. He has cabled Spanish Ambassador, Washington, that memorandum above cited has been handed me for transmission to the Department.

WILLARD

File No. 763.72/2951

*The Minister in Sweden (Morris) to the Secretary of State*

[Telegram]

STOCKHOLM, October 16, 1916, 12 p. m.

[Received October 17, 12.35 a. m.]

144. Foreign Office informs me Swedish attitude regarding commercial submarines corresponds to attitude adopted by American Government and that war submarines, with exceptions noted my 142, October 14, 6 p. m.,<sup>1</sup> will be attacked.

AMERICAN MINISTER

File No. 763.72111/4148½

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, October 17, 1916, 12 noon.

[Received October 18, 9.30 a. m.]

79 [89]. Department's circular instruction October 10, 1 p. m.<sup>2</sup> Minister for Foreign Affairs informs me that reply to Entente Allies' note of August last, concerning belligerent submarine boats in neutral waters, will soon be made. He would give me no information as to the probable tenor of Norwegian Government's reply, but promised to communicate it to me in due course. He feels the question of entry of belligerent merchant submarine boats into Norwegian waters being as yet purely hypothetical, Norwegian Government has taken no position on this subject. Belligerent war submarine boats have up to the present been regarded by Norwegian Government as subject to general principles of international law concerning belligerent naval vessels in neutral waters; but I am now in receipt of *note verbale* from Foreign Office dated 13th instant communicating text of Royal decree of that date concerning entry of belligerent war submarines into Norwegian waters of which translation follows:

ARTICLE 1. War submarines belonging to belligerent powers are forbidden to navigate or sojourn in the territorial waters of Norway. If they violate this

<sup>1</sup> *Ante*, p. 775.

<sup>2</sup> *Ante*, p. 772.

prohibition, they expose themselves to attack by force of arms without previous notice.

Notwithstanding this prohibition, any submarine may penetrate into Norwegian waters in order to save human lives in case of damage, or in consequence of the state of the sea, on condition, nevertheless, that while in these waters it remain on the surface and carry the flag of its nationality and the international signal indicating the reason for its entry into the prohibited waters. It shall leave these waters immediately upon the cessation of the cause which justified its entry into the prohibited waters.

It is likewise forbidden to submarines other than those mentioned to enter or navigate in Norwegian territorial waters except by day and in clear weather remaining on the surface and carrying their national flag.

Foreign submarines navigating in Norwegian waters must by reason of the difficulty of distinguishing different classes of submarines themselves bear all risk of damage and even of destruction that may result from confusion concerning the character of the vessel.

ARTICLE 2. The above-mentioned regulations shall take effect October 20, 1916.

SCHMEDEMAN

File No. 763.72111/4152

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, *October 18, 1916, 2 p. m.*

[*Received 10.45 p. m.*]

My telegram No. 89, October 17, 12 noon. Legation has received from Foreign Office copy of note of 16th instant from Norwegian Government in reply to identic memoranda of British, French, Italian, Japanese, and Russian Governments concerning submarines in neutral waters. Norwegian Government states in this note that after careful consideration of the question whether special [character?] of war submarines entails on the part of neutrals different treatment of them than of other naval vessels, it has concluded that it has the right to refuse to such submarines access to its territorial waters, and has accordingly made new regulations by Royal decree of October 13. On the other hand Norwegian Government admits no obligation under international law towards either group of belligerents to forbid access of submarine boats to Norwegian waters because of advantages the other group may derive from such access. In view of Royal decree, however, this question does not arise. Royal decree does not extend to merchant submarines if they enter by day and in clear weather on the surface and flying national flag. Government has given marine authorities instructions with a view to assuring undoubted merchant character of merchant submarine boats that may enter Norwegian waters. Until experience demonstrates effect of use of merchant submarines on the maintenance of neutrality, further regulations with regard to merchant submarine boats are not considered. In pursuance of generally recognized principles of impartial neutrality according to preamble of thirteenth Hague convention, change of neutrality rules is always to be avoided unless experience has demonstrated necessity of change for safeguarding neutral rights.

SCHMEDEMAN

File No. 763.72/2958

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 18, 1916, midnight.*[*Received October 19, 8 a. m.*]

5041. Lord Grey in a purely private conversation informs me that his speech last night in the House of Lords was an effort to hold back the almost fierce public feeling here against our Government till we shall officially make known the facts about the German submarine *U-53*. He expressed the hope that we may very soon publish the facts.

The newspapers have reported that the submarine was given an opportunity at Newport to ascertain the movements and whereabouts of British and neutral ships and went forth at once and sunk them. Lord Grey said to me:

I do not know whether that be true or not, but if it be true let me put this question to you. Suppose a British cruiser had gone into Newport and got similar information and had gone out and stopped neutral ships and searched them for contraband in these same waters, would we not have received a protest immediately?

Then he added:

If a German submarine be allowed by the American Government to sink neutral ships so near American waters, British Prime Minister will push the British Government to search neutral ships for contraband in the same waters.

While he confessed to strong feeling about the matter himself, he declared he would not make any judgment till the official facts were made known, but that he could not prevent premature judgment by others and that a very strong public feeling was fast rising because of our Government's silence.

There is abundant confirmation of this fierce public feeling. The subject is the prevailing topic of conversation everywhere. The public discusses the phase of the subject mentioned by Lord Grey, but they are asking particularly whether it be true that our destroyers obeyed the German commander's order to get out of his way so that he might sink neutral ships. On this phase of the subject Earl (not Viscount) Grey made a speech in the House of Lords last night, contrasting with the reported action of the commander of our destroyer the conduct of the British commander at Manila as Admiral Dewey himself explained it to Grey. They talked also of Bernstorff's reported declaration that Germany was keeping her pledge to us while her submarines are constantly sinking merchant ships without warning and with loss of life in the far North Sea and the Mediterranean.

The British public are disposed to construe our longer silence as an unwillingness even to protest to Germany about the exploits of the *U-53*.

PAGE

File No. 763.72/2962

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 20, 1916, 2 p. m.*

[Received 3.52 p. m.]

5052. My 5002, October 11, 9 p. m. [8 p. m.],<sup>1</sup> 5013, October 13, noon,<sup>2</sup> and 5041, October 18, midnight. Symington had private audience with King George yesterday on relinquishing post of naval attaché. The King at once spoke with animation of the reported conduct of our Navy in connection with the German submarine *U-53*. His critical remarks reflect the feeling in official circles here. This feeling would, I am sure, be removed if the official reports of our naval officers were published. If practicable I strongly recommend that such publication be made.

PAGE

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *October 22, 1916, 5 p. m.*

3968. Your 5041, October 18, and 5052, October 20. Department does not understand why British Government should expect an official statement of facts about German submarine *U-53*. Department made no report to Germany in regard to British ships' being stationed practically at entrance of New York Harbor during first year of war, nor of visits of Allied warships to our ports apparently for purpose of obtaining information, such as visit of British cruiser to San Diego and other Pacific Coast waters, visit of *Admiral Aube* to Tampa, Florida, and visit of French ships *Descartes* and *Condé* to San Juan and Porto Rican waters, nor have we made any statement to Germany regarding operations of British ships off the Philippine Islands, sometimes even in Philippine waters, in search for German civilians. This Government did, however, make a statement to the German Government as to cases of British warships receiving supplies and information from our ports at beginning of war, but this was done only in response to German request.

It is a matter of common knowledge that Allied ships can be found patrolling off the North Atlantic coast at all times. We protested against the hovering of these cruisers so close to territorial waters, but the British Government replied that they could not abandon any of their belligerent rights, adding, however, that instructions had been given to British ships not to approach Ambrose Light nearer than six miles. According to our advices, Allied ships are still examining neutral ships off our coasts. In this connection it will be recalled that the operations of *U-53* were 50 to 60 miles from shore.

<sup>1</sup> *Ante*, p. 773.<sup>2</sup> Not printed.

This Department and the Navy Department are giving careful consideration to the subject of preventing in future belligerent warships of any description or nationality obtaining information from our ports, as under present regulations it is impossible, if warships visit neutral ports, to prevent them from obtaining newspapers and general information in regard to shipping. In considering this subject this Government must have in mind not only its obligation as a neutral, but also its interests as a possible belligerent in some future war.

There is no reason why this subject should not be frankly discussed informally, but Department is not disposed to make any voluntary statement on the subject at present. I had an informal and pleasant confidential talk with the British Ambassador, and in substance stated this position.

Story in regard to destroyer being withdrawn believed to be exaggerated and misunderstood. Department may report to you later on this subject when it has all the facts.

If it is felt that American naval vessels should not have assisted in rescuing the passengers and crews of the vessels sunk by the *U-53*, as by such action they assisted belligerent operations, it can only be said that neither public nor private vessels of the United States can be deaf to the demands of humanity even though those demands should be the result of belligerent operations that are distasteful to them.

POLK

File No. 763.72/2969

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *October 23, 1916, 6 p. m.*

[*Received 6.30 p. m.*]

5070. Your 3968, October 22, 5 p. m. The British Government have made no request of me, but both Government and public are anxious to know precisely what happened and there is no authoritative way to obtain information except by our Government's making facts known. In cases mentioned by you there would be no objection if no loss of ships nor were lives put in jeopardy [*sic*]. Since British ships were sunk and British subjects put into small boats, there is a natural curiosity to know precisely what happened and consequent criticism of our Government for not making facts known which can be made known in no other way.

PAGE

File No. 763.72111/4141

*The Secretary of State to the Ambassador in Spain (Willard)*

[Telegram]

WASHINGTON, *October 27, 1916, 5 p. m.*

188. Your 283, October 14.<sup>1</sup> On account of proximity to Germany and the war zone, it seems to me that Spain's relations to submarine

<sup>1</sup> *Ante*, p. 776.

warfare present a different problem from that which we have here, owing to the unlikelihood of merchant submarines which come to the United States being used to supply war submarines near American waters. I do not think that I ought therefore to express any opinion as to the advisability of the proposed decree which you quote. From our point of view, under present conditions, it does not seem advisable to distinguish between war submarines and warships in restricting use of American ports. This, however, is a tentative view only, as subsequent events may prove it to be inexpedient. The Department is giving the matter its constant attention.

LANSING

File No. 763.72111/4180

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, *October 28, 1916, 2 p. m.*

[Received 4.10 p. m.]

94. My telegram No. 93.<sup>1</sup> Ministry for Foreign Affairs has given me in strict confidence copy of German note of October 20, regarding Norwegian decree relative to entry of submarine boats into Norwegian waters. A summary of the note which refers to decree as of October 20 and not of 13, as reported in my despatches follows:

Decree is declared to be inconsistent with principles of international law confirmed in the preamble of Hague neutrality convention according to which neutrals may not change rules existing at the time of declaration of neutrality except for the protection of its own rights. Such rights are said to have been violated only by ordinary war vessels of Germany's enemies, but not by submarines of either belligerent.

Principle of international law against the establishment of neutrality rules to the detriment of one belligerent is also stated to be violated by the decree, since it is obviously aimed at German submarine boats alone and openly admitted to be a counter measure against their legitimate cruiser warfare. Norway is charged with being the only neutral power that has complied with England's demand for special restrictions against German submarines.

Decree is also described as contrary to neutrality on account of special restrictions on merchant submarine boats which only Germany possesses, and the measure is branded as only the result of English pressure.

German note concluded by entering emphatic protest against decree and expressing certain expectation that decree will be annulled after renewed consideration.

SCHMEDEMAN

File No. 763.72/2988a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, *October 28, 1916, 5 p. m.*

3986. Statement by Admiral Benson, Chief of Operations of the Navy, and at present Acting Secretary, appeared in the press this morning, regarding operations of *U-53*, as follows:

<sup>1</sup> Not printed.



The response of the United States destroyers to the SOS call was simply in compliance with the well-known and time-honored custom that has ever characterized seamen in responding to the call of seafaring people.

A careful study of the reports made by each and all of the commanders of the destroyers and of the commander of the destroyer force shows clearly that no rules or regulations governing neutrality were violated, and that every possible comfort was afforded to those who came aboard the American ships.

It may be added that the first distress calls came from the British steamer *West Point*, whereupon the senior officer afloat at Newport ordered all destroyers to sea, the first sailing at 1 p. m. Sunday, followed shortly by others, 17 in all. Later in the afternoon, the British steamer *Stephano* wirelessed to "American destroyers" for assistance off Nantucket Lightship as follows: "We are being torpedoed. Have 47 American passengers on board. Will you take them?"

Notwithstanding newspaper reports, State Department has not in its possession all the information which it desires regarding the operations of *U-53*. When I have obtained all the facts, I will consider whether or not it is advisable to make a statement in regard to American destroyer's being withdrawn as reported.

LANSING

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File No. 763.72111/4232

*The Minister in Norway (Schmedeman) to the Secretary of State*

[Telegram]

CHRISTIANIA, November 11, 1916, 2 p. m.

[Received 10 p. m.]

98. My telegram No. 96, November 6.<sup>1</sup> Minister for Foreign Affairs yesterday handed me in strict confidence summary of Norwegian Government's reply to German note of October 20, which was delivered to German Minister here November 8. Following is translation of summary:

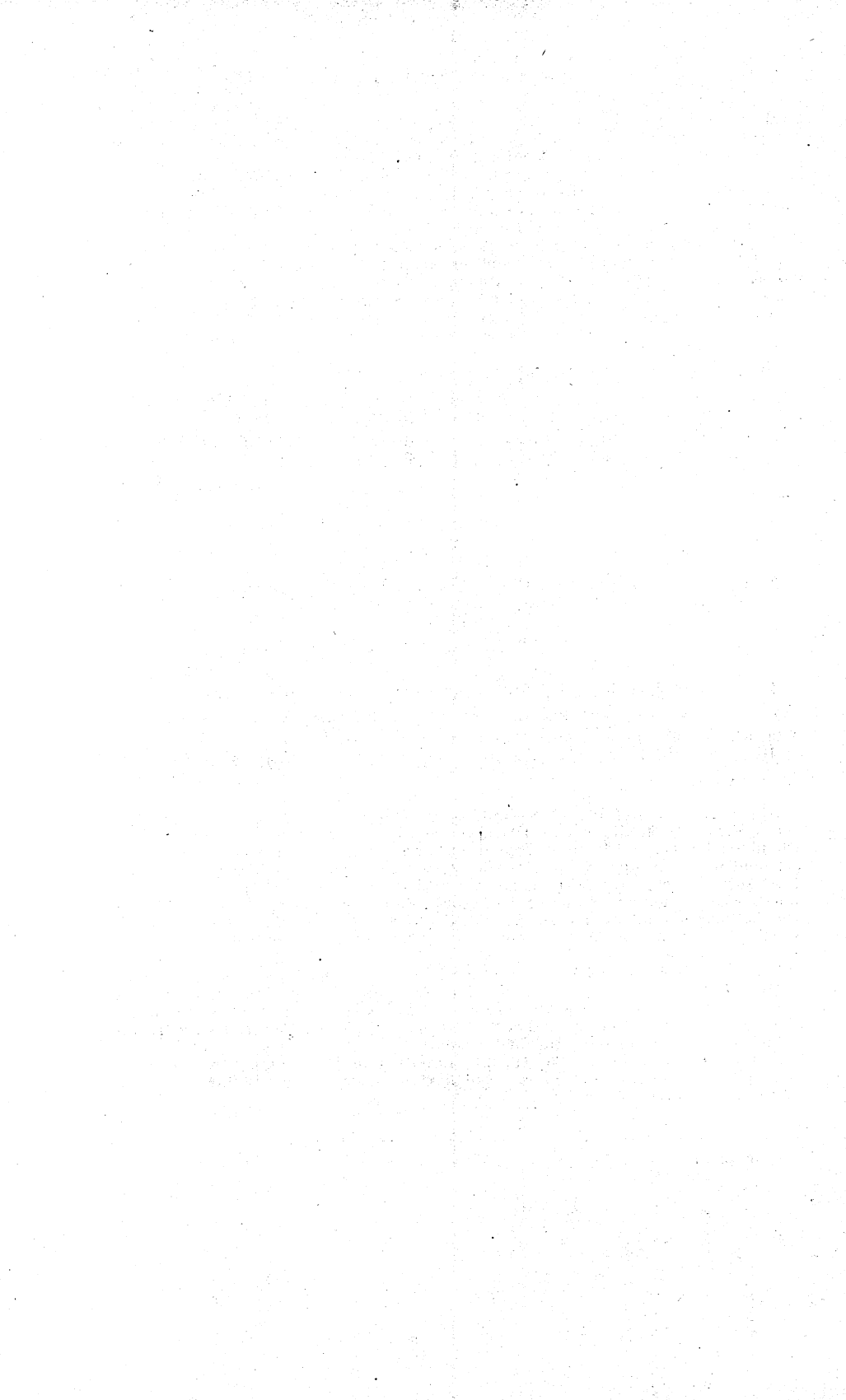
Aim of my answer of 8th instant to the German Minister is to explain in the spirit of friendliness why it was necessary to pass the resolution relative to submarine boats. It emphasizes that the sole object of the Norwegian Government was to protect Norway's rights as a neutral power and thereby to assure the neutrality which it is the country's firm intention to maintain. There was not the least thought on the part of Norwegian Government of causing any of the belligerents advantage or prejudice. The object of the regulations concerning merchant submarines is exclusively to render the control of belligerent war submarines more effective. Should it be possible to prove that such effective control could be exercised without the regulations mentioned, Norwegian Government is fully prepared to take up the question for discussion, and the Norwegian Government has no objection either to drawing up regulations which will make it clear that its attitude towards the question of merchant submarines is the same as that of Sweden.

Moreover it is said that it was not intention of Norwegian Government to contest fundamental lawfulness of submarine warfare itself within the limits of the Declaration of London.

SCHMEDEMAN

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<sup>1</sup> Not printed.



## PART IV

### OTHER PROBLEMS AND RESPONSIBILITIES

53620°—29—50



## PART IV

### OTHER PROBLEMS AND RESPONSIBILITIES

#### REGULATIONS REGARDING PASSPORTS AND THE REGISTRATION OF CITIZENS LIVING ABROAD

Executive order No. 2362-A

*Rules of April 17, 1916, governing the granting and issuing of passports in the United States*

1-4. [Same as rules of December 17, 1915.<sup>1</sup>]

5. *Applications.* A person who is entitled to receive a passport, if within the United States, must submit a written application *in duplicate*, in the form of an affidavit, to the Secretary of State. The application should be made by the person to whom the passport is to be issued and signed by him, as it is not proper for one person to apply for another.

The affidavit must be made before a clerk of a Federal court or of a State court authorized by the act of Congress of June 29, 1906, to naturalize aliens, within the jurisdiction of which the applicant or his witness resides, and the seal of the court must be affixed; *but in any place where there is a Federal court the affidavit must be made before a clerk of such court.* In any place where there is an agent of the Department of State, the Secretary of State may, in his discretion, require the application to be made before such agent. The clerk of court or agent of the Department of State before whom the application is made must mail it directly to the Department of State. The applicant must state from what point he intends to leave the United States, and the date of his intended departure, and also, if by a port of the United States, by what ship he intends to sail.

Each application must be in the hands of the Department of State or its agent at least five days before the applicant's departure from the United States.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship. He is also required to state the names of the foreign countries which he expects to visit, and the objects of his visits thereto. The latter statement should be brief and general in form,

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<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 912.*

thus: "Commercial business." An applicant who states that he is going abroad on commercial business must support his application with a letter from the head of the firm or firms which he represents stating the names of the countries it is necessary for him to visit and the objects of his visits thereto. An applicant who is going abroad for any other purpose must satisfy the Department of State that it is imperative that he go and he should submit satisfactory documentary evidence substantiating his statement concerning the imperativeness of his proposed trip.

The applicant must take the oath of allegiance to the United States.

The application must be accompanied by a description of the person applying, and should state the following particulars, viz.: Age, ----; stature, ---- feet ---- inches (English measure); forehead, ----; eyes, ----; nose, ----; mouth, ----; chin, ----; hair, ----; complexion, ----; face, ----; special identifying marks, if any (scars, birthmarks, etc.).

The application must also be accompanied by triplicate photographs of the applicant, on thin paper, unmounted, and not larger in size than 3 by 3 inches. One must be attached to the back of each application by the clerk of court or the Department's agent before whom the application is made, with an impression of such officer's seal so placed as to cover part of the photograph but not the features, and the other sent loose, to be attached to the passport by the Department. The loose photograph must be signed across its face so as not to obscure the features, by the applicant, and the signature thereon must correspond to the applicant's signature affixed to the application. Photographs on cardboard or postcards will not be accepted.

The application must be supported by an affidavit of at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the application are true to the best of the witness's knowledge and belief. This affidavit must be made before the clerk of court or the Department's agent before whom the application is executed, and the witness must be an American citizen, who resides within the jurisdiction of the court or the Department's agent. The applicant or his witness must be known to the clerk of court or the Department's agent before whom the application is executed, or must be able to satisfy such officer as to his identity and the *bona fides* of the applicant.

6. *Native citizens.* An application containing the information indicated by rule 5 will be sufficient evidence in the case of a native citizen, except that a person born in the United States in a place where births are recorded will be required to submit a birth certificate with his application. If a birth certificate is not obtainable, the application should be supported by an affidavit of the physician who attended the birth or affidavits of parents or other reputable persons having actual knowledge of the applicant's birth in this country.

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.

7. *A person born abroad whose father was a native citizen of the United States.* In addition to the statements required by rule 5, his application must show that his father was born in the United States, resided therein, and was a citizen at the time of the applicant's birth. In such case, evidence of the father's birth in this country, similar to that required in section 6 above, should be submitted.

8-11. [Same as rules of December 17, 1915.<sup>1</sup>]

12. *Expiration of passport.* A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, provided the application upon which the old passport was issued is found to contain sufficient information as to the naturalization of the applicant.

13. *Renewal of passport.* Passports issued by the Department of State which have not expired, may be renewed by it for a period of six months upon the sworn applications of the holders; provided, that the holders are residing in the United States at the time they make their applications for renewal, that they intend to visit only those countries named in the passports which they hold, and that they show to the satisfaction of the Department of State that it is necessary for them to do so.

An application for the renewal of a passport must be in the form of an affidavit addressed to the Secretary of State. The affidavit must be made before a clerk of a proper court within the jurisdiction of which the applicant resides, and the seal of the court must be affixed; but, in any place where there is an agent of the Department of State, the Secretary of State may, in his discretion, require the application to be made before such agent. The clerk of court, or the agent of the Department of State before whom the application is made, must mail it directly to the Department of State.

The applicant must state that he is a loyal citizen of the United States, give the names of the foreign countries which he expects to visit, and explain the object and necessity of his proposed visits thereto. The same evidence as to the necessity of the applicant's going abroad will be required of a person applying for the renewal of his passport as that required by rule 5 of applicants for passports. The applicant must also state from what point he intends to leave the United States, and the date of his intended departure, and also, if by a port of the United States, by what ship he intends to sail. In addition, the applicant must submit a photograph of himself, which must correspond to the photograph attached to his passport and the application upon which it was issued. The photograph, which must be on thin paper and about 3 by 3 inches in size, must be attached to the application for renewal by the clerk of the court or the agent of the Department of State before whom the application is made, and the seal of such officer must be impressed thereon.

No passport shall be renewed more than twice. No fee is required by the Department of State for the renewal of a passport.

A person abroad holding a passport issued by the Department of State may have it renewed for a period of six months upon present-

<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 912.*

ing it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto.

14. *Wife, minor children, and servants.* When the applicant is accompanied by his wife, minor children, and maid-servant, who is a citizen of the United States, it will be sufficient to state the fact, giving their names in full, the dates and places of their births, and the allegiance of the servant, when one passport will suffice for all. In such case, however, three photographs of each person should accompany the passport application. For a man-servant or any other person in the party a separate passport will be required. A woman's passport may include her minor children and maid-servant under the above-named conditions.

(The terms "maid-servant" does not include a governess, tutor, pupil, companion, or person holding like relation to the applicant for a passport.)

15-18. [Same as 14-17 of December 17, 1915.<sup>1</sup>]

To become effective May 1, 1916.

WOODROW WILSON

THE WHITE HOUSE, April 17, 1916.

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[For General Instruction No. 466, June 1, 1916, relating to the proposed return to the United States of naturalized citizens against whom the presumption of expatriation has arisen, see *Foreign Relations*, 1916, p. 10.]

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File No. 137/91a

*The Secretary of State to Diplomatic and Consular Officers  
(including Consular Agents)*

No. 483

WASHINGTON, September 28, 1916.

GENTLEMEN: Conditions which existed at the outbreak of the present war in Europe, and numerous cases which have been presented to the Department through the diplomatic and consular officers since that time, have emphasized the importance of having all American citizens residing or sojourning abroad registered in American consulates, upon submission of proper proofs of citizenship. It is obvious that in cases of emergency protection may be extended more readily to persons who have been registered, after submitting the necessary proofs of their American citizenship and right to protection, than to those who have not.

For some time the Department has contemplated a revision of the rules concerning registration and the forms used in connection therewith, and the present general instruction is to take the place of the circular instruction of April 19, 1907, entitled "Registration of American Citizens."<sup>2</sup>

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<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 912.

<sup>2</sup> *Ibid.*, 1907, p. 6.



1. *Amendment of paragraph 172, Consular Regulations.* Paragraph 172 of the Consular Regulations was amended by the President September 28, 1916, to take effect November 15, 1916, and a slip containing the amended paragraph is enclosed to be pasted in the volume of Consular Regulations in your office. The principal change made by the amendment is the provision that persons shall not be registered without the approval by the Department of their sworn applications, except in cases of unusual emergency, in which the American citizenship of the applicants has been established beyond a reasonable doubt.

2. *Applications.* The Department is sending consular officers under separate cover a supply of blank forms of application for registration (Nos. 225a, 225b, 225c), which contain the oath of allegiance, and are similar, as to the requirements concerning evidence of citizenship, to Forms Nos. 176, 177, and 178, consular, used in applications for passports. The application is to be signed and executed in duplicate by the applicant and the consular officer in charge, one copy to be sent to the Department and the other to be retained in the consulate. It will be proper to fill in the application blanks with the typewriter and to make the copies by the carbon process.

Persons desiring renewals of registrations *heretofore* approved should, whenever practicable, execute the applications for registration provided for in this general instruction. Exceptions to this rule may be made in the discretion of consular officers where it is impracticable for the applicants to reach the consulates (see Section 13).

3. *Transmitting despatches.* Consular officers are not to send transmitting despatches when forwarding to the Department applications for registration and the alphabetical lists of approved registrations (see Section 15), unless, of course, it is necessary to bring to the Department's attention circumstances bearing upon the registrations. In cases where it is necessary to send a transmitting despatch with an application a separate despatch, *in duplicate*, should be prepared covering each individual case, and such despatch should be accompanied only by the application of the person whose case is referred to in the despatch.

4. *Proof of birth in the United States.* Persons who claim citizenship through their own or their fathers' or husbands' birth in the United States, but are not provided with certificates of birth and are unable to bring reliable witnesses who can testify thereto, should be required to give the names and addresses of two or more witnesses in the United States with whom the Department may communicate.

5. *Women's applications.* A woman's application should state whether she is married or single, and if married she should produce the necessary proof of her husband's birth or naturalization in the United States.

6. *Proof of marriage.* A person desiring that his wife be included in his registration, and a woman applying for separate registration, should produce a marriage certificate or other satisfactory evidence of the marriage.

7. *Presumption of expatriation—Loss of right to protection.* Naturalized citizens who have brought upon themselves the presumption of expatriation, under the provision of Section 2, act of March 2, 1907, and persons born in the United States or born abroad of

American parents, the length and circumstances of whose foreign residence raise a doubt as to their right to American protection, should be required to fill in Form No. 213, and the officer who takes the application should be careful to state therein his opinion as to the applicant's status (see Section 13).

8. *Additional data.* In the space following the words "Additional data" the applicant may state, if he so desires, the location of his real and personal property and the place where his will is deposited, or any other pertinent information which may be deemed important.

9. *Department's approval, and completion of registration.* The space headed, "Registration authorized by the Department of State," etc., is to be filled in and signed by the consul upon receipt of the Department's formal approval of the application, *and not until then, as a rule, will it be considered that the registration has been completed* so that a certificate of registration may be issued to the applicant (see Sections 10, 11, and 13).

10. *Emergency registration.* In an extraordinary case, when there is urgent need of a certificate of registration before a reply to the application can be received from the Department, the applicant may be granted a limited certificate of registration, provided his American citizenship and right to protection are proven beyond a reasonable doubt. Even in such a case as this it will be preferable to obtain the approval of the embassy or legation before a registration certificate is issued. These limited certificates of registration should state immediately above their dates the period for which they are valid. The statements provided in the forms that the certificates are good for "one year" and are issued by authority of the "Department of State at Washington" should be crossed out with red ink, and the certificate should be headed "Emergency registration certificate."

11. *Certificate of registration.* The registration certificate, for which blanks, Form No. 225, will be provided, will state that the person named has been registered as an American citizen, will set forth his personal description, and will give the names of his wife and minor children who are residing with him. Certificates of registration will be given the same date as the application for registration and need not be numbered. A photograph of the person registered should be attached to the certificate, with an impression of the seal of the consulate, and a duplicate photograph should be filed with the copy of the application in the consulate. Certificates may be renewed once only, but new certificates may be issued upon the surrender of the old ones, when desired.

A person holding a passport who desires to receive a certificate of registration should be required either to surrender the passport or to have it canceled by the consulate.

12. *Translations of registration certificates.* In countries in which the English language is not familiar to the officials, a translation of the certificate in the foreign language may be written or printed on the back. Such translations should not be issued, however, until they have been submitted to the Department through the embassy or legation in the country in which the consulate is situated, and have received the Department's approval.

13. *Reregistration.* An applicant for reregistration, who has been previously registered in accordance with this instruction, will not be required to submit a new sworn application as in the case of the

original registration; but if subsequently thereto he shall have brought upon himself the presumption of expatriation by his protracted foreign residence, or if, having previously brought upon himself such presumption and overcome it to the satisfaction of the Department, the cause and the circumstances of his foreign residence have materially changed, the registration shall not be renewed without the express approval of the Department, after the submission of an affidavit containing an explicit statement of the cause of the continuance of the foreign residence, supported by such corroboratory evidence as the circumstances of the case may demand. In all cases in which the presumption of expatriation has arisen the consul should be careful to state whether in his opinion the evidence to overcome the presumption is sufficient, *and if he does not consider it sufficient he should state precisely why.* For this purpose Form No. 213 should be used.

If the person registered lives in a remote place and can not conveniently come to the consulate, he may be reregistered upon his written request, but the original registration record should not be sent from the consulate, as it forms a part of the permanent records thereof.

14. *Reports of reregistrations.* When the applicant has been reregistered a notation to that effect should be made in the appropriate space on the sheet containing the original application, which the applicant should sign, if possible, and the fact of the reregistration should be reported to the Department. Forms (No. 225*d*) for these reports will be furnished by the Department.

15. *Alphabetical lists.* At the end of each quarter consular officers will send to the Department and to the embassy or legation in the country in which their offices are situated or, in cases of consulates in an outlying possession, to the consular office at the capital city, alphabetical lists of the persons *whose registrations have been approved* during the quarter, underscoring the names of those to whom certificates have been issued. Form No. 225*e* should be used for these reports.

16. *Reports of refusals.* The consular officers should also inform the embassy, legation, or consular offices mentioned in the preceding section, of cases in which registration has been finally refused by the Department, specifying the reasons for the refusal. For this purpose blank cards to be furnished by the Department (Form No. 225*f*) should be used.

The names of persons to whom certificates are issued during a quarter subsequent to that in which the approvals of their registrations were received will be reported in separate alphabetical lists at the end of the current quarterly reports.

17. *Books for registration no longer used.* The books containing Forms Nos. 210, 211, 211*a*, and 212 will no longer be used.

18. *Widows and divorced women—Children born abroad.* Forms Nos. 211 and 211*a* for declarations of intention of widows and divorced women to resume or conserve American citizenship, under the provisions of Sections 3 and 4 of the Citizenship Act of March 2, 1907, will continue to be used, duplicates of the declarations being sent to the Department as heretofore with the regular applications

for registration. When the registrations of such persons have been authorized by the Department, they may be furnished with the regular certificates of registration, if they apply therefor. Form 212 is discarded, since the minor's statement required by Section 6 of the act of March 2, 1907, is provided for in the regular application for registration.

19. *Filing of approved and disapproved applications.* Consular officers will number consecutively and file the approved applications for registrations. The approved and numbered applications should be kept in a loose-leaf binder, such as the one usually furnished by the Department upon application. From time to time, as a sufficient number accumulates, they should be permanently bound, and each volume numbered or lettered consecutively in continuation of the present series in each office.

Applications for registration which are disapproved will be filed with the correspondence.

20. *Card index.* A card index will be kept in each consular office consisting of the cards of acknowledgment (Forms Nos. 225*g* and 225*h*), which will express either approval or disapproval by the Department of the applications for registration. These cards will be filed alphabetically.

21. *Letters inviting registration and reregistration.* Attached to this instruction are form letters for inviting American citizens to register (Appendix A) and to reregister (Appendix B).<sup>1</sup> Consular officers are authorized, where the number of persons to be addressed justifies the expenditure, to have a sufficient supply printed for the use of their offices.

The second section of Appendix B is the blank form for replies of persons, already registered, who can not conveniently come to the consulate for reregistration. When the reregistrations have been effected in this way the forms, properly filled in, should be attached to the original applications. However, in all expatriation cases care should be taken to comply with the requirements of Section 13 (*supra*).

22. *Fees.* No fee shall be charged for registration nor for any service connected therewith, except for the issuance of a certificate of registration, for which a fee of \$1 shall be required (Tariff of Consular Fees, No. 47). A canceled fee stamp should be attached to the certificate and the fee accounted for in the quarterly returns. The renewal of a certificate of registration shall be gratis.

23. *References.* References to this general instruction may be made by section, as follows: General Instruction No. 483, Section —.

I am [etc.]

ROBERT LANSING

[Enclosure]

No. 2461

EXECUTIVE ORDER

Paragraph 172 of the Consular Regulations is amended to read as follows:

172. *Registration of American citizens.* Principal consular officers shall keep at their offices a register of all American citizens residing in their several districts, and will therefore make it known that such a register is kept and invite all resident Americans to cause their names to be entered therein. Except in cases of emergency no person shall be given a certificate of registration until

<sup>1</sup> Not printed.

his application for registration has been approved by the Department. The general principles which govern applications for passports also govern applications for registration (Paragraph 151). The forms of application for registration will be prescribed by the Secretary of State.

The register, which will consist of sworn applications approved by the Department, should show in the case of each person registered the date of registration, the full name of the person registered, the date and place of his birth, the place of his last domicile in the United States, the date of his arrival in the foreign country where he is residing and his place of residence therein, the reasons for his foreign residence, whether or not he is married and if married the name of his wife, her place of birth and residence, if he has children, the name, date, and place of birth and residence of each, and any other pertinent information which the Department of State may require. The nature of the proof accepted to establish his citizenship should also appear.

Consuls may issue, upon forms prescribed by the Department, certificates of registration good for one year, for use with the authorities of the place where the persons registered are residing. When a certificate expires a new one may be issued, the old one being surrendered and destroyed, or the original certificate may be renewed for a period of one year if it is clearly shown that the applicant has not expatriated himself. Persons who hold passports which have not expired shall not be furnished with certificates of registration, and it is strictly forbidden to furnish them to be used for traveling in the place of passports, except in cases of extraordinary emergency when the Department of State shall expressly authorize their use for this purpose.

Returns of all registrations and of all certificates of registration issued shall be made at intervals and under regulations to be prescribed by the Secretary of State.

The Secretary of State is authorized to make regulations concerning registration additional to these rules and not inconsistent with them.

No fee shall be required for registration nor for any service connected therewith, except for the issuance of a certificate of registration, for which a fee of \$1 shall be required.

The Tariff of United States Consular Fees is hereby amended by the addition thereto of the following paragraph:

47. Certificate of registration of an American citizen, \$1.

This order shall go into effect November 15, 1916.

WOODROW WILSON

THE WHITE HOUSE, 28 September, 1916.

#### STATUS OF AMERICAN CONSULAR OFFICERS IN BELLIGERENT TERRITORY OCCUPIED BY ENEMY TROOPS

File No. 123807/141

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 14, 1916, 4 p. m.

[Received June 15, 4:30 p. m.]

3995. Foreign Office states German Government contemplates extending Consul at Warsaw same recognition as accorded consuls at Brussels, Antwerp, and Liège, and desires to be informed if this form of recognition will be acceptable to American Government. In this connection see my despatch No. 664, March 12, 1915, and previous correspondence relating to the recognition of consular officers in Belgium.<sup>1</sup>

GERARD

<sup>1</sup> *Foreign Relations*, 1915, Supplement, pp. 916 et seq.

File No. 123807/141

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, July 12, 1916, 5 p. m.

3183. Your 3395 [3995], June 14, 4 p. m. and despatch 3363,<sup>1</sup> June 14. Inform Foreign Office that the proposal of the German Government, in accordance with the treatment of consuls in Belgium, to grant to the American Consul at Warsaw permission to exercise his consular functions in that part of his consular district which is under German military occupation is acceptable to United States.

POLK

**THE PROCLAMATION BY GERMANY AND AUSTRIA-HUNGARY  
CREATING THE KINGDOM OF POLAND**

File No. 860c.01/1

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 5, 1916, 2 p. m.

[Received November 6, 1.30 p. m.]

4562. In a manifest published to-day the Emperors of Germany and of Austria-Hungary proclaim Poland as an independent state with hereditary monarchy and constitution. The exact boundaries of the Kingdom of Poland to be decided later. Text of manifest will be cabled to-morrow.

GREW

File No. 860c.01/2

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 6, 1916, 2 p. m.

[Received November 7, 6 p. m.]

4563. The following is the text of the manifest of November 5:

**THE KINGDOM OF POLAND***To the inhabitants of the Warsaw Government General.*

His Majesty the German Emperor and His Majesty the Emperor of Austria and Apostolic King of Hungary, imbued with firm confidence in the final victory of their arms and guided by the wish to lead to a happy future the Polish districts taken away from Russian domination by their brave armies at the cost of great sacrifice, have agreed to form out of these districts an independent state with a hereditary monarchy and a constitution. A more exact delimitation of the boundaries of the Kingdom of Poland will be effected later. The new Kingdom will find the guarantees which it requires for the free development of its forces in a junction with the two allied powers. The glorious traditions of the Polish armies of earlier times and the memory of the brave Polish comrades in the great war of the present shall be perpetuated in an army of its own. Its organization, instruction, and command will be regulated by joint understanding. The allied monarchs resign themselves to the confident hope that the wishes in the direction of the development of the Kingdom of Poland as a state and nation will now be fulfilled with due consideration for the general political conditions of Europe and the welfare and security of their own countries and peoples.

<sup>1</sup> Not printed.

The great western neighbor powers of the Kingdom of Poland will see with gladness on their eastern frontier a free and happy state rejoicing in its national life arise and flourish. By order of His Majesty the German Emperor.  
THE GOVERNOR GENERAL

GREW

File No. 860c.01/3

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 8, 1916, 7 p. m.

[Received November 9, 7 p. m.]

4575. Consul at Warsaw desires instructions as to what attitude he should observe towards new Kingdom of Poland with particular reference to any ceremonies to which he may be invited connected with the installation of a regent or other official ceremony. As dean of the diplomatic [consular ?] corps the other neutral consuls turn to him for advice in these matters. He declined invitation to be present at proclamation of new Kingdom.

GREW

*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 14, 1916, 4 p. m.

3576. Your 4575, November 8. Notify American Consul, Warsaw, that when officials new Kingdom of Poland assume office he should deal with them as *de facto* officials, but should not attend any official ceremonies. Also notify him that he can show a copy of this telegram unofficially to Polish authorities and the various consuls at Warsaw and explain that this action is taken out of scrupulous regard for neutrality.

LANSING

File No. 860c.01/4

*The Russian Ambassador (Bakhméteff) to the Secretary of State*

[Translation]

No. 787

WASHINGTON, November 18, 1916.

MR. SECRETARY OF STATE: I am instructed by the Imperial Government to bring the following to your excellency's knowledge:

In contempt of the law of nations the German and Austro-Hungarian military authorities at Warsaw and Lublin have just proclaimed that the Russian provinces of Poland would henceforth form a separate state. The Imperial Government protests against that act, which constitutes another violation of the international conventions solemnly vowed by Germany and Austria-Hungary and declares it null and void. It asserts that the provinces of the Kingdom of Poland have not ceased to form part and parcel of the Empire of Russia and that their inhabitants are bound by the oath of allegiance which they have taken to His Majesty the Emperor, my August Master.

Be pleased [etc.]

G. BAKHMÉTEFF

File No. 860c.01/9

*The Ambassador in France (Sharp) to the Secretary of State*

No. 4006

PARIS, December 5, 1916.

[Received December 23.]

SIR: I have the honor to transmit herewith, in copy and translation, a declaration issued by the Allied powers on the 18th of November last, which the Foreign Office requests be transmitted to the Government of the United States. This declaration protests against the formation of an autonomous Polish State and the creation of a Polish Army by the Central powers.

I have [etc.]

W. G. SHARP

[Enclosure—Translation]

*Declaration issued by the Allied Governments, November 18, 1916*

By a proclamation published on November 6, 1916, at Warsaw and at Lublin, the German Emperor and the Austrian Emperor, King of Hungary, announced that they had agreed to the creation "in the Polish regions" occupied by their troops of an autonomous state under the form of an hereditary and a constitutional monarchy and to the organization, instruction, and direction of an army belonging to that state.

It is a universally admitted principle of the modern right of nations that, by reason of its precarious and *de facto* character of possession, a military occupation resulting from the operations of war may not imply a transfer of sovereignty over the territory occupied and consequently does not involve any right of disposing of this territory to the profit of any one.

In disposing without right of the territory occupied by their troops, the German Emperor, and the Austrian Emperor, King of Hungary, have not only committed an action which is null and void, but have once more shown contempt for one of the fundamental principles upon which the constitution and the existence of civilized states repose.

In pretending, moreover, to organize, instruct, and direct an army levied in the "Polish regions" occupied by their troops, the German Emperor and the Austrian Emperor, King of Hungary, have once more violated the engagements which they have taken and by which, in conformity with the most elementary principles of morality and justice, "it is forbidden to a belligerent to force the nationals of the opposing side to take part in the operations of war directed against their country" (Article 23 of the regulations annexed to Convention IV of The Hague, 1907, ratified by the German Emperor and the Austrian Emperor, King of Hungary, on November 29, 1909).

The Allied powers in holding up to the reprobation of the neutral states these new violations of right, morality, and justice, protest against the consequences which the enemy governments expect to derive from such action, and reserve to themselves the right of opposing them by all means in their power.

PARIS, November 18, 1916.

**APPOINTMENT OF A NEW AUSTRO-HUNGARIAN AMBASSADOR**

File No. 701.6311/210,

*The Minister in Denmark (Egan) to the Secretary of State*

[Telegram]

COPENHAGEN, May 15, 1916, noon.

[Received 5.45 p. m.]

250. High diplomatic Austrian authority tells me that Vienna would gladly send ambassador but suggests that the United States give him passage on an American man-of-war.

AMERICAN MINISTER



File No. 701.6311/211

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*<sup>1</sup>

[Telegram]

WASHINGTON, May 16, 1916, 5 p. m.

1226. Your 250, May 15. Explain that it would be physically impossible for United States to send a warship at this time for the purpose indicated. I have no doubt, however, if requested to do so, that the Department can make arrangements for the safe-conduct to the United States of an ambassador from Austria-Hungary.

LANSING

File No. 701.6311/220

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, September 27, 1916, 3 p. m.

[Received September 28, 11 a. m.]

1464. While transacting routine business yesterday afternoon with the Minister for Foreign Affairs, reference was made to the recent attack on him in the Hungarian Parliament for having no Ambassador in Washington. Started wholly informal, ended in the definite inquiry if you could arrange for a safe-conduct; if so, Minister for Foreign Affairs would early ask *agrément* for high-class representative. Obviously this Government want no publicity until assured that your request for a safe-conduct will be granted by the Entente. This I promised. Kindly cable me early. Beg call attention your telegram No. 1226 of May 16 last.

PENFIELD

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, September 29, 1916, 5 p. m.

1375. Your 1464, September 27. Department suggests that, if the Austrian Government is desirous of accrediting an ambassador to the United States, an ambassador be appointed; whereupon the Department will take the necessary steps to secure for him a safe-conduct to the United States.

LANSING

<sup>1</sup> So addressed in error; the next day an identic telegram (No. 105) was sent to the Minister in Denmark, and the Ambassador in Austria-Hungary was directed to take no action (telegram No. 1227). See File No. 701.6311/210.

File No. 701.6311/223

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, October 12, 1916.

[Received October 13, 4 p. m.]

1481. Your 1375, September 29. The Austro-Hungarian Government asks *agrément* for appointment of Count Adam Tarnowski as Ambassador to United States. Is now Minister to Bulgaria; had long and successful career. In 1899 was counselor at Washington and 20 years ago served in Greece under Baron Burian. Tarnowski enjoys high reputation and has confidence of the Emperor and Minister for Foreign Affairs.

Tarnowski is 50; married to a Russian. Particulars of service printed in Austrian foreign service year book.

Baron Burian requests your courtesy in securing safe-conduct for Ambassador, servant, and secretary for early voyage to America.

PENFIELD

*The Acting Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, October 18, 1916, 4 p. m.

1387. Before answering your 1481, Department desires to receive more information regarding Count Adam Tarnowski, whether his sentiments are friendly to the United States, etc.

POLK

File No. 701.6311/224

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, October 21, 1916, 5 p. m.

[Received October 23, 8.15 a. m.]

1489. Your 1387. For a week been extracting information regarding Count Tarnowski and consensus of opinion assures me he is best available man. In previously discussing matter of sending ambassador to Washington with Baron Burian I pointed out class of man who would be acceptable to our Government. In submitting name of Tarnowski he assured me his qualifications would make him fully acceptable. Americans knowing him for years say he is friendly to United States and shows this in all ways proper to professional diplomatist. Being a Pole, he has racial separation from Teutonic thought. Wife, a Russian princess, is suspended for the present, not Germanophile and is discreet. Were I (looking for a?) man for Washington, based upon testimony persons knowing him, it would be Tarnowski. In my judgment prompt acceptance of an ambassador from Austria-Hungary would be timely, good politics,

indicating that Francis Joseph is not partner in submarine menace, and such action would end Dumba as political martyr. Persons whose opinion I value say Tarnowski would be unlikely to take orders from anybody but own Government. Has been 20 years in diplomatic service and 6 years Minister in Bulgaria with clean record.

PENFIELD

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, November 1, 1916, 5 p. m.

1404. Your 1489, October 21, 5 p. m. Count Tarnowski entirely acceptable to President as Ambassador to United States. Upon being advised name of vessel and date on which Count Tarnowski will desire to sail, Department will at once request safe-conducts for him from British and French Governments.

LANSING

File No. 701.6311/228

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, November 9, 1916, 5 p. m.

[Received November 10, 10.55 a. m.]

1522. The Austro-Hungarian Government to-day announces appointment Count Tarnowski as Ambassador at Washington.

PENFIELD

File No. 701.6311/228

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, November 11, 1916, 12 noon.

[Received November 12, 8 p. m.]

1524. Baron Burian informs me that it is assumed that by giving *agrément* to the appointment of a new Austro-Hungarian Ambassador to the United States the President will insure him the means of communicating with his Government in the same measure as I am enabled to communicate with you. He is anxious to have your reply before the date set for Count Tarnowski's sailing, announcement of which I expect to be able to inform you very shortly.

The reasons for the adoption by the Government of full control of the wireless telegraph stations in the United States were explained to Baron Macchio who spoke on behalf of Minister for Foreign Affairs. He remarked that the disappearance of German cruisers from the seas made such precautions no longer necessary, to which the rejoinder was made that the recent appearance of a German submarine

torpedo boat off the Massachusetts coast and the activities of their submarine merchantmen made it doubly important in the German interest that American wireless telegraph stations should not become available for the British in indicating to their warships the movements of such vessels, and that in any event all the American Government sought was to guard against United States territory's being used for unneutral purposes by any of the belligerents. If, as I suppose, you will not find yourself able to accede to Baron Burian's request, I venture to suggest that the refusal be cast in as palatable and convincing a form as possible.

PENFIELD

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File No. 701.6311/229

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, November 13, 1916, 4 p. m.

[Received November 14, 9.30 a. m.]

1527. Your 1404, November 1, 5 p. m. Minister for Foreign Affairs now informs me Count Tarnowski, accompanied by his wife, together with the Secretary of Legation, Baron Sommaruga, the valet, Peter Wiacek, the footman, Stanislaus Drobnik, the cook, Viktor Loboda, as well as two or three female servants and probably a servant of Baron Sommaruga, name as yet unknown, will embark for America at Rotterdam, December 16, on board S. S. *Nieuw Amsterdam* of Holland-America Line. Requests that necessary safe-conducts may be procured from Governments of France and Great Britain for persons in question and their luggage.

PENFIELD

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*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

[Telegram]

WASHINGTON, November 14, 1916, 4 p. m.

4044. Count Tarnowski, appointed Austro-Hungarian Ambassador to United States, accompanied by his wife, together with Secretary of Legation, Baron Sommaruga; valet, Peter Wiacek; footman, Stanislaus Drobnik; cook, Viktor Loboda; as well as two or three female servants and probably servant of Baron Sommaruga, name as yet unknown, will embark for United States at Rotterdam December 16 on board S.S. *Nieuw Amsterdam*, Holland-America Line. Austro-Hungarian Government requests that safe-conducts may be procured from Governments of Great Britain and France for persons in question and their baggage. Make known to Foreign Office, to end that naval authorities be instructed to pass them and baggage safely. Embassy, Paris, similarly instructed.

LANSING

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<sup>1</sup>The same, *mutatis mutandis*, on the same date, to the Ambassador in France (No. 1827).

File No. 701.6311/228

*The Secretary of State to the Ambassador in Austria-Hungary  
(Penfield)*

[Telegram]

WASHINGTON, November 14, 1916, 4 p. m.

1417. Your 1524, November 11. I concur in your presentation of matter to Baron Macchio. All that the United States desires to accomplish by assuming control of all wireless stations is to prevent the use of its territory as a basis of naval operations. It is in duty bound to take this position on account of its contentions in the Alabama Claims Arbitration and the award of that tribunal, which approved those contentions. The American position at that time has now become generally regarded as a rule of international law and fully recognized in the Hague conventions, which were signed and ratified by Austria-Hungary. The constant presence of warships of the Allied powers off American coasts since the beginning of the war and the recent appearance of a German submarine off the New England coast have demonstrated the necessity for Government censorship of wireless messages in order to prevent messages being sent which might be intercepted by such belligerent vessels and used in their hostile operations, making American territory in a real sense a basis of naval operations.

As to communication by cable, this Government of course can give no assurances whatever, inasmuch as the cable lines in use in communicating with Vienna touch the coasts of Austria's enemies.

Although this Government is very desirous of receiving an ambassador from Austria-Hungary, and is anxious to make every concession possible in order to encourage the most complete and cordial diplomatic relations with the Austrian Government, I am sure Baron Macchio will appreciate the inability of this Government to modify a traditional principle of neutrality which it initiated half a century ago and has since maintained during several intervening wars—the application of which principle in the Government control of wireless stations during the present war has been more than justified by the presence of war vessels of both groups of belligerents off American coasts.

Explain to Baron Macchio that I have given this matter sympathetic consideration, and regret to be impelled to this conclusion, as my earnest wish is to strengthen the friendship which has always existed between our Governments and peoples. I should be disappointed if adherence to a principle which both Governments have recognized and enforced should cause this friendship now to fail of free and unstinted expression through the lack of an ambassador from Austria of Count Tarnowski's high qualifications for such a mission.

LANSING

File No. 701.6311/233

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 27, 1916, 3 p. m.

[Received 9.30 p. m.]

5218. Your 4044, 14th, and 4086, 25th.<sup>1</sup> I have to-day received a note from Lord Grey which I quote in full as follows:

I have had the honour of receiving your excellency's note No. 1109 of the 15th instant, in which you informed me of the appointment of Count Tarnowski to be Austro-Hungarian Ambassador to the United States and transmitted a request from the Government for a safe-conduct for that Ambassador and his suite and their baggage.

I have the honour to state in reply that His Majesty's Government regret that they do not see their way to accede to this request. Even supposing that international law forbade a belligerent to obstruct the movements of diplomatic agents sent by his enemy to neutral countries, the German and Austro-Hungarian embassies and legations in neutral countries have during the war engaged in activities lying so far outside the range of their diplomatic functions that they cannot be treated with special consideration by His Majesty's Government.

PAGE

File No. 701.6311/234

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, November 27, 1916, 12 p. m.

[Received November 28, 1.20 p. m.]

1712. Am just in receipt of a note from the Minister for Foreign Affairs in answer to the communication I sent him in conformity with your 1827, November 14, 4 p. m.,<sup>2</sup> in which he replies as follows:

As your excellency knows, it is a fundamental principle of international law in times of war that a belligerent has a right to intervene in the voyage of a neutral ship when it violates neutrality by aiding the interest of the enemy's national defense. When a diplomatic agent is sent by an enemy state [to a] neutral country and when in that neutral country the enemy state endeavors by every means, even felonious and criminal, to incite and to carry on there a hostile propaganda, to organize spying, to purchase supplies, it is manifest that the conveyance of such an agent would favor the interests of the national defense of the enemy more than the transportation of soldiers or contraband merchandise and would be of the greatest assistance to the enemy state. It is perfectly legitimate for an adversary to intervene and oppose such a voyage. Controversies which have heretofore arisen from the arrest at sea of certain persons have for the greater part been inspired either by political consideration of the moment or by conventional stipulations in treaties in force at the time.

Such controversies may not cause the above-mentioned incontrovertible principle to be lost sight of, which is the direct deduction from the definition of neutrality itself, that is to say of impartiality. For the said reason and in accord with the British Government, the Government of the Republic, in expressing to the Government of the United States its regrets at being unable to accede to its request, does not think it opportune under the present circumstances to grant to the Austro-Hungarian Ambassador an exemption which is in no way justified by giving him a safe-conduct solicited in his favor by the Austro-Hungarian Government.

Will send copy of note by next pouch.

SHARP

<sup>1</sup> No. 4044, *ante* p. 802; No. 4086 not printed.

<sup>2</sup> See footnote 1, *ante*, p. 802.

File No. 701.6311/233

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

[Telegram]

WASHINGTON, November 28, 1916, 6 p. m.

4097. Department's 4044 and your 5128 [5218]. Inform Lord Grey that this Government is greatly surprised to learn of the refusal of the British Government to grant safe-conduct to the Austro-Hungarian Ambassador accredited to the United States; that the United States has an undisputed right to maintain diplomatic relations through accredited representatives with any nation which it desires, and that it can not believe that it is the purpose of His Majesty's Government to interfere with the exercise of this sovereign right. As the Government of the United States is therefore desirous to have Count Tarnowski reach the United States as soon as possible, it expects the Government of His Majesty to reconsider their action and to assure Count Tarnowski and suite that they will be unmolested in their passage to this country.

LANSING

File No. 701.6311/235

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, November 30, 1916, 5 p. m.

[Received 8 p. m.]

5243. Before making the full statement communicated in your 4097, November 28, 6 p. m., I pointed out to Lord Grey this morning that the original request for a safe-conduct for Count Tarnowski, which I transmitted pursuant to your 4044, November 14, 4 p. m., was submitted as from the Austro-Hungarian Government. I then asked him whether an expression of your strong desire to have an Austro-Hungarian Ambassador in Washington would have influenced his Government's decision as announced, if it had accompanied the request from Vienna. He replied that it would certainly have done so and added that to grant such a request from the Austro-Hungarian Government would lay his Government open to embarrassing attacks in Parliament, while a request put forward by the United States as its own was a very different matter. He said his Government's conclusion had been reached after consultation with that of France, without whose consent he could not reopen it, and that while he could not promise me a reversal of their decision, he would bring the matter up at once for reconsideration. He gave me to understand that he had been under the distinct impression that the United States Government did not particularly care to have a successor to Dumba.

I venture to suggest that you communicate urgently with Paris.

PAGE

<sup>1</sup> The same, *mutatis mutandis*, on the same date, to the Ambassador in France (No. 1855).

File No. 701.6311/250

*The Ambassador in Great Britain (Page) to the Secretary of State*<sup>1</sup>

[Telegram]

LONDON, December 15, 1916.

[Received 9 p. m.]

5321. Following is full text of note dated 15th instant just received from Foreign Office:

With reference to your excellency's note No. 1600 of the 12th instant respecting the journey to Washington of Count Tarnowski, the newly appointed Austro-Hungarian Ambassador to the United States, I have the honour to state that in view of the fact that the United States Government have now applied in their own name for a safe-conduct, His Majesty's Government regard the application in a different light and do not desire longer to insist upon their previous decision conveyed to your excellency in Lord Grey's note of the 25th ultimo. His Majesty's forces will, therefore, receive instructions not to prevent Count Tarnowski and his suite from accomplishing their journey.

PAGE

File No. 701.6311/251

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 18, 1916, 9 p. m.

[Received December 19, 9.15 a. m.]

1749. My 1744, December 14, 3 p. m.<sup>2</sup> Have just learned at Foreign Office that the French Government will accord safe-conduct for Count Tarnowski and suite.

SHARP

File No. 701.6311/255

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 2230

VIENNA, November 24, 1916.

[Received December 26.]

SIR: Adverting to my despatch No. 2210<sup>2</sup> of the 20th instant, I now have the honor to transmit herewith enclosed a copy, with translation, of a note from the Austro-Hungarian Ministry of Foreign Affairs under date of the 22d instant, in reply to mine of the 17th by which I conveyed your decision relative to the desire of the Minister for Foreign Affairs to obtain such a relaxation of the governmental control of the radiotelegraph as would enable him to communicate in confidential cipher with the Austro-Hungarian Ambassador at Washington.

It will be seen that, while expressing regret at the conclusion arrived at, the Government's decision is accepted as final, and it is proposed to deposit a code book with the Department to be employed

<sup>1</sup> Substance transmitted to the Ambassador in Austria-Hungary, in telegram No. 1457, December 16, 1916.

<sup>2</sup> Not printed.



in compliance with the regulations in force, a copy of which is stated to be contained in the sealed package addressed to the Austro-Hungarian Embassy at Washington which accompanies this despatch. As stated in my despatch, I offered to forward their cipher book in the pouch in order to insure its not falling into enemy hands during transmission.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)*

No. 115.503/2

VIENNA, November 22, 1916.

The undersigned has noted with regret that, according to the esteemed note No. 10176 of November 17, 1916, the Government of the United States of America has declared its inability to agree to a normal radiotelegraphic cipher communication between the undersigned and the newly appointed Imperial and Royal Ambassador in Washington.

In view of the excellent relations, however, existing between Austria-Hungary and the United States, and considering the explanations contained in the very esteemed note above mentioned, the undersigned will here not further pursue his verbally expressed desire with regard to rendering such a normal communication possible.

Since the Government of the United States of America, as stated in the above reply, desires to do its utmost to facilitate diplomatic intercourse with Austria-Hungary in keeping with the present circumstances, the undersigned accepts the verbally made proposal of the Government of the United States of America, according to which the Imperial and Royal Austro-Hungarian Ambassador will be in radiotelegraphic communication with his Government by means of a cipher code deposited at the Department of State in Washington.

The undersigned begs to transmit enclosed the said code, addressed to the Imperial and Royal Ambassador in Washington, with the request that it be forwarded to Washington by courier at an opportune moment, so that it may there be handed to the new Ambassador for further action.

The undersigned simultaneously makes use of this opportunity to renew [etc.]

For the Minister:

MACCHIO

#### QUESTIONS OF DIPLOMATIC IMMUNITY—CASE OF WOLF VON IGEL

File No. 701.6211/347

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 8306

WASHINGTON, December 19, 1915.

[Received December 20.]

MY DEAR MR. SECRETARY: In connection with the arrest of Mr. Koenig, a German citizen, H. D. Wilckens, employed as office attendant and messenger by Mr. Albert in New York, has been subpoenaed by the Federal Grand Jury of New York to-morrow.

I presume that this course has been taken, because it was not known that Mr. Albert is connected with this Embassy as commercial attaché. To prevent a recurrence of such incidents I beg to inform you that besides the above-mentioned messenger the following three German citizens are employed in Mr. Albert's office as his assistants and secretaries: Fritz Borgemeister, Carl Heynen, Georg Hoffmann.

I had the honor of informing your excellency in my note of yesterday that paymaster Reicke will continue the current business of our naval attaché, and I now beg to add that Mr. von Igel, a German citizen, secretary of Captain von Papen, will continue the current business of the military attaché, until His Majesty the Emperor has appointed successors to those attachés.

I remain [etc.]

J. BERNSTORFF

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, December 30, 1915.

MY DEAR MR. AMBASSADOR: I have received your informal note of the 19th instant, notifying the Department that Messrs. H. D. Wilckens, Fritz Borgemeister, Carl Heynen, and Georg Hoffmann were employed in the office of Mr. Albert, commercial attaché of your Embassy, and suggesting that these gentlemen are entitled to diplomatic immunity and that Mr. Wilckens therefore is exempt from testifying before the Federal Grand Jury in the Koenig case. I understand, however, that he has already appeared and testified in that case, so that it is not necessary to discuss his immunity from subpoena for that purpose. I should nevertheless bring to your notice my information that Mr. Wilckens is the regular employee of Mr. Koenig and spends only a small part of his time in the employ of Mr. Albert. If this is the true situation, I am sure you will understand that it would be difficult for the Government to afford the same immunities as those enjoyed by regular employees of your Embassy. I understand that diplomatic privilege is not that of employees and domestics of an embassy, but that of the head of the mission, and that they are clothed with diplomatic immunity so that his personal comfort and state may not be affected by their arrest. There are other limitations upon diplomatic immunity of domestics and employees of the embassy, such as liability in civil and criminal causes arising prior to their appointment, etc., which I need not discuss at this time. Subject to such reservations, the Department has received your notice in regard to these gentlemen.

I am [etc.]

ROBERT LANSING

File No. 701.6211/384

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 2826

WASHINGTON, April 18, 1916.

[Received April 19.]

MR. SECRETARY OF STATE: According to information which has reached me, a member of my Embassy, Mr. von Igel, was arrested to-day in New York.<sup>1</sup> Although I have as yet no knowledge of the special circumstances, this is without doubt a violation of the extraterritorial rights which belong to me under the law of nations, and I therefore have the honor to ask of your excellency that the necessary

<sup>1</sup> He had been indicted on April 17, 1916, for violation of the neutrality laws; he was released under bail on the day of his arrest.

orders be issued for the immediate release of Mr. von Igel and of such things as were seized together with him, as well as to direct that the responsible officials be reprimanded.

Accept [etc.]

J. BERNSTORFF

File No. 701.6211/366

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 2833

WASHINGTON, April 18, 1916.

[Received April 19.]

MR. SECRETARY OF STATE: With reference to my note of to-day, No. A 2826, I have the honor to inform your excellency that according to advice just received, official papers belonging to this Embassy, lying on Mr. von Igel's table, were seized when he was arrested.

I have the honor to request your excellency to have these papers sealed and returned to me immediately; also to prevent them from being read or copied by any American official.

Accept [etc.]

J. BERNSTORFF

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, April 20, 1916.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your two notes of April 18 informing me that certain official papers belonging to the German Embassy were seized at the time of the arrest of Mr. von Igel, and asking that the papers be returned to you immediately and not examined or copied by any American official.

In reply I beg to refer to our conversation of yesterday and to inform you again that instructions were given immediately in regard to the return of the papers to you.

I am [etc.]

ROBERT LANSING

File No. 701.6211/368

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. A 2876/16

WASHINGTON, April 20, 1916.

[Received April 24.]

MR. SECRETARY OF STATE: I am informed, and New York papers report to the same effect, that the papers seized with Mr. W. von Igel have, contrary to my wish expressed to your excellency, been copied, part of them even submitted to the Grand Jury. Your excellency assured me verbally yesterday that instructions had been issued that these papers be brought to Washington without delay and submitted to me for examination. These instructions have, evidently, not been carried out.

I therefore have the honor to protest again most emphatically to your excellency against any use being made of these papers which have come into possession of the United States authorities in a

manner contrary to international law, and to ask you, in accordance with the arrangements we have come to yesterday, to cause the papers and all copies taken thereof to be submitted to me immediately for examination.

Accept [etc.]

J. BERNSTORFF

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, April 24, 1916.

MY DEAR MR. AMBASSADOR: Since our conference last Wednesday in regard to the Von Igel affair I have been advised more fully as to the facts in the case, but this additional information has not changed my views.

The crimes with which Von Igel is charged are of so serious a nature, certain of them having been directed against this Government and liable to endanger its peace with other nations, that I feel convinced that your Government, even supposing it had the right under international law to interpose the plea of diplomatic immunity in his behalf, would not so interfere with the course of justice or permit its privileges to shield the perpetrator of such crimes from just punishment. To interpose the plea of diplomatic immunity for a person indicted for crimes of this nature, rather than crimes against private individuals, might arouse a suspicion that his Government was to some degree acquainted with the criminal acts.

In the case of Von Igel, however, I do not think that your excellency's Government can legally claim for him diplomatic immunity since the nature of the crimes with which he is charged is so grave and since the crimes were committed before he was notified to the Department of State to be an attaché of your Embassy. Manifestly it would be contrary to the usage of nations and to the rules which govern their intercourse to permit diplomatic immunity to be thrown about a person in these circumstances in order to save him from the consequences of his act.

In accordance with this view this Government does not consider that the Imperial Government should ask for the release of Von Igel, but should permit justice to take its course.

In regard to the papers, which were found in the room in the New York office building at the time of Von Igel's arrest and which were taken possession of by the Department of Justice, I am not at all convinced that they were improperly seized or held by that Department. Documents obtain an acquired immunity from the fact that among other things they are under official seal, that they are on Embassy premises, or that they are in the actual possession of a person entitled to diplomatic immunity. In this case none of the papers was under seal; the room in which they were found was one rented by a private person for an advertising bureau or agency, and was not a part of the Embassy premises; and they do not appear to have been in the actual possession of Von Igel, whose doubtful right to diplomatic immunity I have already touched upon.

While in the opinion of this Government it might legally retain the documents seized, at least temporarily, for use as evidence in the grave crimes committed, this Government, appreciating the

embarrassment which it might cause your Government to employ its official papers for this purpose, is not disposed to insist strictly upon its rights. As a matter of comity and good will the seized documents will be submitted to you for inspection, and those which you declare to be part of the official correspondence of your Embassy will be delivered to you to be returned to the Embassy's archives. The remaining papers will be returned to the Department of Justice.<sup>1</sup>

Assuring you of the desire of this Government to meet your wishes as far as possible in this matter and trusting that the course of procedure proposed will be acceptable to your excellency, I am  
[etc.]

ROBERT LANSING

File No. 701.6211/651

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 2955

WASHINGTON, April 27, 1916.

MY DEAR MR. SECRETARY: I hereby acknowledge the receipt of your letter of 24th instant. I appreciate most fully the good will towards my Government which animated you in writing that letter. In the absence of any instructions from my Government in regard to the Von Igel situation, my individual views as to the respective rights and obligations presented by and arising from what has occurred differ very radically from those suggestions in your letter. Primarily we are not agreed on the facts.

First, as to Mr. von Igel's status: He had been prior to his arrest notified to your Department as attached to this Embassy and entrusted with the continuance of the office of the former military attaché at New York, and you thereafter placed his name upon the list of the officials of this Embassy. Prior to such notification he was secretary to the military attaché, having come to this country on August 27, 1914, for such purpose. The crime is charged as committed on August 1, 1914. He was then in Germany. It seems clear that under universally accepted rules of international law he was on April 18, 1916, immune from criminal prosecution or arrest at the hands of your Government for any offense committed by him while he was in Germany or after his arrival here.

As to the papers, my information is that they were physically taken from the possession of Mr. von Igel at the time of his arrest and that the seizure was attempted to be justified because of that fact by the local officials. The situation is therefore not that which might have arisen had the papers been taken from premises in the absence of a duly accepted official of the Embassy's staff. Moreover, the

<sup>1</sup>These papers, the papers taken from Captain von Papen by the British authorities on his way back to Germany, and all other documents relating to cases concerning violations of American neutrality in which German officials were involved, are matters of record in the Department of Justice and the courts in which such cases were tried. A brief summary of this material was published in July 1918, by the Committee on Public Information, in its pamphlet No. 10 of the Red, White, and Blue Series entitled *German Plots and Intrigues in the United States during the Period of our Neutrality*.

lease was in the name of Mr. von Igel whose official status I have already referred to. In addition the papers had been on the day of the arrest in a safe in the office, which safe bore the seal of the Embassy. The papers had been temporarily taken from the safe by Mr. von Igel.

It seems clear to me that the seizure of the papers can not be sustained as legal and that they should be returned together with all copies and notes taken therefrom.

In the absence of instructions from my Government I can not accede to your suggestion that I should inspect the documents and make a declaration upon such inspection as to what I regard as official and what, if any, I do not so regard.

I am in accord with your view that if any crime has been committed by an official under the protection of the Embassy, he should be punished. I must respectfully add, however, that such punishment should be meted out by his own Government upon presentation to that Government of the facts.

As I have not yet received instructions in this matter from my Government and as your Department has not finally acted in the matter, I would respectfully request that, pending or until a final conclusion has been reached, the local officials should be asked not to proceed with the prosecution.

I am [etc.]

J. BERNSTORFF

File No. 701.6211/652

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 3807

WASHINGTON, May 27, 1916.

[Received May 29.]

MY DEAR MR. SECRETARY: With reference to your letter of April 24 and mine of April 27, both concerning the case of Mr. Wolf von Igel, I beg to inform you that I have received by wireless message the following instructions from my Government:

No details whatever are known in Berlin about the alleged crimes. My Government would like to know the facts and when and where they occurred.

While most severely condemning any crime that may have been committed, the Imperial Government considers the procedure of the American authorities against Igel as contrary to international law.

As the State Department was notified and Mr. von Igel recognized as a member of the German Embassy, his diplomatic immunity should have been respected. For the same reason the documents in his physical possession were inviolable.

The Imperial Government can not accept the American argument that diplomatic immunity can not be claimed because of the gravity of the alleged crime and because it was committed before Mr. von Igel become a member of the German Embassy. Moreover, the Imperial Government feels all the less able to renounce privileges of immunity in this case, as the particularly harsh procedure of the American authorities has aroused legitimate irritation in Germany.

A legal consequence of the above seems to be that the seized documents should be returned to me.

I remain [etc.]

J. BERNSTORFF

File No. 701.6211/583a

*The Secretary of State to the German Ambassador (Bernstorff)*

WASHINGTON, June 16, 1916.

MY DEAR MR. AMBASSADOR: Replying to your notes of April 27 and May 27 concerning the case of Mr. Wolf von Igel, I beg to inform you that the matter of the retention of the papers seized at the office leased by Mr. von Igel in his private capacity "to be used and occupied," in the language of the lease, "as offices for the transaction of his business as an advertising agent," has received careful consideration, and that I have reached the conclusion that this Government is entitled to retain these papers for use in the legal proceedings and criminal prosecutions which the Government has brought in its efforts to prevent the use of American territory as a base of hostile operations against a power with which the United States is at peace, operations which menace the national peace and safety of this country. The Attorney General informs me that these papers will be used in the case of the *United States v. Hans Tauscher, et al.*, now pending in the Federal courts, as the papers contain, he states, important evidence, and that it is not believed that any questions regarding the privileges of Von Igel will be involved in the trial of Tauscher and the other accused persons.

I have been moved to make this disposition of the papers on account of the gravity of the crimes to which they relate and the peculiar circumstances of their seizure in a room in a New York office building which had no connection with the Imperial Embassy at the time, so far as the Department of State had been advised by you, and which, as subsequent investigations have disclosed, was not in fact used by your Embassy in the performance of its diplomatic functions. Notwithstanding these facts, I offered, in our conversation of April 19 and in my note of April 24, as a matter of comity and on account of the nature of the contents, to submit the documents to you for inspection and to return to you those which you should identify as official papers of your Embassy. This offer, which my Government was not required to make, was declined in your note of April 27.

While the incident to which I now advert has not influenced me in reaching a conclusion as to the disposition of the papers, I would call your attention in this connection to the unjustified invasion on the night of October 7, 1914, of the premises which were formerly the British Consulate in Berlin. The premises were occupied at the time by the staff of the American Embassy with the oral permission of the Imperial Foreign Office for the relief work which was being conducted under the direction of the American Ambassador. Nevertheless, the building was raided by German officers under orders, as I am advised, of the Foreign Office, certain members of the relief force operating under the direction of the American Ambassador were arrested, papers were seized, and demands were made of members of the American Embassy for entrance to the inner rooms of the building. The persons arrested, being British subjects, were confined for several months, and the papers seized, relating to accounts for moneys expended by the American Embassy

in behalf of British relief, were never returned, though a request for their return was immediately made by the American Ambassador, and they are still presumably in the possession of the Imperial Government.<sup>1</sup>

I only refer to this extraordinary conduct of the German authorities in violating the diplomatic immunity of premises previously recognized by the Imperial Government as connected with the American Embassy to show the attitude which your Government has taken in a case in which there could be no question of the immunity of the premises invaded, and in which the prosecution of criminal offenses was not involved.

I have not yet reached a conclusion in regard to the immunity which you claim for Mr. von Igel in respect to his further prosecution for the crimes with which he is charged, but I hope to be able shortly to inform you of my Government's final decision in this part of the case.<sup>2</sup>

I am [etc.]

ROBERT LANSING

File No. 701.6211/386

*The German Ambassador (Bernstorff) to the Secretary of State*

J. Nr. A 4193/16

RYE, N. Y., June 19, 1916.

[Received June 20.]

MY DEAR MR. SECRETARY: Replying to your note of June 16, in which you state that you have reached the conclusion that your Government is entitled to retain and make use, in legal proceedings and prosecutions, of the papers which were seized by your Government in New York on April 18, 1916, I beg to say that I am unable to agree either with the conclusion which you have reached or the grounds which you set forth in your note as leading you to such disposition of the matter.

I would respectfully refer you to my note of April 27, 1916,<sup>3</sup> which in my opinion constitutes an answer to what you say in regard to the character of the premises in which the papers were seized. It seems clear that papers can not be physically taken from the possession of an accredited member of my staff, irrespective of wherever he might happen to be. It also seems clear that the contents of the papers can not in any view of the matter be material in determining whether the seizure was a violation of diplomatic immunity. An illegal seizure can not thereafter be justified. This principle is well settled in international law. If papers can be seized from the possession of an accredited member of the diplomatic staff, and the seizure thereafter justified by an inspection of the contents of the papers seized, all diplomatic immunity would speedily come to an end. I have no knowledge or information as to the incident to which

<sup>1</sup> Correspondence relating to this incident is printed in the following section on "Representation of belligerent governments in enemy countries."

<sup>2</sup> No further communication was made to the Ambassador on this point. Von Igel was still under indictment when he returned to Germany with other officials after the severance of relations in February 1917, but his bond was canceled on February 13, leaving him paroled on his own recognizance.

<sup>3</sup> *Ante*, p. 811.



you refer as having occurred on October 7, 1914, at the premises which were formerly of the British Consulate in Berlin. While I am therefore unable to discuss the incident, such discussion would in any way be superfluous, as you state that it did not influence you in reaching a conclusion in the present matter. If this incident at Berlin has any relevancy in the premises, I would suggest that my Government should be given an opportunity to submit to you such facts and explanations as may be in its hands.

As it has now become apparent that you do not accept the view of my Government as to the illegality of the seizure of the papers from Mr. von Igel, it seems clear that the matter, involving as it does a principle of the utmost gravity and importance, is one which should be settled by arbitration between your Government and my own, and that until a decision is reached through arbitration no use should be made of the documents in question by your Government either in legal proceedings or otherwise. The details of such arbitration can be speedily arranged.<sup>1</sup>

I remain [etc.]

J. BERNSTORFF

**REPRESENTATION OF BELLIGERENT GOVERNMENTS IN ENEMY COUNTRIES—PROTECTION OF CONSULAR PROPERTY**

File No. 702.5167/42

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *September 29, 1915, 3 p. m.*

[Received October 2, 8 a. m.]

1096. For French Government. Notwithstanding my efforts here and protest of Consul General at Beirut, his seals have been removed from French Consulate by Turkish authorities and examination of French archives has begun.

MORGENTHAU

*The Secretary of State to the Ambassador in Turkey (Morgenthau)*

[Telegram]

WASHINGTON, *October 19, 1915, 6 p. m.*

1231. Your 1096, September 29, forwarded to Paris, October 4. French Ambassador here now inquires what further action this Government proposes to take. Your efforts and protest of Consul General at Beirut are approved. Cable whether examination of French archives has been continued.

LANSING

File No. 704.0067/16

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

No. 826

CONSTANTINOPLE, *January 4, 1916.*

[Received February 15.]

SIR: I have the honor to transmit herewith, for the files of the Department and the information of the interested governments, a com-

<sup>1</sup>This note was not answered.

plete set, of three copies each, of all *notes verbales* addressed by this Embassy to the Sublime Porte, since the participation of Turkey in the European war, on the subject of violations of belligerent consular premises under our care by the Ottoman authorities in various cities of the Empire.

The actions of the authorities against which the Embassy has from time to time been obliged to protest in the notes above referred to consisted usually in breaking the seals affixed to the buildings by American consular officers, in searching the premises, and, in some cases, in removing the archives or other articles.

The Sublime Porte has replied to only two of these notes, viz., the Embassy's No. 84, of November 8, 1914, relative to the Serbian Consulate in Constantinople, and the Embassy's No. 611, of September 8, 1915, relative to the Italian Consulate at Aleppo, by its *notes verbales* No. 58171/61, of December 3, 1914, and No. 74929/284, of December 9, 1915, respectively, copies and translations of which are also enclosed herewith.<sup>1</sup>

I have [etc.]

H. MORGENTHAU

File No. 124.636/24

*The Ambassador in Austria-Hungary (Penfeld) to the Secretary of State*

No. 1300

VIENNA, February 14, 1916.

[Received March 6.]

SIR: On various occasions since the Government of the United States generously consented to "loan" the services of its diplomatic

<sup>1</sup> Enclosures, consisting of 17 *notes verbales* to the Turkish Ministry of Foreign Affairs and two replies, not printed. The following extracts illustrate the language employed: From No. 87, November 12, 1914, relating to the violation of the British and French Embassies and Consulates and Serbian Legation in Constantinople: "By its present note the Embassy does formally and most emphatically protest against this violation of all the principles of international law and for which the Sublime Porte would be unable to cite a precedent. This Embassy leaves all the responsibility of this unjustifiable act on the Imperial Government." From No. 112, December 7, 1914, relating to the seizure of British and French consular archives in Aleppo: "This Embassy cannot too strongly point out to the Sublime Porte the inadmissibility of such methods and most emphatically protests against the breaking of the official seal of the Consulate of the United States of America, a friendly power to Turkey, and the encroachment on the inviolability of the French and British consular archives. This Embassy asks the immediate return of the archives and an explanation of the action of the officials, and assurances that such violations of the seal of the United States will not be repeated." From No. 372, June 23, 1915, relating to the removal of archives and furnishings from the British Consulate in Damascus: "In bringing the foregoing facts to the notice of the Imperial Ministry of Foreign Affairs, the Embassy of the United States of America has the honor to renew the protest against the breaking of official American consular seals at Damascus which it has already presented, and to reserve, on behalf of the government with whose interests it is temporarily charged, all rights with respect to the presentation of future claims." From No. 836, November 3, 1915, relating to the seizure of French consular archives at Beirut: "Referring to its previous notes to the Imperial Ministry protesting against similar actions by the local authorities in other parts of the Empire, the American Embassy most vigorously renews its protest against such an unwarranted violation of the official seal of the American Consulate General at Beirut, and at the same time also protests, on behalf of the French Government, against this further infringement of the well-established principles and usages of international law."

and consular officials for the exercise of good offices in behalf of the interests and subjects of various belligerent countries, rumors have reached me of dissatisfaction on the part of the latter with the results obtained.

In order that the reverse of the shield may in a measure be exposed, I venture to transmit herewith enclosed copies of memoranda of the notes addressed to the Ministry of Foreign Affairs at this capital in the interest of the British, French, and Italian Governments, to which replies are still awaited.<sup>1</sup> The dates as well as the aggregate number are not eloquent of a disposition on the part of the Imperial and Royal authorities to give an example of celerity. In addition to such memoranda, which have been sent them as occasion demanded, frequent opportunity has been taken to urge verbally that the matters involved might be dealt with more expeditiously.

The various governments concerned, and that of Austria-Hungary as well, seem to have persuaded themselves into believing that American officials, instead of acting merely as channels of communication between themselves and the governments with which they are at war, have obligated themselves to employ "the full weight of their influence" towards the accomplishment of their desires. That the interests of the intermediary might possibly be prejudiced in the operation, not to speak of his duty as a neutral, does not seem to have entered the minds of these governments.

The fallacies of "representation" and "protection" seem to have taken root in every chancellery with a resulting irritation at the absence of enthusiastic partizanship of the agents of the "protecting" power. If in times of peace the resolution of ordinary questions required months when urged by the accredited representatives of the now enemy power, greater expedition can hardly be expected when the desires of that government are communicated by a neutral intermediary, itself having interests of vital importance to urge on the attention of the government addressed.

That the potency of the representatives of the United States in accomplishing ends purely American has been to a large degree impaired through the generous exercise of good offices in behalf of belligerents, is hardly to be questioned. Our Government assumed the burden gladly, and for my part I have experienced the liveliest satisfaction in whatever benefit I may have succeeded in accomplishing in behalf of the interests committed to this Embassy's charge. The 19,000 communications received and sent by the Embassy in behalf of British, French, Italian, and Japanese interests during the first 17 months of the war, as well as the 21,000 communications dealt with during the same period in behalf of Austria-Hungary, in serving as a channel between this Government and the Embassies at London, Paris, Petrograd, and Tokyo, not to speak of an almost countless number of personal interviews, bear testimony to the diligence with which the interests of our fellowmen, regardless of nationality, have been cared for by this Embassy.

At the same time I must not forget that I am the accredited representative of the United States to the Government of Austria-Hungary. The care of my Government's interests and those of its

<sup>1</sup> Not printed.

citizens must be my first concern, and any influence derogatory thereto must of necessity cause me the gravest concern.

It is in no spirit of complaint that I bring the foregoing to the Department's attention, but simply that it may be advised of the conditions which exist here, and are to be found elsewhere, I assume.

Practically every note of importance received from the Austro-Hungarian Government relative to its interests in belligerent countries calls upon the Government of the United States to "urge", "insist", or "bring the full weight of its influence" to bear through its accredited representatives on the Government of the enemy power to insure the realization of Austria-Hungary's demands, and does not hesitate to attribute any disappointment to the lack of energy or to actual unfriendliness on the part of the American mission especially concerned.

On the other hand, although I and all members of the Embassy staff entertain kindly sentiments towards Austria-Hungary, the almost daily communication of some desire of one or other of the enemy governments has slowly but surely caused the authorities throughout the Monarchy to come to regard us as "three-fourths enemy," and do not fail to give expression to this opinion whenever occasion offers. Making all due allowance for the irritation which has developed as a result of the questions which have arisen between the United States and Austria-Hungary as a result of the present war, such as the ammunition protest, Ambassador Dumba's recall, and the outcome of the *Ancona* incident, it is this additional handicap that we are called upon to face whenever questions purely American are to be dealt with.

The Embassy perceives this in nearly every transaction with the local Government. But we conceal resentment of all petty shortcomings and go about our work in a manner giving no intimation of our being aware of the fact that there is a wide difference between the Government of Austria-Hungary in war time and in peace.

I have [etc.]

FREDERIC C. PENFIELD

File No. 702.5167/55

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *March 3, 1916, 3 p. m.*

[*Received March 6, 11 a. m.*]

1625. Your 1778, January 23, 7 p. m.<sup>1</sup> Latest report from Beirut dated February 9 states that about 32 cases of French archives formerly removed from Consulate General are still at the government building where they are being examined. More detailed account by the pouch.<sup>1</sup>

PHILIP

<sup>1</sup> Not printed.

File No. 704.0067/16

*The Acting Secretary of State to the Chargé in Turkey (Philip)*

WASHINGTON, March 15, 1916.

SIR: The Department has received your Embassy's despatch No. 826,<sup>1</sup> of January 4, 1916, in which you enclosed a complete set of all the *notes verbales* addressed by your Embassy to the Sublime Porte since the participation of Turkey in the European war, on the subject of violations of belligerent consular premises under the care of this Government by the Ottoman authorities in various cities in Turkey.

In reply you are informed that the Department approves the action taken in making protests in cases of the kind referred to in the despatch under acknowledgment.

I am [etc.]

For the Acting Secretary of State:

• JOHN E. OSBORNE

File No. 124.636/24

*The Acting Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

WASHINGTON, March 20, 1916.

SIR: The Department has received your No. 1300 of February 14,<sup>2</sup> enclosing copies of memoranda of notes addressed to the Ministry of Foreign Affairs in the interests of the British, French, and Italian Governments, to which replies are still awaited. You state that the various Governments concerned, and that of Austria-Hungary as well, believe that American officials have obligated themselves to employ the "full weight of their influence" rather than to act merely as channels of communication between the governments at war.

The Department is aware of the delicate position in which the Embassy is placed, and is confident that the Embassy appreciates that it is merely acting as a channel of communication and not with authority to present demands as some of the governments seem to believe. The Department has always been careful to draw a distinction between perfunctory good offices and original exercise of representative functions; and if any one of the belligerent governments "insists" or "demands" anything of an enemy government, it is the function of the Government of the United States to communicate such "demand" *without comment*. If the representative of the United States is in position to ask anything originally, he "requests" it or "invites consideration."

I am [etc.]

FRANK L. POLK

<sup>1</sup> *Ante*, p. 815.

<sup>2</sup> *Ante*, p. 816.

File No. 701.6211/371

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 4, 1916, 6 p. m.

[Received May 5, 2.10 p. m.]

3844. Your 2963, May 2.<sup>1</sup> In this connection it may be of use to you to know that with the knowledge and permission of the Foreign Office I kept a certain part of my work, principally for British relief, in the old British consulate building here, but nevertheless on the night of October 7, 1914, the police raided this place, seized all my papers and records, and when I went there in the morning the police who were still in possession informed me they were there by orders of the Foreign Office.

GERARD

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 9, 1916, 4 p. m.

2988. Your 3844, May 4, 6 p. m. As I find no report in Department, please telegraph in full all details of incident, including whether notice to and permission of Foreign Office were in writing, what part of the Embassy force was working in the old British Consulate, whether any of them were there during the raid, whether papers seized have been returned, and what use was made of them, what was the object of the raid, and how the incident was closed.

LANSING

File No. 701.6211/372

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 12, 1916, 4 p. m.

[Received May 13, 8 p. m.]

3882. Your 2988. Rooms of former British Consulate were occupied by verbal permission of Foreign Office for relief work for British. Usually some British subjects employed in distributing relief were there. On the night of October 7, 1914, Harvey<sup>2</sup> happened to go there with one of the British clerks. On arriving, found crowd at door. British clerk immediately arrested by detectives. Police were in outer rooms. Porter's wife gave keys to inner rooms to Harvey. Whether police had been in inner rooms I do not know. Detectives told Harvey they were sent by Foreign Office. Harvey refused to allow detectives to enter inner rooms although they tried. Next morning I went to place with Harvey. Detectives said they had not gone in inner rooms during the night, although so ordered by For-

<sup>1</sup> Not printed; it contained a summary of developments to date in the Von Igel case.

<sup>2</sup> Secretary of the Embassy.

eign Office, because Harvey had taken keys. They said raid was by order of Foreign Office. We do not know what papers were taken, as the British clerks employed were put in solitary confinement for months, but finally sent to Ruhleben, from where one exchanged to England. Later Zimmermann claimed the Marine Department had participated in the raid and begged me to drop the matter, expressing regret. Later in order to obtain a record I sent the following *note verbale* to the Foreign Office:

With reference to the police raid on the premises of the former British Consulate General on the Margaret Henzstrasse in Berlin, occupied by the Embassy and [used] for British relief by permission of the Imperial Foreign Office, on the night of October 7, 1914, in which certain members of the relief committee, accountants, etc., were arrested, the American Ambassador was informed by Mr. Zimmermann of the Imperial Foreign Office at that time that this raid was the joint enterprise of the police and the Marineamt. Unfortunately great trouble has been thereby caused the American Embassy in making up the accounts for the moneys expended by the American Embassy on behalf of the British Government for British relief, and the American Embassy therefore has the honor to request the Imperial Foreign Office to ask both the police and the Marineamt whether any papers bearing on the question of British relief such as accounts, books, letters, vouchers, etc., were taken away at that time, and if perfectly proper, to request that such books or papers or copies of the same be returned to the American Embassy in order that the Embassy may complete its accounts for these moneys received from the British Government for the relief of its subjects in Germany.

BERLIN, December 18, 1914.

This *note verbale* was never answered.

GERARD

File No. 701.6211/390

*The German Ambassador (Bernstorff) to the Secretary of State*<sup>1</sup>

J. Nr. A 4385/16

RYE, N. Y., June 30, 1916.

[Received July 1.]

MY DEAR MR. SECRETARY: Referring to my letter of June 19,<sup>2</sup> I have received a communication from my Government that the incident of the invasion on the night of October 7, 1914, of the premises which were formerly the British Consulate in Berlin differs from the Igel incident in the following essential points:

The German Foreign Office recognized that the invading by the police of these premises which had been put at the disposal of the American Embassy was wrong, and an apology therefor was offered to the American Ambassador on October 8, 1914.

The persons arrested were not members of the staff of the American Embassy, but British subjects, therefore alien enemies in belligerent country who by their acts were regarded as under suspicion of espionage.

A part of the papers was returned to the American Embassy by *note verbale* of October 31, 1914, and the documents relating to the British relief fund were returned early in January 1915. The state-

<sup>1</sup>The substance of this note was transmitted to the Ambassador in Germany with instruction to report fully (telegram No. 3157, July 5, 1916).

<sup>2</sup>*Ante*, p. 814.

ment that the papers still remain in the possession of the Imperial Government is therefore erroneous.

I remain [etc.]

J. BERNSTORFF

File No. 701.6211/394

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 11, 1916, 1 p. m.

[Received July 12, 3 p. m.]

4104. Your telegram 3157 of July 5, 11 a. m.<sup>1</sup> *Note verbale* of December 18, 1914, as stated in my 3882 of May 12, 4 p. m., was never answered, but in January 1915, some papers without any covering note or letter were returned. Weston, an Englishman of British relief, claims all papers not returned, but difficult to settle this as he was in solitary confinement for months and now in Ruhleben. There was no written apology, but Zimmermann asked me as a favor to let matter drop.

GERARD

File No. 367.116/511

*The Chargé in Turkey (Philip) to the Secretary of State*

No. 1517

CONSTANTINOPLE, July 8, 1916.

[Received July 31.]

SIR: With reference to my despatches Nos. 1482 of July 1<sup>2</sup> and 1502 of July 4,<sup>3</sup> concerning the reply of the Minister of Foreign Affairs to my two notes relative to the treatment of American interests in the Ottoman Empire, I have the honor to transmit herewith copy and translation of an Ottoman *note verbale* dated July 2, 1916, No. 84252/191, in which the Sublime Porte replies to several communications of this Embassy containing protests against the violation of the consulates which had been placed under the protection of American representatives. A portion of this note is practically identical with a part of Halil Bey's signed note which I transmitted on July 1. The various notes of this Embassy to which reference is made have already been forwarded to the Department.

If the Department approves, this Embassy will reply to the Sublime Porte and will call its attention to the fact that what the American Government complains of most seriously is the violation of the American consular seals which had been placed upon these consulates in conformity with the acceptance by the Sublime Porte of the protection of the various belligerent interests in Turkey by the American representatives.

I have [etc.]

HOFFMAN PHILIP

<sup>1</sup> Not printed. See footnote 1, p. 821.

<sup>2</sup> *Post*, p. 841.

<sup>3</sup> *Post*, p. 844.



[Enclosure—Translation]

*The Turkish Ministry of Foreign Affairs to the American Embassy*

No. G1. 84252/191

CONSTANTINOPLE, July 2, 1916.

## NOTE VERBALE

The Ministry of Foreign Affairs has had the honor of receiving the three notes which the Embassy of the United States of America was pleased to address to it under date of October 15, November 4 and 16, and December 14, 1915, Nos. 836, 892, and 1032, concerning the archives of certain consulates of the states with which the Imperial Government is now at war.

It is true that in time of peace according to the terms of international consular conventions, consulates do not enjoy exterritoriality, but their official archives are inviolate.

In time of war, no engagement exists between the belligerent states and if, in practice, the aforesaid inviolability can continue to be respected as a measure of reciprocity, that is a simple tolerance, an act of pure courtesy with respect to an enemy state which is correct in its actions, and is not an obligation.

As the Imperial Ministry has already had occasion to inform the Embassy of the United States, the Imperial Government had the intention of respecting the said archives.

But in the light of the numerous violations committed by the enemy states with regard to its own consulates, not only in its own territories but also in neutral countries, it considered itself justified, as a measure of reprisal, in departing from the line of conduct which at the beginning it had fixed in this connection.

The Imperial Ministry could conceive how the enemy states should make protests based upon universal international law if they themselves had deserved [observed] the same.

The Imperial Ministry has been obliged on many occasions, as the Embassy of the United States is aware, to protest concerning violations committed against international law by said states.

It therefore considers it unnecessary to enumerate these violations here.

It seems moreover that in the premises the enemy states could not be justified in formulating complaints since they are not unaware that the archives of Ottoman consulates have not been respected in Russia, in Serbia, and even in Persia and at Saloniki. Still more the said states have not even respected personal property of the holders of these posts, which can not be justified from any point of view.

One has therefore to ask how they can now complain against an act the responsibility for which falls upon the states which were the first to attack Ottoman consulates. In addition, the Imperial Government is all the more justified in its behavior in this connection since, although the archives of the Ottoman consulates did not contain any compromising document, it has been demonstrated that in certain regions of the Empire where certain powers had political aims, their consulates observed an attitude which can not be reconciled with the attributions which international law accords to them.

It is for the Embassy of the United States to bring the foregoing to the knowledge of the interested Governments.

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*The Acting Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, October 18, 1916, 6 p. m.

3043. Your mail despatch 1517, July 8. You may reply to Sublime Porte in accordance with your suggestion, calling attention to the seriousness of the violation by the Turkish Government of the American consular seals.

POLK

File No. 701.6271/9

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, October 6, 1916, 1 a. m.

[Received October 10, 9.10 a. m.]

343. On October 4 the Foreign Office demanded permission to [search] garden of German Legation, interest of public safety, alleging presence of explosives. I protested on principle, stating that the necessity for visit must be proved by the Roumanian Government, and sent Andrews to accompany the prefect of police. Fifty one-pound tins of high explosive with fuses were found buried next the street, as well as a strong box containing six large tubes of cultures of the bacilli of the horse disease, glanders, which is communicable also to men. The servants who buried the boxes have testified that they did so under instructions from their superior diplomatic officers. Department will receive despatch with full account. A German left at our Legation in care of German interests privately informs me that other explosives exist buried in cellar of German Legation. I am not notifying Berlin of these events.

MINISTER VOPICKA

File No. 701.6271/10

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, October 8, 1916, 11 a. m.

[Received October 13, 8.10 a. m.]

345. Referring to telegram 343, October 6, 1 a. m., I wish to report that Roumanian authorities ask that Secretary Andrews sign a *procès-verbal* drawn up by them describing the proceedings in the garden of the German Legation that day. Shall he sign or not? Please instruct. They also wish to question Mr. Krueger, former clerk of the German Legation here, whom the servants stated had assisted when the articles mentioned in my above-cited telegram were buried, and who is now working at our Legation on German matters, having been detailed by the late German Minister with [consent] Roumanian Government. Please instruct.

The aeroplane attacks of yesterday only killed 3 and wounded 13. To-day's first attack is now taking place at moment of making [writing?] this telegram, by seven *Tauben*.

MINISTER VOPICKA

*The Secretary of State to the Minister in Roumania (Vopicka)*

[Telegram]

WASHINGTON, October 14, 1916, 4 p. m.

1021. Your 343 and 345. Department desires full information regarding visit of Andrews, and whether the German Legation was sealed with the United States seals.<sup>1</sup> Please explain to the Rou-

<sup>1</sup> Further reports not printed.

manian Government that Department can not authorize Andrews to sign a *procès-verbal* as requested.

LANSING

THE RIGHT OF ASYLUM—CASE OF THE BRITISH VICE CONSUL AT SOFIA

File No. 702.5174

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

[Telegram]

SOFIA, January 1, 1916, 8.08 p. m.

[Received January 2, 3.40 p. m.]

22. Forced to telegraph *en clair*. Owing to arrest of Bulgarian Consul by British and French at Saloniki, French consular official here has been arrested and attempt also made to arrest Hurst, former British Vice Consul, left in charge of British Legation archives. Hurst now in American Legation. I went to Foreign Office and protested against attempt: First, because Hurst was left here with authorization of Bulgarian Government; secondly, no charges whatever made against him; thirdly, Bulgarian official left in London under similar conditions remains unmolested; fourthly, when lately by Department's instruction requested Hurst recognition as attaché to Legation, this was refused because unnecessary and had been personally guaranteed his absolute security and would not be molested. Was informed to-night that guarantee referred to previous conditions and when Bulgarian Consul was released, French and British officials here would likewise be. I answered that no restriction of any kind previously made, and stated that Hurst was under my protection, having taken refuge at American Legation. Reply made expressed doubt if Bulgarian Government would leave him there. I answered that in such case they would have to violate American Legation. Was replied decision would be considered by Government; meanwhile Hurst was my prisoner. Answered he was my guest.

EINSTEIN

File No. 702.4174/2

*The Secretary of State to the Chargé in Bulgaria (Einstein)*

[Telegram]

WASHINGTON, January 3, 1916.

8. Your 22, January 1. You may make strong representations in favor of Hurst, but if Bulgarian Government insists upon arresting him, you will not continue to give him shelter in the American Legation. Keep Department fully informed.

LANSING

File No. 702.4174/12

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

No. 42

SOFIA, January 7, 1916.

[Received February 1.]

SIR: I have the honor to bring to your notice that the day after the receipt of your open telegram directing me to make strong representations in favor of Mr. Hurst but not to continue to give him asylum if the Bulgarian Government should insist on his arrest, I received a note from Doctor Radoslavoff, the copy of which with translation is enclosed,<sup>1</sup> while a letter from the hotel management, undoubtedly prompted by the police, has asked me to leave the quarters occupied by the Legation within three days because of Mr. Hurst's presence here.

I beg to call the Department's attention to the fact that prior to the receipt of this open wire, the Bulgarian Government had called away their secret police agents and were apparently disposed to acquiesce without further ado in Mr. Hurst's asylum at the Legation. Apart from the question of precedent, tradition, and the most ordinary considerations of propriety involved in affording protection to a former official accused of no crime, who was at Sofia by distinct authorization and whose security and freedom from molestation had been personally guaranteed to me several weeks before, I felt that any other action would have been detrimental to the prestige of the American Legation and that on future occasions the Government would be far more careful as to the method of treatment of neutral diplomatists here than they have been of late. My disappointment was therefore acute at the Department's wire No. 8 of the 3d instant, which, to the instant knowledge of the Bulgarian Government deprived me of all support from you at the same time as I was ordered to make "strong representations." Believing that, in accordance with a frequent practice here, essential portions of my telegram to you No. 22 of January 1 may have been omitted, I had taken the precaution to send an additional copy of the correspondence to Vienna, with the suggestion that it be wired from there. I am now awaiting further instructions from the Department before taking any action here: firstly, because I do not yet know if the Department is in possession of the full facts; secondly, because in the light of the "strong representations" I have been directed to make, I do not consider that the insistence of the Bulgarian Government has as yet been sufficient to warrant my surrendering Mr. Hurst in a manner which I regard as a distinct stain on our service; and, thirdly, as it has been announced here from Paris that in a few days' time the Bulgarian Consul will be freed on Swiss soil, the alleged reason of the reprisal for Mr. Hurst's arrest will have ceased to exist.

In the light of my telegram No. 23,<sup>1</sup> I need hardly inform the Department that, in the event of my being compelled to surrender Mr. Hurst, I should ask for my immediate recall, as my utility here would be at an end.

I have [etc.]

LEWIS EINSTEIN

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<sup>1</sup> Not printed.

File No. 702.4174/14

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

No. 50

SOFIA, January 18, 1916.

[Received February 18.]

SIR: I have the honor to bring to your notice certain aspects of the Hurst incident which to the best of my knowledge are novel in international law.

The peculiar feature of the existing case lies in the fact that Mr. Hurst is a belligerent subject of a country at war with Bulgaria. At first glance this would seem to weaken his right to protection. In reality I believe it strengthens it. It has been fully admitted that he remained here with the authorization of the Bulgarian Government to look after the archives of the British Legation at Sofia. While strictly speaking he was deprived by the state of war of the diplomatic character he had previously enjoyed as attaché to the Legation, as well as vice consul, yet without such diplomatic character and immunity he would not have stayed behind after the rupture of relations, and the understanding in this respect was, to begin with, at least implied. That it later became in his case explicit as well, can be shown. The Bulgarian Government had in my opinion the right to expel him at any time with or without reason. But the fact of its allowing him, a former British official, to remain behind was a tacit recognition that he still preserved a quasi-diplomatic character and as such, was immune from arrest. That such view was held at the Bulgarian Foreign Office is apparent from the conversation related in my despatch No. 21 of December 7.<sup>1</sup> When by the Department's telegraphic instruction I asked for Mr. Hurst's formal recognition as attached to this Legation and cited the precedent of Constantinople, as already reported, I was answered by the Secretary General who is in charge of diplomatic affairs, that reason existed for this at Constantinople which was here not the case, and that he personally guaranteed to me both Mr. Hurst's absolute security and that he would in no way be molested. In other words, his opinion coincided with my own of Mr. Hurst's diplomatic immunity. My view has been that if any charges had been brought against him, he could have been properly expelled, but not imprisoned (such expulsions took place at Constantinople in the case of officials of belligerent nations left behind and attached to the American Embassy who were charged with transmitting information). But I feel that in the absence of such charges, there was only one case in which Mr. Hurst's arrest and detention here would have been justifiable as a reprisal, namely, if the Bulgarian official who remained behind in London in a similar capacity had been arrested by the British Government.

While modern writers are disinclined to admit the right of asylum, this tendency perhaps emanates from a natural wish to consider international practice and law in its uniform aspects and not to differentiate conditions prevailing in western Europe and the United States, from those existing in the greater part of Latin America and

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<sup>1</sup> Not printed.

the Near and Far East (except for Japan). An illustration for the reason of such distinction is aptly found in the very event which has provided the cause for Mr. Hurst's attempted imprisonment. The consuls of the four Central powers at Saloniki were arrested together. But while Bulgaria sought immediate reprisal, while Turkey threatened such reprisal and executed it only when it was found that the Turkish Consul would not at once be liberated, Germany and Austria have as yet taken no such steps. Moreover, that the course adopted here was illegal has been admitted by this Government privately to me when it was justified as a reply to the Saloniki illegality, and by implication in the fact that no note on the subject was addressed to the Legation until after the open telegram from the Department had been read here, directing me to make "strong representations" but not to continue to give shelter in case the Bulgarian Government insist on the arrest. Even then the note I received from the Foreign Office only asked me not to oppose the action of the police, and declined responsibility if the arrest be effected in the hotel corridor.

A further point of analogous nature in its different applications between East and West, arises over the question of protection of the interests of one nation by the representative of another. American diplomatists have been properly reminded that such duty on their part is in the nature of good offices, and that they are in no case officials of the country for whom they act. But while the extension of good offices in the stricter sense of the word is adequate in countries like England and France or Germany and Austria, the line can hardly be drawn so fine as one approaches the East where more vigorous action may become necessary. That such protection is admitted can be judged from the telegram addressed by the Prime Minister here to the American Minister at Bucharest when the consent for our assumption of British interests was first solicited. Doctor Radoslavoff in his reply to the inquiry stated that "the communication that your excellency is directed to assume the *protection* of British interests in Bulgaria receives the full consent of the Royal Government."

The further novel points in this case appear to be of minor importance. The actual presence of a Legation in the hotel is a considerable disadvantage from many points of view. But as the fiction of diplomatic extraterritoriality is accepted its existence can not be limited by actual physical surroundings. A legation is as much a legation, and as such entitled to its privileges in a hotel, as in any other residence. Lastly comes the point of the hotel corridor. The arrest was first attempted by the police in the hallway on the ground that this being a common passage it could not be construed as a diplomatic violation. I have taken the view, pending instructions from the Department, that the corridor necessarily connecting the different rooms occupied by the Legation was while used for Legation purposes a part of it though at the same time possessing a dual nature, for guests of the hotel might freely employ it.

I trust that these views may meet with your approval. While appreciating the Department's general reluctance to sanction asylum in spite of the frequent exceptions made, I have felt that a surrender on my part in the present instance would have worked to our serious detriment.

I have [etc.]

LEWIS EINSTEIN

File No. 702.4174/14

*The Secretary of State to the Chargé in Bulgaria (Einstein)*

WASHINGTON, February 25, 1916.

SIR: The Department has received your despatches, Nos. 38, 41, 42, 47, and 50, of January 2, January 5, January 7, January 14, and January 18, 1916, respectively,<sup>1</sup> in which you report regarding the protection of Mr. Hurst, the former British Vice Consul at Sofia, and in reply informs you that the action taken by you in this matter is approved by the Department.

I am [etc.]

For the Secretary of State:  
FRANK L. POLK

File No. 702.4174/18

*The Chargé in Bulgaria (Einstein) to the Secretary of State*

No. 61

SOFIA, February 3, 1916.  
[Received March 6.]

SIR: With further reference to my telegraphic despatch No. 39 of February 2,<sup>2</sup> I have the honor to transmit the copy of the last notes exchanged between the Netherlands Minister and Doctor Radoslavoff regarding the liberation of the late French Vice Consul, Mr. Baruch, and the freedom from molestation of Mr. Hurst in return for the setting free at the Swiss frontier of the Bulgarian officials arrested at Saloniki.

As the guarantees for Mr. Hurst appeared sufficient, I authorized him to leave this Legation yesterday, February 2, after a confinement lasting 33 days. I accompanied him personally on foot and without incident of any kind to his former quarters at the British Legation. I am, therefore, pleased to be able to confirm to the Department the fortunate conclusion of this incident.

I have [etc.]

LEWIS EINSTEIN

**PROTECTION OF AMERICAN INSTITUTIONS AND CITIZENS IN  
TURKEY—EFFORTS IN BEHALF OF OTHER FOREIGNERS**

File No. 763.72115/1585

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

No. 724

CONSTANTINOPLE, December 15, 1915.  
[Received February 1, 1916.]

SIR: With reference to my despatch No. 578 of November 1, 1915,<sup>2</sup> reporting that the U. S. S. *Des Moines* had taken 102 passengers from Mersina to Rhodes, etc., I have the honor to report as follows in regard to the further movements of the American naval vessels in the eastern Mediterranean.

In my telegram No. 1184 of October 23,<sup>2</sup> I informed the Department of the presence of a large number of belligerent subjects at

<sup>1</sup> Nos. 38, 41, and 47 not printed.<sup>2</sup> Not printed.

Jaffa and Beirut, whose departure was permitted, and requested the Department to communicate with the governments concerned, so that a place or places to disembark these people could be decided upon. In the meantime the Embassy was informed by telegram both through the Department and the Legation at Athens, that the British subjects concerned would be received in Egypt (this decision was later changed to Cyprus for the British subjects). Permission was also secured for some 250 Russian Christian women pilgrims from Palestine to disembark in Egypt.

The *Des Moines* was therefore requested early in November to proceed from Piraeus to Jaffa, with a sum of \$40,000 in gold which I had arranged to obtain in Greece, and to transport these Russian pilgrim women and expelled British subjects of Jewish race to Alexandria. Captain Blakely was also requested to ascertain the decision of the various governments as to where their nationals could be landed.

When the *Des Moines* arrived at Jaffa, with permission from the blockading French fleet to remain there 3 days (later extended to 11 days), it was met by Consul Glazebrook, who had gone there from Jerusalem. After some difficulties raised by the local military commander, it was allowed to land the \$40,000 from Greece, and also \$50,000 formerly intended for Jewish charities that had originally been taken from Alexandria on the *Chester* and afterwards transferred to the *Des Moines*.

The Commander of the Fourth Army in Syria, Djemal Pasha, laid down the essential condition that no refugees could be taken away until all the expelled belligerent Jews had first been embarked, and as the efforts of the Embassy to change this decision did not prove successful, the *Des Moines* proceeded to Alexandria for supplies and coal on November 19 without taking any passengers. Captain Blakely did, however, learn that the British Jews were to be taken to Cyprus, and the Russian and French to Crete, and he informed the Embassy by telegram that he would return to Jaffa on November 25 to take expelled Jews of these three nationalities, and then proceed to Beirut.

The Embassy addressed a *note verbale* to the Sublime Porte on November 19, copy of which is enclosed,<sup>1</sup> in order to arrange for the further movements of these vessels along the blockaded Syrian coast. On November 24 it again wrote to the Porte to communicate further information in this connection.

The *Des Moines* was delayed by bad weather and did not call at Jaffa until the end of November, when it took on board a considerable number of British, French, and Russian Jews, and a few Greeks, afterwards calling at Beirut. The total numbers of each nationality from Jaffa and Beirut were as follows: British 83, French 272, Russian 70, Greek 7; total 432. The Embassy has received a telegram from Captain Blakely stating that all these people were landed in Cyprus and Crete.

The collier *Caesar* transported the following passengers from Jaffa to Alexandria on December 3: 15 Americans, 86 Russian women pilgrims, 4 British, and 6 Spanish. Consul Glazebrook was able to arrange locally for the departure of Americans and other neutrals

<sup>1</sup> Not printed.



from Jaffa, while such permission has not yet been granted for the Americans and other neutrals at Beirut, whose departure is still blocked by the standing orders of the Ottoman authorities not to allow neutrals to leave Turkey by sea (except via Vurla).

The foregoing information was communicated to the Department by my telegrams Nos. 1366 of December 5 and 1376 of December 10<sup>1</sup>. Mr. Glazebrook has informed the Embassy in a despatch that a majority of the Russian Christian pilgrims decided that they preferred to remain in Jerusalem, as he had been able to arrange for them to return to their convent on the Mount of Olives, where they were quite comfortable. It will be noted that only 86 of them actually left on the *Caesar*.

The Embassy has been informed by the Consul General at Beirut that the Algerians and Tunisians held there would be allowed to depart, and that Captain Blakely had arranged for the collier *Caesar* to take them to Tunis at the end of December. If this considerable number of French subjects can thus be sent away from Beirut, the work of the Consulate General at that place will be greatly lessened. It is possible, however, that the recent move of the Government to force all foreign Moslems to join the Ottoman Army may prevent their departure.

Another complication arose at Beirut in connection with the departure of expelled belligerent Jews, as many of them were claimed, at the last moment, to have adopted Ottoman nationality. Such people were not allowed to embark on the *Des Moines*, and their situation with respect to financial relief was submitted to the Department, for communication to the interested governments, in my telegram No. 1371 of December 8, 1915.<sup>1</sup>

The Consul General at Beirut has informed the Embassy that there are about 150 naturalized American citizens at Beirut, of whom nearly half are of Ottoman origin. Those not of Ottoman origin can probably secure permission to leave in the near future, but I have very little hope of obtaining authorization for former Ottomans to depart at this time.

In conclusion, I desire to state that Captain Blakely of the *Des Moines* has shown every disposition to assist and facilitate the departure and transportation of these refugees, and has of his own initiative arranged for the successful cooperation of his own vessel and of the *Caesar*, which, in view of the present difficulties in telegraphic communications, would have proved almost impossible for the Embassy to arrange with sufficient promptness.

I have [etc.]

H. MORGENTHAU

File No. 763.72115/1637

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

No. 874

CONSTANTINOPLE, January 21, 1916.

[Received February 16.]

SIR: With reference to my despatch No. 724 of December 15, 1915, concerning the transportation of Americans and refugees from Beirut and Jaffa, I have the honor to report that since the visits of the

<sup>1</sup> Not printed.

U. S. S. *Des Moines* and *Caesar* therein mentioned, no American naval vessel has since been able to call at these ports.

Following up its *note verbale* to the Sublime Porte dated November 24, on December 18 the Embassy again requested the Porte to have instructions sent to Beirut to permit the departure of American citizens.

On December 20 the reply of the Porte to the Embassy's early communications on this subject was received, stating that no further visits of American naval vessels to Syrian ports could be authorized. The Consul General at Beirut also reported that the local authorities there had instructions to permit no communications between the shore and any American cruiser which might call at that port.

It has so far been impossible to induce the Ottoman Government to alter its attitude on this question. A fresh effort in this direction is being made in compliance with the Department's telegraphic instruction No. 1710 of January 14,<sup>1</sup> in regard to the transportation on the *Des Moines* of an American Red Cross party from the Piraeus to Beirut, about February 6. As soon as a reply is received from the Porte it will be telegraphed to Captain Blakely of the *Des Moines*, which is now probably at Naples.

The various belligerent subjects of Jewish race mentioned in my despatch No. 724 of December 5<sup>2</sup> are still at Beirut, with the exception of a number of Italians, who were sent back to Aleppo (see also my despatch No. 821 of January 6, 1916<sup>2</sup>). The Algerians and Tunisians whom the *Caesar* was to have taken to Algiers about the end of December could not leave, and most of them have doubtless been enrolled as soldiers.

It has also proved impossible to arrange for the journey to Beirut of the Reverend William Greenslade, connected with the American missions in the Lebanon, concerning whom instructions were sent by the Department to Cairo.

Copies of the correspondence exchanged in this connection with the Sublime Porte are herewith enclosed.<sup>2</sup>

I have [etc.]

H. MORGENTHAU

File No. 367.116/482

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, May 12, 1916, 9 p. m.

[Received May 17, 8 a. m.]

1800. Minister for Foreign Affairs sent the Assistant Undersecretary of State to the Embassy to inform me that the military authorities have decided to take buildings American college Sivas for temporary use of wounded, as that place is now within the sphere of military operations. Assistant Undersecretary stated that in order to prevent all possible friction, Minister for Foreign Affairs requested me to inform the American missionaries of this decision so that they should not oppose its execution. After consulting Peet<sup>3</sup>

<sup>1</sup> *Post*, p. 924.

<sup>2</sup> Not printed.

<sup>3</sup> Treasurer of the American Board for Foreign Missions.

who considered himself obliged to submit to this decision, I telegraphed his consent to Sivas mission. To-day Peet telegraphed mission to take from military authorities duly signed inventories covering buildings and contents delivered. I have later been informed that military authorities contemplated taking over other mission buildings within the sphere of military operations. I have cautioned the Sublime Porte to take all proper measures to provide Americans and their dependents with comfortable residences in case any of their buildings are taken, and should any of them desire to come away, to extend all necessary assistance. I shall see the Minister for Foreign Affairs Monday, May 15, and insist upon this again. Please inform Barton.<sup>1</sup>

PHILIP

File No. 367.116/486

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, May 17, 1916, 9 p. m.

[Received May 22, 2.50 p. m.]

1814. My 1800, May 11 [12], 9 p. m. Telegram from Sivas states:

College buildings occupied by military; school, hospital taken over. Clark, Eva K. Belmanasian [?]<sup>2</sup> and two children born America left Saturday Constantinople. Orphanage temporarily in girls' school.

GRAFFAM FOWLE

Telegram dated Caesarea states:

Schools and hospital taken without warning for hospital purposes, pupils, lady teachers, widows, and children taken from compound to Caesarea pending further disposition.

WINGATE

Minister for Foreign Affairs told me to-day that whenever and wherever there was military exigency, military authorities would take over and use temporarily buildings belonging to American missionaries. He repeated that this was only temporary measure and assured me of his sympathy for American institutions. I told him Americans were ever ready to help sick and wounded and had already been of great service to the Turks, but protested against this manner of dealing with our institutions, more especially the use of Sivas College as a military school by the Government. I again cautioned him to take all necessary measures for the protection and comfort missionaries and their charges. He replied he had already requested Talaat Bey to send the necessary instructions, but that he would cause any further instructions I wish to be forwarded. I shall carefully avoid acquiescing in steps taken by Turkish authorities in order to be in a position to protest formally in case the Department instructs in this sense. Besides the above buildings, American mis-

<sup>1</sup> Foreign Secretary of the American Board of Commissioners for Foreign Missions.

<sup>2</sup> Referred to in later reports simply as "a young Armenian woman."

sion at Urfa now occupied by Turkish authorities and hospitals at Harput, Mardin, Adana and Mersina have had only Turkish soldier patients for many months.

PHILIP

File No. 367.116/483

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, May 17, 1916, 4 p. m.

[Received May 22, 2.30 p. m.]

1815. My 1814, 17th. Am informed by delayed telegram from Samsun that authorities of Marsivan took possession without warning on the 10th instant of American college and hospital buildings there, and are proposing that the missionaries leave for Constantinople, in which case their dwelling houses will probably be occupied also. Am taking all possible steps here to insure proper protection of all Americans and their dependents, both for those who elect to remain at their respective posts and those who will leave for Constantinople.

I respectfully inform Department, however, that although I apprehend no danger at present for the lives of Americans, yet I believe that the time is now propitious for the sending by it of a grave warning to the Turkish Government that such wholesale appropriation, even though temporary, of valuable educational properties can not be sanctioned.

PHILIP

File No. 367.116/488

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, May 22, 1916, 3 p. m.

[Received May 26, 8.15 a. m.]

1825. My 1815, May 17, 4 p. m. On the 9th instant I received a telegram from Doctor White and from consular agent at Samsun to the effect that all the Americans had left Marsivan on the 15th instant for Constantinople via Angora. I saw Minister for Foreign Affairs by appointment 20th instant and informed him that I believed our people had been obliged to quit the place by the authorities and to leave their Armenian charges and certain Russian students of the college without protection. I further stated that this news together with that of departure Sivas missionaries might be construed as a desire on the part of the Government to expel Americans from the interior, as well as to annex their properties, and if true, this could not fail to cause a strong feeling of resentment in the United States. I had previously sent the Minister a memorandum of instructions for governors in the interior, drawn up in conjunction with Peet, which made plain that it did not prejudice any action which might be taken by the Government of the United States in the protection of American interests, yet provided for the extension to all American missionaries whose institutions may be temporarily

taken over of facilities to find other quarters, etc., or to travel to Constantinople or elsewhere as they should—and which I requested should be sent immediately. I also requested that special instructions be sent to the Governor of Angora permitting the return to Marsivan of Doctor White or another of his party from there, if he desired, as well as permission to bring their Armenian and other charges to Constantinople.

Minister for Foreign Affairs promised to see Minister of the Interior at once and to arrange for the sending of the desired instructions with the possible exception of the permission to bring to Constantinople the Armenians and others at Marsivan who number over 100 and which he thought would hardly be allowed at present. He regretted that if the authorities at Sivas and Marsivan have obliged Americans to leave those places, such a step can only have been taken before the receipt of Talaat Bey's instructions mentioned in my 1814, and said that in the name of the Government he gave me absolute assurance that no intention existed either to oblige Americans to leave the interior and abandon their charges or to take over American institutions which are not judged by the military to be absolutely essential for the carrying out of active operations. Minister for Foreign Affairs called attention to the massing of troops behind the extensive front of the campaign against the Russians, which extends in an easterly semicircle from Samsun via Sivas and Diarbekr to Aleppo, and the consequent importance of all large buildings near this front, of which the American colleges and hospitals are the principal ones. He also stated that the military authorities had taken over German institutions within the same zone of operations.

I am inclined to believe that considerable value may be attached to assurances of Minister for Foreign Affairs and that no determined anti-American policy need be apprehended at present. Foreign Office stated on the 21st instant that the instructions desired by me had been sent by the Minister of the Interior.

PHILIP

File No. 387.116/486

*The Acting Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, May 27, 1916, 4 p. m.

2628. Your 1814 and 1815, May 17.<sup>1</sup> Inform Turkish Government that United States has received with great surprise and regret the information of the seizure by the Turkish authorities of buildings belonging to the American missionaries in Turkey. A series of acts on the part of the Turkish authorities against American officers and interests have already occasioned grave concern, namely: The breaking of American seals on foreign consular offices which had been placed in the care of the Government of the United States, notwithstanding the formal protest of the American Embassy against such a violation of consular privileges; the treatment of American consular mail in a manner contrary to all international usage and

<sup>1</sup> *Ante*, pp. 833, 834.

the practice of every other government at the present time, resulting in great inconvenience and in interference with the legitimate work of American consular officers; the deportation, notwithstanding consular protest and long-standing custom, of an Armenian employee of the consular agency at Alexandretta; the bringing of a civil suit against the American consular agent at Alexandretta and the reopening of an old criminal suit against the consular agent, notwithstanding the plaintiff in the action had waived all claims and the case had long been regarded as closed.

The seizure of American mission buildings, considered in relation to the acts enumerated, makes it necessary that there should be requested without delay a statement of the attitude of the Turkish Government toward the United States. For many years the United States has entertained for the Turkish Government and people high esteem and the most cordial friendly sentiments, and it is reluctant to believe that the present Government of Turkey deliberately intends to sacrifice the friendship of the American people at the present time by a continuance of acts such as those enumerated and by a failure to modify the measures already taken against American interests and property. If the Turkish Government has no unfriendly purpose in view and earnestly desires only the strengthening of the bonds of friendship which have so long existed between the two countries, the United States assumes that the Turkish Government will at once make suitable investigation with a view to ascertaining all the facts and will then take appropriate steps toward the early return of the seized property to the American missionaries, the immediate abandonment of the suits against the American consular agent at Alexandretta, and the discontinuance of all other violations of American rights in Turkey.

In conveying the foregoing to the Turkish Government you will not fail to emphasize the grave concern of the United States and the earnestness with which it hopes for a prompt and favorable reply.

POLK

File No. 367.116/491

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *May 31, 1916, 1 a. m.*

[*Received June 4, 9.15 a. m.*]

1844. My 1825, May 22, 3 p. m.<sup>1</sup> All American missionaries at Marsivan arrived safely 24th instant. They informed me that suddenly on the 10th instant local civil and military authorities, stating that they were acting under orders Commander Third Army and of Governor General of Sivas, surrounded mission premises and told Doctor White that they were to requisition all mission buildings and send missionaries at once to Constantinople, and that this was done owing to the strained relations between the United States and Germany. Authorities sealed mission safe, which later they consented to reopen for the removal of cash only, and took immediate

<sup>1</sup> *Ante*, p. 834.

and full possession of grounds, preventing missionaries from communicating with Embassy, stating they learned from unofficial sources that the Embassy was closed and intimating that declaration of war was imminent. After taking over possession of all buildings and contents, including all personal property of missionaries, authorities assumed management and control of the existing American schools, apparently treating them as belligerent institutions. After that Americans were allowed to remain for a few days, but were kept under guard. In the meantime authorities stated that although danger of war was averted, yet under orders of higher military and civil authorities the region was declared to be within military zone and that no foreigners would be allowed to remain therein. The major in command of military privately informed Americans that he believed that the only orders received were military and to the effect that requisition should take place with every courtesy. On May 16 Americans were expelled and a Swiss lady connected with the mission left with them, though authorities said that she might remain if she so desired. Incomplete inventory of contents of institutions was made, but no inventory whatever of the contents of the residences of the missionaries. On the whole, Marsivan Americans were submitted to unjustifiably harsh and discourteous treatment. Some of the Marsivan missionaries wish to return. (Will authorize?) this if possible.

Wingate informs me buildings at Talas were surrounded by guards without previous warning and hospital and school buildings taken over at once. Americans permitted to remain in their private houses, but pupils, lady teachers, widows, and children taken from institutions to Caesarea where strongest pressure has been brought to bear on women and girls to become Moslem and accept Moslem husbands. Telegrams and letters from Talas missionaries to Embassy have been intercepted. Wingate telegraphs May 28 that mission ladies' residence also has just been taken over, but missionaries appear to desire to remain at Talas unless otherwise instructed.

Doctor Clark informs me that on the 8th instant Sivas mission was notified that American missionaries would have to leave and turn over buildings to authorities. College was taken over same day, hospital two days later, inventories of contents of both having been made but no receipt given to Doctor Clark. Personal property of missionaries left in charge of Misses Graffam and Fowle. Houses searched by police obnoxiously; letters but nothing compromising found. Authorities not discourteous towards missionaries. Orphans and other dependents taken from college building to mission girls' school. Intention of authorities regarding them not yet known. Americans left May 13, authorities furnishing conveyances as far as railway. They arrived here on May 25.

Yesterday I handed Minister for Foreign Affairs note which reserved all American rights pending your instructions, and which embodied emphatic protest against treatment of Americans, especially at Marsivan. In this note I also inferred that stringent action will be taken by Department in the matter of the unwarrantable conduct of the Sub-Governor of Marsivan and other officials concerned. The Minister reiterated that whatever prejudicial action had been taken locally in connection with the requisitions must have

been before the receipt of Minister of Interior's instructions mentioned in my 1814, May 17, 9 p. m.<sup>1</sup> I am inclined to believe that this is so and that the discourteous treatment of Americans was chiefly due to irresponsible and uncontrolled local insurrectionists taking advantage of the original military order.

PHILIP

File No. 367.116/498

*The Chargé in Turkey (Philip) to the Secretary of State*

No. 1355

CONSTANTINOPLE, May 31, 1916.

[Received June 19.]

SIR: With reference to my telegrams No. 1800 of May 12, Nos. 1814 and 1815 of May 17, No. 1825 of May 22 and No. 1844 of May 31,<sup>2</sup> all in regard to the occupation of the American institutions at Sivas, Marsivan and Talas, I have the honor to transmit herewith a copy of a memorandum dated May 17 which I handed to the Minister for Foreign Affairs, and also a copy of my note of May 29 setting forth in detail the actions of the local authorities at Marsivan and elsewhere.

A copy of the report presented to the Embassy by Doctor White, president of Anatolia College at Marsivan, is also herewith enclosed, as well as a report from Doctor Clark of Sivas, and a letter dated May 17 from the Reverend Henry K. Wingate of the American mission at Salas.<sup>3</sup>

These enclosures are submitted to the Department to supplement my various telegraphic reports in this connection. The Department's instruction No. 2628 of May 27 has been received and will be communicated to the Sublime Porte.

I have [etc.]

HOFFMAN PHILIP

[Enclosure 1]

*The American Chargé (Philip) to the Turkish Minister of Foreign Affairs (Hall)*

MEMORANDUM

His excellency the Minister for Foreign Affairs has informed the American Chargé d'Affaires that the Imperial Ottoman military authorities have decided to occupy temporarily for the use of wounded and sick soldiers American colleges and hospitals in Asia Minor which are situated within the zone of actual military operations. On the 15th instant his excellency the Minister for Foreign Affairs promised the Chargé d'Affaires to cause to be sent to the local authorities in the interior such instructions as the Chargé d'Affaires desired regarding the welfare and possible movements of the American missionaries concerned and their dependents. Without prejudice to any action the American Government may decide to take in the protection of American interests, the Chargé d'Affaires requests that instructions in the following sense be now urgently forwarded to all provincial authorities:

<sup>1</sup> Ante, p. 833.

<sup>2</sup> Ante, pp. 832 et seq.

<sup>3</sup> Not printed.



When American buildings and other properties are temporarily taken over for the above-mentioned purposes owing to the lack of any other suitable premises, this shall only be done in consultation with the American owners or their representatives, and only after due notice has been given them in order that they may properly prepare the buildings for occupation by the military and remove such of the furnishings as they may wish, after which detailed inventories shall be signed. Churches and residences of the Americans shall not be occupied by the military authorities. Every provision shall be made for the comfort and safety of those Americans who shall elect to remain in their accustomed places. Every facility for travel, including guards, shall be afforded to those who wish to proceed to Constantinople or to other points in the Empire, and should they wish to take with them their charges and dependents, the same facilities shall be extended to these also.

CONSTANTINOPLE, *May 17, 1916.*

[Enclosure 2]

*The American Chargé (Philip) to the Turkish Minister of Foreign Affairs (Halil)*

CONSTANTINOPLE, *May 29, 1916.*

YOUR EXCELLENCY: Referring to the several conversations I had with your excellency as well as to my memorandum of the 17th instant concerning the temporary use of American hospitals and schools for the treatment of sick and wounded Ottoman soldiers, I have the honor to inform your excellency that the American missionaries at Merzifoun [Marsivan] whose property was taken over by the authorities at that place arrived at Constantinople on the 24th instant.

From a written statement submitted by those American citizens to the Embassy of the United States it would appear that on Wednesday, the 10th of May 1916, the Sub-Governor of Merzifoun [Marsivan], the commandant of the *gendarmes*, the major and the chief of police, called on Doctor White, the president of the American College at that place. The Sub-Governor stated that he had called to requisition all the American buildings whether used for hospital, school, or residential purposes, and to send the Americans to Constantinople; this under order of the general commanding the Third Army and of the Governor General of Sivas and owing to strained relations between Germany and the United States. These officials had brought with them full 20 armed *gendarmes*, and before seeing Doctor White, had posted them at all the gates of the mission premises, at several points outside, and had established patrols in different parts of the premises, with such strict orders that when one of the American missionaries wished to cross from the college to the hospital to call the American physician, he was prevented by a *gendarme* with a threat of using weapons. Before the missionaries could come together to consider the situation, the Sub-Governor had sealed their safe and was proceeding to seize the college buildings.

The armed guards prevented any property whatever being taken from the premises, searching those who left the American enclosure. These citizens requested an opportunity to communicate with this Embassy, but the said official rejected this natural and legitimate request, falsely stating that the American Embassy was closed, that relations were strained to-day, would be broken off to-morrow and the next day there would be war. He admitted that these statements which he had seen fit to make were not based on any official information, but he said that Merzifoun [Marsivan] was now considered to be within the war zone: the American missionaries would therefore be sent for the night to a hotel and dismissed from the region. The American hospital, where over 500 Turkish soldiers have been treated gratis under the auspices of the American Red Cross was, with all its furniture, instruments, drugs, and supplies at once occupied and put in charge of two military physicians. The college students were told by the above-mentioned officials that they would soon be sent to their homes except five Russians and three Hellenic subjects who would remain there for the present. Permission was later given to these American citizens to remain in their own houses temporarily while the properties of the institutions were listed and arrangements made for their departure. Telegrams and letters which these missionaries sent to their Embassy and to their repre-

sentative at Constantinople never reached their destination, nor were telegrams from this Embassy delivered to them. The said Sub-Governor had assumed the authority and the responsibility of treating the citizens of a friendly power as if they were prisoners of war or like ordinary criminals. On the following day early in the morning the *gendarmerie* commandant sent the missionaries word to be ready to leave in half an hour. He also ordered the students to be ready to go in two hours. On that same day, however, the major told the Americans that so far as he knew the orders came through the military channel only, and concerned the hospital and dispensary only, these to be occupied with courtesy and only as a measure of military necessity.

On the following day the said commandant of *gendarmes* stated that relations between Germany and America were understood to have improved; still all foreigners were to be sent out of the war zone. All Americans were required to leave and to abandon their pupils and the orphans in their care, though I desire to call the attention of your excellency to the fact that a Swiss lady connected with the American mission was accorded permission to remain should she wish.\* This lady elected to leave with the Americans, though not subjected to the same treatment. Insufficient and incomplete efforts were made to inventory the property of the American institutions, but the authorities did not see fit to proceed with the registration of the personal property in the houses of these American citizens. That property was never registered at all, but the said Sub-Governor permitted the safe to be reopened in his presence and the money belonging to the missionaries to be removed, after which he resealed the safe, but refused the request of the missionaries to put their own seals conjointly with the Sub-Governor. None of the other contents of the safe were allowed to be removed.

Although the hospital was immediately taken over by the military medical authorities, the schools were not all taken for any hospital or military use, the civil officials of Merzifoun [Marsivan] assuming the conduct and management thereof, treating them as they were institutions belonging to an enemy nation.

It thus appeared that the whole affair was managed in this unwarranted manner, with unnecessary discourtesy and harshness by the said Sub-Governor, with the commandant of the *gendarmerie* as his executive.

Thus the American citizens at Merzifoun [Marsivan], consisting of 14 persons, were discourteously expelled from the center of their activities, leaving behind them their houses and their contents almost exactly as they stood—houses unsealed, goods unregistered. Their missionary and philanthropic plant, containing nearly 37 acres of land, a fine hospital and dispensary with 3 buildings, 6 large college and girls' school buildings and the foundations of 2 more well above the ground, a department for deaf and dumb children and industrial department with wood-working, from working rooms and flour mill, 13 residences and many smaller structures with furniture, appliances and conveniences appertaining to such institutions, a library of 10,000 volumes, a museum with 7,000 objects—the whole valued on the last mission inventory at 50,000 pounds, besides the personal property of 6 American families—all this they were obliged hastily to abandon to the officials above mentioned.

I feel sure that had these officials at Merzifoun [Marsivan] obeyed the original instructions which their excellencies the Ministers of War and of the Interior sent respectively to the military and civil authorities, they would not have acted in this unfriendly, discourteous, and unjustifiable manner towards inoffensive citizens of a neutral and friendly power, citizens who in the most disinterested manner had devoted their lives to the general good of the population in the region where they have resided.

I trust that your excellency will appreciate the necessity of immediate and stringent action in the matter of the behavior of the Sub-Governor of Merzifoun [Marsivan] and other officials concerned, and that you will kindly advise his excellency the Minister of the Interior in this sense. I beg to enter a most formal and emphatic protest against the action of these officials, and believe that such a measure with respect to their behavior is now imperative in order to demonstrate the desire of the Imperial Government to protect American citizens in the interior from further indignities of this character. I hope that the instructions already sent are of a nature to prevent the repetition of similar action on the part of the officials at other places.

I am as yet without complete detailed information regarding the treatment accorded to the Americans at Sivas and at Talas, which will be later communicated to your excellency. All of the Americans, with the exception of two ladies, were expelled from the former place on short notice and have arrived in

Constantinople. The buildings at Talas were surrounded by guards on May 7 without any previous warning, and the hospital and the school buildings taken over at once. The Americans have been permitted to remain in their private houses, but the pupils, lady teachers, inmates of the institution, were taken away to Caesarea where, I am reliably informed, the strongest pressure has been brought to bear on the women and girls to become Moslem and to accept Moslem husbands; and that a number of the older women who refused have been sent away. Important telegrams and letters addressed to this Embassy by the president of the Talas school, concerning American business, have been intercepted and have not reached me. This is also the case with telegrams and letters addressed to the Embassy from the institutions at Sivas.

Pending the receipt of instructions from my Government in regard to the above matters, I take this opportunity of making the necessary reservations respecting the rights of the American citizens and institutions concerned.

I avail myself [etc.]

HOFFMAN PHILIP

File No. 387.116/508

*The Chargé in Turkey (Philip) to the Secretary of State*<sup>1</sup>

No. 1482

CONSTANTINOPLE, July 1, 1916.

[Received July 24.]

SIR: I have the honor to transmit herewith copy and translation of a signed note from the Minister of Foreign Affairs dated June 26, 1916, No. 83943/182, in which he replies to my two notes of May 29 and June 5, concerning American affairs in general and especially the American institutions at Marsivan, which have already been forwarded to the Department. I have the honor to refer the Department in this connection to my telegram No. 1923 of June 30.<sup>2</sup>

I have [etc.]

HOFFMAN PHILIP

[Enclosure—Translation]

*The Turkish Minister of Foreign Affairs (Halil) to the American Chargé (Philip)*

No. G 1. 83943

CONSTANTINOPLE, June 26, 1916.

MR. CHARGÉ D'AFFAIRES: I have received the two notes which you addressed to me on May 29 and June 5<sup>3</sup> relative to the American institutions at Merzifoun [Marsivan] and elsewhere, as well as to certain other matters concerning Americans.

In reply I hasten to inform you that no properties belonging to American missions have been seized in the Empire. If some of them have been temporarily occupied by the Imperial authorities, this occupation took place as a result of the imperative necessities of the state of war for the needs of the Army; but this act is not in the nature of a seizure or confiscation. Although the Imperial Government had the right, as every state at war, to occupy all property for such purpose which may be necessary for the military authorities, it nevertheless avoided as much as possible making use of the properties of American missionaries. It was only when the military authorities pointed out the absolute necessity that they were occupied. Moreover, as soon as I learned of this necessity I did not fail, out of deference to the American Government, to inform you thereof, especially to explain to you what would take place. Well anticipating the desires of the Embassy of the United States of America, the Sublime Porte instructed the military as well as the civil authorities to proceed to this occupation with all necessary courtesy and in a manner to cause the missionaries the least possible disturbance. It recommended, amongst other things, to avoid the taking of houses used as residences, to permit the mis-

<sup>1</sup> Transmitted to the Reverend James L. Barton, Aug. 5, 1916.

<sup>2</sup> Not printed.

<sup>3</sup> Latter not printed.

sionaries to remove their personal effects, to abstain from all acts contrary to courtesy towards them, and to find proper buildings for the orphans entrusted to their care. The Imperial Ministry did not fail to supplement these instructions with a view to the wishes of the Embassy of the United States expressed to it later, as I informed you verbally.

If before the arrival of these instructions some officials were able, in spite of the formal desire of the Sublime Porte, to act contrary to their tenor, this fact—which the Imperial Government is the first to regret—can in no case be attributed to an evil intention; but only to the confusion which may have existed as a result of the abnormal situation which war produces in every country. I had told you, moreover, at one of our interviews, that if there took place at Merzifoun [Marsivan] and elsewhere, before the arrival of the instructions from the Government, events which may not be in conformity with the latter, no importance should be attached to them, and you had promised to take this remark into consideration. Besides, I did not fail to ask for information on the subject from the competent authorities, laying stress upon the necessity of making reparation as far as possible, in the sense of said instructions, for every act in contravention thereto.

Of the missionaries who arrived in Constantinople, the Misses Gage and Sbindon were authorized to return according to the desire expressed by them. As regards the three others, their request forms the object of a correspondence between the competent departments. I shall communicate to you the result thereof as soon as it is known. Moreover, the Governor General of the vilayet of Angora had received telegraphic instructions to invite these missionaries, while on their way, to return to Merzifoun [Marsivan] if they so desired; but as the latter had taken a different route to come to Constantinople, communications in this sense could not be made to them in the course of their journey. The above statement will amply suffice to prove that the Imperial Government not only had no intention of injuring the interests of American missionaries, but that it did everything to safeguard them so far as present circumstances permit it.

As regards the consulates of enemy states, the Imperial Government decided at the beginning of the hostilities that, although consulates do not according to international law enjoy the privileges of extritoriality, they should be respected and, in case the occupation of the buildings where they were should become necessary, the preservation of their archives should be assured by putting them in rooms properly sealed. Unfortunately this was not the attitude of the belligerent states with regard to Ottoman consulates. Thus the consulate at Uskub was violated in Serbia when the incumbent was still there, and when the representative of His Imperial Majesty in Serbia had not yet left his post.

Likewise in Russia, the authorities not only seized everything in the Imperial consulates, including the archives, telegraphic codes, even personal effects, documents and money of the consuls; but they subjected the latter to the worst treatment. Even the Ottoman consulates in neutral countries were not spared, as the Embassy of the United States was informed by the notes of protest which my Department addressed to foreign missions on this subject. The Imperial consulates in Persia and, quite recently, the Consulate General at Saloniki had the same fate.

If therefore the Imperial Government believed itself justified, as a measure of reprisal, in departing from the line of conduct which it had adopted in the beginning, the responsibility rests entirely with the enemy states who first attacked its consulates. We therefore expect of the enlightened appreciation of the Embassy of the United States that it will recognize this point which is indisputable. Moreover, I believe it my duty to point out here that the conduct of the Government in this instance is all the more justified because the archives of the Ottoman consulates did not contain any compromising documents; while on the contrary, those found in the enemy consulates are far from having the same character. It may be useful to add that the measures which have been adopted by way of reprisals against the belligerent states can of course not be considered as unfriendly acts towards the American Government.

The question of the correspondence between consuls with the Embassy of the United States has already been the object of a correspondence between my Department and this mission. As you are aware, the Imperial Government had at the beginning of the hostilities authorized the consuls of friendly powers to correspond under sealed cover with their respective missions, except in cases where the military commanders should deem it necessary to prohibit it in regions where military movements are taking place. This decision was dictated

by the desire of the Imperial Government to hinder as little as possible the sealed correspondence of the consulates. However, as the military operations later extended to nearly all parts of the Empire, the Imperial Government was obliged, in spite of its best intentions, to prohibit entirely correspondence in this form for all consulates in the Empire, and this in the supreme interest of national defense.

I am convinced that you will be good enough to realize in your just and enlightened appreciation the importance of the reasons which have led the military authorities to take this measure, which has a general application, and to recognize the impossibility for the present moment of modifying it, or of making an exception in favor of the American consulates.

The employees of the American consulate at Jerusalem and those of the consular agency at Alexandretta are Ottoman subjects, who do not enjoy any kind of privilege, as is the case in all countries for consular employees of this category. As Ottoman subjects, the above-mentioned employees being subject without any restrictions to the laws and regulations in force in the Empire, the Imperial authorities have in no way exceeded their rights in acting with respect to them according to the provisions of these laws and regulations. This fact can therefore not be interpreted as an act contrary to the rights of American consuls.

The civil action brought against Mr. William Brewster, American consular agent at Alexandretta, has already been the object of a correspondence between the Embassy of the Republic and my Department.

As you are well aware, Mr. Chargé d'Affaires, foreign consuls, in conformity with the principles of the law of nations and confirmed by international conventions and constant practice, may be prosecuted before civil tribunals for all acts not connected with the exercise of their functions.

This was the case of the American consular agent at Alexandretta, as appears very clearly from the ministerial *note verbale* of May 25 last, No. 32642/153.

However, in a spirit of conciliation the Imperial Ministry had requested the Embassy of the United States to kindly invite Mr. Brewster to hand over to the competent authorities certain goods which did not belong to him—he himself did not really pretend the contrary—and this in order to avoid a procedure which might not be in harmony with the good relations so happily existing between the two countries.

This note unfortunately remained without a reply.

As regards the criminal action brought against Mr. Brewster, the Governor General *ad interim* of the vilayet of Aleppo, of whom I had asked information on the subject, states in reply that the above-mentioned agent was condemned by default to six months' imprisonment for assault and battery against a certain Edouard and to have broken his teeth. His excellency adds that the withdrawal of the civil party could not in this case oblige the prosecutor general to also cease judicial prosecution, which is in conformity with the provisions of the Ottoman laws. Nevertheless, considering that in this case it concerns a crime which is not serious, I am disposed to make to the competent judicial authorities—on condition of reciprocity in analogous cases for similar Ottoman agents—the necessary communications with a view to stopping the judicial proceedings against Mr. Brewster, provided however, that it appears that he is an officer *de carrière*.

In case I receive an affirmative reply on the subject, I reserve to myself the right to request the Embassy of the Republic to recall the said agent, who moreover had been only appointed provisionally.

The Ottoman Government has always entertained with regard to the United States and Americans the same sentiments of high esteem and cordial friendship which the Government of the Republic professes with regard to it and the Ottoman people. Its greatest desire is to see the continuation and strengthening of the bonds of good friendship which exist so happily between the two countries. Far from wishing to injure American interests and properties in Turkey, it has always been eager to safeguard them.

Such are the dispositions of the Sublime Porte toward the United States. And it is with great surprise and profound regret that the Imperial Government learns that the Government of the United States could doubt its good intentions and could interpret certain general measures which had been required by the exigencies of present circumstances, as unfriendly acts.

Such a supposition on the part of the Government of the United States would be all the less justified because, as I stated above, the Imperial Government

never adopted a measure aimed especially at American interests. I hope, therefore, that these frank and sincere explanations will suffice to eliminate all misunderstanding in this respect, and that the Government of the United States will, in its just appreciation, declare itself as satisfied.

Accept [etc.]

HALIL

File No. 367.116/509

*The Chargé in Turkey (Philip) to the Secretary of State*

No. 1502

CONSTANTINOPLE, July 4, 1916.

[Received July 25.]

SIR: With reference to my despatch No. 1482 of the first instant, transmitting the reply of the Ottoman Foreign Office to this Embassy's two notes relative to the treatment of American institutions and interests by the Ottoman authorities, I have the honor to submit the following remarks concerning the note of Halil Bey:

(1) I am not convinced that the occupation of the mission buildings was indispensable. At every place where such buildings have been taken over, the Turkish authorities could have found any number of unoccupied houses, belonging to "deported" Armenians.

(2) The Ministry appears to make a concession in allowing Misses Gage and Sbindon to return to Marsivan; but these ladies are not the American missionaries who were expelled. Miss Gage arrived in Constantinople more than seven months ago, having left Marsivan by her own free will; Miss Sbindon, although connected with the American Board, is a Swiss citizen, and she also left Marsivan of her own free will at the time of the expulsion; neither of these ladies having been expelled as were the American missionaries whose return has not yet been authorized. It would, however, be fair here to mention that as the initiative of their expulsion is stated to have come from the military authorities, the Sublime Porte is now corresponding with those authorities, so that they should allow these Americans to return and to remain at Marsivan unmolested.

(3) Concerning the violation of consular buildings and archives, even if it should be true that the Serbians and Russians were guilty of similar violations before the Turks, the fact remains that the Turks did not respect the inviolability of the French and British archives long before the Saloniki incident or the occurrences in Persia. Moreover, in this connection the Ottoman note totally ignores the main complaint of this Embassy, to wit, the violation by the Turkish authorities of the American consular seals.

(4) As regards restrictions concerning consular correspondence, the note states that this is a general measure. The Minister asserted the same thing some time ago, saying that neither the German nor the Austrian consulates were allowed to correspond in sealed envelopes. I have reason to believe, however, that this is not the case, and moreover know that the said consulates do send and receive cipher telegrams to and from their respective Embassies. It may, however, be stated that Austria and Germany are Turkey's allies.

(5) As regards the consular interpreters at Jerusalem and Alexandretta, as the American Government has not acquiesced in the abrogation of the capitulations, these employees, regularly appointed and officially recognized, should, in conformity with the regulation *ad hoc*, be treated as American citizens. But even if for the sake of

argument we should admit the abrogation of the capitulations, we will see that the action of the Sublime Porte has been, to say the least, incompatible with international courtesy. In the case of Ashdjian, the Sublime Porte more than once telegraphed to the provincial authorities to exempt him from deportation. These orders were disobeyed. After his deportation, the Minister of the Interior promised the Ambassador to have him returned on the ground that there were general instructions not to deport Protestants, and Ashdjian is a Protestant. This promise was never carried out. The note says that these two Ottomans are subject to the Ottoman laws and regulations, but it has not the courtesy to state in what they have acted against the laws or regulations, and which Ottoman laws and regulations are applied in such a drastic manner against these two men who have for many years been in the American consular service.

(6) As regards the civil action brought against Mr. Brewster, according to information received by the Embassy the action is brought against him in his official capacity. The complaint is that the consular agent has not given up the keys to the house of the interpreter, keys which the latter at the time of his deportation had confided to the former. Moreover the authorities had forced the store where the goods were and had seized them. These goods, according to said information, belonged neither to Ashdjian nor to any other Armenian. In order to have the matter closed, I had mentioned to the Department the Foreign Minister's suggestion of handing the keys to the Turkish authorities, but evidently this did not meet with the approval of the Department.

(7) Concerning the penal action against Mr. Brewster, the Turkish authorities claim that the offense is not of a nature in which according to Turkish law the action can be set aside upon the withdrawal by the plaintiff of his claim. The information of the Embassy is otherwise; but owing to the restriction upon consular correspondence the Embassy is not in a position to know all the facts of this case which was considered closed two years ago. But putting aside Mr. Brewster's official status, the Embassy cannot, under Article 4 of the treaty of 1830, consent to any trial by the Turkish courts of Mr. Brewster even as a private citizen.

The note of the Sublime Porte, however, seeks to assert the abrogation of the capitulations by asking "reciprocity" of [for] Turkish consuls in America in the matter of misdemeanors, but does not wish to extend such exemption to Mr. Brewster on the ground of his not being in the regular career service of the American Government.

I have [etc.]

HOFFMAN PHILIP

File No. 763.72115/2662

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *December 14, 1916, 10 p. m.*

[*Received December 19, 5 p. m.*]

2333. During the last 3 days over 60 Russian subjects have been arrested by Turkish police here and it is stated will be sent to the interior. Embassy obtained release of 2 men 81 and 78 years old

respectively. On the 12th instant I took up matter with Minister for Foreign Affairs, pointing out the inopportuneness of such a measure at a time when the Sublime Porte is offering peace and conciliation. Minister stated he had not heard of this measure which is probably taken by Minister of Interior as reprisal for what the Russians are doing on the Black Sea. I strongly advised him to have all these men released, and if the Russian authorities have committed any act incompatible with international law, to inform me of it so that I might telegraph you and possibly arrive at a satisfactory arrangement. He promised to talk with Minister of the Interior and inform me of result. Until now have not heard from him and am informed the arrests continue. Police also had stated present arrests were retaliatory measures. It is a well-defined rumor that the Sublime Porte has been greatly provoked at Trepoff's speech and alleged statements concerning Russia's aims in regard to Constantinople and this is the reply.

ELKUS

File No. 763.72115/2679

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, December 21, 1916, 9 a. m.

[Received December 26, 8.30 p. m.]

2349. My 2333, December 14, 10 p. m. The Sublime Porte informs Embassy that the arrests of Russians are due to capture of Moslems at Terma on the Black Sea coast near Samsun by the Russian Fleet. The Sublime Porte further states that it has demanded release of these Moslems within 8 days from December 17 through the Spanish Legation, and that unless they are released the arrested Russians will be exiled to interior. Of those arrested up to 19th, all excepting 22 have been released through my personal efforts.

ELKUS

REPRESENTATIONS IN BEHALF OF ARMENIANS AND SYRIANS

File No. 867.4016/257a

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, February 4, 1916, 4 p. m.

1800. New reports reaching the United States are constantly furnishing additional evidence of the terrible character of the persecution which has been inflicted upon the Armenians in Turkey, and of the suffering which the survivors are still undergoing, and these reports are increasing the horror and indignation which the people of this country feel in regard to this matter. Even the slight concessions contained in the promises from the Ottoman Government that the orders for deportation should not include Catholic and Protestant Armenians, and that Armenians desiring to emigrate to



the United States should be permitted to do so, seem to have been kept imperfectly or not at all. You are instructed to again express to the Turkish Government the feeling of the people of this country upon this matter, in accordance with Department's 1140, October 4.<sup>1</sup>

LANSING

File No. 867.4016/258a

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, February 12, 1916, 2 p. m.

1852. Inform Turkish Government that Department has received and is still receiving, largely from private but reliable sources, information giving detailed accounts of the sufferings which have accompanied and resulted from the systematic expulsion of the Armenians from their homes and other mistreatment which they have undergone. The Government of the United States therefore again earnestly appeals to the sense of humanity and justice of the Turkish Government and urges it to take immediate steps towards the amelioration of the conditions at present existing among the Armenians and towards the redress of the injuries already inflicted upon them. The Department at the present time is considering the question whether or not it is justified in longer withholding from the American people the facts now in its possession. The decision of the Department as to this question will be greatly influenced by the action which the Turkish Government may take upon the appeal on behalf of the Armenians now made to it by the United States.

LANSING

File No. 867.4016/258b

*The Secretary of State to the German Ambassador (Bernstorff)<sup>2</sup>*

No. 1794

WASHINGTON, February 16, 1916.

EXCELLENCY: Referring to your unofficial note of October 8, 1915,<sup>3</sup> enclosing a copy of a memorandum handed to the Imperial Ottoman Government by the acting Imperial Ambassador at Constantinople on August 9, 1915, protesting against the expulsion of the Armenians, I have the honor to inform you that the United States Government has received and is still receiving information giving detailed accounts of the continued sufferings which have accompanied and resulted from the systematic expulsion of the Armenians from their homes and from the other mistreatment which they have suffered. The information has come largely from private but reliable sources and from individuals of many different nationalities, and indicates that the promise, which you state in your note of October 8 the Ottoman Government had made to the acting Imperial German Ambassador at Constantinople, to the effect that it would take the measures necessary to prevent the repetition of excesses against the Ar-

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 988.

<sup>2</sup> Copy transmitted to the Ambassador in Germany with instruction to inform the German Government and "acquaint it with the substance of the note."

<sup>3</sup> *Foreign Relations*, 1915, Supplement, p. 989.

menians, has not been fulfilled. Being greatly in doubt as to whether I am longer justified in keeping from the American people the terrible facts in my possession, I have instructed the American Chargé d'Affaires at Constantinople again earnestly to appeal to the sense of justice and to the humanity of the Ottoman Government, and to urge it to take prompt action to redress the injuries which have been inflicted upon the Armenians and to adopt measures to ameliorate the condition of the surviving Armenians in the future. My decision as to what, if any, statement on the subject of the treatment of the Armenians by the Turks, should be made to the American people, will depend very largely upon the action which the Ottoman Government takes upon the new appeal made in behalf of the Armenians by the American Chargé d'Affaires.

As your note of October 8, 1915, to the Department, and the note of the acting Imperial German Ambassador at Constantinople, both indicate that the German Government shares with the Government of the United States its indignation at the conduct pursued by the Ottoman Government against the Armenians and its desire to secure an amelioration of the existing conditions, I have thought it proper to communicate to you at this time the substance of the instruction which has been cabled to the American Chargé d'Affaires at Constantinople, in the hope that the German Government may see fit to exercise once more its influence with the Ottoman Government in the effort now being made to put an end to the Armenian tragedy.

Accept [etc.]

ROBERT LANSING

File No. 867.4016/266

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *February 15, 1916, 3 p. m.*

[*Received February 29, 11.55 a. m.*]

1576. Your 1800, February 4, 4 p. m. During an interview with Minister for Foreign Affairs on the 12th instant, I stated that the Embassy had learned of the sudden disappearance of Armenian steward of the American college at Marsivan and that strong apprehensions existed in Marsivan that another deportation would take place. I then took up Department's instruction contained in your 1140, October 4, and 1800, February 4, as to the destructive effect the above anti-Armenian measures were having upon the feeling of people of the United States for Turkey and asked that assurance be given at least that these persecutions cease. The Ambassador had already acted in conformity with your 1140. The Minister professed that the Turkish Government desire to have the good will of the United States. He asserted most emphatically that all deportation has ceased and that no more will take place. With reference to the failure of the Government to exempt Catholics and Protestants, he stated that when first the deportations were begun no distinction was made between the different Armenian communities, but that afterwards orders were sent to exempt from deportation Protestants and Catholics. He added that deported Protestants and Catholics would be allowed to return. In this connection I mentioned the case of the

dragoman of the American Consular Agency at Alexandretta, a Protestant Armenian who, notwithstanding the promises of the Porte to the Embassy and the instructions to the provisional authorities to leave unmolested, was deported and whose return the Embassy has been endeavoring to bring about. Minister for Foreign Affairs remarked that the man seemed to have disappeared but that he would again speak to Minister of the Interior who had promised to allow his return.

The Armenian situation which may be eventually greatly influenced by the outcome of the Russian campaign in the northeast is still very unsettled. Some amelioration is noticeable, however, and governmental activity appears to have been largely suspended. American relief which is being quietly and unofficially administered continues to reach many survivors without local official interference.

Later: Your 1852, February 12, 2 p. m., just received and instructions will be carried out at first favorable opportunity.

PHILIP

File No. 867.4016/271

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *March 28, 1916, 4 a. m.*

[*Received March 30, 3 p. m.*]

1672. My 1576, February 15, 3 p. m.; your 1852, February 12, 2 p. m. Recent telegram from Consul at Aleppo conveyed information that 800 Armenians were deported from there on March 15. I interviewed Talaat Bey, Minister of War, who said that while he must decline to take up the Armenian question officially, yet he would be pleased to discuss it with me informally and in a friendly spirit. Calling attention to previous statement of Minister of Foreign Affairs, reported in my 1576, and to the regrettable information which has subsequently reached the Embassy of deportations from Aleppo, Adrianople, [Ada Bazar?], Rodosto, Aintab, [Caesarea?], [Talas?], including Catholics and Protestants, and also of forced conversion to [Islam], horrible mistreatment Armenian women at Harput, Aintab, etc., I communicated to him, as the most powerful member of the Government, informally verbally the Department's above instruction, and earnestly requested that he use his influence to cause the Turkish Government to comply with the suggestions therein expressed. He stated that in his opinion much of the private information received by the Department may have been exaggerated and said that the main effect of foreign missionary work among Armenians had been to stimulate their antigovernmental tendencies. He added that in the carrying out of the Government's original orders many innocent Armenians had suffered; that those orders were intended to apply to members of secret committees and their families only, but that many others had been deported whom it had proved impossible to protect, etc. He admitted also that though orders had been sent by him some time ago to cease all further deportations and persecutions, they seemed to have been imperfectly carried out or perhaps purposely misunderstood by some

officials in the interior, though he implied ignorance of the Aleppo and other late deportations. Talaat promised to send fresh orders to Aleppo to stop all deportations there at once and to have brought back, if possible, those who were reported to have been lately sent away. He also said the Government would do what it could to prevent further molestations elsewhere. Concerning compulsory conversion the Minister said that he had given strict orders not only against this but also that all applications by Armenians to be made Mohammedans, of which there has been a great number, should be refused. He said in conclusion that the main object of the Government, which was to punish revolutionists, had been accomplished, and that it had now no desire to do harm to the survivors, inferring that they would be helped where possible. Finally he promised me that the Armenian population of Constantinople will not be deported.

I gathered from the above that the representations of the Department may have a beneficial influence on the situation which I will continue to watch carefully and report upon.

Some of the recent deportations reported to the Embassy seem to have involved families which police and other local authorities judge not to be native to the towns from which they have been sent. Although such families may have resided many years in the same place, yet it is conceivable that brutal under-officials choose to consider them as transient and so find an excuse for sending them away even though orders might have been issued from the Ministry of the Interior not to interfere with the remaining Armenians in various districts. Leaving aside probable lack of inclination, I believe the Turkish Government is not now in a position financially to accord really adequate assistance to the survivors of its terrible methods, and it appears that owing probably to anemia and political reasons its position in this matter is further weakened by its apparent inability or unwillingness to [investigate] and punish unlawful acts against Christians and others committed by its political adherents who fill the responsible offices. Therefore it is obvious that very extensive outside financial assistance is required immediately to enable survivors to exist.<sup>1</sup>

PHILIP

File No. 867.4016/278

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, May 9, 1916, 4 p. m.

2484. Department transmits for your information following quotation from note [of] French Ambassador:

My Government informs me that reports recently received from reliable and concurrent sources in Syria describe the situation of the inhabitants as being very trying: the people are subjected to exactions of all kinds, brutal treatment, exile and imprisonment, and there would seem to be ground for a fear that the murders which are more and more frequent will in the near future degenerate into a methodical massacre like that which was practised on the Armenians.

<sup>1</sup> Such assistance being sent; correspondence concerning it not printed. See *Foreign Relations, 1916, Supplement, p. 988 n.*

Before taking up this matter with Turkish Government, Department desires any information on subject you can discreetly secure.

LANSING

File No. 867.4016/281

*The Acting Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, May 24, 1916, 6 p. m.

2600. Department's 2484, May 9, 4 p. m. Department has received further information from French Ambassador relative to serious conditions Syria. Investigate this matter promptly, and if information secured by you agrees with that furnished by the French Ambassador, you are instructed, at once, without waiting for further word from the Department, to urge the Ottoman Government to take steps for the protection of Christians in Syria.

POLK

File No. 867.4016/283

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, May 21, 1916, 6 p. m.

[Received May 26, 8.15 a. m.]

1821. Your 2484, May 9. Turkish authorities appear to be pursuing policy of Turkifying Syria and adjacent Arabic-speaking provinces. Many notables both Christian and Moslem are stated to have been arrested, imprisoned, and executed. The Moslem senator, Abdul Hamid Zohration, was suddenly arrested in Constantinople some weeks since and sent to Damascus for trial and condemned to death, and many of the richest families of Damascus and the Lebanon have been deported, their properties being confiscated. I am informed by a reliable person just arrived from Syria that about 5,000 families of that region have been exiled and scattered among Turks in Asia Minor, and that the Turkish plan is evidently to scatter in this way probably 250,000 families whose places would be taken by Turks. I understand that Turks put forward as ostensible reason for this action that Syrians and other Arabs subjected to this treatment were disloyal to the Turkish Government, that they held meetings in Egypt and elsewhere to consider and decide steps to be taken for the separation of Syria from the Ottoman Empire. Incriminating evidence is stated to have been found in French consular archives against persons in Beirut and elsewhere who have been arrested or sentenced. I understand that the treatment of the people deported has been up to the present much more humane than that to which the Armenians have been subjected. Many are known to have been comfortably transported at Government expense as far as Angora, being given to understand that land will be allotted to them equal in extent to that left behind, etc.

PHILIP

File No. 867.4016/286

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *June 3, 1916, 11 p. m.*

[Received June 7, 5 p. m.]

1854. Your 2600, May 24, 6 p. m. To-day I urged Minister of Foreign Affairs to cause immediate steps to be taken for the protection of Christian Syrians. He said that exaggerated reports of situation Syria evidently reached Pope and others, but that in accordance with decision of Government, Djemal Pasha had caused to be deported only the families of persons executed for political reasons, a very small percentage of whom were Christians. He mentioned 20 Moslems and 2 Christians as having been executed and denied that the Government intends to deport or maltreat inhabitants of Syria on a large scale. I am reliably informed that the French protégé, Emir Omar, has been executed. The Minister's statements do not bear out information reported in my 1821, May 21, 6 p. m., which I have been unable to substantiate further owing to lack of communication with Syria.

PHILIP

File No. 867.4016/287a

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, *June 16, 1916, 4 p. m.*

2758. Reports have reached the Department that situation of Armenian exiles in Mesopotamia is daily becoming worse—that great numbers are dying of hunger and sickness, and children are sold openly in markets. If true, again urge Turkish Government in name of humanity to alleviate condition remnants of this race.

LANSING

File No. 867.4016/291

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *July 21, 1916, 5 p. m.*

[Received July 25, 10 p. m.]

1973. Your 2758, June 16, 4 p. m. The situation of the Armenian exiles in Mesopotamia seems quite deplorable from available information. These wretched destitute people apparently are being shifted about from one place to another in the desert by relentless officials, many dying of disease, starvation, and exhaustion. Furthermore, reliable information has been received here that about a month ago orders were sent from the Ministry of the Interior to collect and send away a large number of men, women, and children who had managed to escape or return from exile to the province of Aleppo or Adana where the men had obtained employment under the German directors of the Bagdad Railway.

Minister of Foreign Affairs admitted to me that this had been done to prevent the concentrating of Armenians. He added that these people were hiding and thought that employment with the Germans would save them from further molestation. These people are said to have numbered from nine to eleven thousand and some American and German missionaries report that they believe that the majority were massacred. The present governor of the Adana Province is a brother-in-law of the Minister of War. He was governor of Van at the time of the Armenian massacre and revolution there early in 1915 and is known for his anti-Armenian sentiments.

I have taken up Armenian question with the Minister of Foreign Affairs as instructed by your above telegram without apparently making much impression. I have also discussed the situation with the German Ambassador, who says he is doing what he can. His personal opinion appears to be that this Government could not be influenced by any forceful demand in the matter and that persuasion would be the only means of bringing about an amelioration of its policy. I will continue my efforts here as opportunity offers and am forwarding by telegraph other information and suggestions. Of course, the crux of the difficulty lies in the fact that the strongest elements of the Turkish Government backed by the Committee of Union and Progress are violently opposed to the open administration of relief by foreigners to subjects under their control and to existing conditions becoming apparent to foreigners, it being their evident intention to prevent the rehabilitation of this race.

PHILIP

File No. 867.48/420

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, *September 22, 1916, 4 p. m.*

2978. Your confidential 2073, September 7, 9 a. m.<sup>1</sup> Report further details this matter. What if any action by Department in your opinion would alleviate conditions?

LANSING

File No. 867.4016/296

*The Chargé in Turkey (Philip) to the Secretary of State*

No. 1757

CONSTANTINOPLE, *September 1, 1916.*

[*Received September 25.*]

SIR: I have the honor to report as follows concerning recent additional deportations of certain Armenians in and around Aleppo.

For sometime past the Embassy has been receiving intimations from Consul Jackson that further measures of deportation at Aleppo were imminent and it has been quite evident that he anticipates the evacuation of the entire Armenian population of that city, numbering about 30,000. Having this in mind, I have made several verbal rep-

<sup>1</sup>Not printed.

resentations to the Turkish Government on various occasions and have ever intended to take any step which might seem efficacious to check this should I be warned in time. On the 8th instant an urgent telegram came from Mr. Jackson, stating that the forecast contained in his despatch No. 533 of February 8, 1916 (see my despatch No. 1104 of March 20 last<sup>1</sup>) was on the eve of realization. The next day I accordingly addressed a private and confidential note to Talaat Bey, Minister of the Interior, to remind him of his earlier definite assurances concerning the cessation of the Armenian deportations, and especially concerning those in and around Aleppo. I deemed this manner of bringing the latter to his attention more advisable than an attempt to interview him personally, as of late he has shown an increasing disinclination to discuss Armenian affairs with me.

Mr. Jackson seemed to be of the opinion that the deportation ordered at Aleppo might not have been based upon instructions from Constantinople, as he telegraphed on the 8th instant to ask "if orders were sent to rebegin deportation" from the central Government. It may be stated that at many places local deportations have been recently carried out at the instigation of the local organizations of the Committee of Union and Progress, without apparently having the question referred to Constantinople, and this was evidently the fear of Mr. Jackson with respect of the threatened measure of deportation at Aleppo.

In order to leave no possible assistance untried, on August 11 I requested the German Ambassador to take whatever steps he might deem advisable towards preventing the reported general deportation of the Armenian population of Aleppo. The following day Count Wolff-Metternich replied that he would do his best in the matter.

On August 13 Mr. Jackson telegraphed that the parties mentioned had left on the 12th. Subsequently I learned that this referred to the specific case of the departure from Aleppo of some two hundred persons. In a letter dated August 16 and sent through a private channel, Mr. Jackson stated that "the Embassy ought to know that the A's are being harassed to death. They have all been sent away from Deir-*ez-Zor*—12,000, I am informed—and up to the vicinity of *Jebel Abdul Aziz*, between *Der* and *Ras-el-Ain*. There is no possibility of their living more than a few weeks. This remnant consists of less than 20 per cent of the number originally sent to *Deir-*ez-Zor**. There are about 8,000 in this neighborhood (*Aleppo*) and 200 were sent on the 12th, 150 last night, and the collection goes on daily wherever they can be dragged from their hiding places. It is a complete extermination. Some people living here for 6 to 8 years have been sent, and it looks as tho this is only the beginning on our local people. Everybody is in terror."

In a telegram dated August 18, replying to an inquiry from the Embassy, Mr. Jackson repeated that 200 were sent on the 12th, 150 on the 14th, and about same number on the 16th (about 500 in all), but none since then. However, on the 19th he telegraphed that the same action was being "taken indiscriminately by degrees in *Brewster's district*," i. e., in the region of *Alexandretta*, where Mr. Brewster is consular agent.

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<sup>1</sup> Not printed.



In reply to my note to Talaat Bey, I was orally requested to take up the matter with the Minister of Foreign Affairs. When questioned on this matter, Halil Bey told me that the measures carried out at Aleppo were only a partial deportation of Armenians who had already been deported to the Aleppo district, and that telegraphic instructions had been sent to the authorities at Aleppo to make exceptions in favor of the Protestant and Catholic Armenians. In other words I am given to understand that no general deportation from Aleppo is now contemplated by the Government and that the few hundreds recently sent away are people who have already been deported from elsewhere and who have been allowed to remain temporarily at Aleppo.

In order to reinforce my earlier request for the cooperation of the German Ambassador, on the 24th I again wrote to him to communicate this reply of Halil Bey, adding that I had been informed by our Consul at Aleppo that the transient Armenian population of that place numbered something in excess of 8,000. I also drew the attention of the Ambassador to the situation of the former Armenian Patriarch here, as it was apprehended that this dignitary was to be sent away under harsh and suspicious circumstances, and asked the Ambassador to use his influence with the authorities to prevent indignities and possibly worse being meted out to this man. I have since been assured that the former Patriarch will be allowed to proceed to Bagdad at his convenience.

I have the honor to enclose copies of the above-mentioned correspondence for the information of the Department.<sup>1</sup>

The foregoing will serve to show to the Department that the treatment of the Armenians in many interior places has continued to be as bad as ever. Reports of the situation in Mesopotamia and northern Syria are most discouraging, while from Konia comes word of further ill-treatment, although on a smaller scale than before. The need of funds for relief among the Armenians at Konia during the winter months is especially emphasized in recent letters from our missionaries at that place.

One feature of the situation that would appear somewhat encouraging was the recent visit of the Director of Public Security to various places in the interior. The Embassy is informed that the object of this trip was to impress upon the local organizations of the Committee of Union and Progress that they must restrain their zeal and refrain from carrying out deportations locally without instructions from Constantinople. The difficulties to meet at present consist largely in the activities of the local authorities, who can usually cover up their petty ill-treatment of the Armenians, and even larger transfers, by alleging that they are measures of local necessity, and are not, strictly speaking, deportations.

There is also the ever-existing attitude of opposition on the part of the Turkish Government to the administration of relief to Ottoman subjects by foreigners direct. This question appears to be reaching an acute stage in the extensive southern provinces now under the sway of Djemal Pasha, who evidently has the intention of checking entirely all such relief.

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<sup>1</sup> Not printed.

From information received I can only conclude that the sufferings and the decimation of the unhappy Armenian people continue apace, even though the more active and violent processes of elimination are now in abeyance.

I have [etc.]

HOFFMAN PHILIP

File No. 867.4016/297

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *October 1, 1916, 8 p. m.*

[Received October 5, 8.15 a. m.]

2136. Your 2978, September 22, 4 p. m. My despatch September 15<sup>1</sup> gives further information received from consul at Aleppo.

Apart from the suggestion contained in my 1948, July 15,<sup>2</sup> I have found it most difficult to formulate others as to course of action to be followed by our Government. The Department is in receipt of ample details demonstrating the horrors of the anti-Armenian campaign. For many months past I have felt that the most efficacious method of dealing with the situation from an international standpoint would be to flatly threaten to withdraw our diplomatic representative from a country where such barbarous methods are not only tolerated but actually carried out by order of the existing government. I am inclined to the opinion that such a threat for such a reason would have the effect of bringing the guilty parties to an appreciation of their true position before the world and of ameliorating the situation. Perhaps the opportune moment for this may have passed; the Department must judge as to that. In any event such a step would always involve danger of jeopardizing what American interests there are in Turkey and of depriving us of even the existing means of affording financial relief to the Armenian sufferers, as well as many belligerent nationals under our care here, though it may be that some arrangement might be effected for the continuance of the latter. I am informed that Mr. Morgenthau at one time contemplated such a suggestion, but abandoned it for similar reasons.

I think the two imperative needs as regards the Armenian situation are, first, the absolute cessation of further deportations and, second, the removal of unreasonable restrictions against the administration of relief directly to these people by neutrals. Until these are assured I fear the fate of the majority of those who have survived the initial stages of being "moved on" will be the same as of those who did not. (Equally important, of course, for the eventful [eventual?] welfare of the Armenians are the questions of enforced conversions from Christianity to Islamism and departure from Turkey for such as can procure the means to do so.) Up to the present all my efforts to assure these needs have been fruitless. In official quarters the entire question is relegated to class of "internal measures" with which foreign powers have no right to interfere. This attitude has of course hampered our efforts, rendering our position most delicate and the serious exhortation of our Government of little value. Ger-

<sup>1</sup> Not printed.

<sup>2</sup> *Post*, p. 932.

man Ambassador here has spoken of this attitude as a reason for not having taken drastic measures of expostulation, but the Department will be aware that his predecessor did file an official note of protest enclosed with Embassy's despatch number 447, September 7, 1915.<sup>1</sup> Thus it would appear that as far as official record is concerned the German Government actually asserted its right to formulate a protest in the circumstances even though the action may have been prompted rather by a desire to avoid further responsibility or blame than to promote humanitarian ends.

PHILIP

File No. 867.4016/299

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, October 17, 1916, 9 p. m.

[Received October 20, 4.30 p. m.]

2186. Embassy's 2136, October 1, 8 p. m. From report by eye-witness sent by Consul Jackson and from other reliable sources it appears that deportations accompanied by studied cruelties continue. Families are separated and scattered among Moslems, clergy separated from their people, forced conversions to Islam perseveringly pushed, children and girls from deported families kidnaped. In order to avoid opprobrium of the civilized world, which the continuation of massacres would arouse, Turkish officials have now adopted and are executing the unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history. In spite of official opposition it has been possible to reach thousands and save their lives temporarily; but situation demands not only immediate financial assistance but active steps instead of formal protest. I therefore repeat suggestion in Embassy's 1948,<sup>2</sup> July 15, 10 a. m., that Germany and Austria-Hungary be induced to force their Turkish ally to cease all further deportation and allow free relief work, as well as Mr. Philip's further suggestion in Embassy's telegram 2136, concerning forced conversions and the departure from Turkey of those who are able. Peet requests such part of the above as the Department may see fit be communicated to Barton who may use the information with some discretion.

If such requests to Germany and Austria-Hungary are made through the usual channel and found to be ineffective, which from information received in Berlin and from German sources here it is believed will be the fact, it is suggested if the gravity of the situation calls for such action and it is deemed advisable, that personal letters reciting the facts, written by the President to the Emperors of Germany and Austria may produce the desired result. In that case publicity should be given such letters.

ELKUS

<sup>1</sup> Not printed.

<sup>2</sup> *Post*, p. 932.

File No. 867.4016/299

*The Secretary of State to the Chargé in Germany (Grew)*<sup>1</sup>

[Telegram]

WASHINGTON, November 1, 1916, 5 p. m.

3535. Reports for many months past from official and other reliable sources show that the systematic deportation of the Armenian population in Turkey continues; that their terrible sufferings at the hands of the Turkish authorities are unmitigated; that thousands have died as result of cruelties, massacres, and starvation; and that it would appear that these awful conditions are the result of a studied intention on the part of the Ottoman Government to annihilate a Christian race. The true facts, if publicly known, would shock the whole civilized world.

Inasmuch as the United States Government is aware that the German Government shares its views with regard to relief for the Armenians, as is shown by the fact that the German Ambassador at Washington on October 8, 1915, informed the Department that the German Government had protested to the Turkish Government against the treatment of the Armenians, the United States Government feels that it can confidentially appeal to the German Government for its assistance in securing an amelioration of existing conditions in the country of its ally.

You may communicate the foregoing to the Minister for Foreign Affairs with the expressed hope of this Government that favorable consideration and action will be given it.

LANSING

**REPRESENTATIONS IN BEHALF OF CIVILIANS DEPORTED FROM  
NORTHERN FRENCH CITIES AND FROM BELGIUM**

File No. 763.72115/2061

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 21, 1916, 4 p. m.

3111. Under instructions from his Government the Belgian Minister here has brought to my attention the removal, by order of the German military governor at Lille, of the male and female population of the Department of Nord, France, ranging in age between 14 and 60 years. It is reported that these people are to be transported to Germany and are to be employed in farming and harvesting. The Belgian Government, feeling that a similar measure may be taken with the population of occupied Belgium, has requested this Government to bring to the attention of the German Government that such an act would be in violation of international law as well as the law of humanity.

Please communicate the above without comment to the Imperial Foreign Office and report its reply by cable.

LANSING

<sup>1</sup> Substance communicated to the Ambassador in Turkey by telegram No. 3081, November 3, 1916.

File No. 763.72115/2064

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 23, 1916, 3 p. m.

[Received June 24, 2 p. m.]

4042. Your 3111, June 21. When I was at General Headquarters on submarine question,<sup>1</sup> all Americans working on relief northern France were brought from Brussels on special train to see me. They explained to me what was going on at Lille, Roubaix, Tourcoing, in the matter of sending civil population of those cities to work in the country and the great irritation caused thereby. I spoke to the Chancellor about the matter. When Hoover was here about two weeks ago he told me that the practice had been stopped. I think therefore there is no chance of this practice going into effect in Belgium, but suggest that if there is danger, which Hoover will know, that Hoover communicate matter to me through Embassy, London, and I shall then take up matter informally with Chancellor direct.<sup>2</sup>

GERARD

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, October 5, 1916, 7 p. m.

3899. Department's instruction 3917, July 17.<sup>3</sup> Department would be glad to have a confidential report from Hoover as to the recent deportations of civilians from Lille, Roubaix, and Tourcoing; also as to deportations from Belgium, if any, and the present situation.

POLK

File No. 763.72115/2421

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 10, 1916, 5 p. m.

[Received October 11, 4.15 p. m.]

4452. American Minister, Brussels, transmits copies of two letters from president [of] Comité National de Secours et d'Alimentation of Brussels stating, and transmitting copies of orders in proof thereof, that the German military authorities have demanded from presidents of local committees complete lists of unemployed workmen who received aid from committees in the district (Etappe), and where lists refused, presidents were imprisoned. President states object is to send to Germany as laborers for military purposes such

<sup>1</sup> April 28–May 1, 1916.<sup>2</sup> This suggestion transmitted to the Ambassador in Great Britain in instruction No. 3917, July 17, 1916.<sup>3</sup> Not printed.

unemployed. Letters attached prove men forced to labor. The president states that American Ambassador here obtained assurances from the Imperial Government concerning freedom of laborers, and suggests that this matter should be brought to the attention of Foreign Office, as he fears if British Government learns of order, it will suppress all aid and perhaps food supplies to Flanders.

Copies of letters will follow in the pouch. Please instruct what action, if any, Department considers expedient. I can find no record in the Embassy files of the above-mentioned assurances stated to have been given to Mr. Gerard.

GREW

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*The Acting Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, October 19, 1916, 6 p. m.

3497. Your 4452, 10th. Mr. Gerard states that he received no assurances from the Berlin Foreign Office in regard to the exemption of laborers, other than those made verbally that no more of the civil population of Lille, Roubaix, and Tourcoing would be sent to labor in the fields.

If you deem it advisable, you may informally and orally draw to the attention of the Minister for Foreign Affairs the reported action of the military authorities in Belgium and its alleged object, reminding him of the verbal assurances above mentioned as being to some extent connected with the reported situation in Belgium.

POLK

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File No. 763.72115/2441

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, October 18, 1916, 4 p. m.

[Received October 20, 1.30 p. m.]

9. For the information of the Department of State: German military authorities have impressed over 1,200 Belgian laborers in the territory of the Etappe, Flanders, and taken them to work in Germany. There is an effort to have same thing done in occupation territory, but the Governor General is opposed and Von der Lancken<sup>1</sup> has gone to Berlin to induce Government, if possible, not to apply this measure to the occupation territory.

WHITLOCK

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File No. 763.72115/2498

*The Chairman of the Commission for Relief in Belgium (Hoover) to the Secretary of State*

LONDON, October 10, 1916.

[Received October 24.]

DEAR MR. LANSING: I have a request from the American Embassy in London to furnish you with a short confidential statement with

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<sup>1</sup> Chief of the Political Department of the Government General.

regard to the evacuation of certain persons from Lille during April 1916.

In this matter I send you herewith:<sup>1</sup>

- (1) Memorandum prepared at the time by Mr. Poland who was then our director in Belgium and northern France;
- (2) Memorandum prepared by Mr. Wellington, our staff representative in Lille;
- (3) English translation of the brochure issued by the French Government on the matter.

Our summary of the incident is as follows:

1. The German General Staff determined upon the evacuation of a large number of people from the congested urban sections around Lille into the agricultural sections of northern France. The objective was two-fold—to relieve the congestion and food difficulties in the urban areas, and at the same time to furnish more labor to the agricultural sections in order to increase the productivity of those areas. They initially called for volunteers, but securing none, gave orders that compulsion should be used.

2. These orders were carried out with great brutality. People were seized, regardless of class, sex, and family membership. They were loaded on to railway trains on a few hours' notice and dumped into agricultural districts without any preparation; all sexes were thrown promiscuously in the open, under conditions of the utmost hardship.

3. The immediate protests at the German headquarters by Mr. Poland, backed by Messrs. Wellington and Richardson, all of the relief commission, later on seconded by Mr. Gerard, brought about an investigation as to the methods employed, a suspension of the measures, and ultimately the rescission of the project. Furthermore, as a result of the investigation initiated, some four or five thousand women, children, and infirm have been returned. The balance have now settled amongst the agricultural population and we do not believe they are specially discontented.

4. The relief commission provided foodstuffs for the people *en route*, gave them extra rations upon their arrival, and provided them with blankets, shoes, etc., in the refugee camps, generally protecting them in the best manner we could with the limited resources at our disposal.

5. It is our belief that the brutality of the operation was largely the fault of the local commandants and lack of adequate arrangements for the reception of and distribution of the *évacués*. We do not believe that any such brutalities were committed with intent of the high authorities. We believe they honestly and expeditiously corrected the matter as far as they were able when it came to their attention, and we are informed that disciplinary measures were taken. We do not believe the stories of rape, concubinate, etc., spread in the propagandist press.

The incident is one of sufficiently terrible order, but as things go in this war, it has resulted in less volume of human suffering than many other continuing barbarities in Europe.

Yours faithfully,

HERBERT HOOVER

<sup>1</sup> Enclosures not printed.

File No. 763.72115/2455

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 23, 1916, 10 a. m.

[Received October 25, 3.20 p. m.]

4511. Department's 3497, October 19, 6 p. m. Have informally and orally brought question of Belgian laborers to attention of Undersecretary of State for Foreign Affairs who promised to investigate matter immediately and to inform me of result.

GREW

File No. 763.72115/2496

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 27, 1916, 12 p. m.

[Received October 31, 8.15 a. m.]

4535. Referring to my 4452 and my 4511, October 23. I sought another interview with the Undersecretary of State for Foreign Affairs to-day and told him informally and orally that I understood that the military government in Belgium had definitely determined on the policy of enforcing labor on Belgian civilians, many of whom would be brought to Germany to work in various industries, thus releasing German workmen to go to the front. In reply the Undersecretary of State for Foreign Affairs handed me a memorandum containing the following:

Against the unemployed in Belgium who are a burden to public charity, in order to avoid friction arising therefrom, compulsory measures are to be adopted to make them work so far as they are not voluntarily inclined to work, in accordance with the order issued by the Governor General on May 15, 1916.

I pointed out the fact that this decision would undoubtedly make a very bad impression abroad, as it involved a definite breach of international law, that it would probably adversely affect any peace sentiment in England and might result in England's refusing to let further supplies through to Belgium, and that it would tend toward a prolongation of the war; also that the measure was in principle contrary to the assurances given to the Ambassador by the Chancellor at Headquarters last spring. I said I understood that the measure had been promulgated solely by the military government in Belgium and that I thought it ought at least to be brought to the Chancellor's personal attention in the light of the consequences it would entail.

The Undersecretary of State for Foreign Affairs intimated in reply that he approved of any measure which would help Germany to win the war; that he was not aware of any peace sentiment in England although Germany had repeatedly shown her readiness to consider peace terms; that if any hope of peace were held out, the measures taken in Belgium might be revoked, but that they were military measures, and stated that Foreign Office had very little



influence with the military authorities. He asked me not to state that the decision of the military authorities was irrevocable as "accidents might still happen." I took this as meaning that if peace propositions were forthcoming from the Allies, the measures in Belgium might be revoked. I then asked him if he would approve of my seeing the Chancellor, if so authorized by my Government, to which he replied in the affirmative.

If the Department regards the matter as of sufficient importance and feels that owing to the possible seriousness of the consequences which may result from the new policy in Belgium, further representations could be made with propriety, the only step left would be to consider the advisability of authorizing me to seek such an interview with the Chancellor in order to place the whole matter before him with reference to the principles involved in the assurances given the Ambassador last spring, and in the light of international law, foreign opinion, and humanity. I have, however, no reason to believe that such an interview would have any effect, and am doubtful as to what extent it is desirable to carry our informal representations, but wish the Department to know the circumstances.

GREW

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*The Secretary of State to the Chargé in Germany (Grew)*

[Telegram]

WASHINGTON, November 2, 1916, 6 p. m.

3539. Your 4535, October 27, 12 p. m. In view of seriousness of the consequences which may result from proposed policy in Belgium, aside from humanitarian considerations, you are authorized to request an interview with the Chancellor. Department leaves it to your discretion as to extent your informal representations with Chancellor should go, which must necessarily be guided by circumstances and upon his general attitude in matter. It should be pointed out to him, however, unfortunate impression proposed policy would create in neutral countries, and especially in United States, which has welfare of Belgian civil population very much at heart.

LANSING

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File No. 763.72115/2504

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, November 1, 1916, 6 p. m.

[Received November 3, 5 p. m.]

12. My telegram No. 6 [9], October 18, 4 p. m. In the course of informal conversations with the German authorities by Spanish Minister and myself, following statements were made by the authorities:

Belgians taken to Germany will not be employed on works of military nature; they are taken to furnish a supply of workers in Germany and to prevent pernicious idleness in Belgium. These measures are not in contravention of international law or of the signatory governments [*sic*] as regards work of Commission Relief Belgium or Comité National.

I estimate there are about 350,000 male unemployed and 700,000 female unemployed in Belgium, and that about 10,000 men have so far been sent to Germany.

WHITLOCK

File No. 763.72115/2549

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, November 9, 1916, 5 p. m.

[Received November 15, 8 a. m.]

14. My 13.<sup>1</sup> Impressment of workmen continues in the Government General as well as in the Etappe. Not only unemployed, but also employed are taken. Even very many members of communal and provincial committees of the Comité National, the undisturbed operations of which have been specifically guaranteed by Governor General to the patron ministers of the relief work, have been and are being removed. The harsh measures will doubtless soon become general. Men are torn from their homes and families without warning and apparently without previous selection. Many sad and tragic scenes and instances of military brutality reported. The alarm is general but the population is in general calm. Statements that people go voluntarily or that they refuse to cultivate their soil are incorrect. The number that go voluntarily is exceedingly small, though many have signed contracts in duress.

Am of the opinion that if the measure could be carried out by civilian, and not military authorities, amplification palliative features could be obtained. Venture to suggest that the reports published in German papers be taken with very great reserve.

I have taken no steps with German authorities here other than the informal conversations with Lancken mentioned in my No. 12, November 1, 6 p. m., and shall make no official representations unless so instructed by the Department. The question is in the hands of military authorities who would probably not be influenced by what I might say. Bissing is highly in sympathy with the policy.

I understand that the matter is being taken up by Grew with Chancellor at Berlin and am keeping him informed as to the situation. Have suggested to him that "if the German Government feels that the policy must be continued—and they are, of course, the only judges as to that, and have no doubt taken into consideration the question of the poor impression it will create abroad—the following suggestions might be worthy of consideration as a means of ameliorating the situation. I beg you, however, not to quote them as coming from me:

- (1) [Measures] to be applied to real unemployed only. This can be ascertained without the lists of unemployed, as done in Ghent and Bruges;
- (2) Married men or heads of family not to be taken;

<sup>1</sup> Not printed.

- (3) Concentration camps of the deported persons in Germany to be voluntarily opened by the German Government to inspection by representatives of American Ambassador, Berlin. This act alone would have a most beneficial effect, American representatives suggested, as more confidence would be placed in them abroad than in those of any other nation.

Greater importance is expression of opinion from the Commission Relief Belgium:

The first recruiting of workmen from Belgium and northwest France has created the basis for the most bitter anti-German reactions that we have yet seen, and it must seriously jeopardize the whole relief, as the British Government is only too anxious to find excuses for its suppression. If the recruitment continues, the errors made in selection by seizure of married men, old men, boys, and actually employed workmen, and better class people, without notice, should at once be eliminated by more deliberate and careful selection of appropriate unemployed workmen only, and Mr. Whitlock's suggestion of an independent inspection service, which would certify to the non-military character of [employment], to living conditions appropriate to free workmen, and regular wages, and to arrangements for [correspondence with] their families and regular remittance of wages, would all tend to mitigate the unfavorable impression now being created and would give us more hope of defending the relief.

WHITLOCK

File No. 763.72115/2548

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, November 11, 1916, 5 p. m.

[Received November 15, 7.30 p. m.]

15. My 14. I have just had long and interesting conversation with Lancken just returned from Berlin. The idea of opening camps of Belgian workmen in Germany to visit and inspection of neutral powers impresses him most favorably. He is wiring Berlin to urge consideration and adoption. I suggest, therefore, that the idea be presented to the German Government. The fact that Belgian interests in Germany are represented by Spain might make it indelicate on our part to suggest that the inspection be wholly under American auspices, but it could be under the joint American-Spanish auspices, or possibly be regarded as extension of work of Commission Relief Belgium. Lancken says that he will be glad to do what he can to correct injustices which I might bring to his attention.

WHITLOCK

File No. 763.72115/2552

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, November 15, 1916, 6 p. m.

[Received November 17, 1.45 p. m.]

16. Impressment of workmen continues, but somewhat less rigorously applied. Members of organization of Comité National and Commission Relief Belgium now fully respected.

WHITLOCK

File No. 763.72115/2558

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 20, 1916, 9 p. m.

[Received November 21, 7.30 p. m.]

4625. Department's 3539, November 2, 6 p. m. Belgian workmen. I have been promised an interview with the Chancellor, to take place within a day or two upon his return from General Headquarters. I was obliged to delay asking for the interview until obtaining certain essential information from our legation at Brussels, which has only recently been received. In the meantime it was announced from some source other than the Embassy, and published in the German press, that I had been instructed to seek such an interview. This announcement induced the Spanish Ambassador, who represents Belgian interests in Germany, to ask for a similar interview with the Chancellor although his official representations to the Foreign Office on behalf of the Belgian workmen had been futile. The interview was granted to him immediately although I believe he applied for it at about the same time that I did. Under the circumstances I thought it best to tell the Spanish Ambassador that my representations to the Chancellor were to be purely informal and unofficial, but that if he wished to talk the matter over with me I should be very glad to call on him. This he [agreed] to do, and I had two long and most friendly conferences with him both before and after he saw the Chancellor. He presented the matter in practically the same way and brought out the same points which I expect to emphasize, and he informs me that while no actual revocation of the policy of deportation can be expected, the Chancellor seems favorably disposed to consider certain points of amelioration in the manner of carrying out the measures. I believe that the net result of these developments is fortunate, as the representations of the Spanish Ambassador will have added weight to the representations of our Government.

The Swiss Minister called on me to-day in order to discuss the general subject.

GREW

File No. 763.72115/2573

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 22, 1916, 7 p. m.

[Received November 23, 8 p. m.]

4635. Referring my 4625, November 10 [20], 9 p. m. I had a long interview with the Chancellor this afternoon regarding the enforced employment and deportation of Belgian civilians which I shall report fully in a despatch. While no actual revocation of the policy is to be expected, the Chancellor seemed favorably disposed to consider certain points of amelioration in the carrying out of the measure which I informally suggested as a concession to Belgian national feeling and foreign opinion. He promised me a statement regarding these points within a few days after consulting with the competent

authorities, of which I shall inform Department by cable. Other subjects touched upon in the interview I am reporting in a separate confidential telegram.<sup>1</sup>

GREW

File No. 763.72115/2585

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, November 24, 1916, 4 p. m.

[Received November 25, 6.30 p. m.]

4645. Referring to my 4635, November 22, 7 p. m. In reply to the various points of amelioration in the carrying out of the measures of impressment and deportation of Belgian workmen which I had informally suggested to the Chancellor as a concession to Belgian national feeling and foreign opinion, and which were based principally upon advice which I had received confidentially from the Minister at Brussels, the Chancellor to-day communicated to me informally and orally through his adjutant the following answers:

1. Only actual unemployed are to be deported, according to original edict, after careful selection.

2. Married men and fathers of families when actually unemployed can not be exempted in principle, but each case will be examined on its own merits.

3. Employees of Comité National are regarded as actually employed and therefore exempted from deportation.

4. Correspondence of deported persons with their families in Belgium is permitted.

5. Belgian authorities can not be exempted from requirement that they furnish list of unemployed, as lists would otherwise be incomplete and liable to error. Only one Belgian official imprisoned for refusing to submit lists. Orders have been given for his release.

6. Places of work of deported persons will in principle be open to inspection by Spanish diplomatic representatives. American inspection might also be informally arranged if desired. Am informing Legation at Brussels of the foregoing.

GREW

File No. 763.72115/2592

*The Minister in Belgium (Whitlock) to the Secretary of State*

[Telegram]

BRUSSELS, November 28, 1916, 1 p. m.

[Received November 29, 11.45 p. m.]

21. Grew telegraphs result of his conversations with Chancellor which naturally encourages us here. The orders, however, have probably not yet been put into effect, as recruitment of Belgian workmen continued without distinction between employed and unemployed. Am credibly informed that choice is made with great rapidity, allowing no time for examination. In province of Namur where a mayor had given list of unemployed as one hundred Germans, practically none of the persons so indicated were taken, while hundreds of em-

<sup>1</sup> Printed ante, p. 68.

ployed workmen were taken from the same district. Germans seemingly base choice only on physical fitness and skill of workmen. Iron workers and blacksmiths greatly in demand. Nine men working for Comité National and provided with identification cards from Commission Relief Belgium which were respected at Antwerp, were taken at Mons, over thirty at Namur, and a few each day in various parts of the country. This, however, is small percentage, since over 40,000 are engaged in various departments of relief work.

Am credibly informed that very bad conditions exist in province of Valenciennes, France, where many men have been taken. They have no blankets and have been without food for 63 hours. It is supposed that they have been deprived of food to force them to work.

WHITLOCK

File No. 763.72115/2612

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 5, 1916, 3 p. m.

[Received December 6, 5 p. m.]

4689. Department's 3621, November 29, 3 p. m.<sup>1</sup> I saw the Chancellor to-day at the first possible opportunity and made representations as instructed. After I had repeated to him verbatim and given him a copy in writing of the Department's representations regarding the Belgian deportations, he said that he would reply formally within a few days, but for the present he wished to say informally that he could not acknowledge that these deportations were contrary to international law. He understood America's interest in Belgium, but called attention to the forcing by the Entente of Roumania and Greece and asked how this had impressed America. He spoke of the unbelievable conditions in Greece and asked if they could be compared to those obtaining in Belgium. He then said that this policy in Belgium was not his wish, but that the German Government had been forced to it by the Entente.

After some further informal conversation regarding the deportation measures in Belgium, I turned to the subject contained in the latter part of the Department's telegram and made representations as directed. The Chancellor listened respectfully, but made no comment and said that he would send for me in a few days as he wished to talk the matter over with Zimmermann before replying.

GREW

File No. 763.72115/2648

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 11, 1916, 6 p. m.

[Received December 13, 10 a. m.]

4719. Department's 3621, November 29, 3 p. m.<sup>1</sup> The Secretary of State for Foreign Affairs handed to me to-day the reply of the

<sup>1</sup> *Ante*, p. 70.

German Government to the formal representations of the Government of the United States with regard to the Belgian deportations, of which reply the following is a translation:

The Government of the United States has protested against the deportation of Belgian laborers to Germany and against their being compelled to work, proceeding from the view that these measures are incompatible with the principles of humanity and international usage as to the treatment of the population of occupied territory.

The German Government believes that the Government of the United States of America is not correctly informed as to the reason for these measures, the manner in which they are carried out, and therefore considers it appropriate first of all to explain the true state of affairs.

In Belgium unemployment has been spreading for some time among the industrial laborers in an alarming manner. This great increase in the unemployed is attributable to the blockade policy which has cut off the importation of raw materials for the Belgian industries and the exportation of their manufactures and thus caused the greatest part of the plants to shut down. As a result, nearly half of the Belgian factory laborers, whose total number is about 1,200,000, were completely deprived of occupations and a great many more than half a million Belgians who formerly earned their living by work in industries made dependent on public relief; this number is nearly triple when the families are added, making approximately 1,500,000 people. Such a state of affairs made a radical remedy most urgently necessary, whether from the point of view of Belgian political economy, for which the unemployed form an insupportable burden, or from the point of view of public order and morals which are gravely imperiled by the general lack of employment and its attendant features. This necessity has long been recognized and emphasized by discerning Belgians also.

In view of this situation the Governor General at Brussels issued an ordinance on May 15, 1916, whereby persons enjoying public relief who decline without sufficient reason to take up or continue work corresponding to their capacity are threatened with imprisonment or compulsory labor. In consequence of the prostration of the Belgian industries it was not possible to furnish all the unemployed with an opportunity to work or at least some suitable occupation in Belgium itself. There was no choice but to assign them work in Germany where a large number of Belgian laborers are voluntarily employed already and feel themselves quite well [off], the wages being high and personal liberty very extended. Compulsory labor is enforced against those unemployed who do not follow their example.

This measure is completely in accordance with international law. For, pursuant to Article 43 of the Hague land war ordinance, the occupying power shall take steps to insure public order and safety in the occupied territory, and to this end intervene with supplementary ordinances wherever the laws in force in the country do not suffice. It undoubtedly comes under the head of the maintenance of public order to have those capable to work made to work if possible, and not permitted to become a burden on public charity and form a national pest on account of their idleness.

In carrying out the measure hardships have been avoided and all possible consideration shown. If isolated mistakes have been made in selecting the persons taken to Germany—and in particular, people may have been included to whom the conditions of the ordinance of May 15, 1916, do not apply—this is to be connected with the fact that the Belgian authorities frequently refused their aid in drawing up the lists of the unemployed or made false statements. Care has been taken that such mistakes shall be remedied as soon as possible, for the principle that only such persons shall be deported to Germany as receive public relief, find no work in Belgium, and refuse the work assigned to them in Germany, is adhered to with all possible firmness.

The unemployed deported to Germany are taken from the concentration points established at Altengrabow, Guben, Cassel, Meschede, Münster, Soltau, and Wittenberg to the places of labor where they are employed in agricultural and industrial plants. As a matter of course, work which a hostile population cannot by international law be compelled to perform is excluded. If the American Government attaches importance thereto, permission will gladly be granted to a representative of the Embassy here to inform himself by a personal visit as to the condition in which the people are living.

The German Government regrets the fact that the circumstances set forth above have plainly been completely misrepresented in the United States of America through the mendacious press agitation of Germany's enemies. It would greatly deplore it, not the least so in the interest of the Belgian population, if the beneficent work of the relief commission should be impaired in any way as a result of these misrepresentations.

In conclusion, the German Government cannot refrain from pointing out the fact that the removal of the German population from the parts of Germany and its colonies occupied by enemy troops, especially the dragging of women, children, and old men from East Prussia to Siberia, did not so far as is known here afford the neutral countries any occasion to take steps with the Governments concerned similar to those that they have now taken towards Germany. And yet it is susceptible of no doubt that these latter measures constitute a gross violation of the laws of humanity and the rules of international law, whereas the German measures are quite in accordance with these principles according to what has been set forth above.

In informal conversation Zimmermann told me that steps were being taken to ameliorate so far as possible the conditions and manner of carrying out the deportation measures.

GREW

File No. 763.72115/2669

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, December 20, 1916, 3 p. m.

[Received December 21, 5 p. m.]

4756. Referring my 4719, December 11, 6 p. m. Following note received from Foreign Office dated December 18:

The Foreign Office has the honor to inform the Embassy of the United States of America with reference to the memorandum regarding the deportation of Belgian workmen to Germany, that owing to a number of complaints which have been raised by Belgian workmen on account of their transportation to Germany, 326 of such workmen have up to the present been sent back to Belgium as not coming under the rules of the order of the Governor General in Belgium, dated May 15, 1916. The remainder of the complaints shall be investigated with all possible expedition.

GREW

**REPRESENTATIONS IN BEHALF OF IRISH POLITICAL PRISONERS**

File No. 841.00/20

*The Acting Secretary of State to the Ambassador in Great Britain  
(Page)*

[Telegram]

WASHINGTON, August 2, 1916, 1 p. m.<sup>1</sup>

3606. Please transmit textually to Foreign Office the following resolution:

IN THE SENATE OF THE UNITED STATES, July 29, 1916:

*Resolved*, That the Senate expresses the hope that the British Government may exercise clemency in the treatment of Irish political prisoners; and that the President be requested to transmit this resolution to that Government.

POLK

<sup>1</sup>The resolution quoted below was received from the White House, August 2, 1916, after 11 a. m.



File No. 841.00/20a

*The Acting Secretary of State to the Ambassador in Great Britain*  
(Page)

[Telegram]

WASHINGTON, August 2, 1916, 5 p. m.

3608. Department's 3606, August 2. Please report immediately if Senate resolution presented to Foreign Office, and also any further details on Casement case.

POLK

File No. 841.00/21

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 3, 1916, 4 p. m.

[Received 3.40 p. m.]

4654. Your 3608, August 2, 5 p. m. I delivered to Lord Grey to-day your 3606 which reached me this morning. He did not promise an answer but said he would communicate the Senate's resolution to the Prime Minister and probably lay it before the Cabinet. Casement was executed early this morning.

AMERICAN EMBASSY

## CORRESPONDENCE RELATING TO RELIEF WORK

## BELGIAN RELIEF

File No. 855.48/359

*The Minister in Belgium (Whitlock) to the Secretary of State*

No. 279

BRUSSELS, April 18, 1916.

[Received May 13.]

SIR: I have the honor to transmit herewith for the information of the Department, copies of the correspondence recently exchanged between the Legation and the German authorities, the Comité National, the Commission for Relief in Belgium and the Embassy in London, respecting certain adjustments that were necessary in order to insure the continuation of the relief work in Belgium.<sup>1</sup>

The questions decided, as is shown by the correspondence, have entailed very careful and difficult negotiations in view of the varied and conflicting interests involved, but, I am happy to say, a basis has been attained that is satisfactory to everyone, and we all feel not only a great relief, but a lively satisfaction, now that the great work has been placed upon even more solid foundations than ever before.

Owing to the curtailment of the Legation's already small staff, it has not been possible to have translations made of certain of the documents, and some of them, therefore, are sent in French as originally received and answered.

I have [etc.]

BRAND WHITLOCK

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<sup>1</sup>Only the most significant enclosures printed.

[Enclosure 1]

*The Ambassador in Great Britain (Page) to the Minister in Belgium (Whitlock)*

LONDON, January 11, 1916.

MY DEAR COLLEAGUE: I enclose a copy of a letter addressed to me as one of the honorary unofficial patrons of the Commission for the Relief of Belgium by Sir Edward Grey. You will see that in this letter he threatens the discontinuance of the British consent for food ships to pass the British Navy unless the Germans comply completely with the conditions which he lays down. These conditions, you will observe, cover not merely the letter but the spirit of the existing arrangement.

I have had a conversation with Sir Edward Grey about this letter, and from the tone as well as from the matter of his talk I draw the conclusion that this is the British Government's last word on this subject. Not only is the pressure from the Navy, and its especial partisans, on the Government quite severe, but the pressure of public opinion in England also strongly supports the naval contention. This contention is, in effect, that the food which this Government permits to go into Belgium to be distributed by the commission really adds that much more food to the German supplies, since Germany continues to export foodstuffs from Belgium and to requisition it for their military forces.

I write you this personal covering letter merely as an explanation of the mood in which I find this Government on the subject.

I heartily hope that you have returned to your post greatly improved in health.

Believe me [etc.]

WALTER HINES PAGE

[Subenclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

LONDON, December 31, 1915.

MY DEAR AMBASSADOR: On various occasions I have felt obliged to address lengthy communications to you as patron, in your unofficial capacity, of the Commission for Relief in Belgium. A very critical situation has now arisen regarding the affairs of that commission, and I must therefore put before you briefly the views of His Majesty's Government.

On December 31, 1914, the German Government assured the United States Ambassador at Berlin in writing that they would thenceforward prohibit the requisitioning of "food and forage of any kind whatsoever which would require to be replaced by importations by the American Committee for Belgian Relief."

This undertaking has no doubt in large measure been observed in the letter. It has never been observed in the spirit, and even the letter has frequently been violated. I need give only one instance of direct infringement. Between November 1914 and July 1915, inclusive, the commission distributed in Belgium 6,675 tons, 713 kilos of bacon and lard. Yet the German authorities have requisitioned tallow in Belgium, and between June 1 and July 10, 4,070 tons of fats and oils were shipped from Belgium to Germany.

It is not, however, of such direct infringements that I desire to speak now. The Germans have interpreted their solemn undertaking of December 31 as covering only such articles as were actually specifically named in the commission's list of imports, and they have drained Belgium of all subsidiary articles which serve to diminish the consumption of staple foods. They have done more. They have made no attempt to conserve native supplies even of those staple foods which appear on the commission's list of imports and, where they have not requisitioned those native stocks, they have freely purchased them when thrown on the market and have exported them from Belgium, either to Germany or to the Army in Flanders. Owing largely to lack of fodder, the stock of pigs in Belgium appears to have diminished by some 60 per cent, and a large part of this diminution must be attributed to purchases by the German Army. In the same way, cattle are being bought up on a large scale and are being sent south to the Army. The resources of agriculture are diminished by the export of phosphates and guano. Only recently large quantities of Belgian sugar have been exported to Germany.

I am aware that the German authorities will adduce the comprehensive list of articles the export of which from Belgium is prohibited as evidence that this account is inaccurate. But there is no reasonable doubt that exceptions are freely made to these prohibitions in the case of exports to Germany, and it is also certain that they do not apply at all in practice to exports for the use of the German Army in France and Flanders.

These are merely instances. I will not pause to go over, article by article, the resources of the occupied territory which have been steadily depleted, nor need I refer to the wholesale requisitions of goods of all kinds which took place at Antwerp after the fall of that city. I only desire to make clear the consistent German policy during the last twelve months.

Needless to say, this policy has applied even more to industrial raw materials and manufactured articles than to foodstuffs. The German Government is reported to have recently made itself responsible for the statement that the economic condition of Belgium is nearly normal. I am astounded at this statement in view of facts which have become notorious. The textile trades have either been deprived of all raw materials outright or have seen their finished products requisitioned in detail as they are completed. And what is true of the textile trades is true also of other Belgian industries.

Moreover, Germany has invented a method of facilitating this process. She has exacted, and still exacts, a levy of forty million francs (40,000,000) a month from Belgium in the form of a special note issue. This levy provides abundant cheap currency with which Belgian products may be purchased, and the country is thus drained of its resources in exchange for worthless paper of German invention.

The result of this process has been clearly seen in the last few months. The commission, which had expected to be able to reduce its activities after the harvest, has increased them. It has made a series of new requests for import permits in respect of various fresh articles of food and it has largely increased its importations of bacon and lard. It is planning to import large quantities of clothing for the destitute. This gradual expansion cannot continue and, within the last few days, as your excellency is aware, His Majesty's Government have felt themselves obliged to suspend temporarily the importation of various articles into Belgium by the commission. The time has therefore arrived when the whole work must be placed on a more clearly defined basis.

Your excellency will recollect that His Majesty's Government undertook to continue to issue permits for the commission's imports of wheat into Belgium on condition that the Germans reserved the native harvest of wheat and rye strictly for the civil population. You will also recollect that His Majesty's Government expressed their inability to give any similar undertaking in regard to any other articles of import and that the whole arrangement was made subject to one fixed stipulation that "no foodstuffs shall be imported which will, in effect, replace any foodstuffs requisitioned or purchased in Belgium by the German authorities." I must now inform your excellency that His Majesty's Government can no longer tolerate the present position.

They are therefore about to lay down a programme of imports for the commission which will be regarded as final. However long the German occupation of Belgium may continue, this programme will in no circumstances be expanded. Further, His Majesty's Government must make the following stipulations which appear to be the minimum necessary to safeguard the livelihood of the Belgian people:

- (1) The export of all foodstuffs and substances fit for use as food, whatsoever, including livestock and fodder of all kinds, and also all fertilizers, seeds, and agricultural stock of every sort, shall be absolutely prohibited from the territory administered by the Governor General of Belgium to any destination whatever, with the one exception that the Commission for Relief in Belgium may be allowed to export to northern France, for distribution there by them, foodstuffs of which there is a clear surplus over and above the present or future needs of Belgium.
- (2) The export of all articles of clothing and of all raw material for their manufacture shall be prohibited except to neutral countries, and then only after full provision has been made for the present and future needs of the civil population, including the destitute.
- (3) None of the articles above mentioned shall on any account be used by the German army of occupation in Belgium.

- (4) These prohibitions shall be rigorously maintained without exception of any kind.
- (5) The commission shall be allowed to exercise any control over the stocks mentioned in the preceding paragraphs which may be necessary in order to conserve them for the future, or make them available for the present needs of the population.

If these steps are not taken His Majesty's Government will hold themselves entitled to reconsider their whole attitude towards the commission since its work will have become, through no fault of its own, a method of replacement instead of one of relief, and an encouragement to the Germans to deplete the resources of the country. In that case, I shall have no choice but to publish the documents showing the conditions which have obliged His Majesty's Government to change their views.

Yours sincerely,

E. GREY

[Enclosure 2]

*The Minister in Belgium (Whitlock) to the Ambassador in Great Britain (Page)*

BRUSSELS, January 17, 1916.

MY DEAR COLLEAGUE: Having written you a letter earlier in the day, No. 352,<sup>1</sup> I wish to add this:

I have just come this evening from a conference with Baron von der Lancken in which we discussed the points raised in Sir Edward Grey's communication to you, and I hasten to send you this word to let you know that the matter is *en bonne voie* and that I feel more than ever confident that we shall be able to reach a satisfactory solution.

Your own intuition will tell you how anxious I am to do this, and I trust that the British Government will take no steps in the meantime that will make it more difficult for us to preserve this great humanitarian work in which we have all labored so long, and thus far so successfully.

I shall communicate to you the progress that we make and hope very soon to be able to tell you that the entire difficulty has been satisfactorily adjusted.

I suggest also that this be regarded for the present as entirely confidential, although I have of course no objection to Sir Edward knowing of it nor Mr. Hoover.

I am [etc.]

BRAND WHITLOCK

[Enclosure 3—Translation]

*The American Minister (Whitlock) to the Chief of the Political Department of the Government General in Belgium (Von der Lancken)*<sup>2</sup>

BRUSSELS, January 23, 1916.

EXCELLENCY: His excellency the Governor General has manifested on numerous occasions the interest which he takes in the question of the provisioning of the Belgian civilian population, as well as in that of the relief to be afforded them, and has paid tribute to the beneficent action of the Comité National.

As testifying to that interest, it is enough to recall the measures taken by the Government General for assuring the exclusive attribution to the provisioning of the civilian population in Belgium, not only of the food imported by the Comité National, but also of certain foodstuffs of native origin.

To this end, the importation of food and clothing has been authorized, the imported products have been guaranteed against requisition, and the latter favor has been extended to foodstuffs of the same kind produced within the country. The transportation and distribution of food and clothing have been facilitated; a broad freedom of action has been granted to the Comité National, both for provisioning and for the distribution of relief to the needy population.

Going still further, the Governor General, by various successive decrees, the provisions of which were coordinated in that of October 13, 1915, has prohibited,

<sup>1</sup> Not printed.

<sup>2</sup> Identical note, submitted also by the Spanish Minister and the Netherland Chargé, accompanied by a memorandum containing the five points laid down in Sir Edward Grey's letter of December 31, 1915.

except on special authorization, the exportation from Belgium of cattle, sheep, swine, horses, pigeons, foodstuffs of all sorts, sugar, oils, fats, etc. On the other hand, by his decree of June 30, 1915, he reserved the cereal harvest for the feeding of the population, and by that of May 20, 1915, he imposed serious restrictions on the purchase of potatoes by speculators. Finally, various decrees have been passed prohibiting the exportation of money, preventing the cornering of foodstuffs and the inconsiderate raising of prices.

My colleague, his excellency the Marquis de Villalobar, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain, M. van Vollenhoven, Chargé d'Affaires of the Legation of the Netherlands, and myself take pleasure in recognizing that, except for a few mistakes made by certain overzealous agents, acting perhaps in ignorance of the rules and of the Governor General's views, the engagements made have been respected. Nevertheless, it is to be feared that the mistakes thus far made, misinterpreted or exaggerated by persons poorly acquainted with the situation, may produce upon the latter the impression of a contradiction in the views of the Government General and even of a serious violation of the engagements made and the rules proclaimed in behalf of the civilian population.

Furthermore, we have to recognize that, whenever any of these mistakes has been brought to the attention of the Government General, our observations have been received with benevolence, the facts have been carefully investigated, and measures of redress have been promptly taken.

The repetition of these mistakes, however, especially in the possible event that they should affect essential questions, would undoubtedly have the effect of deepening the above-mentioned unfavorable impression and of spreading the opinion that the guarantees which form the basis of the provisioning of Belgium are occasionally disregarded.

We have assumed, in the name of our Governments, the responsibility to the Entente powers of watching over the strict observance of the guarantees given by the German Government General, just as we have assumed toward the latter the obligation of seeing to it that the actions of the Comité National and its subordinate organizations do not conflict in any way with the interests of the German Government. In order to make impossible any unfavorable interpretation of the mistakes which I had the honor of mentioning above to your excellency, and in order to discharge the responsibility of our respective Governments, it seems necessary for us to call the attention of the Government General to the situation we describe. According to the arrangements made through our good offices between the British and German Governments, it was provided that:

The British Government will facilitate, in addition to the importation of grain, the importation likewise of peas, bacon, beans, rice, lard, and maize, so long as the importation of these articles does not represent the replacement of other articles requisitioned by the Governor General.

We take the liberty of pointing out in this connection that the supplies of potatoes, of meat, and consequently of edible fats, have considerably diminished in the country. The slender remaining supplies, being requisitioned in part for the needs of the German troops, must be replaced by imported products, such as bacon, lard, beans, rice, and peas. We ask if this situation is quite in conformity with the principles governing the importation of food by the Comité National.

Consequently we take the liberty of begging your excellency kindly to inquire of his excellency the Governor General whether he does not believe it timely to recall, by a decree or by an order to the troops and to the civil administration under his authority, the formal instructions he has previously given, for the purpose of demonstrating that his intentions have not changed and of at the same time extending the guarantees covering grain, in favor of the provisioning of the civilian population of Belgium, to food products of all kinds harvested or existing in the country and used by the population and by animals, as well as to the raw materials required for the manufacture of clothing.

We do not doubt that, in case the Governor General should display his willingness to extend the guarantees previously given by the indicated measures, the English Government, for its part, would facilitate, until the end of the occupation of Belgium, the provisioning of this country with the foodstuffs required by its inhabitants, as well as with raw materials for the manufacture of clothing.

I take this opportunity [etc.]

BRAND WHITLOCK

[Enclosure 4—Translation]

*The Chief of the Political Department of the Government General in Belgium  
(Von der Lancken) to the American Minister (Whitlock)*<sup>1</sup>

No. V. 1152

BRUSSELS, February 16, 1916.

MR. MINISTER: I have the honor of making known to your excellency that I communicated to the Governor General the note which your excellency had the goodness to transmit to me under date of January 23, 1916, concerning the provisioning of Belgium by the Comité National de Secours et d'Alimentation.

The Governor General noted with great satisfaction that your excellency extends recognition to the efforts he has made to assure the welfare of the Belgian population. He has likewise noted with pleasure that your excellency correctly appreciates the measures he has taken to fulfil the engagements assumed by him with the object of assuring the provisioning of Belgium.

Your excellency expresses, in addition, the desire to see avoided in the future certain mistakes said to have been made by over-zealous agents, unacquainted perhaps with the intentions and the orders of the Governor General. His excellency is firmly decided to take energetic measures to put a stop to acts of this kind.

Consequently, with the object of establishing a perfectly clear situation and eliminating all possibility of misunderstandings, the Governor General has announced his willingness to recapitulate and enlarge upon his previous measures to this effect:

that he will prohibit the exportation from the territory of the Government General of foodstuffs (including livestock), provisions, and fodder used as food for man and beast. He will likewise prohibit the exportation from the said territory of seed and fertilizer.

This prohibition, however, must, in the interest of the population itself, be subject to a limitation for certain products of Belgian soil, constituting for the greater part articles of luxury and having in the past been produced in quantities greatly exceeding the demands of consumption, such as chicory, fresh vegetables, fruits; the exportation of those quantities of the above-mentioned products shall remain authorized for the future.

Your excellency, being well acquainted with Belgium, will admit the soundness of this limitation, the more so because these articles are found in the country in abundant quantities, in spite of the exportation of them which has taken place, and, on the other hand, because the rural population and the local trade have derived great benefits from this exportation. This favorable situation is due primarily to the wise measures taken by the Governor General in the interest of Belgian agriculture, measures whose success is illustrated, among other things, by the satisfactory results of the livestock census recently taken by the communal administrations of Belgium.

The Governor General must likewise reserve the right deriving from Article 52 of the Hague convention, namely, that the supplies of Belgium may be subjected to a contribution for the provisioning of the army of occupation placed under his orders in the occupied Belgian territory "in proportion to the resources of the country." The Governor General will content himself regularly with having these provisions bought by free bargains, without constraint and at current prices paid in cash, and he will take into account, naturally, all the concessions previously made by him with respect to the total quantity of native grain serving for bread-baking and of all provisions imported by the Comité National, which shall be devoted exclusively to the provisioning of the Belgian population.

Regarding the desire expressed by your excellency in connection with articles of clothing designed for the needy, the Governor General renews the assurances given to the patrons in his letter of December 12, 1914, namely, that articles of clothing imported by the Comité National, as well as those manufactured and reserved for charitable purposes in the Belgian workshops and storehouses of that committee, are exempt from military requisition. It is understood that the cloth, shoes, and raw materials which the Comité National shall import are covered by the same guarantees.

<sup>1</sup>The same to the Spanish Minister and the Netherland Chargé.

The Governor General is, of course, always ready to grant to the patrons any necessary material control. As in the past, his excellency will do all in his power to facilitate the accomplishment of whatever measures the patrons think fit to take for exercising this control, and to that end he will renew to the agencies placed under his orders the instructions he has already given.

The Governor General is convinced that, in giving these fresh assurances, he has done all that the interest of the Belgian civilian population requires. In his excellency's judgment, the proposed agreement must, in any case, rest upon the necessary condition, foreseen, moreover, in your excellency's note, that the patrons extend to the Governor General, in the name of the governments they represent, the assurance that England will not interfere with the provisioning of Belgium with foodstuffs alike for human and animal consumption throughout the duration of the German occupation and within limits determined by the Comité National according to the needs of the country. To this end it is necessary especially that England should assume the engagement to requisition no more of the ships chartered by the Commission for Relief in Belgium.

The Governor General insists the more strongly upon this indispensable condition because a crisis in the importation of food would put in serious jeopardy the vital interests of the Belgian population for the safeguarding of which the Governor General has afforded the guarantees set forth above.

The Governor General will experience sincere satisfaction if, thanks to your excellency's efforts, the above-mentioned proposed agreement can come into force and contribute to lightening for the Belgian population the burden of the sufferings of the war.

Be pleased [etc.]

LANCKEN

[Enclosure 5—Translation]

*The Chief of the Political Department of the Government General in Belgium (Von der Lancken) to the American Minister (Whitlock)*<sup>1</sup>

No. V. 1152

BRUSSELS, February 16, 1916.

MR. MINISTER: In accordance with the orders of the Governor General, I have the honor to transmit herewith to your excellency a note replying to the one which your excellency had the goodness to send me under date of January 23, 1916.

Your excellency will realize that the Governor General wishes to go as far as possible in the way of concessions. He hopes at the same time that your excellency will recognize that the point of view he has taken in this reply is justified, especially as concerns the use of the supplies of the country for provisioning the army of occupation. His excellency might, indeed, invoke in support of this requirement, not only Article 52 of the Hague convention, but also the fact that the monthly war contribution levied in Belgium falls far short of assuring the subsistence of the army of occupation.

With regard to the livestock census recently taken, referred to in the aforementioned note, I have the honor of calling your excellency's attention to the attached table<sup>2</sup> which will correct a number of misstatements concerning the actions of the occupying authorities. The increase of cattle shown by this table is the result of the activity displayed for a year by the German administration, which has succeeded in repairing also, to a considerable degree, the damage caused by the first six months of the war. The data furnished by this census will be presently verified in a certain number of communes, and I shall have the honor of keeping your excellency informed of the results of these operations.

The second list attached to this letter enumerates the livestock, foodstuffs, provisions, and fodder belonging to the Ministry of War at Berlin and at present kept in the depots of the military administration.<sup>3</sup> As soon as the proposed agreement comes into force, the Governor General will give orders to remove these stores as quickly as possible, with the object of establishing a clear situation likewise in this respect. According to the assurances given, further purchases will be made only for the needs of the army of occupation.

Be pleased [etc.]

LANCKEN

<sup>1</sup> The same to the Spanish Minister and the Netherland Chargé.

<sup>2</sup> Not printed.

[Enclosure 6]

*The Ambassador in Great Britain (Page) to the Minister in Belgium (Whitlock)*

LONDON, March 3, 1916.

MY DEAR COLLEAGUE: I enclose a copy of the answer that Sir Edward Grey made in reply to the German memorandum which the Marquis of Villalobar brought to London. Sir Edward Grey's letter, you will observe, is addressed to the Marquis of Villalobar. My Spanish colleague here informs me that the Marquis took up the subject immediately, and he has received a telegraphic answer from Brussels, which, I fancy, from all that I know about the case, will still be unsatisfactory to Sir Edward Grey. This will bring the progress of events down to date.

The British Government, in my judgment, has taken its final stand in these last notes of Sir Edward Grey's.

I am [etc.].

WALTER HINES PAGE

[Subenclosure 1]

*The British Secretary of State for Foreign Affairs (Grey) to the Spanish Minister in Belgium (Villalobar)*

LONDON, February 28, 1916.

MY DEAR MINISTER: I have the honour to enclose, in the form of a memorandum, my reply to the propositions emanating from the German authorities in Belgium, which you, together with Baron Lambert and Monsieur Francqui, were good enough to present to me on February 24.

I am anxious that you should realise the gratitude and appreciation with which His Majesty's Government regard the services which you, in concert with your United States and Netherlands colleagues, have rendered to the population in Belgium in protecting and furthering the work of relief. Your action in coming to London at, I fear, great inconvenience to yourself, in order to represent the needs of this work, is in accordance with all I have learnt of your interest and energy in this matter.

I regret, therefore, the more sincerely that I should be obliged to demur absolutely to so many points in the arrangement which you have striven so hard to obtain. These are, however, matters of principle on which it is impossible for His Majesty's Government to accept any compromise. Compromise would indeed be incompatible with their duty alike to their own and to the Belgian people, and I can only trust that you, representing in your official capacity a great neutral nation, as you represent in your private capacity a work of charity in which the British people feel so keen an interest, will be able to secure action on the part of the German authorities more in accordance with the rights of nations and the duties of humanity than those conditionally promised in Baron von der Lancken's letter of February 16.

I am transmitting a copy of this letter to the United States and Spanish Ambassadors and the Netherlands Minister at this capital, to whom, with yourself and your colleagues at Brussels, His Majesty's Government look as intermediaries in this work, as well as to the Belgian Minister, who is so nearly interested, and to Mr. Hoover, with whom I am obliged to deal in close cooperation in all such matters, he being, in his capacity as head of the Commission for Relief in Belgium, the only person directly and personally responsible for the manner in which the whole work, both inside and outside Belgium, is carried on. If I may express one further hope, it is that all parties concerned in this matter, realising the impossibility of holding personally responsible either the diplomatic representatives of neutral powers or the citizens of a noble and unhappy country under foreign domination, will take into full account the heavy burden of responsibility resting on this great neutral commission and will in every possible way lighten that burden by making its responsibility as easy to discharge as possible.

E. GREY

[Subenclosure 2]

## MEMORANDUM

The demands made by His Majesty's Government in their note of December 31 are here taken *seriatim*, with comments upon the replies made by the German authorities:



(1) His Majesty's Government demanded that the export of all foodstuffs and substances fit for use as food whatsoever, including livestock and fodder of all kinds, and also all fertilisers, seeds, and agricultural stock of every sort, shall be absolutely prohibited from the territory administered by the Governor General of Belgium to any destination whatever, with the one exception that the Commission for Relief in Belgium may be allowed to export to northern France, for distribution there by them, foodstuffs of which there is a clear surplus over and above the present or future needs of Belgium.

In reply the German authorities agree, but without any mention of "agricultural stock," in general and subject to three reservations:

- (a) That certain Belgian produce, of which there is a sufficiency in the country, and which Belgium normally exports, such as chicory, shall be exempted.

His Majesty's Government recognize that there is some ground for this exception, but they do not understand it in present circumstances in view of the German decrees of August 13, September 16, and October 23, ordering the seizure of all chicory roots and placing them under the control of the Zentral-Einkaufsgesellschaft für Belgien; and in view of the notorious efforts made by the German authorities to buy up chicory, vegetables, and fruit for German use. The German authorities in fact place an export tax on chicory and only allow its export to Holland "on proof of corresponding imports from Holland provided the condition of the German market allows it." If Belgium is so rich in such vegetables, it is clearly out of the question that His Majesty's Government should continue to allow large quantities of beans and peas to be imported into Belgium while native produce is being exported. The utmost concession which His Majesty's Government can make in this respect is that the export of such produce shall be allowed to neutral countries after the Commission for Relief in Belgium and the Comité National have had full opportunity to purchase all that is needed for the destitute.

- (b) That the German authorities shall still be free to take native foodstuffs by purchase for the use of the occupying army.

It appears from this stipulation that the German authorities now openly and avowedly repudiate the guarantees given by the Undersecretary of State for Foreign Affairs at Berlin to the United States Ambassador on December 8 and December 31, 1914, and General von Bissing's decree of January 21, 1915, against requisitions of foodstuffs and fodder. The promise of purchase in forced paper currency makes not the slightest difference to the fact of requisition. His Majesty's Government absolutely refuse to accept this proposal or to acquiesce in this attempt to make the Hague conventions a charter of spoliation.

- (c) That certain stocks, said to be the property of the German Government, shall be exempted and shall be immediately exported from Belgium.

As the 3,000 head of cattle mentioned in the list of these stores are the only things stated to be of German origin, it is to be presumed that the remaining items are of Belgian origin. They thus furnish further evidence of the violation of the German guarantees against requisitions referred to above. The 27,400 tons of fodder mentioned are doubtless the product of the last Belgian harvest. His Majesty's Government raise no objection to the export of the 3,000 head of cattle, if these are in fact of German origin, but if any of the other articles are exported, the commission's imports will immediately be reduced by an equivalent amount.

The use of Belgian pasture for German cattle is absolutely inadmissible. When coupled with the wholesale requisitioning of the Belgian fodder crop, it represents an inhuman policy which, if continued, His Majesty's Government must publish for the information of the neutral world.

(2) His Majesty's Government demanded that "the export of all articles of clothing and of all raw material for their manufacture shall be prohibited except to neutral countries, and then only after full provision has been made for the present and future needs of the civil population, including the destitute."

The German reply is confined to a guarantee of clothing or clothing materials imported by the relief commission. The German authorities can hardly have misunderstood the clear demand of His Majesty's Government for a guarantee of domestic textiles precisely similar to that demanded in the case of foodstuffs, fodder, etc. His Majesty's Government insist on that guarantee.

(3) His Majesty's Government demanded that "none of the articles above mentioned shall on any account be used by the German army of occupation in Belgium."

The direct refusal of this demand has already been dealt with above. Consent on the part of the German authorities is a condition *sine qua non* of the continuance of the work.

(4) His Majesty's Government demanded that "these prohibitions shall be rigorously maintained without exception of any kind."

It may perhaps be assumed that consent to this is implicit in the German reply, within the limits of that reply.

(5) His Majesty's Government demanded that "the commission shall be allowed to exercise any control over the stocks mentioned in the preceding paragraphs which may be necessary in order to conserve them for the future, or make them available for the present needs of the population."

This is answered by a vague expression of willingness to concede the "control materially necessary." The object of the control demanded, so far as present necessities are concerned, is to make immediately available to the civil population, and especially to the destitute, such native products as pork and potatoes. His Majesty's Government attach no importance to words in this matter, but they cannot allow importations of such articles so long as the Comité National and the Commission for Relief in Belgium are unable, for whatever reason, to obtain existing native supplies.

The German reply contains a list showing the increase of livestock in Belgium. Annexed to the present memorandum is another list showing a strange decrease in the number of animals slaughtered in Belgium, in all cases except cows.<sup>1</sup> His Majesty's Government do not recognize such figures as signs of prosperity nor can they accept the German figures, but it is clear that, if, as shown on the German list, the pigs in Belgium have increased by 56 per cent, there can be no valid reason for the present high price of pork in Belgium and no need for importations of bacon and lard by the relief commission, since Belgium does not in ordinary times of peace, when her stock of pigs is apparently less than in war time, import any considerable quantity of such articles. His Majesty's Government therefore propose entirely to stop such importations unless within a fortnight the commission can show reason for their continuance.

Finally, the German reply is made conditional on undertakings from His Majesty's Government to leave the commission complete freedom of importations and not to requisition ships chartered by them. If this condition were accepted, the German authorities would be free with impunity to turn every American out of Belgium and to impose all sorts of restrictions upon the grant of relief, such as are foreshadowed in one of the letters attached to the German reply. His Majesty's Government must therefore absolutely refuse to give any undertakings whatever beyond those already given, and they will certainly retain the right to requisition at any time any ship flying the British flag.

It is unnecessary to draw attention to the extremely serious situation created by the German reply, nor to the urgency of securing a frank assent to the reasonable demands of His Majesty's Government in view of the extent of the infractions of previous undertakings revealed in that reply. It may be well to add that His Majesty's Government are in no way impressed by the anxiety displayed by the German authorities to ensure adequate importations by the Commission for Relief in Belgium in the interests of the Belgian population, nor will they be deterred by such expressions of solicitude from still further reducing the importations of the commission below the new figures they have just been obliged to fix, if the German authorities delay any longer the conclusion of a proper arrangement.

LONDON, February 28, 1916.

[Enclosure 7]

*The British Minister of Blockade (Cecil) to the Spanish Minister in Belgium (Villalobar)*

LONDON, March 21, 1916.

YOUR EXCELLENCY: Sir Ed. Grey has carefully considered your letter of March 18 addressed to Lord E. Percy regarding Belgian relief.<sup>1</sup> His Majesty's

<sup>1</sup> Not printed.

Government must adhere to their original demands as stated in Sir E. Grey's note to the patrons of the commission of December 31 and in the memorandum enclosed in his letter to you of February 28, and must insist on compliance with those demands. But if the German authorities will acquiesce in these demands and will in particular issue immediately the decrees and orders necessary to prevent entirely in future all exports of food, livestock, fodder, fertilisers, seeds, and agricultural stock, and the use of any of these by the occupying army, His Majesty's Government are prepared to agree that:

(1) The incidental purchase by individual soldiers of Belgian native produce shall not be regarded as a breach of the undertaking, provided that the "quartermaster's department" is definitely instructed not to, and in fact does not purchase any such native produce, and provided that such individual purchases are not in any way systematic and do not in fact come in any way within the purview or control of the "quartermaster's department" or other military authority;

(2) The question of the export of Belgian chicory or other vegetables of which there is an admitted surplus may be left for subsequent separate consideration on its merits;

(3) The question of the export of articles of clothing and raw materials for their manufacture may be left for subsequent separate consideration on the understanding that no further importations of clothing or clothing materials by the commission will be permitted by His Majesty's Government unless the demands of His Majesty's Government on this point are [met] in the near future, and that His Majesty's Government must reserve to themselves the right of explaining the reasons for this prohibition to Americans who have subscribed to this subject.

Your understanding of the policy of His Majesty's Government, as stated in your letter, is correct, but as the drain of foodstuffs and livestock from Belgium is still continuing and constitutes irrevocable damage to the country, His Majesty's Government regard the immediate issue and publication of the necessary decrees and orders as an essential part of the proposed settlement.

Yours faithfully,

ROBERT CECIL

[Enclosure 8—Translation]

*The Chief of the Political Department of the Governor General in Belgium (Von der Lancken) to the American Minister (Whitlock)*

No. V. 1432

BRUSSELS, April 14, 1916.

MR. MINISTER: I have the honor of making known to your excellency that I communicated to the Governor General the note which his excellency the Spanish Minister had the goodness to transmit to me under date of April 7, 1916, in your excellency's name and that of the Netherlands Chargé d'Affaires as well as his own, concerning the provisioning of Belgium by the Comité National de Secours et d'Alimentation.<sup>1</sup>

The Governor General has authorized me to express to your excellency his feeling of gratitude for the unceasing interest you have displayed during nearly 20 months in the humanitarian work of which you have so kindly accepted the patronage, together with his excellency the Spanish Minister and the Netherlands Chargé d'Affaires. The Governor General is convinced that the whole Belgian people shares these sentiments.

The Governor General has observed with great pleasure that the steps taken by his excellency the Spanish Minister, in your excellency's name and that of the Netherlands Chargé d'Affaires as well as his own, have had the effect of inducing the English Government not to stop the provisioning of the civilian population in Belgium. His excellency has shown the greater satisfaction with this result in that the new requirements lately formulated by the British Government, which constituted a serious threat to the continuance of this provisioning, had grown out of erroneous information to the effect that the authorities in the territory administered by the Governor General had not been ob-

<sup>1</sup> Not printed; it communicated the substance of the foregoing British memorandum and the text of Lord Robert Cecil's note.

servng the engagements entered into by his excellency with the neutral powers. Your excellency is in a position to establish without further discussion the incorrectness of that assertion. Indeed, the Governor General recalls with satisfaction the fact that your excellency, as well as your honored colleagues, has recognized frequently, and most recently in your note of January 23, 1916, the correctness of the attitude maintained by the authorities under his orders in carrying out the agreements made by him.

The willingness recently manifested by the Governor General to renounce, to the detriment of certain German interests, the right unquestionably conferred upon him by the Hague convention to provision the army of occupation from Belgian supplies will enable your excellency to appreciate the interest taken by the Governor General in the welfare of the population of the country he administers.

In consequence of the negotiations of last February, and contrary to the information of the English Government, the Governor General had already drawn up, under date of March 1, a prohibition directed against the export of food-stuffs and fodder. In accordance with the general scope of the assurances lately given to the Government which your excellency represents, the Governor General will recapitulate and round out the measures already taken to this effect by new instructions prohibiting the exportation from the territory of the Government General of foodstuffs (including livestock), provisions, and fodder, used as food for man and beast. He will likewise prohibit the exportation from the said territory of seed, fertilizer, and agricultural stock. This prohibition will apply only to products of Belgian origin, it being expressly understood that products of German origin now held in the depots of the military administration may be exported. Beyond the authorizations to be accorded to the Commission for Relief in Belgium to export from the territory of the Governor General into northern France foodstuffs, livestock, and fodder, of which there may be an excess over the needs of consumption, no exceptions will be made to the aforesaid prohibition; account being taken, however, of the reservation agreed upon between his excellency the Spanish Minister and the English Government in regard to the quantities of certain products of Belgian soil exceeding the needs of the population of the occupied territory of Belgium.

The Governor General, consequently, will also give orders to the military supply service of the Governor General neither to requisition nor to purchase by free contract within the occupied territory of Belgium any of the above-mentioned products for the needs of the army of occupation. As has been demonstrated to your excellency in the course of the recent negotiations, the Governor General feels it to be most important that a clear and definite situation should be established. It was with lively satisfaction, therefore, that I inferred from the note which his excellency the Spanish Minister had the goodness to transmit to me that your excellency, in your capacity as representative of your Government, will not consider occasional purchases of such products, made individually by persons belonging to the army, as contrary to the engagements assumed by the Governor General, so long as these purchases are not systematic and are not on behalf of the military service of supplies.

Having thus extended the engagements entered into by him with the neutral powers, the Governor General for his part trusts that the Government which your excellency represents charges itself with guaranteeing to him that henceforward the British Government renounces definitely any interference with the provisioning of the civilian population in Belgium by the requisitioning of ships or any other measures. I beg your excellency to be so good as to obtain your Government's authorization to confirm the correctness of this assumption.

Your excellency is in a position to ascertain that the stipulations of this agreement and of all those previously concluded with the Government represented by your excellency are conscientiously observed by the authorities and troops under his excellency's orders. The Governor General is always prepared to aid your excellency in every possible way in that task. He ventures to express the hope that your excellency will have the goodness to acquaint the neutral and belligerent countries with the statements you have already made and will further be able to make in refutation of the misleading insinuations constantly appearing in those countries and capable only of injuring the work of which you have so kindly become a patron. Taking care to keep this work free of all unjustifiable interference by the powers at war with Germany, and desiring to avoid any contact with the latter, the Governor General will continue to refer to your excellency in all questions relating to it.

The Governor has noted with satisfaction that your excellency will see to it that the work of relief and provisioning placed under your patronage is kept

strictly within the limits prescribed for its activity. This will permit the Governor General to extend all his help and protection, as in the past, to the Comité National and the Commission for Relief in Belgium of which your excellency serves as patron, in order to allow the members of these two organizations to continue the efforts they have thus far made with such devotion in their humanitarian and beneficent work designed to lighten for the people of Belgium the burden of the sufferings of war.

I take this occasion [etc.]

LANCKEN

[Enclosure 9—Translation]

*The American Minister (Whitlock) to the Chief of the Political Department of the Government General in Belgium (Von der Lancken)*

No. 1837

BRUSSELS, April 18, 1916.

MR. MINISTER [*sic*]: I have received the letter which your excellency addressed to me under date of the 14th instant, communicating the answer of his excellency the Governor General in Belgium to the despatch which my esteemed colleague, his excellency the Spanish Minister, addressed to him under date of the 7th, and I am deeply gratified by the friendly sentiments which the Governor General was so good as to express in regard to my collaboration in the work of provisioning Belgium. It is very pleasant to realize how much his excellency appreciates the deep interest we all take in this splendid work, and I rejoice in the part which his excellency is pleased to take in it by associating his good will with my personal efforts.

I have read with deep attention and interest the letter which your excellency had the goodness to address to me, and I beg you to inform his excellency the Governor General of my complete accord with the terms of that letter.

In accordance with the desire expressed by his excellency the Governor General, I am transmitting all the documents relating to the long negotiations we have been carrying on to the Government which I have the honor to represent, informing it at the same time, according to what you have told me, that the new arrangements come into force from to-day.

I beg your excellency to be so kind as to convey once more to his excellency the Governor General the assurance that I, as well as my colleagues, shall see to it that, as in the past, the Commission for Relief in Belgium and the Comité National de Secours et d'Alimentation carry on their activities in a purely philanthropic and humanitarian spirit and continue to observe the rules which have been and henceforth shall be laid down in concert by the Governor General, your excellency, and ourselves.

While awaiting authority to convey to you officially the appreciation which my Government will assuredly empower me to express to you in consequence of the untiring efforts which your excellency has been good enough to make to reach a favorable solution, I take the liberty, Mr. Minister, of thanking you personally for the assistance which your excellency has so kindly rendered to these lengthy negotiations. I take the liberty, likewise, of asking you to inform all the German authorities who have been good enough to second your efforts that I am profoundly appreciative of the help they have given.

I take this opportunity [etc.]

BRAND WHITLOCK

File No. 855.48/366

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3885

LONDON, May 30, 1916.

[Received June 12.]

SIR: I have the honor to enclose a copy of a private note that I have received from Sir Edward Grey about the work of the Commission for Relief in Belgium.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

LONDON, May 16, 1916.

MY DEAR AMBASSADOR: In your private note of 23d of March last you were good enough to send to me a copy of a letter from Mr. Hoover stating that the Commission for Relief in Belgium would be willing to continue their work of relieving the civil population of Belgium. In the last paragraph of his letter Mr. Hoover observes that it is hopeless to carry on this work without the daily cooperation of various departments and agencies of His Majesty's Government and he says that, in agreeing to continue, it is on the clear understanding that this cooperation shall continue also.

I think that the commission may perhaps desire to receive some assurance from His Majesty's Government on this point, and I therefore beg that you will be so good as to make it clear to Mr. Hoover and those associated with him in this great humanitarian work that it is the desire and intention of His Majesty's Government that various public departments connected with the work should cooperate with the commission in the closest possible way.

I am happy to be able to say that the commission continue to enjoy the complete confidence of His Majesty's Government, and I should like to add my own personal tribute to the admirable organisation which they have evolved, and to the tireless energy of all its members who are so devotedly carrying out their difficult task.

Yours sincerely,

E. GREY

File No. 855.48/405

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 5089

LONDON, October 24, 1916.

[Received November 6.]

SIR: I have the honor to transmit herewith, for the information of the Department, a copy of a note from the British Foreign Office, under date of October 21, concerning the question of the distribution of foodstuffs in Belgium considered in connection with the labor policy of the German Government of occupation.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*<sup>1</sup>

LONDON, October 21, 1916.

MY DEAR AMBASSADOR: I wish to draw your attention to Lord Robert Cecil's recent answer in the House of Commons to a question as to the distribution of foodstuffs in Belgium in connection with the German labour policy. Lord Robert laid down in that answer that the commission worked on the following principles:

- (1) The commission supplies nothing to any German.
- (2) The commission supplies nothing, except bread, to any Belgian who earns enough to feed himself from native supplies.
- (3) Any workman working for the Germans under coercion must be maintained by the Germans entirely, without any assistance whatever from the commission.

His Majesty's Government regard these principles as a direction to the commission on which they should model their action.

<sup>1</sup> Copy transmitted to the Chargé in Germany, for his information, in instruction No. 3729, November 16, 1916.

As you know, the press at the present moment is full of the accounts of the coercion of Belgian workmen and their deportation to the place where the Germans wish them to work. There is one point in connection with this that the commission should bear in mind.

To judge from the press reports—and indeed, from the necessities of the situation—all coercion of labour in Belgium is bound to be based upon the criterion that men who fall under the commission's relief owing to unemployment are liable to be coerced. Now, all relief, whether in kind or in cash, given in Belgium arises from the commission's importations and is made on their responsibility. Therefore, this criterion amounts to a statement that a workman renders himself liable to enslavement by the mere fact of accepting relief from the commission. This is clearly equivalent to the use of the relief as a means of coercing workmen against their conscience, and therefore constitutes a clear and deliberate violation of the German guarantees.

I shall be glad if you will transmit the above to the United States and Spanish Ministers at Brussels and will make it clear to them that these conditions are a *sine qua non* of the continuance of the work. It may be desirable that they should inform the German authorities that these limitations follow automatically upon the guarantees under which the commission works.

Believe me [etc.]

For Viscount Grey of Fallodon:

EYRE A. CROWE

File No. 855.48/410

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *November 23, 1916, 12 noon.*

[*Received 4.20 p. m.*]

5194. I have just received the following note from Lord Grey:

FOREIGN OFFICE, *November 22, 1916.*

MY DEAR AMBASSADOR: (1) I venture to ask your excellency to transmit a message from me personally to your excellency's Government in regard to a matter of which you have fuller knowledge and which you can more fully explain than would be possible for His Majesty's Ambassador at Washington to do were I to transmit the message through him.

(2) The recent deportations from Belgium and the reported recrudescence of seizures and exports of Belgian foodstuffs cut at the root of the guarantees on which the whole relief work in Belgium is based, and while His Majesty's Government are no less keenly anxious than in the past to fulfil their expression towards the populations of the occupied territories, it will be clear to your excellency that it may at any moment become materially impossible to continue a work the basic guarantees of which have been destroyed. I should therefore be grateful if you could communicate by telegraph to your Government a personal appeal from me that they will exert themselves at Berlin and Brussels to see that this great work of international benevolence and cooperation which I think your excellency will be able to assure your Government has never been used by His Majesty's Government for any but purely neutral purposes, and which they have indeed regarded as of inevitable military advantage to their enemies, shall not be endangered or destroyed by acts which it is impossible for the Allied peoples to countenance or tolerate.

(3) The constant efforts and valuable services rendered by yourself [and] the United States Minister at Brussels on behalf of this work emboldens me to hope that your Government will not allow an undertaking to be imperilled with which they have become so closely identified in the eyes of the world.

(4) I have sent a similar letter to the Spanish Ambassador.

Believe me [etc.]

GREY OF FALLODON

PAGE

POLISH RELIEF <sup>1</sup>

File No. 861.48/44a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, January 4, 1916, 4 p. m.

2658. Please ascertain from Mr. Hoover what arrangements, if any, he has made with the Central powers looking to rendering relief to Serbia and Poland. Please telegraph reply as soon as possible.

LANSING

File No. 861.48/45

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 11, 1916, 11 a. m.

[Received 10.30 a. m.]

3541. Your 2658, January 4, 4 p. m. The commission sees little hope of being able to help Poland for the following reasons:

(1) The Germans continue to remove native food from Belgium and the British Government has just informed commission that unless Germans give immediate and satisfying guarantee to cease removing food, British will withdraw consent to let more food pass in. No satisfactory guarantee is expected. There is therefore reason to fear the commission's work will soon be stopped. The Germans have stripped Poland as they have Belgium.

(2) Commission can not get ships. For lack of ships only one-half supplies have lately gone into Belgium.

(3) Belgian relief costs \$2,000,000 a week. Poland would cost as much. Money for Belgium is got from various governments. It is doubtful if governments would supply sufficient money for Poland. Private gifts at most amount to little. All food and all money given Belgian relief in the United States since the war began fed Belgium only three weeks.

Hoover has sent man [to] Serbia to investigate.

AMERICAN EMBASSY

File No. 861.48/62a

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 23, 1916, 7 p. m.

2926. Transmit following message as promptly as possible to Hoover:

Polish relief organizations in United States are very anxious to know as promptly as possible what progress you are making towards obtaining consent belligerent powers for extension work Belgian Relief Committee over Poland.

LANSING

<sup>1</sup>The inconclusive correspondence dealing with this subject carried on in 1915 is not printed.



File No. 861.48/62b

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, February 26, 1916, 4 p. m.

2945. There is a strong feeling here of sympathy for the destitute in Poland, and an increasing demand that relief should be sent to them. To all inquiries Department advises that Hoover is now endeavoring to secure the necessary permission to extend over Poland organization of the Belgian Relief Commission, and that when this is accomplished, as it is hoped it will be, relief can go forward from this country. If you see no objection, you may advise Sir Edward Grey of the anxiety of large numbers of American citizens and of their desire to send assistance to the destitute in Poland. See Department's 2926, 23d, and inform Hoover prompt reply requested.

LANSING

File No. 861.48/63

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, February 28, 1916, noon.

[Received 7.30 p. m.]

3865. Your 2945, February 26, and 2926, February 23. The whole subject of Polish relief was presented to Sir Edward Grey by me on behalf of Hoover and of Walcott of the Rockefeller Foundation some time ago, [but he] has not replied.<sup>1</sup> The cabinet has not yet reached a decision because of grave complications touching future relief in all areas occupied by German armies on account of the German conduct regarding use and exportation of food in Belgium by the German military authorities with which the British Government are much displeased. The whole question of relief everywhere has been put in grave jeopardy by German conduct. I have for a week had almost daily conferences on the subject with the Foreign Office and with Hoover, and I am leaving nothing undone in an effort to secure a working basis. All this, of course, unofficial but none the less vigorous.

AMERICAN EMBASSY

File No. 861.48/65

*The German Ambassador (Bernstorff) to the Secretary of State*

[Translation]

J. Nr. B 2258

WASHINGTON, February 28, 1916.

[Received February 29.]

MR. SECRETARY OF STATE: By direction of the Imperial Government I have the honor to inform your excellency that food products intended for Poland will not be seized by the Imperial Government on

<sup>1</sup> In the Parliamentary Paper on this subject, Miscellaneous, No. 32, 1916 [Cd. 8348], of which a copy was forwarded by the Chargé, October 3, 1916, is printed a letter from Sir Edward Grey to Mr. Hoover, dated February 5, 1916, replying unfavorably to Mr. Hoover's of December 22, 1915.

the way through Germany and will be exclusively distributed among the Polish population.

Accept [etc.]

J. BERNSTORFF

File No. 861.48/72

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 6, 1916, 5 p. m.

[Received March 7, 8.30 a. m.]

3914. Your 2945, February 26, 4 p. m., and my 3865, February 28, 12 noon. British official circles unofficially report serious opposition to Polish relief because of wish to exert greatest possible economic pressure on Germany and because of reported German seizure of foodstuffs from population. I have unofficially handed to Sir Edward Grey a plan of relief drawn up by Hoover and Walcott which imposes upon the Germans the necessity of themselves importing food into Poland and of supplying money to pay for food to be imported by the commission. Walcott reports Germans will agree to this condition; the food to be distributed as in Belgium under control of Americans.

Since the pressure here of the press and of public opinion is strong for a complete prohibition of foodstuffs into Germany for any purpose, and since the British Government is divided and hesitant, Hoover [and] Walcott request me to ask if you and possibly the President will not impress upon Spring Rice the humane view of this situation. The Commission for Relief in Belgium is the only organization that can do this work and the British Government have full confidence in the commission. Their hesitancy comes from pressure of military opinion and from distrust of German guarantees or agreements.

AMERICAN AMBASSADOR

File No. 861.48/77

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 16, 1916, 3 p. m.

[Received 5.20 p. m.]

3966. Your 3038, March 14, 7 p. m.<sup>1</sup> Since the occupied area for which relief is needed is Russian territory, British Government has referred the question of relief to the Russian Government and will act, so I am given to understand, according to Russia's decision. It seems, therefore, too late for effective newspaper comment in the United States. But I hear that there has been much comment unfavorable to British Government which is considered here based on a mistake. The British have not objected to Polish relief, but only referred the subject to Russia. If newspapers would give these facts, a more accurate impression would be made on public opinion.

AMERICAN EMBASSY

<sup>1</sup> Not printed.

File No. 861.48/90

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3282

LONDON, March 20, 1916.

[Received April 5.]

SIR: As requested in your telegram No. 3046 of March 16, 4 p. m.,<sup>1</sup> I have the honor to transmit herewith a draft of the plan as submitted to Sir Edward Grey, by Messrs. Hoover and Walcott, regarding relief in Poland.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*Plan for relief in Poland submitted to the British Government by Messrs. Hoover and Walcott*

There are approximately 15,000,000 people in the German occupied eastern area, including Russian Poland and western Russia. Of this population, between 3,500,000 and 4,000,000 people are concentrated in, or in the immediate neighborhood of, the cities of Warsaw, Lodz, Schenchochow [Czestochowa], Vilna, Kovno and Bella Ettap [Biala Etappel].

In order to handle the problem of provisioning from a practical point of view and at the same time with proper safeguard as to all the international phases in the matter, the following basis is proposed:

(1) The American commission shall undertake the revictualing of the above-mentioned cities only.

The German Government to undertake to furnish to the cities above mentioned a supply which will cover a ration of—

400	grams of potatoes	<i>per diem per capita</i>		
10	"	salt	"	"
10	"	sugar	"	"
3	"	tea	"	"

The American commission to import cereals to an amount which will afford a ration of 340 grams *per diem per capita* of wheat, or beans, peas, rice, maize; also with 40 grams of fats *per diem per capita* and a moderate amount of condensed milk for children.

(2) That the German Government shall undertake to revictual the whole of the balance of the population in the occupied territory.

(3) The German Government will undertake to devise financial means for the provision of gold exchange abroad to pay for the foodstuff purchased by the American commission. The Allies to give necessary permits for these financial operations by the commission.

(4) The German Government will make the necessary arrangements to turn over to the commission sufficient German shipping to do the entire transportation from North America or other places to Danzig.

(5) The revictualing to last only until October 1, at which time the new harvest will take care of the entire civilian population.

(6) The German Government to undertake that there shall be no interference with the imported foodstuffs; that they will be consumed absolutely by the native civilian population; that the American commission will be furnished every facility for the control of the entire revictualing of the cities in question, including the German contribution to the ration.

(7) In order to carry out the above it will be necessary to import approximately 40,000 tons of foodstuffs per month. It is proposed that such portion of these foodstuffs as go to the well-to-do population should be sold, and in this particular the German Government is prepared to give free railway transport over the occupied areas and one-half railway rates over the German State railroads. It is proposed to provision the destitute without cost.

<sup>1</sup> Not printed.

File No. 861.48/91

*The Austro-Hungarian Chargé (Zwiedinek) to the Secretary of State*

[Translation]

No. 906

WASHINGTON, April 3, 1916.

[Received April 5.]

EXCELLENCY: Doctor Zaleski of Chicago and Dr. F. Mlynarski, who are chairmen of committees for the relief of the destitute population in Poland, have asked the Imperial and Royal Embassy to procure from the Imperial and Royal Government a declaration of its readiness to recognize an American committee as the medium for the collection and distribution of victuals from America for the destitute population of Poland and to pledge itself not to requisition such consignments.

I applied to my Government accordingly and received the following wireless telegram:<sup>1</sup>

Regarding my cable about victuals for Poland, supreme command Army agrees that American committee is recognized as mediator for receiving and distributing of victuals sent by American committees for destitute Polish civil population and as board of control; that those victuals not used for army purposes; further, that those victuals not requisitioned in the districts where they are distributed.

BURIAN

I have acquainted Doctor Mlynarski with the contents of this telegram, and he now asks me to convey the information to your excellency, the Department of State having been so very good as to use its influence with the Entente powers for the passing of the contemplated shipments of victuals.

I therefore avail myself of this opportunity to offer my own warmest thanks for the support given by your excellency to this relief undertaking.

I would also beg that, if there be occasion to give out the above-quoted telegram, a paraphrase of the text be used.

Accept [etc.]

ZWIEDINEK

File No. 861.48/77

*The Secretary of State to the Chargé in Russia (Dearing)*

[Telegram]

WASHINGTON, April 15, 1916, 4 p. m.

788. Department is informed from American Embassy, London, that British Government has referred to Russian Government question of agreeing to plan for relief in Poland prepared by Hoover and Walcott. Department would be pleased to learn attitude Russian Government this subject if you can ascertain it, but do not make representations. United States is interested from humanitarian standpoint.

LANSING

<sup>1</sup> In English in the original.

File No. 861.48/102

*The Chargé in Russia (Dearing) to the Secretary of State*<sup>1</sup>

[Telegram]

PETROGRAD, April 25, 1916, 1 p. m.

[Received April 27, 1.45 p. m.]

517. Owing to delay, your 788 received 24th. Minister of Foreign Affairs informed me during a conversation that attitude of Russian Government toward the Rockefeller Foundation's plans of relief work in Poland was most favorable and spoke in appreciation of Walcott and Foundation's enterprise. I only asked for information and made no representations.

DEARING

*The Secretary of State to the Ambassador in Russia (Francis)*

[Telegram]

WASHINGTON, May 10, 1916, 4 p. m.

816. Your 517, April 25. You may say informally to Minister of Foreign Affairs that the Department is gratified to learn of the sympathetic attitude of the Russian Government towards relief work in Poland. Call to his attention that a large number of American citizens for humanitarian reasons are deeply interested in assisting the suffering inhabitants of Poland, and are inquiring of Department what method of distributing relief would be acceptable. Endeavor to ascertain whether Russian Government favors extension over Poland of organization of Belgium Relief Commission, or prefers that work should be conducted separately. What conditions and guarantees would Russia require before the commencement of relief work in Poland?

LANSING

File No. 861.48/116

*The Ambassador in Russia (Francis) to the Secretary of State*

[Telegram]

PETROGRAD, May 20, 1916.

[Received May 21, 9.15 a. m.]

561. Your 816, May 10. Called personally on Minister Sazonov and expressed our appreciation Russia consenting to extension aid to suffering Polanders. He was gratified thereat and said no objection our aiding Polanders as did Belgians if we guarantee such aid will not reach enemies of Russia. Also said was grateful for relief we extending to distressed Poland.

FRANCIS

<sup>1</sup> Repeated to the Ambassador in Great Britain in telegram No. 3267, May 1, 1916, with instruction to ascertain the attitude of the British Government.

File No. 861.48/117

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3741

LONDON, *May 12, 1916.*[*Received May 22.*]

SIR: With reference to the previous correspondence regarding the plan for relief in Poland, I have the honor to enclose herewith a memorandum which I received yesterday from Sir Edward Grey.

I have [etc.]

WALTER HINES PAGE

[Enclosure <sup>1</sup>]*Memorandum of the British Foreign Office*

On the 21st February last the United States Ambassador communicated to Sir E. Grey a memorandum embodying the following proposals for affording relief to Poland:

There are approximately 15,000,000 people in the German occupied eastern area, including Russian Poland and western Russia. Of this population, between 3,500,000 and 4,000,000 people are concentrated in, or in the immediate neighborhood of, the cities of Warsaw, Lodz, Schenchochow [Czestochowa], Vilna, Kovno, and Bella Ettap [Biala Etappe].

In order to handle the problem of provision[ing] from a practical point of view, and at the same time with proper safeguard as to all the international phases in the matter, the following basis is proposed:

1. The American commission shall undertake the revictualing of the above-mentioned cities only.

The German Government to undertake to furnish to the cities above mentioned a supply which will cover a ration of—

400	grams of potatoes	<i>per diem per capita</i>		
10	"	salt	"	"
10	"	sugar	"	"
3	"	tea	"	"

The American commission to import cereals to an amount which will afford a ration of 340 grams *per diem per capita* of wheat, or beans, peas, rice, maize; also with 40 grams of fats *per diem per capita* and a moderate amount of condensed milk for children.

2. That the German Government shall undertake to revictual the whole of the balance of the population in the occupied territory.

3. The German Government will undertake to devise financial means for the provision of gold exchange abroad to pay for the foodstuff purchased by the American commission. The Allies to give necessary permits for these financial operations by the commission.

4. The German Government will make the necessary arrangements to turn over to the commission sufficient German shipping to do the entire transportation from North America or other places to Danzig.

5. The revictualing to last only until October 1, at which time the new harvest will take care of the entire civilian population.

6. The German Government to undertake that there shall be no interference with the imported foodstuffs; that they will be consumed absolutely by the native civilian population; that the American commission will be furnished every facility for the control of the entire revictualing of the cities in question, including the German contribution to the ration.

7. In order to carry out the above it will be necessary to import approximately 40,000 tons of foodstuffs per month. It is proposed that such portion of these foodstuffs as go to the well-to-do population should be sold, and in this particular the German Government is prepared to give free railway transport over the occupied areas and one-half railway rates over the German State railroads. It is proposed to provision the destitute without cost.

<sup>1</sup> See File No. 861.48/167.

His Majesty's Government at once referred the question of principle involved in these proposals to the Russian Government who have now accepted it. His Majesty's Government are accordingly prepared to agree to the immediate inauguration of the above arrangement, provided that the German and Austro-Hungarian Governments are prepared to give certain assurances. In assenting in principle to the grant of relief to a territory occupied by the enemy, in spite of the statements recently published by the German authorities that they are in reality able to relieve the Polish population unaided, His Majesty's Government feel that they have made a concession in return for which they have a right to demand that their enemies shall now at length place beyond doubt their intentions towards the populations of occupied territories whose treatment by them in the past has been so much at variance with the responsibilities of civilized warfare and the dictates of humanity. The assurances required are as follows:

1. The scheme submitted by the United States Ambassador relates only to that part of Russian Poland at present in the occupation of the German forces. His Majesty's Government consider it essential that any system of Polish relief should apply to Russian Poland as a whole, and they cannot recognize the existing division into two spheres, occupied respectively by German and Austro-Hungarian troops. There must be a definite undertaking by the two Governments that the export from the whole of Russian Poland of all foodstuffs, native or imported, will be absolutely prohibited, and that any excess over domestic needs which may exist in the southern part under Austrian administration (which is understood to be self-supporting) will be employed exclusively for the provisioning of northern Poland, whether such foodstuffs are utilised to supply the towns under the care of the relief commission or the country districts to be revictualled by the German Government.

2. It is understood from a document which has been communicated to His Majesty's Government by Mr. Walcott, of the Rockefeller Foundation, and of which a copy is annexed to this memorandum, that the German authorities in northern Poland undertake that all food supplies originating in Poland shall be used exclusively for the civil population and the constabulary. His Majesty's Government cannot admit that the constabulary should be allowed to use native foodstuffs which have subsequently to be replaced by supplies imported by the relief commission. They must therefore request that in this respect the constabulary should be placed on the same footing as the occupying army.

3. From the same document it appears that the German authorities wish to export from Poland any excess of the potato supply. As a result of the experience which they have gained in connection with Belgian relief, His Majesty's Government are most reluctant to agree to the exportation from Russian Poland of so-called excess supplies, since the question of what constitutes an excess is largely a matter of opinion. Nevertheless, in order not to prolong the negotiations, His Majesty's Government agree to the export of potatoes at such times and so long as, in the opinion of the neutral relief authorities, an excess supply in fact exists over and above the requirements of the whole of Russian Poland.

4. The German vessels mentioned under paragraph 4 of Mr. Page's proposal must fly a neutral flag, be under the sole control of a neutral body to be agreed upon, be manned by neutrals, and be run entirely at the expense of the German authorities.

5. It should be understood that the responsibility of the German Government is not ended by the supply of the partial ration mentioned in the above scheme of relief. His Majesty's Government cannot undertake to allow the relief commission to import more than a minimum supplementary ration over and above the maximum which the enemy are in a position to supply at any given time.

6. The neutral relief authorities in Poland must enjoy absolutely free and unfettered facilities for the communication to their London office of any data connected with their work. They must have every facility to satisfy themselves of the manner in which the undertakings of the German and Austro-Hungarian Governments are being carried out in all parts of Poland. It is, of course, understood that the "German relief officer for the civil population" mentioned in the enclosed memorandum before alluded to shall have no control of any kind over and shall in no wise interfere with the complete discretion of the American commission or its representatives.

7. The German and Austro-Hungarian Governments should undertake, as a part of the present arrangement, adequately to supply and care for the popu-

lations of Serbia, Albania, and Montenegro, all of which countries are now being reduced to a state of starvation through the removal, or the use by the occupying forces, of the supplies of native foodstuffs. The carrying out of this undertaking should be under the supervision of neutral subjects or organisations in those countries.

His Majesty's Government trust that the above proposals, which represent merely the renouncement of indefensible practices and assurances for the due respect of the lives and rights of the population of occupied territories in the future, will meet with the prompt acceptance of the German and Austro-Hungarian Governments, so that the necessary preliminary arrangements may be made without delay.

FOREIGN OFFICE, *May 10, 1916.*

[Subenclosure]

*Draft guarantees sketched between Mr. Walcott, of the Rockefeller Foundation, and the German authorities in Poland*

In the event that the Commission for Relief in Belgium shall be able to assist in the *ravitaillement* of Poland, the following principles are agreed to by the German Government:

1. The Americans have the right of control in exact agreement with the convention arranged for the north of France and/or Belgium.

2. The German authorities pledge themselves that all the food supplies introduced by the Americans shall be applied exclusively to the use of the civil population, and distributed according to the methods now obtaining in north of France and/or Belgium.

The distribution is to be made through the Polish local committees under the supervision of the American representatives or delegates and the German relief officer for the civil population.

3. The German authorities guarantee that all food supplies originating in Poland shall be used exclusively for the civil population and the constabulary. Excepted from the above are surplus potatoes left after the needs of the civil population and constabulary have been completely covered. The constabulary is required to pay cash marks, or equivalent for whatever foodstuffs they purchase or requisition at a fair market price. The allowance of potatoes *per capita* per day for the population in determining this surplus is to be at least 400 grams per day.

4. The German authorities guarantee that the transportation of the imported American food supplies destined for the General Government of Poland, the Etappe of Biala, and the Government of Wilna shall be shipped from Danzig to the German frontier at one-half rate, and without charge from the German Polish frontier to its destination in Poland or the Etappe.

The above guarantees are given by—  
The General Government of Poland,  
The Government of Wilna,  
The Government of Biala Etappe.

OBERST SCHALL

BRUSSELS, *February 11, 1916.*

File No. 861.48/119

*The Acting Secretary of State to the Ambassador in Germany (Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, *May 24, 1916, 6 p. m.*

3028. American Ambassador, London, informs Department he sent you, May 17, copy of memorandum received from British Government containing terms and conditions under which Entente powers would agree to shipment relief supplies into Poland. Furnish

<sup>1</sup>The same, *mutatis mutandis*, to the Ambassador in Austria-Hungary, No. 1238.



German Government promptly copy this memorandum and ascertain attitude German Government. Report by cable to Department.

POLK

File No. 861.48/120a

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, May 25, 1916, 5 p. m.

3031. For your information. Rockefeller Foundation has to-day sent following cable to Warwick Greene, Director War Relief Commission, Stockholm:

Following resolution unanimously passed yesterday:

*Resolved* that \$1,000,000 be appropriated for relief in Poland, Serbia, Montenegro, and Albania, to be expended in such amount and in such manner as the executive committee may determine, when arrangements satisfactory to the committee have been made for its effective use.

Above confirms our 10. You are expected to cable us when international agreement permitting importation relief supplies Poland is consummated to your satisfaction, and that of parties concerned, reciting terms and conditions, and recommending specific application of our funds as basis for action by executive committee. Upon final consummation of plans for importation of relief supplies, considerable funds raised in the United States will become available for specific relief purposes, such as clothing and agricultural implements to be consigned to Hoover commission. Detailed advice on these points for American public will be useful. Keep us fully advised, progress and prospects.

POLK

File No. 861.48/120c

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, May 27, 1916, 5 p. m.

3034. On account of extreme urgency and disconcerting press reports on prospects of negotiations in Berlin, please report on German attitude toward Polish relief situation for our information before discussing matter with German Government.

Rockefeller Foundation's pledge of \$1,000,000 is probably only relatively small indication of what American public will be disposed to do when details of situation are authentically published, provided it can be shown that food can actually be imported under international agreement through neutral organization managed by Hoover and comparable in efficiency and integrity with relief organization in Belgium. Large number of relief organizations here are ready to raise money to supplement German contributions. Breakdown of relief plan through inability of powers concerned to agree on details would be calamity both because of continued starvation of Polish people and because of unfavorable effect on American popular sentiment if humanitarian impulses of American public should be thwarted

<sup>1</sup>The same to the Ambassador in Great Britain, No. 3366.

through unyielding attitude of either party on subordinate details that are naturally regarded as of minor importance as compared with saving millions of lives. On the other hand, impression created in American public that Germany is magnanimously yielding minor points in order to cooperate with America in vast humanitarian undertaking would have very favorable effect on sentiment here.

For your information we understand that Walcott was urged by Germans while in Berlin early February to visit Serbia for purposes of investigation and relief, but apparently Germans did not secure necessary consent from Austrian Government. This seems to indicate a desire on part of German Government at that time to help the civil population Serbia which apparently only important additional condition imposed by England.

Has way been opened through American Consul General Lay for Poles in America to communicate with and send money to relatives and friends in Poland? If so cable full instructions.

POLK

File No. 861.48/121

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 29, 1916, 12 noon.

[Received May 30, 12.30 p. m.]

3929. Your 3028, May 24, 6 p. m. Furnished copy of memorandum to the Minister of Interior, Helfferich, to whom Chancellor referred me personally four days ago. Talked over matter with Helfferich yesterday. Expect formal answer soon, probably rejecting proposition. Have arranged conference to-day with representatives of Foreign Office, Minister of the Interior, and requested the disposition of representatives.

GERARD

*The Acting Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 31, 1916, 7 p. m.

3038. Your 3929. You may informally convey to Foreign Office substance of Department's 3034, May 27.

POLK

File No. 861.48/123

*The Ambassador in Germany (Gerard) to the Secretary of State*<sup>1</sup>

[Telegram]

BERLIN, May 30, 1916.

[Received May 31, 12 p. m.]

3934. Have had conference to-day with Geheimrat Lewald representing Interior Department, Geheimrat Grunewalt representing

<sup>1</sup> Repeated, June 2, 1916, to the Ambassadors in Great Britain (No. 3388), France (No. 1542), and Russia (No. 847), with instructions to "ascertain and report attitude of government to which you are accredited on these questions."

Foreign Office, Prince Lubecki of Polish Committee, and Donovan and Stoever of Rockefeller Commission. Germany can not accept the proposition as made by England because—

First, Germany can contract only as to Polish territory in her own control. However, in my opinion there is no doubt but arrangement similar to one outlined below can be made with Austria. Please note that all towns named are in territory occupied by Germany.

Secondly, Germany can not make question of relief of Poland dependent on Germany and Austria relieving Serbia, Montenegro, and Albania, since Germany is not in control of those countries.

I think an arrangement [on] following lines can be made:

- (1) The arrangement to apply to all Polish territory occupied by Germany commencing 50 kilometers back of firing line.
- (2) Germany will give to inhabitants of cities to be relieved the ration proposed.
- (3) Germany will undertake the remainder of population outside will be fed.
- (4) It is necessary that occupying or police army of about 150,000 men be fed on food bought in Poland. These troops are sometimes 10 or 15 in a village and difficulties of transport make this necessary.
- (5) Proposition as to ships accepted.
- (6) Germany will arrange to pay for goods, wherever bought, and their transport.
- (7) Germany agrees to proposition that excess potatoes shall be exported only when commission agrees, and that no food is to be exported from Poland and used except as above stated. Provisions as to details of control can be arranged. Germany is willing to accept control as stated in contract signed by Geheimrat Lewald, Doctor Bicknell, and me in April 1915.

Will get details as to numbers of occupying police army and how many in towns and how many in country.

GERARD

File No. 861.48/132 .

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 13, 1916, 7 p. m.

[Received June 14, 12.15 p. m.]

3992. My 3934, May 30. I have note from Foreign Office stating German Government cannot accept conditions proposed by England for the relief of Poland by American committee. Foreign Office states that conditions proposed in my 3934 of May 30 are entirely acceptable to German Government.

GERARD

File No. 861.48/136

*The Ambassador in Russia (Francis) to the Secretary of State*

[Telegram]

PETROGRAD, June 15, 1916.

[Received June 20, 11.15 a. m.]

611. Just had audience with Sazonov which requested June 6 concerning Poland relief. Delay caused by his absence. Declines passing on proposed plan before conferring with Allies. Furthermore, positively objects to 150,000 soldiers or anything near that number being maintained in Poland. Sent Dearing to Sazonov's assistant during Minister's absence June 10, but was told Sazonov would pass on question himself. Please advise Embassy further developments.

FRANCIS

File No. 861.48/139

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4017

LONDON, June 16, 1916.

[Received June 26.]

SIR: With reference to the previous correspondence regarding the relief of Poland, I have the honor to enclose herewith, for your information, copies of two telegrams which I have received from the Ambassador in Berlin under dates of May 30 and June 13,<sup>1</sup> and also the copy of a note which I have received to-day from Sir Edward Grey, in the premises. Copies of this note are being transmitted to Berlin, Vienna, Brussels, and to Mr. Hoover, of the Commission for Relief in Belgium.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 106999/X

LONDON, June 15, 1916.

MY DEAR AMBASSADOR: I have the honour to acknowledge the receipt of your letter of June 2d in which you are good enough to communicate the reply received from the German Government to the proposals of His Majesty's Government for the relief of Poland.

The phrase somewhat loosely used in this reply as to the arrangement being made "to apply to all Polish territory occupied by Germany commencing fifty kilometers back of the firing line" is, I suppose, intended to allude only to the responsibility assumed by the German Government to feed this area, and does not imply an attempt on the part of the German Government to extend the importations of foodstuffs to be made by the American commission to any other districts but the cities specified in the original proposal which you handed to me, and in my reply. His Majesty's Government could not, of course, for a moment consider importations to other destinations besides those towns; but I do not know whether His Majesty's Government are to understand that the German Government intend to allow the population within fifty kilometers of the firing line to starve.

<sup>1</sup> Not printed; see the telegrams of the same dates to the Secretary of State, Nos. 3934 and 3992, *ante*, pp. 896-97.

I do not think it is necessary, at this point in the discussions, to enter into any detailed analysis of the German reply, and I will confine myself to the two points of primary importance raised in it.

The German Government disclaims any responsibility for the relief of Serbia, Montenegro, and Albania on the ground that it is the Austro-Hungarian Government which is in control of those countries. I cannot accept this disclaimer knowing to what extent the policy of the Central Empires is controlled by the German Government and knowing that it is therefore not a question of the German Government exerting its "good offices" with the Austro-Hungarian Government, but of the two Governments jointly assuming a responsibility towards the population whose territory has been invaded by their joint armies. Nothing short of a binding engagement of this kind, which the Central powers are perfectly able to give, can satisfy the Governments of the Allies, who, in this matter are only asking for the same measure of joint action on the part of their enemies which they themselves have already taken in their consultations and their decision upon this question of Polish relief.

The second point is, to my mind, of even greater importance. The German Government disclaims responsibility for the Polish territory occupied by Austria on the ground that that territory is not within the sphere of Germany's control. The Governments of the Allies regard Poland as a whole, and they cannot allow the fate of its population and the question of life and death whether that population shall or shall not die of hunger, to be parcelled out between Germany and Austria, each country claiming a part of Poland in connection with their political schemes for the future, and each disclaiming responsibility for the part occupied by the other. Until there is agreement between the Governments of the Central Empires to throw the resources of the whole country into one, and to give to the Poles, as Poles, the produce of the soil of their own country, the Governments of the Allies can not move. This is a question of principle, but even were it not so, the conduct of the Austro-Hungarian Government, as it is developing at the present moment in southern Poland, would make it impossible for His Majesty's Government to leave that region out of account in the scheme of relief. I annex hereto a copy of an order issued by the Austrian Governor General of Lublin which throws sufficient light on the methods of coercion and the intentions of exploitation which the Austrian Government are employing and cherishing.

For the rest, we must adhere to our original demands, which I still believe would be accepted as reasonable if the German and Austrian Governments were sincere, and I can only trust that the efforts of the United States representatives in enemy countries and of the representatives of the American relief organizations will soon elicit a more satisfactory reply from the Governments of the Central Empires.

Believe me [etc.]

[File copy not signed]

File No. 861.48/146a

*The Acting Secretary of State to the Ambassadors in Austria-Hungary, France, Germany, Great Britain, and Russia*

[Circular telegram]

WASHINGTON, July 7, 1916.

Inform government to which you are accredited that since the United States for many months, at the request of the various belligerent powers, has been acting as intermediary in the negotiations between the belligerents relative to a proposed agreement as to the terms under which relief supplies may be introduced into Poland and distributed therein, and since all the negotiations have so far failed to result in any agreement which could bring about the desired result, although all the countries interested have manifested a willingness to permit relief supplies to be sent to Poland under certain specified conditions, the United States, therefore, in the name and interests of humanity, now appeals to all the belligerent countries

to consider whether it is not possible for the powers on each side to make such mutual concessions in the terms proposed by them for the regulation of shipments of relief supplies into Poland as will make it possible for an agreement to be reached under which relief can be given to the suffering inhabitants of Poland. The United States is instructing its Ambassadors to Austria, France, Germany, Great Britain, and Russia to communicate this message to the government to which they are respectively accredited.

POLK

File No. 861.48/149

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 4183

LONDON, July 7, 1916.

[Received July 17.]

SIR: With reference to the previous correspondence regarding the plan for relief in Poland, I have the honor to enclose herewith a copy of a note I have received from Sir Edward Grey, under date of July 4, 1916, transmitting a memorandum on various points connected with the present treatment of Poland by the German and Austrian Governments.

Copies of this note and memorandum have been sent to Berlin and to Mr. Hoover.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 123782/X

LONDON, July 4, 1916.

YOUR EXCELLENCY: With reference to the communications which have passed between us recently regarding the relief of Poland, I have the honour to transmit to your excellency herewith a memorandum on various points connected with the present treatment of Poland by the German and Austrian Governments. To this memorandum must be added the fact just brought to my notice that an agreement has been made between the representatives of the German Government in the occupied districts of Russian Poland and the directors of the Official Trade Bureau of the German Chambers of Commerce for the import of geese into Germany as from July 1 and of eggs as from July 15, the retail price of the eggs being fixed at 19 pfennige each. This statement, reproduced from the German press, appears in the *Algemeen Handelsblad* of June 22.

The facts contained in the enclosed memorandum are so clear as to afford, in my opinion, full justification for the demands at present put forward by the Allied Governments in regard to the relief of Poland; and in the face of these facts, it is impossible to regard the replies of the German Government as other than disingenuous and evasive.

I have [etc.]

For the Secretary of State:

EYRE A. CROWE

[Subenclosure]

## MEMORANDUM

The German Government whilst refusing to accept the few and very moderate conditions on which Great Britain made her agreement to the Polish relief scheme, as proposed through the American Embassy, depend, tried to throw on the British Government the blame for its failure. One of the main accusations raised in the statement published on June 4 through the Wolff Bureau

concerns paragraph 1 of the British note. "His Majesty's Government consider it essential," says that clause, "that any system of Polish relief should apply to Russian Poland as a whole, and they cannot recognize the existing division into two spheres, occupied respectively by German and Austro-Hungarian troops. There must be a definite undertaking by the two Governments that the export from the whole of Russian Poland of all foodstuffs, native or imported, will be absolutely prohibited, and that any excess over domestic needs which may exist in the southern part under Austrian administration (which is understood to be self-supporting) will be employed exclusively for the provisioning of northern Poland."

"Even the export of foodstuffs to Galicia is thus to cease altogether," the German statement points out, and then adds: "It is very questionable whether these agreements would prove at all acceptable to our allies in the form proposed by Great Britain. It is, for instance, a fairly cool demand that Austria-Hungary should forego the importation of any excess of foodstuffs from the part of Poland under her occupation, and even the frontier traffic (i. e., traffic between Russian and Austrian Poland), implying a considerable volume of imports from which she always benefits in peace time."

There is more significance than is usually realized in the division of Russian Poland into a German and an Austro-Hungarian sphere; high economic and geographic science was at work in drawing their frontiers. The industrial wealth of Russian Poland is concentrated in three districts, namely those of Warsaw, Lodz (textiles) and Sosnowitz (metallurgy and coal). All these three districts have been included in the German sphere, only very small parts of the coal region being left to Austria-Hungary. The partitioning of the Government of Piotrków is typical of the manner in which the country as a whole has been divided. The map shows a curious strip of territory retained by Germany running down between German Silesia and the part of Russian Poland (the southern district) assigned to Austria. The significance of this is realized when we discover that this strip includes the rich industrial districts of Sosnowitz and Częstochowa, whilst the part of the Government of Piotrków made over to Austria is almost purely agricultural. The Austrian share comprises two fifths of the said Government, but only one fifth of the population. Whilst in the sphere of German occupation no less than 37 per cent of the inhabitants live in towns, in the Austrian part the urban population amounts only to 23 per cent. The situation becomes even more striking if we distinguish between the two parts of the German sphere, namely the smaller west-central industrial district on the left bank of the Vistula and the agricultural region on its right side. We then find that in the industrial part which enters like a wedge between the two big agricultural regions, the inhabitants of towns form 45 per cent of the total population, whilst in the other two sections they amount to 22 to 23 per cent. No wonder, as all three cities of Russian Poland—Warsaw (845,000 inhabitants), Lodz (459,000) and Sosnowitz (114,000)—and four out of its five towns with a population of between 50,000 and 100,000 inhabitants are situated in that part, whilst only one single town of that size, Lublin (72,000 inhabitants), lies in the Austrian sphere, and none in the German sphere on the right bank of the Vistula. Lastly, one ought to mark the position of the four biggest urban areas of Russian Poland with regard to the boundary drawn between the German and the Austrian spheres of occupation: the distance from the boundary in Warsaw amounts to about 28 miles, to Lodz no less than 20 miles, to Sosnowitz and Częstochowa 5 to 10 miles.

The agricultural districts of Poland under Austrian occupation thus form part of the natural hinterland supplying with food the industrial areas of Warsaw, Lodz, and Sosnowitz. But these two regions are now separated by the boundary arbitrarily drawn across Poland by the Central powers, and the transport of food from the one sphere to the other is forbidden. The German semi-official statement waxes eloquent over the natural "frontier traffic" to Austrian Poland which is not to be impaired by the war (more about that "frontier traffic" will have to be said hereafter); it preserves, however, complete silence concerning the severance of industrial from agricultural districts within Russian Poland itself. Why are the Governments of Kielce, Radom, and Lublin to supply the needs of the distant cities of Vienna and Prague, or even of Lemberg, rather than those of the neighbouring Polish cities of Warsaw, Lodz, and Sosnowitz? If Germany chose to separate some prevalently agricultural districts of Belgium from the industrial regions, and put the first under Bavaria and the latter under Prussia, could any one expect the Allies to allow imports from

America to feed the Prussian part, whilst the Bavarians were drawing supplies from their sphere of occupation? Why is a different standard to be applied to Poland? One can, however, understand the reluctance of the Austrians to allow agricultural produce to go to fill up the deficiency created by German robberies in northern Poland.

"The harvest in Russian Poland" (under Austro-Hungarian occupation), declared in May 1916, the chief of the General Staff of the Government in an interview with a correspondent of the Budapest paper *Az Est*, "belongs to the Monarchy as a whole. . . . We shall send home all that it will be possible to send, naturally, however, only to the extent which will not injure the local population. It is our endeavour that also in these rich regions there should be no surplus; that their population should live, in so far as food is concerned, in the same conditions as the population of Austria-Hungary, that they should have neither more nor less. For certain foodstuffs, tickets will be introduced here just as they are in the Monarchy." The Austro-Hungarian general seems throughout the interview to have spoken about "the Monarchy," a term which usually is meant to denote Austria-Hungary. This cannot, however, be its meaning in this case: *Hungary has refused to pool its food resources with Austria*. The rations in Hungary are higher, the prices of foodstuffs lower than in the western half of the Dual Monarchy. Indeed the Viennese papers are continually harping on the fact that the rich agricultural country of Hungary is now supplying much less food to Austria than it used to in times of peace. It is also known to be selling food to Germany. The districts of Russian Poland, which before the war used to send their agricultural produce to Warsaw and Lodz, have now to send it to Vienna at prices artificially lowered by the Austrian Government; whilst Hungary, which in the past used to supply the Viennese market, is making profits by sending its produce to Germany.

The following extract from the Viennese market report published in the *Arbeiter Zeitung* of June 4, 1916, illustrates the point: "Unfortunately the price of eggs is still always high. . . . They have been driven up by German buyers in Hungary; Hungarian dealers in eggs now demand 300 (Austrian) crowns for 1,440 eggs, against the price of 140 crowns which still prevailed there months ago; but as the military administration of Poland has fixed the price at 150 crowns for 1,440 eggs, it ought to be possible to obtain Galician eggs much more cheaply." Similar transactions, more profitable to the Hungarians than to Polish agriculturists, are carried on also in other foodstuffs, as e. g., grain, flour, and poultry. For the export of potatoes from Russian Poland a most elaborate system has been established.

But then what of Galicia and its "frontier traffic" about which the Germans seem to be so particularly concerned? First of all it ought to be remarked that of what passes for "frontier traffic" (i. e., the provision of Galician towns from agricultural districts in Russian Poland) is so in appearance only. The foodstuffs brought to them in peace-time from Russian Poland are not for local consumption, but for reexport mostly to western Austria. No less than seven Galician railway lines terminate on or near the southern frontier of Russian Poland and are not linked on to any railways on the other side; moreover on a stretch of about 80 to 100 miles these railways run parallel to the frontier—similarly without any connection on the opposite side. Therefore foodstuffs exported in peace-time, say from the Government of Lublin to Vienna, could not have been consigned from a railway station in Russian Poland to their ultimate destination, but were carried by horse-carts to the small Galician towns on the Austrian railways.

These are the exports from Russian Poland destined for distant countries or provinces, which make up most of this "frontier traffic." Thus in the case of eggs, where no duty was paid at the Austrian frontier, and the buyer had no special interest in establishing the transit character of his wares, even goods which were going to London or New York appeared in the guise of Galician "frontier traffic."

The only big Galician town situated close to the frontier of Russian Poland, and therefore able to claim that it used to draw its food supplies from across the border, is Kraków (even so, however, its claim could hardly be considered equal, and certainly not superior to that of Sosnowitz, Lodz, or Warsaw). But what is the position of Kraków in that respect? We can best illustrate it by the following few quotations from the *Nova Reforma*, a rabidly pro-Austrian and even sneakily pro-German paper, published at Kraków under Austrian censorship:



October 8, 1915

*Passport difficulties for Galician merchants.* The article complains that "whilst the authorities in other provinces of Austria freely issue passports to merchants . . . the requests of Galician merchants suffer considerable delay, and are only too often refused." This has most injurious effects on the provisioning of Kraków. "Merchants from Silesia, Moravia, Bohemia, Lower Austria, etc., travel freely and in great numbers to Russian Poland and import from there foodstuffs to the western provinces of Austria, thus depriving the Kraków markets of their regular food supplies."

February 6, 1916

"Up to the outbreak of the war Kraków drew the greater part of its supplies of eggs, butter, and poultry from the neighbouring districts of Russian Poland . . . In October 1914, the frontier was closed and the imports of foodstuffs to Kraków was prohibited. Since then their prices began to rise continually. Of the produce of the districts of Russian Poland contiguous to Kraków, part was put at the disposal of privileged Viennese organizations of consumers, but the greater part was smuggled to the German frontier districts." Even after a regular administration had been introduced in the part under Austrian occupation, things did not change much. "At present, to the detriment of the neighbouring town of Kraków . . . the privileged trading company, Miles, buys all food supplies in the occupied territories and sends them to Vienna. . ."

June 13, 1916

Kraków was still expecting to get eggs from Russian Poland. Meantime almost 300 crowns were paid for 1,440 eggs (according to the *Arbeiter Zeitung* of June 4 the prices for eggs from Russian Poland had been fixed at 150 crowns—but these were meant for Vienna, not for the Galician "frontier traffic"). Such is the solicitude of the Central powers for Galicia which looms so big in the *communiqué* of the Wolff Bureau.

But does Galicia really require the imports of food from Russian Poland? It would not need them were not its own food resources continually drained by exports to western Austria and especially to Vienna. In March the Galician press published a number of articles strongly protesting against this systematic spoliation of the country. "In spite of a formal prohibition," wrote the *Nova Reforma*, "potatoes and eggs are exported in masses from Galicia to western Austria. . . . Unless this is stopped, the population of our towns will be deprived of the most indispensable foodstuffs." But it was not stopped. About the middle of May Doctor Ehrenberg, an official of the city of Vienna, stated in his report on food supplies that since the end of February no less than 362 waggons of Galician potatoes had been brought to Vienna alone, whilst from Russian Poland the amount of potatoes carried to Vienna reached 515 waggons.

File No. 861.48/157a-e

*The President of the United States to the Sovereigns of Austria-Hungary, Germany, Great Britain, and Russia, and the President of France*

WASHINGTON, July 20, 1916.<sup>1</sup>

YOUR MAJESTY:<sup>2</sup> In view of the overwhelming disasters which have befallen the millions of non-combatant inhabitants of Poland, I feel justified by the universal and earnest expression of the sympathies of the American people, regardless of racial origin or political

<sup>1</sup> Sent to the Ambassadors by pouch for transmission, and also by telegraph, on July 21, for preliminary communication.

<sup>2</sup> This form of address was generally questioned by the Embassies. In reply to a query from the Ambassador in Great Britain, the Third Assistant Secretary of State telegraphed, on July 24, 1916: "Letter is purely personal in character, sealed with President's personal seal. Formal and more usual superscription 'Great and Good Friend' purposely omitted." (File No. 861.48/165.) The President of France was addressed: "Your Excellency."

sentiments, to suggest to Your Majesty that the subject of ways and means for the saving of those of these people who still survive be given the further benevolent consideration of Your Majesty's Government. While no one can fail to appreciate the sufferings and sacrifices of the peoples primarily engaged in the existing war, nor the difficulties in the way of alleviating the hardships of those who are the incidental sufferers from the war, the death by slow or rapid starvation of millions of innocent people is so awful a fact that such an outcome should be averted if it is within the compass of human effort to avert it. In the effort to avert it I confidently pledge the cooperation of the people of the United States, if only the way can be found to make their cooperation effective. May I therefore be permitted to suggest that an entirely fresh consideration be given to the possibility and method of relief for Poland, and to tender the friendly offices of this Government in negotiations to this end; it being understood that any plan proposed shall be of such a character as to be adapted to the accomplishment of no other result than that of the relief of the distressed inhabitants of Poland?

In conclusion I can only add that it is my sincere hope that Your Majesty will see in this note no intention to interfere with the rights and policies of Your Majesty's Government, but merely the attempt to express to Your Majesty the sympathy and compassion towards the starving inhabitants of Poland felt by the citizens of the United States—a sympathy and compassion which they do not desire shall be evidenced merely by idle words, but which they hope they may be permitted to express by assisting in the actual work of furnishing food to the starving inhabitants of Poland.

I have the honor to be, Your Majesty,  
Faithfully yours,

WOODROW WILSON

File No. 861.48/159

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 27, 1916.

[Received 9.50 p. m.]

4619. My 4597, July 22.<sup>1</sup> Following is text of note just received from Foreign Office:

July 26, [1916].

I have the honour to acknowledge the receipt of your excellency's communication of July 8 [7] in which you are good enough to lay before His Majesty's Government an appeal to all belligerent governments to come to an agreement for the relief of Poland.

His Majesty's Government desire to settle once and for all the whole question of importations of foodstuffs into territory in the occupation of the enemy. They therefore make the following final proposal: If the German and Austro-Hungarian Governments will reserve wholly to the civil populations of the territories which their armies have occupied, viz.: Belgium, northern France, Poland, Serbia, Montenegro, and Albania, the entire produce of the soil, all live-stock, and all stocks of food, fodder, or fertilizers in those territories, if they will admit to those territories neutrals selected by the President of the United States with full powers to control the distribution of food to the whole population and to transfer when necessary and possible from one territory to another surplus stocks existing in the one and lacking in the other, and if the President of the United States will undertake the selection of these neutral agents, His

<sup>1</sup> Not printed.

Majesty's Government will, on their part, give them every assistance in their power and will admit into such territories imported food supplies necessary to supplement native stocks and to afford to the populations a fair subsistence ration so long as they are satisfied that their enemies are scrupulously observing their part of the agreement.

If this offer is refused, or if the German and Austro-Hungarian Governments do not reply before the harvest in the occupied territory begins to be gathered, but continue to refrain from stating officially for the information of the Allied Governments their exact attitude in regard to these questions of relief, His Majesty's Government will hold them responsible and will exact from them such reparation as can be secured by the Allied arms or enforced by the public opinion of the neutral world for every civilian life lost through insufficient nourishment in every territory occupied by the armies of the Central powers.

It is obvious that if this proposal is to be put into operation successfully, no time must be lost. The new harvest will shortly be gathered and for the plan to be of any advantage to the populations of the occupied territories, the fruits of the harvest must be placed in neutral control before they have been appropriated for the use of the subjects of Germany and Austria-Hungary.

I am informed that above will be published in English press tomorrow. Text telegraphed to Gerard and copies forwarded to Penfield, Whitlock, Hoover, and Warwick Greene of Rockefeller Foundation.

PAGE

File No. 861.48/160

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, July 28, 1916

[Received July 29, 11 a. m.]

1506. Minister for Foreign Affairs in answer to my notes based on your 1542, June 2,<sup>1</sup> and circular telegram, July 7,<sup>2</sup> states that French Government as well as Allies are most desirous of aiding the suffering population of Poland and that proposals to that end have been made by Great Britain at the request of the Allies to the American Ambassador at London. However, attitude adopted by enemy governments has so far not permitted adoption of these projects. Nevertheless Allies through British Government are communicating to the Government of the United States a new proposal on the subject in hopes of overcoming the difficulties which have opposed the organization of relief. Monsieur Briand requests me to inform you that this communication from the British Government should be considered as a reply of the French Government to my said notes.

This answer from the French Government appears to have been drawn up before the receipt of the President's letter communicated to Foreign Office on July 25.<sup>3</sup> See my 1500, 25th.<sup>4</sup>

SHARP

<sup>1</sup> See footnote to telegram No. 3934, May 30, 1916, from the Ambassador in Germany, *ante*, p. 896.

<sup>2</sup> *Ante*, p. 899.

<sup>3</sup> See letter from the President of July 20 and footnote 1 thereto, *ante*, p. 903.

<sup>4</sup> Not printed.

File No. 861.48/162

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 29, 1916.  
 [Received July 30, 6.30 p. m.]

4171. Department's circular July 7.<sup>1</sup> Foreign Office replies as follows:

From the very beginning the Imperial Government declared its readiness to offer its assistance in order that the distress apparent in those parts of Russia which are occupied by German troops and systematically wasted and deprived of all victuals for the use of the remaining inhabitants by the retreating Russian hosts be eased by the relief work of the United States of America which is organized on such a great scale. The Imperial Government has particularly offered all guarantees consistent with the requirements of war that the imported foodstuffs will only serve the needs of the population of the territory occupied. Accordingly the American relief might have been realized several months ago with the same provisions as in northern France had not the Government of Great Britain prevented its accomplishment by clinging to its unfounded and impracticable conditions. In this way it has become practically impossible to convey a considerable amount of foodstuffs from America to Poland by the expiration of the term set as the end of the relief work, i. e., October 1. Accordingly further negotiations are devoid of purpose. But on the other hand, thanks to the intense cultivation of the land effected by the Imperial Government by using all the means available and every effort possible in the occupied territory, and owing to the favorable harvest prospects, a relief action after October 1, 1916, can apparently be dispensed with. The fact that the population of Poland and Lithuania will to some extent suffer until the new crop is lodged, and later on, too, will sometimes have to put up with straitened circumstances, can therefore not be laid to the blame of the Imperial Government but to that of Great Britain.

GERARD

File No. 861.48/172

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, August 7, 1916, 1 p. m.  
 [Received August 9, 8.40 a. m.]

1374. Your 1302, July 21,<sup>2</sup> circular August 4, 9 p. m.,<sup>3</sup> and my 1354, July 26, 7 p. m.<sup>3</sup> Ministry for Foreign Affairs reply as follows to letter from President to Emperor provisionally communicated telegraphically.

Reply will be transmitted subsequent to arrival of original letter; in the meantime Minister for Foreign Affairs notifies Ambassador for tentative information that Austro-Hungarian military authorities cherish lively interest in any measures tending to help population of occupied territories lacking provisions and promote as far as possible any effort arrive international agreement for provisioning same. The military authorities would obligate themselves not to remove supplies from occupied territory in manner and quantity that subsistence of population would be jeopardized. They would be prepared [to] guarantee [that] any provisions supplied by neutral countries would accrue to benefit inhabitants of occupied territories and used for no other purpose.

<sup>1</sup> *Ante*, p. 899.<sup>2</sup> See letter from the President of July 20 and footnote 1 thereto, *ante* p. 903.<sup>3</sup> Not printed.

However, guarantee that other products respective territories will not be used in interior could not be given by authorities. Exactly out of these humanitarian considerations which prompt American relief action, it appears impracticable to the military authorities to prohibit exportation agricultural products from occupied territory; for if traffic between such territories were now stopped (?) inhabitants of Poland always dependent upon export of agrarian products, would be most sensibly affected thereby and hindered in providing those articles of necessity which they are accustomed to draw from interior and which must be charitably provided.

Under these conditions Austro-Hungarian military would gladly consider any suggestions regarding provisioning of Poland and awaits with interest the proposals of American Government in this regard.

PENFIELD

File No. 861.48/173

*The Chargé in Great Britain (Laughlin) to the Secretary of State*

[Telegram]

LONDON, August 9, 1916, 5 p. m.

[Received 8.45 p. m.]

4688. My 4619, July 27.<sup>1</sup> I am in receipt of a note from the Foreign Office from which I quote as follows:

I will not comment on the vagueness or the inaccuracies of this reply, such, for instance, as the baseless statement that it would be impossible to import any foodstuffs into Poland before October 1. Such controversy would, I feel, be useless.

His Majesty's Government now have before them the present statement of the German Government in regard to northern Poland and the statement of the Austro-Hungarian Government in regard to Serbia which I had the honour to bring to the attention of the United States Government in my note of July 20. Both statements are diametrically opposed to the assertions of those who submit constant appeals to the Allied Governments on behalf of these occupied territories.

His Majesty's Government note that in the opinion of the German Government, which may now be regarded as in control of Austria-Hungary also, further negotiations are devoid of purpose. In these circumstances His Majesty's Government feel that they can do no more, and they must leave it to the Government of the United States to take such further steps, if any, as they shall think right and useful.

LAUGHLIN

File No. 861.48/225

*King George V to President Wilson*

[Copy received by telegraph and transmitted by the British Ambassador to the Secretary of State, August 12, 1916.]

GREAT AND GOOD FRIEND: <sup>2</sup> I have received with deep interest and sympathy the letter which you addressed to me on July 20 in regard to the sufferings of Poland. My Government in consultation with my allies have already replied to the appeal received from the Government of the United States on this subject. They have offered their assistance in relieving all territories in the occupation of my

<sup>1</sup> *Ante*, p. 904.

<sup>2</sup> The original autographed letter as received by President Wilson bears the salutation "Your Excellency."

enemies upon conditions which I think will be recognized in all neutral countries as moderate and reasonable.

In reply to this offer the German Government have stated that all outside assistance can be dispensed with in Poland in view of the near approach of the harvest.

My Government continue to communicate with the Government of the United States on the whole subject and I shall follow the result of these communications with the deepest interest, since the condition of the Poles as well as of the Serbs and other allied populations in invaded territories is a subject which must increasingly arouse the sympathy and anxiety of the Allied Governments as the war is prolonged.

Your Good Friend,

GEORGE R. I.

File No. 861.48/196

*The Chargé in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, August 25, 1916.

[Received 7.30 p. m.]

1554. Referring to the Embassy's No. 1526, 11th.<sup>1</sup> Foreign Office informs me reply of President of French Republic will be delivered to the President by French Ambassador. Following is translation copy of this reply as furnished me by Foreign Office:<sup>2</sup>

EXCELLENCY: You have been good enough to ask me to draw the attention of the Government of the Republic to the situation in which the Polish population finds itself as a consequence of the insufficiency of food supplies. Moved by so much suffering, you have suggested submitting to a fresh examination the possibility and the means of provisioning Poland, and you have offered the Federal Government's friendly good offices in the negotiations which you propose that the belligerent governments should undertake on the subject, it being understood that any project considered could not be adapted to any other purpose than that of provisioning the unfortunate inhabitants of Poland.

I need not assure Your Excellency of the interest which the Government of the Republic takes in the Polish people. The sufferings which the lack of foodstuffs inflicts upon the Polish populations arouse all the more sympathy and pity in France as we ourselves have to deplore similar sufferings among the French populations in our territory still occupied by the enemy. For this reason the Government of the Republic, in concert with its allies, has endeavored to organize such relief for Poland as Your Excellency has in mind, that is to say, in such a manner as to benefit the Poles alone without being diverted to the profit of the occupying power.

I regret to state that all the efforts made in that direction have been in vain, Germany and Austria having refused to give the necessary guarantees. Quite recently the Allied Governments, as Your Excellency is aware, proposed to Germany, through the American Government as intermediary, to allow free passage for all the products needed to complete the quantities of them indispensable for provisioning the territories now occupied, if, on their part, the German and Austro-Hungarian Governments would agree to reserve to the populations of those different territories the entire produce of their soil and all the stocks in possession of native inhabitants of that region. Moreover, the Allied Governments demanded, as is equitable, that the products thus reserved should be subject to free exchange between the different invaded territories, which could thus reciprocally supply each other, with the help of the com-

<sup>1</sup> Not printed.

<sup>2</sup> Translation slightly revised upon comparison with the original later delivered.

plementary quantities imported through consent of the Allies, without asking anything of the enemy governments. The Allied Governments proposed, in addition, that neutral persons chosen by Your Excellency should have the necessary authority to control the distribution of the food and, as occasion might arise, to transfer supplementary stocks from one invaded territory to another. Now the German Government has just announced that it is in a position to assure the provisioning of Poland and that any further negotiation on the subject would be purposeless. The Austrian Government, some time ago, made a similar reply with regard to Serbia. This reply of the German Government is in absolute contradiction with the lamentable situation which occasioned Your Excellency's generous appeal, but it shows clearly that the efforts of the Allied Governments in this matter are encountering a manifest ill will which renders them powerless to achieve their object.

The Government of the Republic, as well as its allies, considers that it has done everything possible for the provisioning of Poland. Only a fresh effort on the part of Your Excellency and of the Federal Government addressed to the German and Austro-Hungarian Governments could possibly be efficacious in opening the way to an agreement which would give satisfaction to the needs of the Polish populations. Your Excellency may rest assured that France will always be happy to second attempts of this kind to the full extent compatible with military necessities and with the very legitimate solicitude for assuring at the same time to the unfortunate populations of the French territories occupied by the enemy, as well as to the Belgian populations, an amelioration of the deplorable situation in which they are likewise placed.

I beg [etc.]

RAYMOND POINCARÉ

BLISS

File No. 861.48/203

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 3904

BERLIN, August 28, 1916.

[Received September 11.]

SIR: With reference to the Department's unnumbered instruction of July 21, 1916,<sup>1</sup> enclosing the President's autograph letter to the German Emperor on the subject of relief to destitute non-combatant inhabitants of Poland, which the Embassy duly transmitted to His Imperial Majesty through the medium of the Imperial Foreign Office, I now have the honor to enclose herewith a letter addressed to the Imperial German Embassy in Washington containing the Emperor's reply to the President, which the Foreign Office has requested me to forward in the diplomatic pouch in view of the uncertainty of the open mails at the present time.

Although no office copy of the Emperor's letter was transmitted to the Embassy, I have had made, for the Department's information, a translation of the office copy destined for the German Embassy in Washington, contained in the unsealed envelope, and enclose it herewith.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

*Emperor William II to President Wilson*

MR. PRESIDENT: The Ambassador Extraordinary and Plenipotentiary of the United States of America at my Court, Mr. James W. Gerard, has transmitted

<sup>1</sup> See letter from the President of July 20 and footnote 1 thereto, *ante*, p. 903.

to me the communication of July 20, according to which you, Mr. President, felt inclined to suggest a fresh consideration of the ways and means which might enable the American people to relieve the distress of the non-combatant inhabitants of Poland.

The supposition, which you make, that overwhelming disasters have befallen millions of non-combatant inhabitants of Poland and that millions of innocent people are threatened with death by slow or rapid starvation, was unhappily true of the past year, when the Russian Army, retreating from my troops and the Austro-Hungarians, were systematically endeavoring to turn the country into a desert, burning the villages, destroying the crops, and attempting to drag away the inhabitants, women, children, old men. As soon as the German administration had been established, it did all in its power to relieve the inhabitants of the occupied territory, regardless of racial origin or political sentiments, by distributing food, providing for lodging, coping with epidemic diseases. To-day, after a year has passed, the results of these labors may be reviewed. The administration which I established has succeeded in alleviating to a great extent the distress caused by the Russian methods of warfare—which no one can regret more than I—and in protecting the occupied territories from the worst misery. My administration has furnished, for the benefit of the occupied and for the greater part devastated districts, seeds, pack-animals, machines, and labor, with the result that to-day the occupied parts of the East are looking forward to a harvest which, in accordance with the same principles of food distribution prevailing in Germany, places the supply of the inhabitants with cereals and potatoes on a safe footing. Furthermore, my administration, by systematically combating the epidemic diseases raging in the occupied parts, as cholera, dysentery, spotted fever, small-pox, has saved thousands and thousands of human lives, with the effect that to-day, in spite of the unavoidable miseries of war, the death rate in the occupied territories is hardly higher than under normal conditions before the war.

Still, I, too, would appreciate any assistance capable of further alleviating the lot of the innocent victims of the war to a greater extent than my administration with its own resources is able to do.

Accordingly as early as January 1915, my Government has in every way supported the efforts of the Rockefeller War Relief Commission to relieve the inhabitants who at that time were in special distress. However, the agreement entered upon by the Ambassador of the United States and the representative of my Government, in spring 1915, could unfortunately not be realized for reasons which were beyond my control and which you are well acquainted with.

If you, Mr. President, now offer the cooperation of the American people confidentially for the purpose of an effective relief, I thank you for this assistance and accept it. To-day, too, I am very willing to do everything in my power necessary for establishing the basis on which the assistance you offer may become effective. In my opinion, the manner in which this must be done is prescribed by circumstances. According to the principles of international law, which were generally recognized before the war, the charitable contributions you wish to direct to the inhabitants of the occupied territories belong to the articles of relative contraband, the transmission of which on neutral ships a warring power has the right to prevent only as far as these articles are destined for the armed forces of another warring state. As in the past, my Government is ready to give a guarantee that the contributions which American charity wishes to transmit to the inhabitants of the occupied territories will be of benefit only to these inhabitants. If in spite of such guarantees, a power which is in state of war with Germany continues to prevent American citizens from exercising their unobjectionable rights or to base its permission on conditions which have no foundation in the principles of international law and from the start are unacceptable to my Government, I must refuse to assume the responsibility for such an outcome.

In expressing to you, Mr. President, my sincere appreciation of your generous intentions, I avail myself of this opportunity to extend to you the assurances of my highest consideration.

WILHELM I. R.

V. JAGOW

HEADQUARTERS, August 22, 1916.



File No. 861.48/204

*The Ambassador in Germany (Gerard) to the Secretary of State*  
No. 3934

BERLIN, August 30, 1916.

[Received September 11.]

SIR: I have the honor to transmit herewith, for the Department's information, copy and translation of a note received from the Imperial Foreign Office, dated August 25, 1916, relative to the subject of supplies for the relief of the population in the occupied territories, which is in reply to a note from the British Government, dated July 26 last,<sup>1</sup> forwarded to me by the Embassy in London in its telegram No. 831, of July 27.

I am to-day transmitting a copy of this note to the Embassy in London.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

*The German Foreign Office to the American Embassy*

Nr. II-U-3627/148040

## NOTE VERBALE

The Foreign Office has the honor to inform the Embassy of the United States of America, with reference to the esteemed *note verbale* dated 29th ultimo, Foreign Office No. 11492, that the British declaration transmitted in that note, relative to the subject of supplies for the relief of the population in the occupied territories, makes a discussion impossible, owing to the wording and the substance.

As regards the relief of the occupied territories in the East, the Imperial Government has repeatedly stated that a relief action on the part of the neutral countries, especially of the United States of America, in favor of the civil population would be gratefully accepted, and that provision would be made to reserve the imported foodstuffs wholly to the civil population of the occupied districts, and particularly that they would not be seized for the benefit either of the German Army or of the German civil population. In accordance with this assurance, England can no longer claim the right to prevent the importation of food supplies into such territories. It would be infringing the principles of international law if England, in spite of the guarantees offered, would seize foodstuffs intended for the civil population of the occupied territories by a neutral party and shipped there on neutral ships.

As the Government of the United States has continually endeavored to alleviate the distress of the inhabitants of Poland in a most laudable manner, it must be left to its consideration whether it will allow Great Britain to foil the realization of the grand relief work of the American Relief Commission by its measures conflicting with the law of nations.

As before, the Imperial Government would in the interest of the inhabitants of the occupied districts appreciate it if the American Government should succeed in realizing the unselfish relief work, in spite of the threatened violation of international law on the part of England.

However, should these efforts fail, Germany would not be to blame if the inhabitants of the occupied territory would have to bear the full burden of war.

BERLIN, August 25, 1916.

File No. 861.48/208

*The Ambassador in Russia (Francis) to the Secretary of State*  
No. 263

PETROGRAD, August 30, 1916.

[Received September 20.]

SIR: I have the honor to enclose sealed communication from His Imperial Highness, Emperor Nicholas II, to His Excellency Wood-

<sup>1</sup> See *ante*, p. 904.

row Wilson, President of the United States, in reply to a letter from the President delivered by myself personally to B. V. Sturmer, Minister of Foreign Affairs, on August 11, 1916. When this letter was delivered I stated to the Minister of Foreign Affairs that I would be pleased to convey it in person to His Imperial Majesty, but the Minister replied that the Emperor was at the front and inaccessible, but that he, the Minister of Foreign Affairs, would deliver it himself. The Minister also informed me that the Emperor had been informally advised of the contents of the letter when they were cabled to the Embassy and transmitted in formal communication to the Foreign Office.

In my cable No. 727, sent August 27,<sup>1</sup> I transmitted to the Department a translation from Russian of the note conveying the Emperor's sealed reply, also copy in French of that reply, in accordance with request of the Foreign Office. Enclosed herewith are copies of those communications.<sup>2</sup> I am also enclosing memorandum of interview between the Minister of Foreign Affairs and myself on this subject held August 11, 1916.<sup>1</sup> That memorandum also treats of other subjects discussed in the interview had with the Foreign Minister.

I have [etc.]

DAVID R. FRANCIS

[Enclosure—Translation]

*Emperor Nicholas II to President Wilson*

MR. PRESIDENT, GREAT AND GOOD FRIEND: I have received your letter in which you propose, in the name of the people of the United States, to submit to a new examination the possibility of rendering relief to the population of Poland who are in distress.

I am profoundly grateful for the humanitarian sentiments of the American citizens and for the disinterested intervention of the Government of the United States toward alleviating the sufferings of the victims of war.

Pursuant to my instructions, my Government, in accordance with the governments of my allies, has, at many instances, given its consent to propositions which have been made to this effect.

I regret that the responsible authorities of the enemy countries have consistently opposed the manifestly legitimate conditions which have been submitted by the Allies and even actually refused to accept all relief proposed for Poland.

Leaving the development of this matter to the judgment of the Government of the United States, I desire to assure you, Mr. President, that my Government will be happy to consider any new proposition which will be made by the Washington Cabinet.

Written at the Imperial Headquarters August 7, 1916.

Your Good Friend,

NIKOLAI

File No. 861.48/211

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1920

VIENNA, August 25, 1916.

[Received September 25.]

SIR: I have the honor to transmit herewith enclosed a copy with translation of a note from the Austro-Hungarian Minister for Foreign Affairs, under date of the 24th instant,<sup>1</sup> accompanied by a letter

<sup>1</sup> Not printed.

<sup>2</sup> Letter of transmission not printed.

from His Majesty the Emperor, addressed to the President, in reply to the latter's communication which was transmitted as an accompaniment to the Department's unnumbered instruction of the 21st ultimo,<sup>1</sup> relative to the destitute non-combatant inhabitants of Poland.

No office copy of the Emperor's letter was enclosed, and I have, therefore, been unable to communicate its purport to you by telegraph.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*Emperor Francis Joseph to President Wilson*

MR. PRESIDENT: Your Excellency's valued letter of July 20 of this year has come to hand and I hasten to express to you my warmest thanks for your endeavor prompted by purely humane motives to come to the assistance of the needy population of Poland.

While there happily can be no talk of a famine in the parts of Poland occupied by my troops, my military authorities stand quite ready to adopt any method of promoting so far as possible the conclusion of an international agreement looking to the provisioning of the population of Poland which is, to be sure, exposed to many privations.

I may add that Mr. Frederic Courtland Penfield, your Ambassador Extraordinary and Plenipotentiary accredited to me, has already been advised by my Minister of Foreign Affairs of the conditions under which the chief command of my armies could further discuss the question of the provisioning of Poland, and also of the great interest and deep gratitude with which it looks forward to further propositions on the subject from the American Government.

I avail myself of this opportunity to assure Your Excellency of my entire consideration.

FRANZ JOSEF

VIENNA, August 21, 1916.

### SERBIAN RELIEF<sup>2</sup>

File No. 811.142/1157

*The Consul at Saloniki (Kehl) to the Secretary of State*

[Telegram]

SALONIKI, November 26, 1915.

[Received 12 p. m.]

Advise Red Cross:

Have investigated reported typhus and conditions southern Serbia. Relief not required. Twenty-five thousand refugees Greece relieved by Serbian Relief Committee. Sufficient funds. Reported serious condition Albanian border uncertain. Telegram from Serbian War Minister requesting in name Government Red Cross aid Serbians in territory occupied Germans, Bulgarians, flour, food. If you secure necessary permits, recommend party proceed direct Sofia. Retaining four men, proceeding towards Albania investigate conditions, returning shortly. Now sending five men Naples charge Bakeman. No word Bulgaria regarding men, supplies Skoplije.

STUART<sup>3</sup>

KEHL

<sup>1</sup> See letter from the President of July 20 and footnote 1 thereto, *ante*, p. 903.

<sup>2</sup> Correspondence relating to several special projects of relief on a smaller scale in the Balkan Peninsula is not printed.

<sup>3</sup> Had recently arrived to head the Sanitary Commission at work in Serbia when the invasion took place. See *Foreign Relations*, 1915, Supplement, pp. 1041-42.

File No. 811.142/1188c

*The Secretary of State to the Ambassador in Austria-Hungary  
(Penfield)*

[Telegram]

WASHINGTON, December 8, 1915.

1013. The Red Cross would be glad to be informed whether the Austro-Hungarian Government desires their cooperation in relieving the distress in Serbia. The Red Cross will naturally await the receipt of an expression of the views of the Austro-Hungarian Government before taking any steps.

LANSING

File No. 872.48/24

*The Secretary of State to the Ambassador in Germany (Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, January 21, 1916.

2619. Red Cross desires to transport relief supplies by land from Holland to Serbia. Ascertain and report attitude German Government relative to such shipments.

LANSING

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>2</sup>

[Telegram]

WASHINGTON, January 21, 1916, 4 p. m.

2760. American Red Cross desires to ship relief supplies for Serbia from United States to Holland, thence by land to Serbia. Ascertain attitude of British Government relative to such shipments, taking care to word your inquiries so as not to admit expressly or by implication any right of Great Britain to interfere with such shipments.

LANSING

File No. 872.48/28

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, January 24, 1916, 6 p. m.

[Received 11.45 p. m.]

3638. Your 2760, January 21. The consent of the British Government would depend, among other things, on the adequacy and efficiency of the machinery in Serbia for distributing food. Even with a large and very able staff of Americans in Belgium, the Germans have taken food meant for Belgians. Some of the Allied Governments are now asking Hoover to undertake distribution in Serbia and negotia-

<sup>1</sup> The same, *mutatis mutandis*, to the Ambassador in Austria-Hungary (No. 1093) and the Chargé in Bulgaria (No. 21).

<sup>2</sup> The same, *mutatis mutandis*, to the Ambassador in France, No. 1331.

tions looking to this are pending. I am told that grain can be bought cheaper in Roumania than in the United States and the difficulties of shipping thus avoided. Besides the necessity of a large distributing organization in Serbia, the problem can not depend wholly on voluntary contributions. There must be large sums given by some Allied Government. All the food and money given in the United States since the war began to feed Belgians was enough for only three weeks.

The probability is that a distributing force in Serbia will soon be arranged here. I am sure the wise course to pursue is to wait until the pending negotiations to that end come to a head. If they are successful, the machinery will be ready for the Red Cross contribution. If they fail, the status of distributing machinery can be taken up without conflicting with the pending negotiations.

AMERICAN EMBASSY

File No. 811.142/1350

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 1171

VIENNA, January 13, 1916.

[Received February 1.]

SIR: Referring to the Department's telegraphic instruction No. 1013 of the 8th instant [ultimo], I have the honor to enclose herewith for your information a copy and translation of a communication from the Austro-Hungarian Ministry of Foreign Affairs relative to the offer of assistance in Serbia made by the American Red Cross.

The permission for Dr. Edward Stuart, president of the Red Cross Mission for Serbia, to return to that country was immediately telegraphed to Sofia.

Doctor Stuart has since arrived in Vienna, and has telegraphed the result of his interview with the Austro-Hungarian authorities through this Embassy and the Department.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy*

No. 72

VIENNA, January 7, 1916.

In reply to the *notes verbales* of the 14th and 29th ultimo, Nos. 4218 and 4396, the Imperial and Royal Ministry of Foreign Affairs has the honor to inform the American Embassy as follows:

In the interest of the suffering population of Serbia, the Imperial and Royal Armeekorps warmly welcomes the offer of the American Red Cross and will support the intended assistance as far as the conditions in connection with the centralization of affairs in Serbian territory now occupied will permit.

The Armeekorps remarks, in general, that the direction and superintendence of the efforts in question will be put into the hands of the Imperial and Royal Government General in Belgrade, and that therefore it would be advisable for the competent officers of the American Red Cross to procure definite information from the Government General in regard to the actual needs, and instructions relative to the organization for distribution. In this connection it would also be necessary to decide upon the officers to be sent out by the American Red Cross in agreement with the Government General, since the Imperial and Royal Military Administration must be reassured that this relief movement will not be taken advantage of by certain elements in the

country itself for activity prejudicial to the quiet and safety of the occupied territory.

So far as concerns the request of the president of the Red Cross Mission for Serbia, Mr. Edward Stuart, to be permitted to return to Serbia via Sofia, there is absolutely no objection to this. Mr. Stuart may at once proceed to Belgrade, where he will receive further permission from the Government General to travel through the country.

File No. 872.48/32

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, February 6, 1916, 10 a. m.

[Received 4 p. m.]

1256. Your 1331, 21st, through London.<sup>1</sup> Note from Foreign Office received to-day states that question delicate, as according to international custom it is incumbent upon German [Central] Empires to assure the feeding of populations of invaded countries and that the sending of provisions to such countries would seem to encourage German methods of organized pillage. Further states that in view of strategic and economic reasons an organization for supplying relief to Serbia regularly would require previous agreement between Allied Governments. The Holland route presents objections because of long journey through Germany; therefore shipments via Russia and Roumania would seem much more preferable in case the Allies should agree to authorize certain shipments.

SHARP

File No. 872.48/34

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, February 9, 1916.

[Received February 10, 8 p. m.]

1140. Purport your 1093, January 21,<sup>2</sup> via Berlin, promptly communicated to Ministry. Early reply urged. Ministry now acknowledges receipt agreeing in principle to shipments via Holland for Serbian relief, but reserves final reply relative facilities and guarantees owing consultation with other ministries.

PENFIELD

File No. 811.142/1410a

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, February 24, 1916, 7 p. m.

1137. Minister Bucharest transmits message from Stuart stating all members Red Cross have been ordered to leave Serbia, although no reason given for this action. He adds difference between policy

<sup>1</sup> See ante, p. 914, footnote 2.

<sup>2</sup> See ante, p. 914, footnote 1.

of Government and local military authorities incomprehensible. Stuart is holding relief supplies for Serbia. Ascertain and report circumstances which caused this order by Belgrade authorities, apparently in direct reversal of the authority which Red Cross understood had been granted by Austrian authorities in Vienna to Stuart to send men into Serbia. Use your good offices in endeavoring to bring about understanding which will make it possible for Stuart and committee to continue efforts in behalf of Serbians.

LANSING

File No. 811.142/1427

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, February 26, 1916, 3 p. m.

[Received February 27, 9.30 p. m.]

1167. Your 1137, February 24, 7 p. m. Following telegraphed to Legation, Bucharest, on 24th instant for communication to Stuart:

Lieutenant Colonel Gellinek, Chief of Staff of Governor of Belgrade, now in Vienna, states that American Red Cross relief measures for civil population of Serbia are not considered of sufficient magnitude to warrant continuance present scheme. Representatives were expelled from Belgrade not because of conduct but because movement did not seem serious. The authorities consequently did not propose, he said, to permit American Red Cross participation in relief measures to insignificant degree and then to claim all the credit; that if they were in earnest they should send experienced and mature representatives and furnish two or three million crowns' worth foodstuffs which would, however, have to be distributed by the military authorities. Lieutenant Colonel Gellinek did not seem disposed to discuss the question. Ministry for Foreign Affairs later recited foregoing as attitude of military authorities and, while regretting occurrence, stated that it would seem inadvisable to attempt resumption until assurances could be given of more extensive measures. Am of opinion reasons assigned but thinly veil determination of military authorities to keep all neutrals, and especially Americans, out of occupied territory.

Following received to-day:

BUCHAREST, [February] 25 [1916].

Your 83. Have notified Stuart, but I told him to wait here until you will receive answer to the following: You may assure Austrian Government that not only flour, etc., which Stuart bought for Serbian relief will be sent at once, but that I have been promised one hundred carloads of maize and a hundred carloads flour which would be shipped immediately if the distribution is entirely left in the hands of American Red Cross and if they receive the assurance of sufficient cooperation of the military authorities. These supplies are valued one million crowns, and if more is needed for Serbian relief I am sure I can get it, so that total will equal or exceed same amount stated by Austrian authorities.

Your instructions are awaited before proceeding further.

PENFIELD

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*

[Telegram]

WASHINGTON, February 29, 1916, 6 p. m.

1148. Your 1167, February 26. Communicate to Austrian Foreign Office substance telegram 83, February 25 from Vopicka, and

ascertain definitely attitude Austrian Government relative this matter. Prompt reply urgently desired.

LANSING

File No. 872.48/42

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 29, 1916.

[Received March 1, 5.30 p. m.]

3545. Your 2619, January 21. For Red Cross:

Relative to transportation relief supplies by land from Holland to Serbia, German Government states it will permit the transportation through Germany of articles of food and clothing from American Red Cross for Serbia, but before instructions can be issued as to the route through Germany by which the shipment must be made, German Government requests it be informed as to the contents and amount of the shipment. Copy of note mailed to-day.

GERARD

File No. 872.48/46

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, March 4, 1916, 10 a. m.

[Received March 5, 3.25 p. m.]

1175. Your 1148, February 26 [29], 6 p. m. Following is summary of note from Austro-Hungarian Ministry for Foreign Affairs:

Government General at Belgrade has been instructed as follows:

The Government General shall notify Ministry for Foreign Affairs by telegraph of arrival of next shipment, whereupon representatives relief committee will be permitted to return to Belgrade. After the arrival, shipment will be turned over by American Relief Committee's delegates in the presence of representative of Government General to Belgrade citizens' committee against receipt to both representatives. Government General shall arrange with relief delegates for similar delivery to Belgrade committee of further shipments up to ten carloads, and in case larger shipments, relief committee delegates will be given voice in the distribution. The arrangements to be agreed upon shall be submitted to the Supreme Commander in Chief of the Imperial and Royal Army (which is located at Teschen, Silesia).

Ministry for Foreign Affairs hopes that since agreement between relief committee and Government General Belgrade is made possible, activities of former may be resumed and more extensively on the arrival of awaited large shipments from America.

Report of arrival in Belgrade of 16 carloads supplies already purchased by Stuart must be awaited before proceeding further. Inquiries identity proposed delegates and shows preference for Stuart assuming personal supervision.

Foregoing will be communicated to Stuart who arrives Vienna tomorrow.

PENFIELD



File No. 811.142/1509

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, April 1, 1916, 3 p. m.  
[Received April 2, 7 p. m.]

1215. For Red Cross:

20. Expected note received from Government. More favorable than previous note. Proceeding Belgrade confer local authorities. STUART

PENFIELD

File No. 811.142/1549

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, April 18, 1916, 3 p. m.  
[Received April 19, 2.30 p. m.]

1230. For Red Cross:

21. Have made satisfactory arrangement with military representatives Serbia for relief Belgrade. Arrangements relief interior Serbia not completed but progressing favorably. Distribution by American Red Cross assisted by citizens' committee begun April 14. Expect supply 15,000 practically destitute people. Serious condition orphan and aged asylums will be relieved. Have requested immediate shipments donated supplies from Roumania. Shipments from America desirable, especially women's, children's shoes, clothing, all kinds food. STUART

PENFIELD

File No. 872.48/69

*The British Ambassador (Spring Rice) to the Secretary of State*WASHINGTON, April 21, 1916.  
[Received April 22.]

MY DEAR MR. SECRETARY: I have received a telegram from my Government requesting me to convey to Doctor Ryan the views of the British authorities with regard to the proposal to send a neutral medical and sanitary mission into Serbia to care for the civil population. I have been unable to ascertain exactly the present whereabouts of Doctor Ryan, though I am informed that he is believed to be in Corsica, and I venture therefore to enquire whether the Department of State could communicate to him the views of His Majesty's Government, which are as follows:

The British Government are ready to approve the proposal to send a mission to Serbia, and would raise no objection to such a mission's taking in a certain quantity of supplies for the use of its own staff; sufficient, say, for a period of one month. His Majesty's Government are, however, most strongly of the opinion that the duties of such a mission should not be complicated by endeavouring to under-

take the introduction of foodstuffs into Serbia on the same lines on which this work has been done in Belgium. Some 120 thousand tons of grain and vegetables a month are now being sent from Roumania into Germany and Austria, and the Austrian Government are thus in a position easily to undertake the supply of the Serbian population. In the case of Belgium the absolute obstacles to ordinary importations rendered the institution of the Belgian Relief Commission a necessity, but the intervention of a neutral relief organisation in Serbia would not be justified by the existence of such obstacles, and would merely relieve the Austrian Government of their responsibility. The extent, moreover, to which the Austrian Government are now taking livestock and domestic produce from Serbia is such as to make His Majesty's Government regard it as hopeless to expect to reach, in the case of Serbia, even the unsatisfactory measure of guarantees which have been secured in the case of Belgium.

Believe me [etc.]

CECIL SPRING RICE

File No. 872.48/71

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, April 29, 1916.

[Received 12.05 p. m.]

1375. For Red Cross:

Expect favorable decision material Marseille. Suggest no more material be sent this way. French authorities to make special exception in this case. They refuse on account blockade to allow further relief Serbia. Possibility free transportation in France will be refused, although still hopeful. Leaving for Berne about Monday to arrange further transportation.

RYAN

SHARP

File No. 811.142/1630

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, June 13, 1916, 10 a. m.

[Received June 14, 2.30 p. m.]

1300. Your 1231, May 17.<sup>1</sup> For Red Cross. Following is summary agreement signed May 31 by Stuart and Military Governor General, Belgrade:

In view large and valuable shipments for relief [of] population [in] occupied parts [of] Serbia from America and Roumania, four delegates of American Red Cross permitted distribution interior. Names must be submitted to military Governor General as in Ryan's case, former reserving the right to accept or

<sup>1</sup> Not printed.

decline them without giving reason therefor. Each delegate to be assigned certain number circuits, may travel freely along railway line of same, but not others. Delivery and distribution of relief goods to circuit relief committee over which delegate shall have control must take place presence circuit commander. No goods to be sold. Loading, storage, transportation, and necessary assistance provided for by military government. Goods will be especially marked as property American Red Cross and must not be disposed of until arrival delegate at place of distribution. Protocol to be drawn in duplicate on distribution relief, copy given to delegate after distribution all supplies to population. Circuit relief committee shall send summarized account of goods distributed in principal place of circuit and localities of circuit along railway line of goods sent for distribution to district committees to Governor General Belgrade and Red Cross delegate. Circuit commands will transmit all *en claire* telegrams of delegates bearing on relief action of American Red Cross to respective circuits. Circuit command shall provide accommodation and provender for Red Cross delegates.

Agreement above outlined permits four American Red Cross delegates distribute supplies interior Serbia similar to relief Belgrade. Arrangement is apparently practical and satisfactory. In addition to Doctor Ryan, names of three additional men should be furnished for submission to competent authorities. They should be capable and tactful and must speak German. Venture to urge early reply indicating date and amount increased shipments this basis.

PENFIELD

File No. 872.48/92

*The Minister in Roumania (Vopicka) to the Secretary of State*

[Telegram]

BUCHAREST, July 5, 1916, 4 p. m.

[Received July 8, 7 p. m.]

267. British Government, controlling 85 per cent of all flour grown in Roumania, is opposed to shipping any flour or foodstuffs to Serbia, claiming that by such action they would release Central powers from burden of feeding civilian population. For the same reason said Government together with [Roumanian?] Government have stopped passage of cars of flour promised to me for Serbia as per my telegram No. [232?], February 28, 6 p. m.<sup>1</sup> It seems they also tried to stop Roumanian exportation 100 cars of maize and it is only due to my continuous efforts that said Government has given [20?] cars of maize and are beginning to ship balance this week to Serbia. Government has also promised permit to export 100 cars wheat if same is purchased immediately. Could American Red Cross send at once necessary funds for this? Could Department influence British Government to withdraw its opposition to shipping flour, etc., to save starving Serbians? The same influences have made it impossible to send to American Red Cross, Constantinople, any relief for the starving Turkish civilian population.

VOPICKA

<sup>1</sup> Not printed.

File No. 872.48/95

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 22, 1916.

[Received 6 p. m.]

4596. I have just received following note from Foreign Office:

July 20.

I have received from the Serbian Government a strong appeal for the release to the American Red Cross, represented by Doctor Ryan, of 2,000 tons of Roumanian grain controlled by the Allied Governments for importation into Serbia in view of the desperate state of starvation which is said to exist in various districts.

I have instructed His Majesty's Minister at Bucharest to inform the United States Minister at that capital that as the Austrian and German Governments possess enormous stocks of foodstuffs in Roumania, it is for them in future to provide for the Serbian population.

In this connection I desire to draw your excellency's attention to an official statement made by the Austrian Government on July 1 in the *Politische Korrespondenz* in which the following passage occurs.

As the Austro-Hungarian military authorities were and are still able to provide sufficient foodstuffs for the population of the occupied territories unaided, there is no need for the organization of a body with a view to undertaking the distribution and supervision of possible food supplies to Serbia from neutral countries such as is alleged to have been proposed in England at the suggestion of Bryce.

The military authorities are doing their duty of their own free will and are simply following the dictates of humanity without considering any of the obligations which in Lord Cecil's opinion are due in return for the facilities granted in affording relief to Poland.

The concessions made to the relief committee of the American Red Cross and to the Geneva relief committee are not due to insufficient activity on the part of the Austro-Hungarian military authorities in connection with the revictualling of the population, but are entirely due to international politeness on the part of the Austro-Hungarian authorities with the humane desire to give relief to the suffering.

In view of this statement His Majesty's Government assume that there is no necessity for the importation of any supplies into Serbia from neutral countries, and as the Austrian Government have committed themselves to this statement His Majesty's Government will hold them responsible for any shortage of foodstuffs or any distress which may be found to exist in any part of Serbia. I have, however, instructed His Majesty's Minister at Bucharest to inquire into the accuracy of this statement, and, in the event of his not being satisfied as to its accuracy, I have authorized him as a wholly exceptional measure to release the 2,000 tons of grain asked for by the Serbian Government, but to inform the United States Minister that in view of the above considerations this authorization can in no circumstances be repeated.

I should be glad if your excellency would bring these facts to the notice of the United States Government and would also communicate them to the Rockefeller Foundation, whose representative, Mr. Warwick Greene, is understood to be at the present moment at Belgrade or on his way thither from Berne.

I take this opportunity of pointing out the continual state of uncertainty in which the Allied Governments are placed by the fact that they never receive any official statement from the German or Austrian Governments as to their attitude towards the projects of relief which are periodically urged upon the Allied Governments by neutrals. The German and Austrian Governments confine themselves to *communiqués* in the press for purposes of propaganda and these *communiqués* frequently asseverate that there is no need for imported supplies at

the very moment when the absolute necessity of importations is being represented to His Majesty's Government by philanthropic American bodies.

For the Secretary of State:

MAURICE DE BUNSEN

Copy of above has been forwarded to Warwick Greene.

PAGE

File No. 872.48/100

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, August 7, 1916.

[Received August 8, 8.20 a. m.]

1373. For Red Cross:

34. Austrian Government accepts agreement 3<sup>1</sup> for shipments supplies from Roumania instead from America. Awaiting action regarding Buck, Laughlin.

STUART

PENFIELD

File No. 811.142/1848

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

No. 2237

VIENNA, November 25, 1916.

[Received December 26.]

SIR: Adverting to my telegram No. 1549 of to-day's date,<sup>2</sup> relative to the desire of the Austro-Hungarian Government that the activities of the relief work in Serbia, conducted by the American Red Cross Society, should be terminated on the distribution of the supplies now on hand, I have the honor to transmit herewith a copy and translation of *note verbale* No. 115343/9 from the Imperial and Royal Ministry of Foreign Affairs, dated the 22d instant, upon which my telegram was based.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

*The Austro-Hungarian Ministry of Foreign Affairs to the American Embassy*

No. 115343/9

VIENNA, November 22, 1916.

NOTE VERBALE

The relief work in Serbia organized by the American Red Cross has received the continued support of the Imperial and Royal Government and of the military authorities in the expectation that conditions would permit, with this cooperation and the help of the donations which were expected from the United States of America itself, the inauguration of an extensive relief movement for the benefit of the necessitous population of the occupied territory, and, through the receipt of the fresh supplies expected, the further development of

<sup>1</sup> Summarized in the Ambassador's telegram No. 1300, June 13, 1916, *ante*, p. 920.

<sup>2</sup> Not printed.

the praiseworthy action already begun. Unfortunately, the conditions have shaped themselves in such a way that this expectation has failed of realization; the contributions from the United States were rendered impossible through causes which certainly the American Red Cross endeavored to remove, through the ever increasing rigor of the Entente blockade regulations, and the former shipments from Roumania, regarded solely as a temporary remedy, have likewise been discontinued since that State has entered the war.

Under these circumstances it appears fitting that the work of the relief committee should be interrupted until such time as conditions would permit of its resumption.

In this regard the Military Government General of Belgrade has invited the officials of the American Red Cross Committee now working in Serbia to conclude their activity there with the distribution of the supplies already on hand.

The Imperial and Royal Ministry of Foreign Affairs has the honor to apprise the Embassy of the United States of America of the foregoing with the request that it, together with the thanks of the Imperial and Royal Government for the humanitarian labors, be brought to the cognizance of the American Red Cross and its officials engaged in the relief work.

### RELIEF IN TURKISH TERRITORIES

File No. 811.142/1294b

*The Secretary of State to the Ambassador in Turkey (Morgenthau)*

[Telegram]

WASHINGTON, *January 14, 1916.*

1710. Instruct *Des Moines* to be at Piraeus February 6 to transport American Red Cross special agent and seven other Americans, including three to five ladies, together with shipment of hospital and relief supplies, to Beirut, and obtain permission Turkish Government for ship to enter latter port.

LANSING

File No. 811.142/1319

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *January 17, 1916, 11 a. m.*

[*Received January 24, 120 p. m.*]

1494. Your 1710, 14th. Have requested permission of the Sublime Porte, but do not have much hope to obtain it, as Syrian coast being blockaded by Allied Fleet, Turkish Government does not authorize any ships enter Beirut. Will in a few days inform you of the result of my request. For whom are hospital and relief supplies intended? Please reply telegraph in cipher.

MORGENTHAU

*The Secretary of State to the Ambassador in Turkey (Morgenthau)*

[Telegram]

WASHINGTON, *January 26, 1916.*

1758. Your 1494, 17th. Supplies are for American Red Cross hospital Beirut, except small portion thereof intended American community.

LANSING

File No. 811.142/1341

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *January 27, 1916, 5 p. m.*[Received *January 31, 2.45 p. m.*]

1520. My 1486, January 17, 11 a. m.<sup>1</sup> Captain Blakeley of the *Des Moines* telegraphs from Naples that he will be unable to proceed from Piraeus to Beirut as no ships whatever are allowed to enter Syrian blockade. Only available route open for Red Cross party is via Constantinople.

MORGENTHAU

File No. 811.142/1358b

*The Secretary of State to the Consul at Jerusalem (Glazebrook)*

[Telegram]

WASHINGTON, *February 4, 1916.*

Red Cross planning send about February 15 on United States collier about two tons medical supplies for Jewish hospitals Jerusalem. Telegraph whether agent Jaffa can arrange send small boat meet collier beyond mined area and land supplies.

LANSING

File No. 811.142/1368

*The Secretary of State to the Ambassador in Turkey (Morgenthau)*

[Telegram]

WASHINGTON, *February 10, 1916, 5 p. m.*

1840. Your 1520, January 27. Red Cross informs Department that Doctor Ward has permits from French and Italian Governments to take medical supplies in his possession through blockade to Beirut, and inquires whether this fact will not enable Captain Blakeley to make satisfactory arrangements with commanders blockading squadron so that *Des Moines* can pass through blockade.

LANSING

File No. 811.142/1410

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *February 13, 1916, 10 a. m.*[Received *February 25, 8.15 a. m.*]

1570. Your 1840, February 10, 5 p. m. Turkish Government has specifically refused permission for *Des Moines* visit Beirut. Consul General has telegraphed requesting Embassy instruct Blakeley not to go there. Blakeley requested remain Alexandria.

PHILIP

<sup>1</sup> Not printed.

File No. 811.142/1457

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, February 26, 1916.

[Received March 10, 8.10 a. m.]

1610. Your telegram February 4 to Consul Jerusalem. Foreign Office informs Embassy that medical supplies for Jewish hospital in Jerusalem may be landed by collier at Jaffa upon condition that no member of crew goes ashore and that no one, not even American consulate official, goes on board collier. Have so informed Jerusalem. Telegraph probable date arrival.

PHILIP

File No. 811.142/1460

*The Acting Secretary of State to the Ambassador in France (Sharp)*<sup>1</sup>

[Telegram]

WASHINGTON, March 14, 1916, 4 p. m.

1422. Ascertain whether Government to which you are accredited will permit landing medical supplies for Jewish hospitals in Jerusalem by United States naval collier at Jaffa. Turkish Government consents on condition no member of crew goes ashore and no one from shore goes on board collier.

POLK

File No. 811.142/1494

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, March 27, 1916.

[Received 4.50 p. m.]

4041. Your 3036, March 14. Foreign Office replies that, as medical supplies are apparently to be delivered to Turkish officials on the quay, it will be necessary before considering application to have information as to how it is intended to insure that stores so landed reach Jewish hospitals for which they are destined.<sup>2</sup> Foreign Office also states it will be necessary that application should also be addressed to French Government, and I am replying that this has been done.

AMERICAN EMBASSY

<sup>1</sup> The same to the Ambassador in Great Britain, No. 3036.

<sup>2</sup> This statement transmitted to the Chargé in Turkey by telegram No. 2172, March 29, 1916.



File No. 811.142/1504

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *March 23, 1916, 9 p. m.*

[Received March 29, 11 a. m.]

1680. [Constantinople] Red Cross desires following message delivered to Bicknell, American Red Cross, Washington:

Doctor Ward was unable proceed Beirut. Arrive Constantinople. Turkish Government now welcomes help and through Minister of Interior authorizes American Red Cross cooperating with Red Crescent to conduct relief work for civilians of all races. Great suffering throughout country, particularly at Constantinople and suburbs along shores of Marmora, at Adrianople, Brusa, and Smyrna. These regions 500,000 not comprising Armenian refugees, need help for bread. Hundreds dying of starvation. No relief in sight. Sugar, petroleum oil at famine prices. Typhus is spreading, high mortality. For immediate relief \$50,000 estimated required for Constantinople chapter administration before May 1 to procure foodstuffs. For more permanent relief suggest importation supplies by sea from Roumania and America. Neutrality guaranteed by American Red Cross to Entente powers. Distribution controlled by Constantinople chapter through agencies, soup kitchens and dispensary. Some can pay cost price and industrial work proposed; for others appeal Rockefeller Foundation, Morgenthau, Dodge, Crane, Barton, Philadelphia Citizens' Relief.

PHILIP

File No. 811.142/1515

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, *April 4, 1916, 7 p. m.*

[Received 9.15 p. m.]

1344. Department's 1422, March 14. According to reply of Foreign Office to Embassy's representations the Minister of Marine, although wishing to gratify the American Embassy, does not see how the blockade of the coast of Syria, regularly declared, can be modified in any way. The Minister of Marine therefore does not consider it possible under the circumstances to allow the ship, which the American Government propose to send, to enter a port of the blockaded zone.

SHARP

File No. 811.142/1537

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *April 12, 1916, 12 noon.*

[Received April 15, 3.45 p. m.]

1735. Your 2172, March 29, 5 p. m.<sup>1</sup> Minister of Foreign Affairs has given me verbal assurances that the Ottoman officials will not requisition or in any other way interfere with delivery of the medical supplies of the Jewish hospitals for which they are destined.

PHILIP

<sup>1</sup> *Ante*, p. 926, footnote 2.

File No. 811.142/1549b

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, April 18, 1916.

2332. Pay \$50,000 Constantinople chapter American Red Cross for use in cooperation with Red Crescent Society in providing relief starving civilian population Constantinople, Smyrna, Brusa, Adrianople, and other cities and communities of Turkey in Europe and western part Turkey in Asia, from American Red Cross.

LANSING

File No. 811.142/1562a

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, April 19, 1916, 5 p. m.

2341. Department's 2332, April 18. Large sums cannot be raised here as American people feel that it is duty of Germany to feed her allies. Allies decline permission for America to send provisions and food to blockaded Turkish coast.

LANSING

File No. 811.142/1546

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, April 24, 1916.

2376. Your 1570, February 13.<sup>1</sup> Can you suggest any method transportation Red Cross supplies from Athens to Beirut?

LANSING

File No. 811.142/1542

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, April 27, 1916.

1486. Your 1344, April 4.<sup>2</sup> Inquire if French Government would permit boat to come out of port of Jaffa under proper safeguards to meet American ship and receive medical supplies.

LANSING

<sup>1</sup> Ante, p. 925.<sup>2</sup> Ante, p. 927.

File No. 811.142/1569

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, April 27, 1916, noon.

[Received May 1, 2.15 p. m.]

1771. Your 2376, April 24. No feasible means of transporting Red Cross supplies from Athens or Constantinople to Beirut exists at present, and with Ward's consent, I have requested Athens to forward them here together with ten tons of supplies held there for *Scorpion* if I can obtain Bulgarian permit.

Owing to great scarcity of household supplies and the excessive prices prevailing here, I think immediate steps must be taken to procure a stock of necessaries to be sold at cost price to members of the Embassy, Consulate, and colony. Respectfully request that I be authorized to make advance purchases in Roumania or elsewhere of supplies for this purpose if obtainable at reduced prices, the maximum expenditure not to exceed \$5,000.

PHILIP

File No. 811.142/1574

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, May 3, 1916.

[Received 7 p. m.]

4244. Department's telegram 3036, March 14.<sup>1</sup> Foreign Office informs me that French Government does not see its way to permit the landing of supplies for Jewish hospitals at Jerusalem owing to their objection to any modification of blockade of Syrian coast. British Government shares the view expressed by French Government and to its great regret is accordingly unable to agree to this humanitarian proposal.

AMERICAN EMBASSY

File No. 811.142/1602

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, May 24, 1916, 3 p. m.

[Received 8 p. m.]

1412. Your 1486, April 27. Foreign Office replies that Ministry of Marine regrets that very serious military reasons which prevented acquiescing to American Government's previous request of a like nature already explained (see my telegram 1344,<sup>2</sup> April 4, 7 p. m.) apply equally to a vessel coming out of a blockaded port and returning immediately, as such trip would allow a reconnaissance from

<sup>1</sup> See *ante*, p. 926, footnote 1.<sup>2</sup> *Ante*, p. 927.

which the military and naval forces of the powers at war with France would not fail to profit, whatever dispositions might be taken by the American Government or the French naval authorities.

SHARP

File No. 867.48/293

*The Acting Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, June 3, 1916, 1 p. m.

2678. Your 1821, May 21, and Department's 2600, May 24.<sup>1</sup> Have you yet urged Ottoman Government to take steps for protection Christians in Syria? For your information. Report from Cairo states Syria famine-stricken, people dying starvation by thousands, particularly Lebanon. Estimated 80,000 dead starvation Lebanon alone up to beginning May. Also reported distress not due entirely natural war conditions, but to political design on part Turkish Government to exterminate by starvation Christian population. Eye-witnesses report military cordon prevents entry of food into Lebanon. There is strong feeling of sympathy in the United States for destitute in Syria, and many would like to send relief if this can be done. Ascertain whether Turkish Government will permit relief supplies to be sent Lebanon and other parts Syria, to be distributed by neutral committee.

POLK

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, June 17, 1916, 2 p. m.

2763. Department's 2678, June 3. Department receiving numerous inquiries relative to this matter. Prompt reply greatly desired. Call attention of Turkish Government to strong sympathy in United States for destitute in Syria.

LANSING

File No. 867.48/311

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, June 17, 1916, 10 p. m.

[Received June 21, 5 p. m.]

1889. Your 2678; my 1854, June 3, 11 p. m.<sup>2</sup> On receipt your 2678 on June 5, I called upon German Ambassador to ascertain what German consuls in Syria who are able to correspond in cipher and otherwise report on the subject. He stated that they had reported nothing serious or unusual. He offered, however, to send for me cipher telegram to Hollis who replied through the same channel that

<sup>1</sup> Ante, p. 851.<sup>2</sup> Ante, p. 852.

persons well informed said that facts were worse than reported and that Stanley White, 156 Fifth Avenue, New York, could explain.

On June 12 I had an interview with Minister of Foreign Affairs, and after again urging him to take measures for protection for said Christians I have asked whether the Turkish Government would permit neutral committee distribute relief supplies in the Lebanon and other parts of Syria. He said that he was not aware of such a situation in those districts and believed there was gross exaggeration in the report received. He would, however, make inquiry through the Department of the Interior, and after he had full information he would be in a position to state whether or not the Sublime Porte would consent to such distribution. The Minister's tone claiming normal conditions in said districts was less assertive on June 12 than on June 3.

Telegram from Hollis received to-day practically confirms previous report but reduces 80,000 to 50,000. Local papers lately announced the formation of a company in the Lebanon for the purchase of wheat; also a plan of Government for supplying wheat to the needy population. From a private source I learn that food situation Syria, particularly Lebanon, long been desperate. In the latter province chief industry silk now discontinued owing to lack of men, money, and transportation; famine resulted. Informant stated that flour, not wheat, is most essential. At my next interview with the Minister of Foreign Affairs I shall again take up the matter.

It has been officially announced that fresh political prosecutions [persecutions] and consequent attachments of property are being started in Syria.

PHILIP

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*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, June 23, 1916, 4 p. m.

2779. Your 1889, June 17. Do not cease to urge the Ottoman Government to grant permission for sending relief supplies to Syria. Keep Department fully and promptly informed.

LANSING

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File No. 867.48/312

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, June 24, 1916, 5 p. m.

2784. Your 1896, June 20.<sup>1</sup> If Turkish Government is not attempting to starve inhabitants of Lebanon, what are its objections, if any, to sending relief supplies to Syria and Lebanon? Prompt reply desired. Great interest in this question in United States.

LANSING

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<sup>1</sup> Not printed.

File No. 867.48/312

*The Acting Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, July 7, 1916, 2 p. m.

2814. Department's 2784, June 24, 5 p. m. Again inform Turkish Government of the great sympathy which the citizens of the United States feel for the destitute in Syria, and add that a refusal of the Turkish Government to give friendly consideration to this Government's suggestion regarding relief supplies for Syria will not be understood in this country and might seriously affect in the future the sentiments here toward the Turkish Government and Turkish people.

POLK

File No. 867.48/325

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, July 6, 1916, 3 p. m.

[Received July 9, 7 p. m.]

1930. Your 2784, June 24, 5 p. m., received July 5. I have had several conversations lately with the Minister for Foreign Affairs concerning your proposal to send relief supplies to Syria and the Lebanon, and asked him yesterday the question embodied in your above instruction. He again stated that all his information convinces him that no famine situation exists, and that owing to exceptionally good crops the supply of wheat is sufficient for the population. He believes that false reports have been sent abroad by unprincipled persons who expect to benefit by any help which may be sent, and that it would convey a wrong impression for the Government to permit the importation and distribution of relief supplies by neutrals there when other regions in Turkey are equally and perhaps more in need of them. In reply to my insistent requests for a prompt reply and acquiescence in the Department's proposal, Minister for Foreign Affairs said that he had fully represented the proposal to the Minister of the Interior for whose decision he is now waiting. I am doing all I can to obtain that desired permission.

He also said that he had submitted to Minister of the Interior the draft of a proposed reply to be sent to the telegram of the Turkish Chargé d'Affaires at Washington on this subject.

PHILIP

File No. 867.48/337

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, July 15, 1916, 10 a. m.

[Received July 19, 8.15 a. m.]

1948. Peet desires me to communicate that according to information received from trustworthy sources it appears that in spite of the best efforts of the relief committees it is impossible to adequately reach all who are needing their ministrations. Although present

system of distribution of relief is giving excellent results and is saving thousands of lives, it should be remembered that the food supplies of the country are being rapidly depleted. In spite of the best efforts of the committees, impossible as it is to fully reach the growing numbers of the needy, the number dying from hunger and disease is being augmented with terrible rapidity. In view of the above facts would it not be possible, before it is too late, that the United States and other neutrals, in the name of humanity, should induce Germany and Austria-Hungary to oblige their ally, the Turks, to cease further persecutions and deportations and to allow the organization of relief committees with freedom to work as occasion demands among the deported people? The susceptibilities of the Turkish Government might be met by the appointment of a Turkish delegate to cooperate with each committee. Such action by Germany and Austria in a matter of this nature ought not to be considered as foreign interference in the domestic affairs of Turkey.

PHILIP

File No. 867.48/369

*Memorandum communicated by the Third Assistant Secretary of State to the French Ambassador (Jusserand), July 31, 1916*

Some weeks ago the Department was requested by the French Ambassador to endeavor to secure permission from the Turkish Government for the importation of food and other relief supplies into Syria and their distribution among the starving inhabitants of that region. Ever since this request was received the Department has not ceased to endeavor to secure the desired permission. Several notes on this subject have been sent to the Turkish Government, and the American Chargé d'Affaires has had a number of interviews with various Turkish officials on this subject. As yet, however, the Department has not succeeded in bringing this matter to a satisfactory conclusion.

It has now been suggested to the Department that the most effective, and possibly the only method, of securing the desired permission for the importation of foodstuffs into Syria, would be through the cooperation of the German and Austro-Hungarian Governments. It is thought by some of those on the ground in Turkey that the Turkish Government would heed requests from the rulers of these countries while they would not grant the desired permission at the request of any neutral country. The Department has therefore been urged to attempt to secure such cooperation on the part of the German and Austro-Hungarian Governments.

The success of any such request by the United States Government of the German and Austro-Hungarian Governments is at the present time rendered much more doubtful and difficult on account of the failure of the United States to secure certain desired concessions on behalf of Germany from the Allied Governments. For example, the British Government still persists in its refusal to permit Red Cross supplies to be sent from America to Germany.<sup>1</sup>

<sup>1</sup> See the section on "Exemption of hospital supplies from seizure as contraband of war," *post*, p. 941.

Under these conditions it is perhaps possible that the desired cooperation of Germany and Austria-Hungary in the matter of Syrian relief might be more readily obtained if the Allied Governments were willing to make some concession in the rigidity of the blockade, in the interests of humanity—such a concession, for example, as that of permitting Red Cross supplies to be sent from the United States to Germany and Austria. The Department would receive with interest any expression of opinion upon this suggestion which the French Government or those of its allies may deem it proper to make.

WASHINGTON, July 24, 1916.

File No. 867.48/362

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, July 26, 1916, 2 p. m.

[Received August 1, 8.30 a. m.]

1987. Your 2784 [2814], July 7, 2 p. m. My 1930, July 6, 3 p. m. The Minister for Foreign Affairs has up till to-day met my requests for a reply in the matter of the desired permission to relieve the inhabitants of Syria and the Lebanon with the statement that the Government was awaiting a report from Djemal Pasha. To-day in the course of a long conversation, he informed me that the Government would not permit the importation of supplies for distribution by a neutral commission among these people. He stated that Djemal denies the facts as reported to the Embassy and represents that he has sent to Beirut and the Lebanon up to the present about 3,500,000 bushels of wheat, apart from that sent through private sources, and that this year's crops have been better than for half a century past. Djemal has also applied to the Government for £10,000 for distribution among the poor of the above districts. The Minister admits there is some suffering in Syria and the Lebanon, as is also the case in Constantinople or Smyrna, but denies that anyone has died of starvation. He and his colleagues, he says, believe that alarming reports are spread in the United States by the Entente powers for a double purpose; firstly, on the supposition that Turkey will refuse the distribution of relief and thus become embroiled with the United States; secondly, that if Turkey should consent, Entente powers would manipulate the matter so as to be considered by the inhabitants of Syria and the Lebanon as the real benefactors. He therefore professes to believe that the whole [outcry] has been raised by the Entente powers who desire to cause a similar revolt in Syria to that which they have lately brought about in Mecca, and basis of the refusal to allow the distribution of relief by a neutral commission on this ground, as well as the denial of the existence of famine. In the latter connection he remarked that both the German and Austrian Embassies considered the situation in Syria and the Lebanon as normal.

In a previous interview Minister for Foreign Affairs had mentioned the fact that the Government had intercepted a number of letters addressed to the United States by Palestine Jews who he



believed were responsible for spreading alarmist reports in order to get relief supplies. I replied that I have received much reliable information which convinces me of the existence of very different conditions from those reported by Djemal and insisted in the name of humanity on the necessity of relieving the sufferings of the Syrians as well as of the Armenians, which I said the American people wished to do at once and with no political reasons in view. In regard to Armenians I said that there could be no suspicion of Entente political aims there, and urged that immediate permission be given for the importation of relief for these people whose terrible situation can not be denied. The Minister stated that the Government would positively refuse to consider the distribution of relief by neutrals, as it considered that all its troubles with certain of its subject races have been brought about owing to foreign propaganda and foreign interference with the internal affairs of Turkey. On my insisting that it would be necessary to inspire confidence on the part of the American donors who would certainly be entitled to representation and to detailed report, he said that possibly some way might be found to satisfy them as well as the Turkish Government in the matter of outside relief measures, and it is understood that I will make further proposals in this respect.

The Spanish Minister and the Papal Delegate have both received instructions lately to support the Department's request concerning Syrian relief. The former has received an additional instruction to request in the name of the Queen certain privileges for the inhabitants of Syria and Lebanon, including permission to import supplies in Spanish vessels and for aged and infirm inhabitants to leave the country in Spanish vessels, etc. These colleagues promised to make verbal representations to-day, but I doubt if the result will be important.

The Minister stated that he would shortly ask me to forward a reply to the telegram of the Chargé d'Affaires in Washington which would be based upon information received from Djemal Pasha.

Certain evidences lead me to believe that whereas all open distribution of relief by neutrals will be opposed during the period of military ascendancy, any serious defeat or setback in the eastern or western war theater would, in all probability, render such opposition much less obdurate.

PHILIP

File No. 811.142/1700

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, August 11, 1916, 5 p. m.

[Received 7 p. m.]

1525. My No. 1412,<sup>1</sup> May 24. I am unofficially informed by Foreign Office that French Government agrees to delivery of hospital supplies for Jerusalem under certain conditions. American Consul at Alexandria should consult with Admiral de Spitz, in command of blockading squadron, as to manner of debarkation.

SHARP

<sup>1</sup> *Ante*, p. 929.

File No. 867.48/390

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, August 12, 1916, noon.

[Received August 15, 3.35 p. m.]

2029. My 1987,<sup>1</sup> July 26, 2 p. m., and 1971,<sup>2</sup> July 21, 4 p. m. Minister for Foreign Affairs informed me on 7th instant that he had again discussed with his colleagues the administration of relief in Syria and the Lebanon by a neutral committee, and that it had been decided definitely that this could not be permitted. He added that such relief was not judged essential, £20,000 having been placed at the disposal of Djemal Pasha for that purpose, which sum would be increased if necessary. I inquired if the susceptibilities of his Government concerning foreign relief might be overcome by an arrangement which would provide for the distribution of American supplies by agents of Red Crescent Society acting conjointly with American Red Cross delegates. The Minister seemed to think that this might be arranged provided the Americans did not come from abroad and were people favorably known to [Embassy?], though he thought it would be preferable if the American consular officers were to act as sole intermediaries. I said the consuls were necessarily obliged to remain at their posts and would not therefore be able to follow the details of the undertaking and tentatively mentioned the presence at Beirut of American Red Cross delegates. I also suggested the possibility of furnishing the destitute Armenians with relief supplies in the same manner. Halil promised to discuss with his colleagues the question of American relief in this aspect and inform me of the result.

Although I am strongly opposed to relegating to Ottoman Red Crescent or other Turkish officials the actual control or disposition of American relief supplies, yet under existing circumstances I think that some such arrangement as the above will be necessary in order to insure the receipt of relief by the destitute within a reasonable time, should the means suggested in my 1948,<sup>3</sup> July 15, 10 a. m., not prove efficacious.

PHILIP

File No. 811.142/1712

*The Chargé in France (Bliss) to the Secretary of State*

[Telegram]

PARIS, August 22, 1916.

[Received 4 p. m.]

1545. Department's 1658, 15th.<sup>2</sup> Conditions imposed are that vessel transporting supplies must conform to measures prescribed by French naval authorities for passage of line of blockade. Admiral de Spitz has authority to make all arrangements.

BLISS

<sup>1</sup> Ante, p. 934.<sup>2</sup> Not printed.<sup>3</sup> Ante, p. 932.

File No. 867.48/408

*The Secretary of State to the Consul at Alexandria (Garrels)*

[Telegram]

WASHINGTON, August 31, 1916.

Department's telegram August 23.<sup>1</sup> Department has received following telegram from Zionist committee:

With respect to our request for assistance to enable us to send medical unit and drugs to Palestine, and with respect further to the movement of drugs now in Alexandria on which Department is trying to arrange transportation facilities, desire to call your attention cholera has broken out in Palestine causing 50 deaths among Arabs in Tel 'Adās, 120 in El Affule. Damascus also stricken. Speedy action is from every humanitarian standpoint most desirable.

Prompt reply on this matter urgently desired. Navy Department is ready to direct *Des Moines* to transport supplies from Alexandria to Jaffa as soon as you arrange for passage of blockade.

LANSING

File No. 867.48/413

*The Consul at Alexandria (Garrels) to the Secretary of State*

[Telegram]

ALEXANDRIA, September 7, 1916.

[Received 6.15 p. m.]

Department's 31st. Passage blockade arranged. Details to commander *Des Moines* on arrival Alexandria.

GARRELS

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, September 13, 1916, 4 p. m.

2949. Your 1610,<sup>2</sup> February 26. Allied Governments now consent that *Des Moines* take medical supplies through blockade. Remind Turkish Government their permission this matter mentioned your telegram. Also request Turkish Government to permit American citizens Palestine who may desire to leave country to embark *Des Moines*. Request same permission for wife and children Rabbi Jacob Stein, synagogue Wilkesbarre, Pennsylvania, born an Austrian subject, who has resided United States many years, and has taken out first naturalization papers. Endeavor arrange also shipment Deinard books.

LANSING

<sup>1</sup> Not printed.<sup>2</sup> *Ante*, p. 920.

File No. 867.48/421

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *September 9, 1916, 4 p. m.*

[Received September 13, 11 p. m.]

2078. My 2029, August 12, noon.<sup>1</sup> The Sublime Porte informs me it has no objection to distribution of relief to the indigent in Syria through representatives of the Red Crescent and the American Red Cross of Beirut. Unless you have reason to believe that other means of early distribution may be counted on, I think that the plan I have suggested may prove the most effective in the circumstances provided details as to adequate supervision of distribution by the American Red Cross representatives at Beirut can be satisfactorily arranged here. I would be glad to know if supplies can be shipped to Beirut for distribution by representatives of Ottoman Red Crescent and American Red Cross conjointly.

My 1987, July 22 [26], 2 p. m.<sup>2</sup> Spanish Minister informs me that Minister for Foreign Affairs has promised him that any arrangement effected with the United States regarding distribution of relief supplies in Syria will be made with Spain also.

PHILIP

File No. 867.48/427

*The Chargé in Turkey (Philip) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *September 16, 1916, 4 p. m.*

[Received September 20, 9 p. m.]

2099. My telegram 2078, September 9, 4 p. m. On September 6, I sent following telegram to Consul General at Beirut:

For the information of Embassy please let me know how many members of Beirut chapter American Red Cross might be available for work in connection with representatives Ottoman Red Crescent directing distribution relief supplies should these be sent from United States for the inhabitants of Syria and the Lebanon.

I am now in receipt of the following reply:

Chapter has 25 men, 15 ladies whose service will depend on personnel of cooperating parties. Can not guarantee chapter cooperation unless it has controlling voice in management and distribution. Supplies from America should consist only of wheat, as Syrian can not cook American flour; also sugar, rice, coffee. Can accomplish nothing without oil.

HOLLIS

PHILIP

*The Secretary of State to the Chargé in Turkey (Philip)*

[Telegram]

WASHINGTON, *October 14, 1916, 5 p. m.*

3034. Your 2099 and Department's 3002.<sup>3</sup> The Secretary of the Navy is planning to send a collier in the near future with supplies

<sup>1</sup> *Ante*, p. 936.<sup>2</sup> *Ante*, p. 934.<sup>3</sup> Not printed.

for *Des Moines*, but space will be reserved for the food supplies for Syrians. Necessary to have immediate information, not only for the American public, but also for the French Government, regarding precise method to be adopted by the Red Cross and Red Crescent in the distribution of the food supplies. There must be of course definite assurances that the Red Cross will have a controlling management in the distribution. Cable immediate reply.

LANSING

File No. 867.48/443

*The Ambassador in Turkey (Elkus) to the Secretary of State*<sup>1</sup>

[Telegram]

CONSTANTINOPLE, *October 18, 1916, 8 p. m.*

[Received October 24, 8.15 a. m.]

2192. Your 3034, October 14, 5 p. m. Details of distribution not yet finally arranged, principally owing to absence of Minister for Foreign Affairs. I have consented to distribution supplies; nominally Red Crescent will share with Red Cross in control, but believe any decision past experience Red Cross will substantially control effective distribution. Believe inadvisable to raise question of detail method of distribution at this time.

Will it be possible to send on collier for use of Embassy and Embassy staff substantial quantity of gasoline, kerosene oil, sugar, coffee, rice?

For reasons given in Embassy's 1987,<sup>2</sup> July 26, 2 p. m., believe Turkish Government would not assent officially to distribution being entirely controlled by American Red Cross. Most inadvisable to publish French or any other Government is sending any of these supplies.

ELKUS

File No. 867.48/473

*The French Ambassador (Jusserand) to the Secretary of State*

[Translation]

WASHINGTON, *November 25, 1916.*

[Received November 28.]

MR. SECRETARY OF STATE: Confirming the intelligence which, owing to the urgency of the case, has already been given by telephone to the Department, I have the honor to inform your excellency that my Government has decided to grant free passage to the collier *Caesar* of the American Navy which is to carry supplies to the Syrians.

I am directed to point out to your excellency at the same time that it will be necessary to inform the Government of the Republic as early as possible of the date on which that ship is to arrive at our blockade lines, and also of the nature and exact quantity of supplies carried and of the port at which they will be landed.

The information will be telegraphed by us to Admiral de Spitz, who will make the necessary arrangements in the case with the

<sup>1</sup>The substance of this telegram was communicated to the French Ambassador, October 25, 1916 (No. 1772).

<sup>2</sup>*Ante*, p. 934.

American Consul at Alexandria, as was done in the case of the cruiser *Des Moines* which carried medicines to Palestine and took away members of the American colony.

As your excellency will understand, repeated relaxations of the blockade are not free from very serious inconvenience from the military standpoint. It will therefore be impossible for our authorities to grant repeated renewals of this authorization. It is therefore very desirable that, should this first experiment prove satisfactory, thanks to the precautions taken through your excellency's obliging action which you were so good as to make known to me in your personal letter of the 14th of this month,<sup>1</sup> the remainder of the supplies intended for Syria be put on board a vessel sufficiently large to carry the whole of them to destination in one trip.

Be pleased [etc.]

JUSSERAND

File No. 867.48/475

*The Ambassador in Turkey (Elkus) to the Secretary of State*

[Telegram]

CONSTANTINOPLE, *November 23, 1916, 4 p. m.*

[Received November 28, 9.30 p. m.]

2276. Your 3121, November 16.<sup>1</sup> After prolonged and difficult negotiation, Embassy obtained consent of Turkish Government to the importation free of duty and requisition of food supplies to be consigned to our Consul General at Beirut and distributed conjointly by Beirut chapter of American Red Cross and Red Crescent to the starving and destitute inhabitants of Syria and the Lebanon. Embassy believes once the supplies are landed, American representatives will be able to provide for impartial distribution according to agreement. Ward is member of distribution committee. Philip will join ship in Italy if permission granted. Doubtful if the Sublime Porte will now consent to modify arrangement already agreed upon. If Philip is not permitted to take ship in Italy for Beirut, he might meet ship at Vurla or Beirut. Failure to send supplies now for sole reason that American Red Cross can not technically control distribution will create bad effect and will be basis for claim by the Turkish Government that Armenians and Syrians need look for no help from America. This would simply be playing exactly into the hands of the Turks who do not desire any outsider to supply relief directly to Ottoman subjects, no matter how badly needed. I believe that there is no danger of supplies being seized.

ELKUS

File No. 867.48/443

*The Secretary of State to the Ambassadors in Great Britain, France, Germany, Austria-Hungary, Turkey, and Spain*

[Circular telegram]

WASHINGTON, *December 19, 1916, 6 p. m.*

U. S. collier *Caesar* left New York December 17 with relief supplies for Syria. First stop Cadiz about December 30 to take aboard Hoffman Philip who will assist supervision distribution supplies.

LANSING

<sup>1</sup> Not printed.

**THE EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE AS  
CONTRABAND OF WAR: THE QUESTION OF THEIR SHIPMENT  
TO THE CENTRAL EMPIRES**

File No. 763.72112/2125

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 2162

BERLIN, *January 3, 1916.*

[*Received January 17.*]

SIR: I have the honor to bring the following case to the attention of the Department for its consideration. Dr. Frederic Kammerer, professor of clinical surgery at the College of Physicians and Surgeons in New York City, is at present in Berlin as the head of an American medical expedition, consisting of four doctors and six nurses to care for German wounded. This expedition is financed by American citizens and is the second one of its kind, the first expedition under Dr. Hermann Fischer from the German Hospital in New York having been in charge of a hospital at Oppeln in Silesia since October 1915. Doctor Kammerer has earnestly requested me to inquire from the Department if it could obtain, through the British Ambassador at Washington, permission for the shipment direct to him of 500 pairs of rubber operating gloves. Doctor Kammerer has stated to me that the need for these operating gloves is imperative, as the operations which they are called upon to perform are practically always those where the wounds are infected, and operating without the protection of rubber gloves involves serious danger to the life of the surgeon and attending nurses. In fact it is stated that it was while assisting at an operation without the protection of rubber gloves that the infection of the American nurse, Miss Emma Duensing, at the American Hospital in Oppeln was caused, who died from blood poisoning within 48 hours.

It can be readily seen that the surgical treatment of extremely septic cases, without the protection of rubber gloves, involves the greatest danger to the life of American citizens who are working at these hospitals.

Doctor Kammerer has stated that, should permission be granted for the desired shipment of rubber gloves for his hospital force, he will sign an agreement that they will be destroyed after use.

The question of the permission for importation of surgeons' rubber gloves to Germany was referred to the Department in my cipher cable No. 3044, dated October 27, 1915,<sup>1</sup> and I most respectfully and earnestly again bring this matter to the Department's attention for its most serious consideration.

Should the desired permission be obtained from the British Government, I request that this Embassy be informed by telegraph.

I have [etc.]

JAMES W. GERARD

File No. 811.142/1376

*The Secretary of State to the Ambassador in Great Britain (Page)*

WASHINGTON, *February 18, 1916.*

SIR: There is herewith transmitted to you copies of two letters to the Department from the American Red Cross, dated respectively

<sup>1</sup> Not printed.

February 12 and February 16,<sup>1</sup> relative to the obtaining of permits from the British Government for the shipment of certain relief supplies (named in the lists which are also herewith transmitted to you) destined for the Red Cross Societies of Germany and Austria, and for the American Ambassador at Constantinople for relief purposes in Turkey.

You are instructed to secure the requested permits as promptly as possible, and cable reply.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

[Enclosure]

*The Chairman of the Central Committee of the American Red Cross  
(ex-President Taft) to the Secretary of State*

WASHINGTON, February 12, 1916.

DEAR MR. SECRETARY: Up to the present time all permits necessary for the shipment of hospital supplies to the Central powers have been obtained through the British Embassy in this city. The last permit issued by the British Ambassador was for a shipment of supplies destined for the Red Cross Societies of Germany, Austria, and Bulgaria, which sailed from New York on the S. S. *Nieuw Amsterdam* of the Holland-America Line January 18, 1916. These shipments were consigned to the American Minister at The Hague, who in turn was requested to forward them to their destinations.

The British Ambassador, who has been most kind regarding these permits, has now requested the American Red Cross to make all applications for future permits through our State Department at Washington and the American Ambassador at London. We have at present ready for shipment at our warehouse in South Brooklyn, New York, 323 cases of supplies, of which number we desire to send 313 to the German Red Cross, 86 to the Austrian Red Cross, and 4 to the American Ambassador at Constantinople for Turkish relief.

The American Red Cross asks for a permit for the safe conduct of these supplies on any vessel sailing to the port of Rotterdam, Holland, for delivery to the American Minister at The Hague, to be by him transmitted to the countries mentioned. This request is made under the provisions of the treaty of Geneva, 1864, as revised 1906, Chapter 4, Article 16. These cases have been repacked at our Red Cross warehouse under reliable inspectors, and it will be noted that the accompanying lists contain exact details of the contents of each box.<sup>2</sup> It is therefore requested that you address the British Government for the necessary permits, indicating that early action in the premises would be much appreciated by the American Red Cross.

Respectfully yours,

WM. H. TAFT

File No. 763.72112/2032

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 2, 1916, 7 p. m.

2986. Your 3423, December 20.<sup>3</sup> Ascertain whether British Government will permit passage of rubber medical supplies to Germany for units in Germany of American Physicians' Expeditions Committee, under guarantee from this committee similar to that you state British Government will take from Red Cross. This committee has

<sup>1</sup> Letter of the 16th not printed.

<sup>2</sup> Lists not printed.

<sup>3</sup> Not printed; see the British Ambassador's note No. 435, December 15, 1915, *Foreign Relations*, 1915, Supplement, p. 1048.



unit of 4 doctors and 3 nurses at Oppeln, Silesia, and unit 4 doctors and 6 nurses Deutsch-Eylau, West Prussia.

LANSING

File No. 763.72112/2342

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 15, 1916, 7 p. m.

[Received March 16, 10 a. m.]

3627. Think it would make very good impression here if you could arrange that rubber operating gloves could be sent here through me. I will guarantee that gloves will be destroyed after use—see my despatch dated January 3, 1915. The keeping out of these gloves seems very inhuman to Germans and makes many justify inhuman reprisals.

GERARD

File No. 763.72112/2357

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, March 18, 1916, 5 p. m.

[Received March 19, 3.30 p. m.]

3642. My 3627. Rubber gloves are used in work on civil and military prisoners. Wounded prisoners here have been splendidly treated. It would be a sad matter if Germans had to cease care of wounded in order to save gloves for their own people. This matter is urgent.

GERARD

*The Acting Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, March 23, 1916, 4 p. m.

2839. Your 3627, March 15. Department believes it would be improper for you to make guarantee suggested your 3642, 18th. Substance has been communicated to American Ambassador London, who has been authorized to informally communicate facts stated to such parties as he deems proper.

POLK

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, March 23, 1916, 4 p. m.

3080. In a telegram dated March 18 the American Ambassador Berlin expresses the opinion that it would be most unfortunate if

the German authorities had to cease caring for wounded prisoners in order to save gloves for their own people. He adds that rubber gloves are used in work on civil and military prisoners, and that wounded prisoners have been splendidly treated. He believes the matter to be urgent. This is not a matter for formal communication to the British Foreign Office. You may, however, at your discretion, informally notify such parties as you deem proper of private opinion American Ambassador, Berlin.

POLK

File No. 811.142/1501

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, *March 28, 1916.*

[*Received 11 p. m.*]

4045. Your unnumbered despatch, February 18,<sup>1</sup> telegrams 2986, March 2, and 3058, March 17.<sup>2</sup> Following reply dated March 27 received from Foreign Office:

I have the honour to acknowledge the receipt of your excellency's notes of February 29, March 3, and March 18, regarding the despatch of medical supplies to Germany by the American Red Cross and by the American Physicians' Expeditions Committee.

Your excellency will be aware from my note of the 22d instant that His Majesty's Government have felt obliged to withdraw the lists of articles which they previously put forward as coming within the meaning of the provisions of the Declaration of London regarding articles serving exclusively to aid the sick and wounded. His Majesty's Government have recognized one general exception to the restrictions imposed on the importation of medical stores into enemy countries, namely, that any supplies sent by the American Red Cross to an American medical or hospital unit in an enemy country will be allowed to pass freely into that country so far as His Majesty's Government are concerned.

In the list submitted in your excellency's note of February 29 I recognize only one item which would appear to come under this general exception, namely, the one case listed as No. 2528 containing various supplies for an American Red Cross hospital at Munich.

The question raised in your excellency's note of the 3d instant is whether supplies despatched by the American Physicians' Expeditions Committee should be entitled to the same exception as is accorded to the American Red Cross. This question is important, as the list in your excellency's note of February 29 contains a long list of supplies to be forwarded by Dr. H. M. Richter for this organization to the care of the American Embassy at Berlin. I have made such enquiries as have been possible regarding this committee, and I think it best to state frankly that I am informed that there is nothing in this committee, in the persons controlling it, its personnel, or its work, to distinguish it from an ordinary German Army medical organization. I do not desire to be understood as expressing any final opinion on the character of this organization, and I need hardly say that if the application contained in your excellency's note of the 3d of March were supported by a definite recommendation from the Government of the United States to the effect that this organization is a genuinely American one, identical in purpose and the neutral character of its staff with the American Red Cross, His Majesty's Government would be glad to extend to it the same facilities as those promised to the American Red Cross. Meanwhile, however, I feel that no exception to the general restrictive policy of His Majesty's Government can be made in the case of this committee.

It follows from the above that one case only included in the list submitted by your excellency on February 29 can be given free passage into Germany by

<sup>1</sup> *Ante*, p. 941.

<sup>2</sup> Telegram No. 3058 not printed.

His Majesty's Government. I recognize that any such decision may cause disappointment to genuine American philanthropic enterprise, since the stores named in that list may be the result of a systematic collection of gifts from different quarters in the United States. Your excellency will, however, appreciate that from the standpoint taken up by His Majesty's Government in my note of the 22d instant it is almost impossible to discriminate and to give permission for particular consignments of medical stores without invidious distinctions except under the principle already mentioned which discriminates in favour of supplies sent to American Red Cross units in enemy countries.

I may perhaps add that as regards the rubber gloves and other rubber goods appearing on this list—a class of article which has aroused some attention in the United States in this connection—His Majesty's Government have noted with interest the statement published in the German *Rubber Journal* of September 17, 1915, that an adequate supply of rubber for the medical needs of the German Army had been assured by recent measures.

Copy of Foreign Office note of March 22, above referred to, was transmitted to Department by my despatch 3317, March 23.

AMERICAN EMBASSY

File No. 763.72112/2404

*The Ambassador in Great Britain (Page) to the Secretary of State*

No. 3317

LONDON, *March 23, 1916.*

[*Received April 5.*]

SIR: With reference to my despatch No. 1409 of May 17, 1915,<sup>1</sup> enclosing lists of articles which the British Government would be prepared to accept as coming within the description contained in Article 29 (I) of the Declaration of London, and therefore exempt from treatment as contraband of war on the ground that they serve exclusively to aid the sick and wounded, I have the honor to enclose herewith a copy of a note, dated the 22d instant, from the Foreign Office, withdrawing those lists and setting forth the reasons which have led the British Government to take this step.

I have [etc.] .

WALTER HINES PAGE

[Enclosure]

*The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)*

No. 48657/X

LONDON, *March 22, 1916.*

YOUR EXCELLENCY: On May 11 last, I had the honour to address to your excellency, as well as to the Spanish Ambassador, a note enclosing lists of articles which His Majesty's Government would be prepared to accept as coming within the description contained in Article 29 (I) of the Declaration of London and therefore exempt from treatment as contraband of war on the ground that they serve exclusively to aid the sick and wounded. I had the honour, however, to make this statement conditional upon a general agreement amongst the belligerent powers.

Nine months have now passed, and up to the present, His Majesty's Government have received no definite indication of the views of the German, Austrian, or Turkish Government on the subject of these lists. Meanwhile, the vague situation thus created has given rise to some confusion, especially in regard to the shipment of medical stores to Germany by the American Red Cross who, in pursuance of the work of relieving suffering which they have carried on with such signal energy and success since the beginning of the war, are anxious to make use of every opportunity left to them by the course of belligerent opera-

<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 1050.*

tions for sending the largest possible quantity of supplies to those nations who are most urgently in need of them.

On the other hand, the Allied Governments who have identified themselves with the policy of putting the greatest possible amount of pressure upon Germany by the restriction of her supplies, cannot admit that they are under any obligation to allow the passage into enemy territory of supplies which have been excluded in every case where a blockade of enemy territory has been established in the past. His Majesty's Government are not, indeed, forgetful of the moral claim established in such matters by the development of international thought since the conclusion of the Geneva convention, but they do not feel that this claim, absolutely valid as governing the action of opposing armies in the field, can apply in any but a very limited degree to the general supply of articles necessary to the health of a nation in arms, even though such articles may have no other use than this.

His Majesty's Government have therefore decided to clarify the situation by definitely withdrawing the lists enclosed in my note under reference which do not appear to have contributed in any way towards a general agreement on this very difficult question.

I have [etc.]

For the Secretary of State:

MAURICE DE BUNSEN

File No. 763.72112/1820

*Memorandum of the Third Assistant Secretary of State (Phillips)*

*April 20, 1916.*

To-day I had an opportunity to show the British Ambassador the note from the German Government dated October 15,<sup>1</sup> which appeared to accept the British list of hospital supplies.

I pointed out to him that this note was transmitted to the British Embassy by the Department on December 9, and that, according to my information, the Embassy had forwarded it immediately to London; therefore, Sir Edward Grey's note of March 22, stating that no reply had been received from the German Government must have been sent in error.

I begged the Ambassador to telegraph these facts to his Government and endeavor to straighten the matter out, and informed Miss Boardman<sup>2</sup> of the action taken.

W. PHILLIPS

File No. 763.72112/2404

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 1, 1916, 4 p. m.

2956. Department received despatch from Page, London, stating that British Foreign Office announces that as they have received no definite indication of the views of German, Austrian, or Turkish Government on the subject of lists of articles which last summer British Government stated they would be prepared to accept as coming within description contained in Article 29 (I) of Declaration of London and therefore exempt from treatment as contraband of war on the ground that they serve exclusively to aid sick and

<sup>1</sup> *Foreign Relations, 1915, Supplement, p. 1054.*

<sup>2</sup> For the Red Cross.

wounded, they have decided to withdraw these lists. Your despatch 1673, October 19.<sup>1</sup> Is Department to understand that German Government has never transmitted any definite reply on this matter to British Government?

LANSING

File No. 763.72112/2512

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 4, 1916, 5 p. m.

[Received May 5, 6 p. m.]

3843. Your 2956, May 1, 4 p. m. Search of records here shows no correspondence relative to hospital supplies in transit subsequent to Department's reply dated November 10 to my despatch 1673.<sup>1</sup> Foreign Office states verbally no reply received to note sent Spanish Ambassador on October 15 and nothing known of any statement made by British Government last November.

GERARD

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, May 8, 1916, 1 p. m.

2982. Your 3843 May 4. List of drugs and medical appliances which British Government proposed be exempted by general agreement of belligerents from treatment as contraband of war on ground that they serve exclusively to aid sick and wounded forwarded to you in Department's instruction June 25, 1915,<sup>2</sup> and you were instructed to present same to German Government. Was such list presented? Did German Government intend to answer this proposal by handing you copy of their note of October 15, 1915,<sup>3</sup> to Spanish Ambassador? Has German Government given you any other reply? Also ascertain whether German Government has forwarded answer to English proposition to British Government through any other medium. Immediate answer very important.

LANSING

File No. 763.72112/2611

*The Chairman of the Central Committee of the American Red Cross  
(ex-President Taft) to the Secretary of State*<sup>4</sup>

NEW HAVEN, CONN., May 8, 1916.

[Received May 10.]

SIR: As Chairman of the Central Committee of the American Red Cross, and on behalf of that organization, I have the honor to submit the following:

<sup>1</sup> *Foreign Relations*, 1915, Supplement, p. 1053.

<sup>2</sup> *Ibid.*, p. 1050.

<sup>3</sup> *Ibid.*, p. 1054.

<sup>4</sup> Copy sent to the Ambassador in Great Britain, June 2, 1916, with instruction No. 3681, for his information.

Since the beginning of the present war, the American Red Cross has invited contributions of money and supplies with which to aid the wounded and suffering of all the belligerents. We have shipped to the Red Cross societies of each belligerent hospital supplies contributed to us for that purpose. We have found no difficulty in sending such articles to the Entente Allies. We have had to obtain permits from Great Britain for the shipments to the Red Cross of the Central powers. Until September 1915, there was substantially no delay in the granting of these permits by Great Britain. Since that time, we have had much difficulty in securing them, and the supplies donated in kind and designated for the use of the Central powers have accumulated in our warehouses in New York. A permit was granted for only one shipment since that time—in January of this year. Through your Department, we are now in receipt of a communication from the British Government, announcing that it does not intend to permit any further shipment, unless it is a shipment to our own hospital units, in a territory of the Central powers. This exception amounts to no concession, for the reason that as the British Government was advised in August last, after the first of October, for lack of funds, we were able to maintain no hospital units in any of the belligerent countries. The authorities of the American Red Cross believe that under the Geneva convention, to which the United States and all the belligerent powers are signatories, the United States has the treaty right to insist that articles serving exclusively to aid the sick and wounded in the form of hospital supplies, shipped by the American Red Cross to the Red Cross of the Central powers, shall not be declared contraband, but shall be allowed safe-conduct to their destination. The reasons for this view of the obligation of Great Britain under the Geneva convention of 1906 were set forth in a communication by the undersigned to his excellency, the British Ambassador, under date of December 30, 1915, and a copy of this was transmitted to your Department.<sup>1</sup>

We are now in receipt of a communication from your Department, enclosing a dispatch from the British Government, in which it definitely withdraws its consent for the shipment of such articles by the American Red Cross, and thus in effect announces its purpose to treat them as contraband of war. The reason as given by the British Government for this conclusion in the dispatch of March 22<sup>2</sup> is that while it had consented to exempt from treatment as contraband of war, articles serving exclusively to aid the sick and wounded, and coming within the description contained in Article 29 of the Declaration of London, and had expressed that willingness to the Spanish Ambassador, with a view to its communication to the Central powers, nine months had passed since that communication and no definite communication had been received from the German, Austrian, or Turkish Government on the subject of these lists. In view of the fact that the German Government did consent to a reciprocal course on October 15, 1915, in respect to Article 29, and that fact was communicated to the British Foreign Office, as we are advised by the British Ambassador at Washington, we venture to hope that the conclusion of the British Government was based on a misconception, and that when the matter is called to its attention, a change in this

<sup>1</sup> Not printed.

<sup>2</sup> *Ante*, p. 945.

policy may be had. Under the Geneva convention, Article 16 provides that the material of aid societies admitted to the benefits of the convention—and the Red Cross of the United States and of the Central powers are such societies—is to be respected as private property. Our contention is that this necessarily exempts our shipments of hospital supplies to the Red Cross of the Central powers from interference as contraband by the British Government, and we think that this construction is sustained by the action of Great Britain and the Central powers in accepting Article 29 of the Declaration of London as a proper guide in respect of contraband. Article 29 provides that articles serving exclusively to aid the sick and wounded shall not be treated as contraband of war. Doctor Ferrière, Chief of the Sanitary Service of the International Bureau for Prisoners of War at Geneva, speaking upon this question, says:

The furnishing of articles absolutely necessary for the care of the wounded is not only a humanitarian duty, but a work of international utility because all of the wounded benefit from it, whether they belong to the national army or whether they are prisoners taken by the enemy. Therefore, it is certainly within the spirit of the convention of Geneva to facilitate the transmittal of articles used strictly for such purposes and for no other end.

It seems to the American Red Cross to be in the interest of the humane conduct of all wars that this construction of the Geneva convention shall obtain, and we respectfully urge upon the State Department the propriety and wisdom of bringing the matter again to the attention of the British Government, with the hope that it may change the attitude taken by it in the most recent dispatches of March 22 and March 30,<sup>1</sup> which, as I have already said, seem to be based on a misconception of the attitude of the Central powers in respect to Article 29 of the Declaration of London.

Sincerely yours,

WILLIAM H. TAFT

File No. 763.72112/2538

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, *May 11, 1916, 1 p. m.*

[*Received May 12, 3 p. m.*]

3877. Your 2982. Proposition of British Government was communicated to German Government August 2, 1915, when mention was made of the President's wish that initiative of King of Spain should prove successful. Sole reply received by me was note dated October 15 asking me to communicate to American Government contents of note same date to Spanish Ambassador of which copy was sent you in my despatch 1673,<sup>2</sup> October 19. German Government took it for granted that American or Spanish Government would inform enemy governments and has made no attempt to communicate on the subject with the British Government through any other medium.

GERARD

<sup>1</sup> Despatch of March 22 printed *ante*, p. 945; March 30 not printed.

<sup>2</sup> *Foreign Relations*, 1915, Supplement, p. 1053.

File No. 763.72112/2538

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, May 19, 1916, 2 p. m.

3013. Your 3877. Attitude of German Government not clear because Department has no knowledge of contents of Spanish note to which German note to Spanish Ambassador of October 15 is in reply. Ascertain if possible whether German reply to British proposition was in fact communicated to British Government through Spanish diplomatic officers.

In view of British contention that nine months have elapsed without receiving reply to its proposed list, it is important for Department to know precise situation. Department merely transmitted to British Government a copy of German note to Spanish Ambassador.

POLK

File No. 763.72112/2568

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, May 22, 1916, 5 p. m.

[Received May 23, 1 p. m.]

3910. Department's 3013. After receipt of Department's circular telegram of September 24, 1914,<sup>1</sup> which was followed by Department's telegram No. 364, of October 9, 1914,<sup>2</sup> identical notes were presented to German Government by Spanish Ambassador and myself in regard to hospital supplies. Foreign Office reply was communicated to you in my telegram of October 29, No. 662.<sup>3</sup> On receipt of Department's instruction of June 25, 1915,<sup>4</sup> Spanish Ambassador and I again presented identical notes on August 2, containing British lists and expressing desire that German Government would agree to free transit of articles concerned. In these notes it was stated that "the Government of His Britannic Majesty has already expressed its agreement," and in the German reply sent you in my despatch No. 1673, October 19, 1915,<sup>5</sup> it was stated the German Government declared itself ready to consider articles mentioned in list as comprised in Declaration of London and to guarantee their free transit, adding that requisite provisions had already been inserted in German prize ordinances. Foreign Office added condition regarding strict reciprocity with special reference to England. Spanish Ambassador transmitted copy of German note to Madrid in October, receipt of which was acknowledged, but he has no information regarding any further action which may have been taken by his Government.

GERARD

<sup>1</sup> *Foreign Relations*, 1914, Supplement, p. 831.<sup>2</sup> Not printed.<sup>3</sup> *Ibid.*, p. 835.<sup>4</sup> *Ibid.*, 1915, Supplement, p. 1050.<sup>5</sup> *Ibid.*, p. 1053.



File No. 763.72112/2404

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 9, 1916, 4 p. m.

3405. Referring to your despatch 3317<sup>1</sup> which stated that British Government had withdrawn its proposal and list of hospital supplies which would be permitted to be shipped into belligerent countries, Department has learned from the Spanish Ambassador here that the German note, dated October 15, 1915, which appeared to accept the British Government's proposal and which was sent by Spanish Ambassador, Berlin, through his Government to Spanish Ambassador, London, was not presented to British Foreign Office because of an understanding between you and the Spanish Ambassador not to present same. You are also referred to Department's unnumbered instruction December 9 last.<sup>2</sup> Please inform Department fully concerning this, giving the reasons for such an understanding if any exists.

LANSING

File No. 763.72112/2652

*The Chairman of the Central Committee of the American Red Cross (ex-President Taft) to the Secretary of State*

WASHINGTON, June 10, 1916.

[Received June 12.]

MY DEAR MR. SECRETARY: Replying to the letter from your Department of June 2,<sup>2</sup> relative to the question of the shipment of Red Cross supplies to the Central powers, which was in answer to my letters of May 8,<sup>3</sup> and May 27,<sup>2</sup> I beg to add the following:

In a communication dated March 27, from the British Foreign Office, which was transmitted by your Department to the American Red Cross, occurred the following paragraph:

Your excellency will be aware from my note of the 22d instant that His Majesty's Government have felt obliged to withdraw the lists of articles which they previously put forward as coming within the meaning of the provisions of the Declaration of London regarding articles serving exclusively to aid the sick and wounded. His Majesty's Government have recognized one general exception to the restrictions imposed on the importation of medical stores into enemy countries, namely, that any supplies sent by the American Red Cross to an American medical or hospital unit in an enemy country will be allowed to pass freely into that country so far as His Majesty's Government are concerned.

In commenting on this in my letter of May 8 to you I said:

Through your Department we are now in receipt of a communication from the British Government, announcing that it does not intend to permit any further shipment, unless it is a shipment to our own hospital units, in a territory of the Central powers. This exception amounts to no concession, for the reason that as the British Government was advised in August last, after the first of October, for lack of funds, we were able to maintain no hospital units in any of the belligerent countries.

<sup>1</sup> Ante, p. 945.<sup>2</sup> Not printed.<sup>3</sup> Ante, p. 947.

As a possible solution to the difference which now exists in our view of the obligation of the British Government under the Geneva convention and its announced policy in limiting the permits for shipments of medical supplies to the Red Cross hospital units in the territory of the Central powers, I beg to suggest, on behalf of the American Red Cross, that while we have no further funds with which to maintain medical or hospital units in the territory of the Central powers, we would be able to send over a commission of satisfactory persons to receive our shipments and to superintend their distribution to hospitals and to supervise their use. This commission would be composed of persons for whose good faith the Red Cross would vouch in seeing to it that the supplies were devoted to hospital purposes only and to the relief of the sick and wounded.

The Red Cross would be glad to submit the names of the persons constituting such commission to His Majesty's Government before appointing them. We have been very hopeful that the British Government would change its view as expressed in the correspondence already referred to, but if it maintains its position, we venture to make this proposal as a counter-proposition, with the hope that you will submit it to the British Government on receipt of their reply to our letter of May 8, which, as you say in your last communication, you have already forwarded.

Sincerely yours,

WM. H. TAFT

File No. 763.72112/2611

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, June 16, 1916, 2 p. m.

3430. Your despatch 3317, March 23,<sup>1</sup> and Department's instruction 3681, June 2.<sup>2</sup> Red Cross suggests as a possible solution to the differences which now exist, in its view of the obligation of British Government under the Geneva convention and its announced policy in limiting the permits for shipments of medical supplies to the Red Cross hospital units in the territory of the Central powers, that, while American Red Cross has no further funds with which to maintain medical or hospital units in territory Central powers, it would be able to send to Central powers a commission of satisfactory persons to receive Red Cross shipments, superintend their distribution to hospitals, and supervise their use, commission to be composed of persons for whose good faith Red Cross would vouch in seeing that supplies were devoted to hospital purposes only and to relief of sick and wounded. Red Cross would be glad to submit names of persons constituting such commission to British Government before appointing them, and expresses hope that British Government will agree to this proposition. Present this proposal to British Government and urge prompt reply.

LANSING

<sup>1</sup> *Ante*, p. 945.

<sup>2</sup> See footnote 4 to Mr. Taft's letter of May 8, 1916, *ante*, p. 947.

File No. 763.72112/2659

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, June 21, 1916, 3 p. m.

[Received 6.15 p. m.]

4482. Your 3405, June 9, 4 p. m. Your unnumbered instruction of December 9 last,<sup>1</sup> regarding hospital supplies enclosed for my "information" a copy of the note addressed by the German Foreign Office to the Spanish Ambassador in Berlin. This instruction did not direct me to present the note or to take any action in the matter, but said that a copy of the note had already been given to the British Ambassador in Washington and you presumed that the information contained therein would also be sent to the British Foreign Office by my Spanish colleague.

The Spanish Ambassador came to see me and expressed the opinion that the British Government would not under any condition agree to the German note, because it reserved the right under certain conditions to requisition medical supplies, and demanded that they be sent through a German port. The Spanish Ambassador used his discretion and tells me that he informed his Government of the inutility of presenting the note.

I shared this opinion with him, but it can hardly be accurately described as "an understanding" or "undertaking" between us not to present the note, since I had no instructions to present it and you had informed me that you had already given a copy of it to the British Ambassador in Washington. I assumed in the absence of instructions that this was the channel you chose to transmit it to the British Government.

AMERICAN EMBASSY

File No. 763.72112/2611

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 3, 1916, 5 p. m.

3486. Department's instruction 3681, June 2.<sup>2</sup> You may present Mr. Taft's note to British Government without comment.

LANSING

File No. 763.72112/2659

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 3, 1916, 6 p. m.

3487. Your 4482, June 21, 3 p. m. Department regrets that you expressed yourself to the Spanish Ambassador in such a way as to

<sup>1</sup> Not printed.<sup>2</sup> See footnote 4 to Mr. Taft's letter of May 8, 1916, *ante*, p. 947.

give him the impression that you agreed as to the inutility of presenting the German reply to the British Government.

LANSING

File No. 763.72112/2725

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 13, 1916.

[Received 4.30 p. m.]

4553. Your 3474, June 30, 7 p. m.<sup>1</sup> I have received the following reply from Sir Edward Grey:

I have the honour to acknowledge receipt of your excellency's note of the 22d ultimo regarding the proposal put forward by the American Red Cross with a view to facilitate the shipment of Red Cross supplies from the United States to the Central powers.

I have carefully considered this proposal but I am at a loss to understand the suggestion made by the American Red Cross and quoted in your excellency's note that the policy pursued by His Majesty's Government is contrary to the provisions of the Geneva convention. His Majesty's Government have in fact always taken the most scrupulous care to observe the provisions of this convention and they cannot appreciate how the present subject at all falls within its scope. In this connection your excellency may be interested to read the annexed statement published in the *New York Times* on the 12th May last, which sets forth the views of the French Government on the claims of the American Red Cross.

His Majesty's Government have no reason to believe that there is an absolute lack in the territory of the Central powers of the materials required for Red Cross supplies; they have, on the contrary, every reason to suppose the reverse for, to give only one instance, not long ago a medical member of the Austrian general staff, Professor Hochenegg, wrote to the *Neue Freie Presse* stating that there was no shortage and no prospect of shortage in medicines or bandages, nor even in highly special medical remedies, so that Austria was hardly concerned in the success of the protest made by the American Red Cross against the obstacles placed by the Allies in the way of the export of such articles from America. In these circumstances it is evident that if any deficiencies in these supplies exist, as to which there appears to be no evidence, it must be due to the fact that the Central powers prefer to use the materials for other purposes, and any steps that may be taken to give them further supplies would conduce, not to the increased welfare of the sick and wounded, but merely to set free larger quantities of such materials for belligerent purposes.

His Majesty's Government do not, therefore, feel able to create such an entirely new precedent as would be constituted by the supervisory commission suggested by the American Red Cross.

PAGE

*The Acting Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, July 17, 1916, 6 p. m.

3527. Your 4553, July 13. Department has to-day taken up the matter with the British Ambassador, pointing out unfavorable impression created here by failure of British Government to reply

<sup>1</sup> Not printed.

to Red Cross proposal contained in Department's 3430, June 16, except by stating that no need for medicines exists. Sir Cecil Spring Rice promised to recommend strongly British Government accept Red Cross suggestion for appointment of commission. You may informally advise Foreign Office of Department's disappointment and its earnest hope that the British Government will modify its views.

POLK

File No. 763.72112/2739

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, undated.

[Received July 22, 1916, 9.10 p. m.]

4598. Your 3527, July 17, 6 p. m. I have again gone over *in extenso* with Lord Robert Cecil, Minister of Blockade, his Government's refusal to admit American Red Cross supplies to Germany. He gave me no definite hope of a reversal of his Government's position, but he thoroughly understands that much just criticism may be expected in the United States and I think he sees that the British Government has made a needless and provoking mistake, as I had previously informed them. My inference is that the Government is afraid of public opinion, one strong section of which loudly demands the exclusion of everything from Germany.

PAGE

File No. 763.72112/2764

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, July 28, 1916, 4 p. m.

[Received July 29, 8.30 p. m.]

4625. Your 3527, July 17, 6 p. m. I have to-day received the following memorandum from the Foreign Office:

The position of the Allied Governments in regard to the importation of medical supplies into enemy countries is that they cannot be called upon to admit a practice which has been forbidden in the case of every blockade established in the past.

They consider, moreover, that the Geneva convention obviously does not apply.

These questions of principle having been settled, frequent appeals have been made to the Allied Governments to make some concession as a matter of grace. His Majesty's Government are always ready to mitigate the application of principles, but this can only be done if it is possible to draw and maintain some line beyond which the concession shall not apply. This is apparently recognized as reasonable, and various attempts have been made by the Department of State and by private persons in America to draw such a line.

One suggestion is that a neutral commission should be appointed in Germany to receive imported medical supplies and distribute them to enemy hospital organizations, but this suggestion offers no means of restricting in any way the amount of supplies imported. To meet this objection it has frequently been suggested that the Allied Governments should specify the kinds and amounts of medical supplies the importation of which into enemy countries they will be prepared to allow. But it is impossible to fix amounts in this way. One

cannot ration the whole population of Germany and Austria in drugs and bandages. No ingenuity could estimate what might reasonably be needed by the population. It is equally difficult to lay down the kinds of goods which may be allowed. Even if such rations could be fixed, it would be practically impossible to enforce them without an amount of friction in the United States quite as great as that caused by the present total prohibition. The American Red Cross draws its supplies from an enormous number of small societies, sewing parties, etc., throughout the United States. These organizations send goods to the central Red Cross warehouses. Can the Red Cross allot a ration of goods of each class to each local society or club so that the total sent in will not exceed the ration allowed by the Allied Governments? Surely it is obvious that this is impossible. What would as a matter of fact happen would be that gifts would flow into the Red Cross warehouses in the United States just as they formerly did and that the Red Cross would be unable consistently to do anything else than forward applications to the Allied Governments for permission to ship the amounts collected, regardless of whether these amounts did or did not exceed the ration, thus putting the onus of refusal on the Allied Governments. There would follow refusals and consequent agitation. This was what occurred before and what the total prohibition was intended to stop.

His Majesty's Government have given close consideration to the question and they have found themselves utterly unable to evolve any system by which general shipments of medical supplies, once permitted, could be kept within limits at all. Their reasons for not allowing unlimited supplies to go in have been frequently stated, viz., that the materials sent in would replace materials existing in enemy countries which could and undoubtedly would then be applied to other, and in many cases directly belligerent, purposes. It is impossible to evolve any scheme by which the free importation of cotton goods, rubber goods, clothing, etc., for hospital purposes can be reconciled with a blockade, and it is to be observed that it is such hospital supplies and not drugs or surgical instruments which form the bulk of the applications received in the past from the American Red Cross.

His Majesty's Government on their part have therefore laid down the only workable distinction they could think of: namely, that American Red Cross supplies may be sent to American Red Cross units, wherever such units may be. They feel that no juster test could probably be found of the strength of humanitarian claims and the interest taken by the people of the United States in the needs of the Central Empires, than the extent to which the people of the United States are prepared to subscribe money or send doctors and nurses for hospital work in Germany and Austria. Wherever the sympathies and energy of Americans are manifested by the presence of Americans engaged in the relief of suffering, there American supplies can be freely imported and used. This is a very definite concession and opens a wide door to American philanthropy, and His Majesty's Government can not understand why, if feeling in the United States is strong on this subject, this door should be allowed to remain closed.

PAGE

File No. 811.142/1698

*The Acting Chairman of the Central Committee of the American Red Cross (Murray) to the Secretary of State*

WASHINGTON, August 1, 1916.

[Received August 4.]

MY DEAR MR. SECRETARY: In view of the vain endeavors of the American Red Cross since October last to obtain permission from the Allied Governments to ship hospital supplies to the Central Empires, and of the suggestion made by Great Britain in its memorandum of July 28 (copy of which is enclosed)<sup>1</sup> that the American Red Cross reestablish in the Central Empires the hospital units it withdrew in October last owing to lack of funds, the American Red Cross would now be pleased to have you request the Central

<sup>1</sup> See preceding telegram No. 4625.

powers that it be authorized to establish one or two hospital units, to consist of six doctors and eight nurses each, in each of the countries of the Central powers; this for the purpose of giving relief to the sick and wounded of those countries by means of these units and hospital supplies which the Allied Governments will authorize to be shipped to and used by them.

Yours very sincerely,

ARTHUR MURRAY

*The Acting Secretary of State to the Ambassador in Germany (Gerard)*<sup>1</sup>

[Telegram]

WASHINGTON, August 8, 1916, 5 p. m.

3275. Inquire whether German Government will permit Red Cross to establish one or two hospital units, to consist of six doctors and eight nurses each, in Germany.

POLK

File No. 811.142/1751

*The Ambassador in Austria-Hungary (Penfield) to the Secretary of State*

[Telegram]

VIENNA, September 20, 1916, 12 noon.

[Received September 22, 8.30 a. m.]

1450. Your 1324, August 8, 5 p. m.<sup>1</sup> Ministry for Foreign Affairs reply Ministry of War accept offer for establishment one or two American Red Cross missions in Monarchy with sincerest thanks. Ministry of War request that upon organization units, competent surgeons mature age and with knowledge German language be selected. Important missions declare willingness serve at places designated by Ministry of War outside Vienna where extensive surgical talent required. Treatment 600 wounded would be entrusted each mission of six surgeons. Subdivision each unit into two groups desirable. Ministry of War especially appreciate if sanitary materials, especially drugs, rubber articles, etc., necessary for treatment of wounded entrusted to their care, might be brought by missions in greatest quantities possible.

PENFIELD

File No. 811.142/1780

*The Chargé in Germany (Grew) to the Secretary of State*

[Telegram]

BERLIN, October 18, 1916, 12 noon.

[Received October 19, 6.35 p. m.]

4489. Your 3275, August 8, 5 p. m. German Government accepts offer of Red Cross to send one or two hospital units to Germany, but

<sup>1</sup>The same, *mutatis mutandis*, to the Ambassador in Austria-Hungary, No. 1324.

suggests that only such doctors and nurses be sent who have a thorough knowledge of German language. The members of the unit would have to submit to German passport regulations on their entrance into Germany. German Government would be grateful if the unit could bring bandage material with them, and requests that it be informed at the earliest possible date of the departure of unit and any special desires as to its employment. Copy of note mailed.

GREW

File No. 763.72112/2764

*The Secretary of State to the Ambassador in Great Britain (Page)*

[Telegram]

WASHINGTON, November 23, 1916, 5 p. m.

4074. Your 4625, July 28. Department learns that Red Cross has been informed by British Embassy Washington that cable instruction has been received from London to effect that in view of the condition British prisoners of war in Turkey, British Government will not permit establishment of American Red Cross units in Germany. Red Cross naturally surprised at action British Government in repudiating unconditional assurances contained in memorandum received by you from British Foreign Office July 28. Acting upon this assurance Red Cross has begun to organize units and secure personnel. Call attention British Foreign Office to its memorandum July 28, explain to them clearly feeling Red Cross in this matter, and cable reply.

LANSING

File No. 763.72112/3186

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 4, 1916, 7 p. m.

[Received December 5, 8.15 a. m.]

5264. Your 4074, November 23, 5 p. m. Following note received from Foreign Office dated December 2:

I have the honor to acknowledge the receipt of your excellency's note No. 1279 of November 24 in regard to the despatch of units by the American Red Cross to enemy countries.

On November 4 I instructed Sir Cecil Spring Rice to convey to the United States Government and the American Red Cross the consent of His Majesty's Government to supplies being sent to Austria-Hungary for the use of two units of the American Physicians' Expeditions Committee which have been taken over by the Red Cross.

On November 16 I answered a further application for the establishment of additional units at Philippopolis and in Germany. I pointed out to Sir Cecil Spring Rice the deplorable condition of the British prisoners in Turkey, which constitutes an offence at once against international law, the ordinary rules of comity between belligerent nations, and the dictates of humanity, and I inquired whether in these circumstances the American Red Cross would be prepared to send a unit to Asia Minor to undertake the medical care of these prisoners and the proper control of clothing sent to them from British territory. I indicated the impossibility of regarding the promise made in my memorandum of July 27 as not in any way dependent on a proper fulfilment by enemy governments of



their duties and responsibilities. I am awaiting with anxiety a reply from the American Red Cross as to whether they will be prepared to respond to the appeal made to them by His Majesty's Government to undertake a work of humanity in Asia Minor which is most urgently needed and which could not fail to earn the cordial gratitude of the British people.

As I understand it, the only point at issue between His Majesty's Government and the Government of the United States is whether His Majesty's Government have in principle bound themselves to give practically unlimited facilities for the work of American Red Cross units in enemy countries, while our enemies themselves are treating British prisoners of war, not to speak of the populations of the territories occupied by their armies, in a way which constitutes a scandal to civilization. I have no wish to enter upon a theoretical discussion of that point, though I cannot but regret that the insinuation should have been made that His Majesty's Government are unmindful of their promises. So far as His Majesty's Government are concerned, the point of immediate importance is whether the American Red Cross will come to the assistance of the British prisoners in Asia Minor.

I have also instructed Sir Cecil Spring Rice to indicate that at the present moment, when the Allied Governments are being constantly approached by American citizens for permission for the passage of supplies to Palestine and Syria, projects which His Majesty's Government are given to understand have the active support of the Government of the United States, it would greatly facilitate the proper treatment of all such questions if the Government of the United States could see their way to put forward more comprehensive proposals under which British prisoners may receive no less consideration than is accorded to the Syrian and Jewish populations in the Near East.

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#### THE SHIPMENT TO THE CENTRAL EMPIRES OF MILK FOR BABIES

File No. 763.72112/2290

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

[Telegram]

WASHINGTON, December 27, 1915.

2639. Ascertain and report promptly whether British Government will permit transportation of milk from this country to Germany and Austria, to be distributed to babies in these countries under direction of American Red Cross.

LANSING

File No. 763.72112/2291

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, January 13, 1916, 6 p. m.

[Received 8.45 p. m.]

1210. Department's 1280, December 27, repeated from London. French Government replies under date of January 11:

For military reasons, Government of the Republic is not disposed authorize transit of milk from the United States to Germany and Austria even under supervision of American Red Cross.

SHARP

<sup>1</sup>The same, *mutatis mutandis*, to the Ambassador in France, No. 1280.

File No. 811.142/1383a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, February 11, 1916, 5 p. m.

2698. Please ascertain as soon as possible and report by cable the sources of the milk supply of Germany for the two years preceding the opening of the present war and the approximate amount of imports by countries for each year.

LANSING

File No. 811.142/1399

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, February 18, 1916, 3 p. m.

[Received February 19, 8.30 p. m.]

3502. Department's 2698, February 12 [11]. Germany produces about two thirds of the quantity of milk which it consumes and imports remainder from neighboring countries. In normal years imports are about four times exports. Following figures show Germany's foreign milk trade between years 1912 and 1913:

Total value of imports:

1912-----	\$[1, 500, 828
1913-----	\$1, 144, 066

Total quantity in metric tons:

1912-----	43, 027
1913-----	32, 789

The imports in metric tons for neighboring countries were as follows:

	1913	1912
Denmark-----	1, 987	11, 890
France-----	5, 374	5, 445
Austria-Hungary-----	5, 080	4, 536
Russia-----	3, 989	3, 753
Switzerland-----	16, 189	14, 252

Only country to which Germany exports any considerable amount of milk is Austria-Hungary. In 1913, exports to Austria-Hungary, 11,573 [metric tons]; in 1912, 10,820. Chief domestic sources of milk are East Prussia, Silesia, German Holstein, and parts of Saxony.

GERARD

File No. 763.72112/2462½

*The Ambassador in Germany (Gerard) to the Secretary of State*

No. 2946

BERLIN, April 18, 1916.

[Received May 8.]

SIR: I have the honor to transmit herewith, for the Department's information, a copy of a report dated April 17, 1916, which has been

made to me by Dr. A. E. Taylor, one of the camp inspectors officially attached to my staff, regarding the conditions in the milk supply of the German Empire, together with a discussion of the relations in the health and death rate of infants and children.

I have [etc.]

For the Ambassador:  
J. C. GREW

[Enclosure]

*Dr. Alonzo E. Taylor to the American Ambassador in Germany (Gerard)*

#### REPORT ON MILK SUPPLY IN GERMANY

BERLIN, April 17, 1916.

SIR: I have the honor to transmit herewith a statement of considerations bearing upon the conditions in the milk supply of the German Empire, together with a discussion of the relations in the health and death rate of infants and children.

In time of peace the milk production of the German Empire is very large.[<sup>1</sup>] Not only is there extensive use of milk in the diet of children and of the sick; there is also a large manufacture of cheese, and milk is a common beverage of healthy adults.[<sup>2</sup>] When, at the beginning of the war, a large number of cattle were slaughtered and the acreage devoted to fodder reduced, the result was an immediate and heavy reduction in the production of milk.[<sup>3</sup>] This reduction in milk production was further accentuated during the past winter by the fact that the grain and fodder crops of Germany were very light in 1915. Thus, even with the reduced number of cattle, the rations of the milch cattle during the past winter have been reduced to the physiological minimum.[<sup>4</sup>] The period of lowest milk production is in the months of January to April; when the spring delivery of cows occurs and the new fodder of spring appears, the production of milk rises sharply. The question of the adequacy of the supply of milk for the needs of the German Empire was realized early in the war and regulations were promulgated by the authorities for the purpose of accurate control. The use of milk, apart from that applied to the making of cheese, was grouped under four headings:

- (a) Use of milk by the nursing mother and the weaned infant.
- (b) The use of milk by children from the second to the twelfth or fourteenth year.
- (c) The use of milk by the sick under the care of physicians.
- (d) The use of milk as a beverage by healthy adults.

The use of milk as a beverage by healthy adults was regarded, under the conditions at present pertaining in the German Empire, as a luxury; and it was ordered that no milk should be dispensed for this purpose until all requirements under the three first-named headings (a, b, c) had been fully supplied. The reduction in the milk supply has naturally been felt most keenly, and indeed almost entirely, in the cities; and in many cities in the Empire there has been during the past winter little or no use of milk as a beverage of healthy adults.

Has the milk production of the German Empire during the past six months been adequate to supply the requirements of the people under the three first-named headings? This may be discussed from the standpoint of the infant, of the child after the period of infancy, and of the sick of all ages.

In order to understand the milk needs of the infant population of Germany it is necessary to recognize the change in the birth rate. Beginning with May 1915, the official figures of the German Empire presented a sharp falling off in the absolute number of births and in the birth rate. This has continued since and has, indeed, in many places become more marked. An analysis of the figures up to the 1st of April of this year, undertaken through the kindness of the chief statistician of the Kaiserl. Gesundheitsamt, Doctor Roescke, suggests that several causes operated to this end. Obviously, the presence of millions of soldiers in the field has led to a marked reduction in the marriage rate and in the birth rate in the families of soldiers at the front. The war has, however, also led to a reduction in the marriage rate of men not at the front; and has, furthermore, led to a reduction in the birth rate in the families of men not

<sup>1</sup> This and following bracketed reference numerals refer to notes accompanying Doctor von Mach's letter of July 14, 1916, *post*, p. 965.

at the front. The official figures for Switzerland, Holland, and Denmark indicate also a sharp reduction in the birth rate in those countries, and to a lesser extent this holds even in Sweden and Norway. This reduction in the birth rate [8] has in various portions of the Empire amounted to from one fourth to one-third. During the past winter, therefore, the problem of feeding the infants of Germany has been a lesser task quantitatively than under normal conditions.

The Kaiserl. Gesundheitsamt [6] keeps a special record of the death rate of children under one year. These figures are published up to the 1st of January, and the unpublished figures up to the 1st of April have been kindly placed before me in the Gesundheitsamt. They display, in a most striking manner, a reduction in the death rate, a reduction unparalleled in Germany in time of peace. In fact, viewing the figures as a whole, it is clear that the reduction in the death rate under the first year of life has been so large as to have compensated for half of the reduction in the birth rate during the past year. This extremely favorable and impressive reduction in the death rate of children under one year was achieved through the cooperation of several agencies.[7] It is an axiom with workers in social service that the fewer the children the better the care which they receive; and this undoubtedly has held in Germany, particularly in view of the insistence placed by the press upon the preservation of the future generation. Added to this was the fact that the summer of 1915 presented a subnormal mean of temperature, which, here as everywhere, operates to reduce the so-called intestinal diseases of infants. Lastly, the social service organizations in the cities of Germany have during the past winter reached a point of unequalled thoroughness and excellence. In the city of Berlin alone there are some 6,000 workers actively engaged in social service. Under these circumstances it has been possible to uncover and combat practically all instances of need in the care of infants. There is nowhere to be found any evidence of any reduction in the milk supplied to nursing mothers and infants in Germany during this period of time.[8] The production of so-called certified milk (by which is meant a superfine grade of milk with a known and low content of bacteria and with a known content of fat, protein and sugar, which may be modified according to the prescription of the physician), a type of milk sold at a high price to people of means, has been curtailed. This has, however, resulted in no hardship. Instead of there being any truth in the statement that the infants of Germany are suffering for lack of milk, the very opposite is true; the infants of Germany as a class have presented during the past months a condition of health and a reduction in death rate not present before the war.

There is no evidence in the statistics of the Kaiserl. Gesundheitsamt tending to indicate any increase in the death rate of children from the second year to the age of puberty. These figures are in every way normal [9] when compared with the previous statistics of the German Empire. There has been no unusual prevalence of infectious diseases; there has been no unusual prevalence of alimentary diseases. Geheimrat von Hansemann, the director of the department of pathology of the Virchow Krankenhaus, advises me that the records of his department suggest nothing to indicate an increased morbidity in children. The director of the Virchow Krankenhaus also advises me that the experience in their wards, which draw their patients from the poor of Berlin, tend in no way to suggest suffering or sickness due to lack of milk. Professor Langstein, who as director of the Kaiserin Augusta-Victoria-Haus zur Bekämpfung der Säuglingssterblichkeit im Deutschen Reiche, has most unusual opportunities for observation of conditions not only in infants, but also in older children, advises me that he has seen no indications of subnutrition in the children of Berlin as a result of insufficiency of the milk supply; the well children of Berlin receive the normal and usual milk of the child's diet, and there is no difficulty in securing milk of excellent grade in any needed quantity for sick children.

The director of the Virchow Krankenhaus advises me that there is no difficulty in this large hospital in securing all the milk needed for the use of the sick children or adults. General inquiry in medical circles in Berlin [10] has elicited the same response.

It seems therefore clear that, through scientific management, conservation of the milk supply, even under the present conditions of restriction in production, prevention of waste, and restriction or in some instances abolition of the use of milk as a beverage for adults and in the preparation of food for adults, the

German authorities have succeeded in securing sufficient milk to cover the needs of nursing mothers, infants, children up to the age of puberty, and the sick of all ages.<sup>[11]</sup> It is the belief of the authorities that the lowest point in the production of milk has now been reached, that during the on-coming summer the milk supply will be adequate to permit the return to a daily use of milk as a beverage for adults,<sup>[12]</sup> and that in the event of a normal crop in the summer of 1916 it is not expected that the production of milk in the winter of 1916-17 (in the event of the continuation of the war) will be as restricted as it has been during the past winter.<sup>[13]</sup> In addition to this a movement is now under way for the utilization of goat's milk throughout the country.

Owing to the conditions of the fodder, the milk of cattle in general during the past winter has tended to present a somewhat subnormal content in fat. This, however, while a matter of importance in the nutrition of the population when viewed in relation to the limited fat supply of the German Empire, has not been marked enough to suggest that the milk in question when used for infants, children, and the sick, has failed of its normal function in nutrition because of this reduction in fat. A return to more normal <sup>[14]</sup> conditions in fodder with the on-coming of summer will tend to restore the normal fat content of the milk, which will have the effect of reducing the scarcity of butter. It is a commonly accepted view in the medical profession, a view now scientifically confirmed by extensive investigations in the metabolism of the growth period of the lower animals, that a certain minimum input of native fat is necessary for the normal growth of the young individual as well as for the maintenance of health. There is no reason to believe that the children of Germany are in this sense suffering from subnutrition of fat.<sup>[15]</sup> In northern Germany, fat has always been used in the diet to an extent commonly regarded as verging upon excess.<sup>[16]</sup> In South Germany this has not been the case; and under these circumstances the people of South Germany complain far less of the fat restriction <sup>[17]</sup> than do the people of North Germany. It is clear that this is a question of habit and not of physiology. Whether the infant and child population of Germany could continue year after year upon the present limited input of fat without physical injury, can not be judged upon the basis of the available experimental data in animals or upon clinical observations. Fat comes of course from many sources, and the fat of milk, though an important source, is by no means the major source; the total reduction in the fat input of the German people at the present time is only for the smaller part to be attributed to reduction in the milk supply. For the present certainly there is no evidence that the children of the German Empire are suffering from nutritional disturbances <sup>[18]</sup> dependent upon diminution in milk (viewed as a whole or as milk fat) in the diet.

I have [etc.]

ALONZO ENGELBERT TAYLOR

File No. 763.72112/2637a

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 13, 1916, 6 p. m.

3087. Reports concerning the suffering and increased death rate among German babies owing to milk shortage continue to arouse much sympathy in the United States. Is there any objection to making public Doctor Taylor's report of April 17 transmitted in Embassy's 2946 of April 18?

LANSING

File No. 763.72112/2643

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, June 15, 1916, 2 p. m.

[Received June 16, 11.30 a. m.]

4001. Your 3087, June 13, 6 p. m. See no objection to publication of Doctor Taylor's report of April 17.

GERARD

File No. 763.72112/2643

*The Secretary of State to the Ambassador in Germany (Gerard)*

[Telegram]

WASHINGTON, June 17, 1916, 2 p. m.

3101. Your 4001, June 15, 2 p. m. In order to make position of Department definite, it would be better if it could state that Doctor Taylor's report was published with consent of German authorities. Ascertain whether German authorities will give such consent and report earliest possible moment.<sup>1</sup>

LANSING

File No. 763.72112/2663

*The British Ambassador (Spring Rice) to the Secretary of State*

WASHINGTON, June 22, 1916.

[Received June 24.]

SIR: I have the honour to forward to you herewith copy of a circular issued by Mrs. Henry G. Beyer of South Portland, Maine, which I understand to be an appeal to other Germans in the State of Maine on behalf of the Citizens' Committee for Food Shipments, whose chairman is Dr. Edmund von Mach.<sup>2</sup>

It will be observed that the committee are planning to send, on July 4, a cargo of condensed milk to Germany, Austria, and Poland, and the circular alleges that the Department of State have agreed to give clearance papers. The distribution of the milk would apparently be in charge of the American Red Cross.

I shall be grateful if you will be so good as to state, for the information of His Majesty's Government, whether it is the fact that the Department of State have agreed to give clearance papers as alleged.

I have [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*

No. 1227

WASHINGTON, June 30, 1916.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of June 22, enclosing a copy of a circular issued by Mrs. Henry G. Beyer, of South Portland, Maine, in which it is stated that the Citizens' Committee for Food Shipments are planning to send, on July 4, a cargo of condensed milk to Germany, Austria, and Poland, and that the Department of State has agreed to give clearance papers.

In reply I have the honor to inform you that, while this Government believes that a cargo of condensed milk is entitled under international law to unmolested shipment to the Central countries of Europe for the use of the civil population, the Department of State

<sup>1</sup> In his telegram No. 4050, June 26, 1916 [received June 27], the Ambassador stated: "German Government has no objection to publication Doctor Taylor's milk report." It was accordingly given to the press and printed for distribution to inquirers on the subject.

<sup>2</sup> Not printed.

has not approved or disapproved the shipment of the particular cargo in question.

I have [etc.]

ROBERT LANSING

File No. 763.72112/2861

*Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments, to the Chief of the Division of Near Eastern Affairs, Department of State (Putney)*

NEW YORK, July 14, 1916.

[Received July 17.]

MY DEAR MR. PUTNEY: I enclose copies of the Taylor report with our notes to the same, and also a copy of the notice I sent to the press yesterday.

When I returned to New York, I found that the publication of the report had wrought havoc, and that it was necessary to send out a statement with regard to it. In paragraph 5 of this statement, I had you especially in mind.

It becomes necessary for me to send you the statement as I sent it to the press, because we find that this morning's *World* refers to it under the very misleading heading, "Von Mach calls United States milk report untrue." It seems a pity that when people like you and myself wish to discuss matters in a gentlemanly way, big newspapers will either thoughtlessly or purposely misrepresent their actions.

I have no additional copy of the Dr. Paul Bartholow letter, but after Mr. Polk has finished reading it, I am sure he will be glad to let you have it. In my interview with Mr. Polk, he seemed to lay stress on the fact that the Doctor Taylor report was "approved" by the German Government. In referring to Mr. Adees's letter of July 6, I find the following statement: "A copy of this report was submitted to the German Government which on June 26 last approved of its publication in the United States."

The observation of David Lawrence in the *Evening Post* quoted in Article 2 of my general observations, in the enclosed notes to Doctor Taylor's report, appears to me to be pertinent.

Very sincerely yours,

E. VON MACH

[Enclosure]

*Notes to Doctor Taylor's report on the milk situation in Germany prepared by the Citizens' Committee for Food Shipments<sup>1</sup>*

#### GENERAL OBSERVATIONS

Dr. A. E. Taylor, who seemed to be known to the officials of the State Department, enjoys, according to information we have gathered, "a very great reputation as a fearless and impartial man."

This report has been published in the press as "approved by the German Government," but to quote the New York *Evening Post*, "It develops now that the German Government was merely asked if it had any objection to the publication of the report. This is not necessarily tantamount to approval any more than consent to publish notes on the submarine issue constituted acquiescence by Germany in the American point of view."

<sup>1</sup>The passages to which the numbered notes refer are indicated by the corresponding bracketed reference numerals inserted in the report as printed *ante*, p. 961.

And as if in answer to the mistaken interpretation of the report by the American press, the Associated Press sent for the papers of July 13 the following dispatch:

Bremen agents of the submarines' owners declare the new submarine enterprise was prompted mainly by humanitarian feelings, as German babies are dying because of the shortage of milk.

The report is dated April 17, and can not therefore be the reply to cables sent by the State Department on June 13 to Ambassador Gerard for a report on the milk supply of Germany. The report is utterly at variance with the statements by the mayor of Berlin, published in the American press on April 9, by the German Foreign Secretary, published here on May 28, and the president and secretary of the German Red Cross, published here on May 31 (collected in *Milk for Babies* by Dr. Edmund von Mach in evidence submitted to the State Department).

1. The German milk production has never been large enough for the growing need of the country. There have been enormous importations from the surrounding countries in previous years.

2. The consumption of milk as a beverage of healthy adults in Germany is much more restricted than in America. According to the figures of the London Board of Trade the average consumption of milk in Germany, before the war, as ca. 55 quarts per person per year. In Boston it is 200 quarts per person per year, and in Cleveland it is ca. 180 quarts. These figures seem to be characteristic of the other large cities in the United States.

3. Doctor Taylor omits to mention the enormous reduction, or rather complete cessation, of imported milk-producing fodder—cottonseed meal, oil cakes, etc.—on which Germany relied for its milk production. The import amounted to several million tons.

4. This has been the contention of the Citizens' Committee for Food Shipments. How Doctor Taylor starting with this premise could reach his own conclusions is incomprehensible.

5. Doctor Taylor does not discuss one of the factors of the very low birth rate which is found in the insufficient foods, especially milk, available for prospective mothers. Compare here Doctor Kettner in the *Zietschrift für Säuglingsschutz*, February 1916. Speaking of the babies latterly born, Doctor Kettner says: "They are very small children, generally defective in growth, delicate, and remarkably thin. Their skin is wrinkled owing to the complete absence of fat. They therefore often remind one of very old people. Another and very essential indication is their continual unrest."

6. It does not appear whether these figures are for Berlin only, or for the Empire. The report as a whole it would seem is based exclusively on investigations made in some institutions of Berlin. So far as we know, moreover, only the Berlin figures have been published. These show a decrease in infant mortality to November and October of 1915, when the figures fell to a little over 11 in 100. (In New York these figures are about 10 in 100.) In December the figures rose to the enormous figure of 16.5 in 100. Doctor Taylor does not mention this.

7. This would seem to show that the so-called lower death rate has been achieved in spite of the milk shortage. Notice the agencies described on the next page.

8. This is contrary to the information published in the *North German (Official) Gazette*, for Strassburg, for instance, and for Charlottenburg, a suburb of Berlin, where only recently a young mother was without milk for two days. Our authority for this is Dr. A. N. Davis, an American dentist in Berlin. Doctor Davis is the Emperor's dentist.

9. If these figures are only normal in spite of the additional precautions described above, there would seem to be some cause that prevented an improvement, and that cause probably is the shortage of milk.

10. How about Leipzig, e. g., or Upper Silesia, where we know that conditions are very bad?

11. Why does Doctor Taylor not discuss the "sick of all ages" independently? If he had done so, he would have mentioned that recently the young lady in Mr. Gerard's own office was ill with a cold attacking her lungs, that the physician prescribed milk, but that it was impossible to fill the order, because there was not enough milk in Berlin. Congressman Conry is in possession of a letter from Germany where a mother writes of her two little children that had been



critically ill but were convalescent now. Their convalescence, however, was greatly retarded by the lack of milk.

12. This seems incredible. If it were true, it would mean that Germany had no need either of the enormous imports of concentrates, milk-producing fodder for her cattle, or of the enormous import of milk, cream, and cheese, from Holland, Denmark, and Sweden, that went on before the war.

13. Same as subject 12.

14. How are "more normal conditions" possible so long as the milk-producing fodder is not to be had?

15. This assumption appears to us to be altogether wrong, especially in view of the description of the babies born to-day quoted under No. 5:

16. } This has reference to pork fat and has absolutely nothing to do with  
17. } the question of the milk supply.

18. This is contrary to the evidence collected by the Citizens' Committee for Food Shipments and submitted to the Department of State; nor does it seem to be the necessary conclusion from the report submitted by Doctor Taylor, especially in view of his statement commented under No. 4.

For further difficulties in the way of accepting Doctor Taylor's report as correct for the whole German Empire, see Dr. Paul Bartholow's letter. Doctor Bartholow is a member of the New York Academy of Medicine.

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File No. 763.72112/2735

*The Acting Secretary of State to the Ambassador in Germany  
(Gerard)*

[Telegram]

WASHINGTON, July 20, 1916, 6 p. m.

3208. For your information. Count Bernstorff has to-day sent wireless message to his Government quoting the President as interested in milk shipments to Germany but that it is impossible for him to do anything in view of German Government's approval of Taylor report. Bernstorff says he believes if need be proved to exist, public opinion here may force action, and asks instructions.

Question at issue is not whether there is need of milk, but whether there is actual starvation of children on such scale that the United States may on humanitarian grounds ask the Allied Governments to remove milk from their contraband list and permit its importation into Germany as relief measure. Department appreciates there is shortage of milk in Germany just as there is shortage of articles of consumption in other countries.

POLK

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File No. 763.72112/2748

*The Ambassador in Germany (Gerard) to the Secretary of State*

[Telegram]

BERLIN, July 24, 1916.

[Received July 25, 3.15 p. m.]

4150. Department's 3208, July 20. Following is a further report of Doctor Taylor on milk supply in Germany:

Since the date of my previous report on the subject of the milk supply of Germany all information that has come to me confirms the statement made at that time that there is no scarcity of milk in Germany of such degree as to involve to a material extent the health and nutrition of nursing mothers, infants, healthy and sick children in Germany. There is an appreciably larger

milk supply now than there was at the time of that report. In addition, appreciably larger importations of dried milk are now being made. For use as a beverage by adults there is a scarcity of milk, and in cooking there is indeed, in some districts, in certain sections of the densely populated industrial areas, such scarcity of milk as to reduce the amount that would naturally be used in the diet of sick adults. As an illustration of the last fact, it has been stated in the public press that in the city of Frankfort on the Main milk may be used in the diet of sick adults only on the prescription of the attending physician. I have traveled extensively through Germany since the date of the last report and have attempted in every way open to me as an attaché of this Embassy to obtain information on this matter. If there be such scarcity of milk as to involve the health and nutrition of infants and children, then this fact is being most carefully and effectively concealed by officials, institutions, physicians, and statisticians. I am unable to believe that such a state of affairs exists. Every inconvenience in the management of the German kitchen resultant upon the blockade, every scarcity in a particular foodstuff, every inequality in the distribution of the foodstuffs is a matter of open comment and discussion. It is impossible to believe that a scarcity in the supply of milk for infants and children could escape publicity and discussion. Furthermore, it is not to be believed that such a state of affairs could escape observation. I therefore have the honor to report that there is no evident or ascertainable basis for the statement that the milk supply in Germany has been so reduced as to be insufficient for the maintenance of the health and nutrition of infants and children within the German Empire.

The foregoing report is dated July 24, 1916.

GERARD

File No. 763.72112/2914a

*The Secretary of State to Dr. Edmund von Mach, executive chairman of the Citizens' Committee for Food Shipments*

WASHINGTON, August 8, 1916.

SIR: The Department acknowledges the receipt of your letter of July 30, referring to the additional report on the milk situation in Germany prepared by Dr. A. E. Taylor, and to the British blockade of Germany.<sup>1</sup>

The Department feels obliged to consider the report of Doctor Taylor conclusive upon the milk situation in Germany in the absence of any official German statement to the contrary.

The questions connected with the effect upon American rights of the British blockade of Germany are being attended to by officials of the State Department, and the Department has already indicated to you its attitude on this subject.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 763.72112/3063

*The Chargé in Germany (Grew) to the Secretary of State*

No. 4204

BERLIN, October 3, 1916.

[Received October 16.]

SIR: I have the honor to transmit herewith to the Department in triplicate a report by Dr. Alonzo E. Taylor, special assistant of the

<sup>1</sup> Not printed.

State Department attached to this Embassy, bearing upon the conditions in the milk supply of the German Empire.

I have [etc.]

J. C. GREW

[Enclosure]

*Dr. Alonzo E. Taylor to the Chargé in Germany (Grew)*

BERLIN, September 30, 1916.

SIR: I have the honor to present the following supplementary report bearing upon the conditions in the milk supply of the German Empire.

In two previous reports it was pointed out that the German authorities, including in this term medical and governmental authorities and social service workers as well, were united in the conviction that the milk supply of Germany had been so distributed and utilized as to have fully conserved the health and nutrition of the children of Germany, in so far as these were related to the milk supply. New regulations have now been formulated, to take effect upon the 1st of October. These regulations make this a suitable occasion for a further report upon the subject, since the formulation of the terms of these regulations unquestionably represents the technical opinion of the German authorities upon this matter.

The milk supply of the Empire did not increase during the past summer to the extent that was hoped and expected. While it was realized that the milch cows had come through the past winter in very poor condition, owing to great scarcity in fodder, it was hoped that abundant green fodder during the summer might result in a much increased milk supply. This proved true, but not to the hoped-for extent. With increased food supply the nutritional forces of the cows were directed more to the restoration of their own depleted tissues than to the production of larger amounts of milk. The necessity, with which the peasant found himself confronted, of using his milch cows as work animals in the field, also operated against a restoration of the normal output of milk. The great scarcity and high price of butter naturally tempted the producers of milk to market their product in this form.

The fodder crops obtained during this season are usually good. Throughout the entire Empire almost record hay crops have been cut; and although there were abnormal losses due to scarcity of labor and of modern machinery for the handling of hay, the net result remains that the hay at present in the hands of the German farmers represents a large crop. When contrasted with the reduced number of animals, maximal hay rations will be available during the winter. The crops of oats and barley are stated in official and well-informed unofficial circles to be at least the normal yield of the years prior to the war. Figures are not obtainable, since the grain inventory is not yet completed. The potato crop is not the equal of the record crop of last year and may indeed not prove to be as large as an average crop before the war. This, however, is of little importance here, since the potato is not a fodder especially employed on the dairy farm. The root fodders, though not yet harvested, are stated to equal a normal harvest. On the other hand, importation of high grade concentrated fodder has been practically suspended.

It is, therefore, apparent that during the present winter the farmer and dairyman of Germany will be able to provide their milch cows with an abundant ration of hay and a moderate ration of grain and roots, but will be unable to offer them concentrated fodder, especially fodder rich in fat. Under these circumstances, while the yield of milk may be moderately large for the season of the year, it is not expected that it can be anything near the usual production of peace times. When field work ceases, for the largest part early in November, the milch cows will be released from work and this will result in an increase of the milk supply. There is, of course, always a falling-off in milk production during the autumn, on the farms more than in the dairies. This autumnal reduction in milk production has been heavier in working cows than in dairy cattle. Therefore, when the work in the fields ceases, a certain increase in milk production is expected on the farms.

In consideration of these facts and of the reduction in the number of milch cattle, it does not seem probable that the total milk production of the German Empire during the coming winter can exceed half the normal figure. To what extent milk or milk products will be imported from Switzerland, Denmark, and Holland, remains to be seen. There is at present practically no importation of cheese from these countries, at least so far as the general market is concerned. During the midsummer relatively large amounts of cheese, butter

and margarine were imported from these countries. Recently, however, these importations have fallen off greatly.

The German authorities face in this situation three urgent needs: the physiological demands of the infants and children of the Empire; the needs of the sick and wounded; and the exceedingly pressing insistence for butter that proceeds from the entire population. The new regulations, to become operative on the first of October, provide: (a) for the pregnant woman during the last three months of the period of gestation and during the period of lactation, 1 liter of full milk daily; (b) for the infant to the end of the second year of life, 1 liter of full milk daily; during the second and third years,  $\frac{3}{4}$  liter of full milk daily; during the fifth and sixth years,  $\frac{1}{2}$  liter of full milk daily; (c) from the sixth year on, only skimmed milk may be given to children and the milk cards are not guaranteed, i. e., children from the sixth year may receive such quantities of skimmed milk as their parents are able to procure; (d) the sick and wounded may receive milk only on the prescription of a physician in official station, the prescription of a physician in private practice having no status. The authorities will deduct from the total supply of milk, that required for the children under six years of age (as known by their statistics) and the milk rations permitted pregnant women, nursing mothers, and the sick and the wounded (as recorded from week to week); the balance of the milk, under the more or less complete control of the Kriegsernährungsamt, will be submitted to centrifugation, the cream used for the production of butter, and the skimmed milk returned to the channels of trade to be used by children and in the household in general. It is understood that provisions are to be made for the manufacture of cheese, both of the full milk and skimmed milk varieties, though the details have not been published.

A liter of full milk of average composition will contain about 32 grams of protein, 30 grams of fat and 48 grams of carbohydrate, of a total heat value of about 625 calories. Depending upon size of the child and muscular activity, infants up to the second year will require from 500 to 900 calories per day. Taken in connection with the other foods, particularly cereals, that are now freely given to infants during the second year and to some extent during the first year of life, a liter of full milk per day represents a normal and satisfactory milk ration during this period. During the second and third years of life the caloric requirements will vary from 900 to 1,250 calories per day. During the fifth and sixth years, the nutritional needs will rise to between 1,250 and 1,600 calories per day, depending upon the size and activity of the children. Obviously, therefore, the ration of  $\frac{3}{4}$  liter will during the third and fourth years supply from a half to a third of the food requirements of the child. During the fifth and sixth years, the  $\frac{1}{2}$  liter permitted under the regulations will supply one fourth, or even somewhat less than one fifth, of the nutritional needs of the child.

According to the older standards generally recognized in the feeding of children, the proportion of the nutritional needs to be covered by input of milk are considerably higher than here contemplated. Particularly is this true during the fifth and sixth years. It is in our country a common practice to so arrange the diet of children from the third to the sixth year that half of their nutritional units are introduced in the form of milk. On the other hand, there is unquestionably a strong tendency, among experts in the feeding of children, to increase the variety of articles permitted in the diet of children of this age. During the past 10 years, children of from 3 to 6 years of age have been permitted a much greater variety in cereals, vegetables, fruits, eggs, and meat than was previously regarded as advantageous. There seems to be no question that the feeding of children upon such a liberalized plane has proved entirely successful and satisfactory. Particularly in America, the digestion of the growing child has been regarded as an exceedingly delicate function; and parents and physicians in America have to a widespread extent displayed excessive caution in the feeding of their children. Students of nutrition and careful observers in social work realize that as a rule much greater dependence may be placed upon a growing child's digestion; and the newer movement in pediatrics specifically proceeds upon the theory of strengthening the digestion of children by the use of a liberal diet containing a large variety of foodstuffs and placing less dependence upon milk.

Success in the feeding of young children upon a ration of greater variety obviously depends upon the availability of cereals and other accessory articles in variety and in good quality. They must naturally be prepared by proper methods of cooking. These considerations apply with special force to the prob-

lem of feeding children past six years of age without any full milk at all and with such supplies of skimmed milk only as may be obtained in competitive buying upon the open market. If one were to judge the conditions in the future by the conditions in the milk supply in Germany during the past 6 months, it must appear certain that numbers of children over 6 years of age will not, after the first of October, receive any milk in their diet at all. Under these circumstances, adequate supplies of cereals and vegetables of various kinds, prepared in such ways as to make them assimilable by the child's digestion, become a *conditio sine qua non*. The preparation of such articles of food for children, in the absence of milk in the kitchen, is a difficult procedure which is in no wise made lighter by the fact that fat is to be very scarce. If the new crop of sugar is such as will permit of a notably increased ration to children, this will greatly alleviate the situation. Protest has been made by several of the most competent specialists in the diseases of children in Germany, against the limitation of full milk to children under the sixth year of life, as being a procedure too radical unless absolutely necessary under the conditions of the milk supply.

It is particularly in connection with the feeding of school children between the ages of 6 and 14 that the restriction in the milk supply may prove of ominous importance. Recent reports tend to indicate that in certain portions of Germany at least the children of the school years are not maintaining the normal growth and weight curves. To what extent this is known to occur and how marked are the deflections, I am not able to state; but it is important to observe that these conditions have just come to light and were not recognized even a few months ago. Upon what these lowered states of nutrition that are reflected in a falling-off of the weight and growth curves are due can not be stated. Naturally one thinks first of the restriction in the milk supply. Viewing the diet as a whole, it is obvious that for growing children the diets have been somewhat restricted in calories, but relatively more restricted in protein and fat. The demand for increased input in calories has been met by the new regulation according to which 50 grams of flour per day are issued to every child between the ages of 12 and 17. Whether the state of affairs in growing children reported to have been discovered in certain parts of Germany is to be attributed to the low ration in protein or fat can not be stated. Certain it is that the experiences of the past year in Germany had indicated that there is such a thing as a fat hunger. I am advised by Mr. H. C. Hoover of the Commission for Relief in Belgium that their work in Belgium has convinced them also that there is such a thing as a fat hunger. The opinion is more and more gaining ground in Germany that this fat hunger is not a question of external relations in the preparation of foods but is an internal fact expressive of a need of the organism. If a scientist were to venture a conjecture, it would be reasonable to assume that the extreme reduction in the fat in the diet in Germany is to be regarded as the cause of the lowered growth of the school children.

So far as people of means are concerned, the effect of the new regulation, if indiscriminately enforced, will unquestionably be to lower the milk ration of children to some extent from the second to the sixth years, and to a notable extent after the sixth year. So far as the poor children of the cities are concerned, the effect of the regulation will be to take the control of their milk supplies out of the hands of the numerous efficient social service organizations who have cared for these poor children so successfully during the past two years and transfer this control to the Kriegsernährungsamt. When the history of this war is written, one of the chapters will be devoted to an adequate characterization and appreciative evaluation of the superbly efficient social service organizations of the German cities. These regulations will not apply to children living in the agricultural districts. They will not apply at all to the children of the farmer and little or not at all to the children living in small villages. The peasant's wife will give her children as much milk as she desires, official regulations and Kriegsernährungsamt to the contrary. The regulation is, like all the food regulations promulgated by the cautious and far-sighted Von Batoeki, only tentative. It will be possible at any time, on a week's notice if shown to be advisable, to limit the amount of milk devoted to the manufacture of butter in order that the amount of milk assigned to children up to the sixth year may be increased or the age during which full milk must be provided raised beyond the present figure set at six years.

I have [etc.]

ALONZO E. TAYLOR

## THE ECONOMIC CONFERENCE OF THE ALLIED GOVERNMENTS

File No. 600.001/10

*The Ambassador in Italy (Page) to the Secretary of State*

[Telegram]

ROME, March 9, 1916, 4 p. m.

[Received 3.15 p. m.]

593. Newspapers talking about approaching conference at Paris for closer commercial relations between Allies. Am informed by Minister for Foreign Affairs unofficially that Italy will not bind her hands but apprehend some effort may be made by Allies to make restrictions possibly affecting American interests.

NELSON PAGE

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, March 10, 1916, 4 p. m.

1413. Department is informed from Rome that there is to be a conference at Paris for closer commercial relations between the Allies, and that efforts may be made to apply restrictions possibly affecting American interests. Should this conference take place, endeavor to ascertain its results, using every discretion in doing so.

LANSING

File No. 600.001/12

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, March 29, 1916.

[Received March 30, 8 a. m.]

1336. Conference of Allies held at Paris 27th and 28th, at which were present representatives from Belgium, England, France, Italy, Japan, Portugal, Russia, and Serbia, adopted following resolutions:

1. The representatives of the Allied Governments, at their meeting in Paris on March 27 and 28, 1916, affirm the complete community of views and solidarity of the Allies; they confirm all the steps taken to insure unity of action on the front as a unit. This is to be understood to mean the unity of military action, brought about by the understanding concluded between the staffs; the unity of economic action, the organization of which has been regulated by the present conference; and the unity of diplomatic action, guaranteed by their firm determination to carry on the struggle until the victory of the common cause.

2. The Allied Governments resolve to put their solidarity of views and interests into practice in the economic domain. They will instruct the economic conference, to be held shortly in Paris, to lay before them such measures as may be calculated to give effect to this solidarity.

3. With the object of strengthening, coordinating, and unifying economic action, to be exercised for the purpose of preventing supplies from reaching the enemy, the conference decides to constitute in Paris a permanent committee in which all Allies shall be represented.

4. The conference decides: to carry on the organization, begun in London, of an international central freight bureau; to proceed jointly as soon as possible

to the investigation of such measures as may be practicable to bring about an equitable distribution, among the Allied nations, of the burdens arising out of maritime transports, and to check the rise in freights.

SHARP

File No. 763.72/2575

*The Ambassador in Japan (Guthrie) to the Secretary of State*

[Telegram]

TOKYO, April 17, 1916, midnight.

[Received 10.30 a. m.]

Baron Sakatani, Japanese envoy to Entente economic conference, leaves for Paris last of month. He tells me confidentially that he does not favor the suggested economic alliance between Entente powers to regulate trade after war as its effect would be to divide commercial world into three hostile camps: the Entente nations, the Germanic allies, and the neutrals, unless the last two unite. He considers Japan's economic interests are with Great Britain and America, and that if any alliance is to be made, it should be between them. He asks me if I can make any helpful suggestion. What, if anything, shall I say? I think he sincerely desires to promote trade between Japan and America and that it would be advisable for our representatives in Paris to get in touch with him.

GUTHRIE

*The Secretary of State to the Ambassador in Japan (Guthrie)*

[Telegram]

WASHINGTON, April 24, 1916, 4 p. m.

Your telegram of April 17, midnight. The Department shares sentiment of Baron Sakatani opposing proposed economic alliance. You may say Department would regret any combination which might restrict commerce between Japan and United States.

LANSING

File No. 600.001/12

*The Secretary of State to the Ambassador in France (Sharp)*

[Telegram]

WASHINGTON, May 3, 1916, 5 p. m.

1494. Department's 2479<sup>1</sup> and your 1336, March 29. Please keep me fully informed by cable of the progress made by the conference of the representatives of France and her allies which is being held or is about to be held in Paris. I am particularly interested to know what economic questions are taken up for discussion, the attitude of the various governments as to those questions, and the final conclusions arrived at. Use your discretion as to means of obtaining this information.

LANSING

<sup>1</sup> Not printed.

File No. 600.001/15

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, May 6, 1916, 6 p. m.

[Received May 8, 8 p. m.]

1383. Your 1494, May 3, 5 p. m. The International Parliamentary Commercial Conference held at Paris April 27, 28, and 29, was unofficial and similar to one held at Brussels June 18, 1914. The conference discussed two categories of subjects: the one concerning the commercial relations between belligerents, the ways of economic offense and defense of the Allies, the reparation of damages caused by the war; the other of a permanent character touching certain international questions relating to economic, financial, and judicial organizations. Consul General making report by mail.<sup>1</sup> The official conference is expected to meet early in June. Will keep you informed by cable as directed.

SHARP

File No. 600.001/22

*The Ambassador in France (Sharp) to the Secretary of State*

No. 3311

PARIS, June 22, 1916.

[Received July 5.]

SIR: In confirmation of my telegram No. 1449, of the 20th instant,<sup>1</sup> I have the honor to enclose herewith in copy<sup>1</sup> and translation the recommendations of the economic conference of the Allies which sat in Paris on the 14th, 15th, 16th, and 17th of June 1916, together with a list of the names of the delegates from the various countries represented.

These recommendations apply to two separate periods: the period of the duration of the war and the period of reconstruction after the termination of hostilities.

For the first period, the recommendations have reference to measures for the prohibition of trade with the enemy countries and for the elimination of the enemy firms in the Allied countries.

For the second period, the measures adopted are designed to give the Allied countries a prior claim on their own natural resources and to prevent the dumping of merchandise of enemy manufacture or origin.

The commission also recommended permanent economic measures for rendering the Allied countries economically, industrially, and agriculturally independent and for encouraging trade relations between the Allied countries by the improvement of shipping, telegraphic, and postal facilities.

I have [etc.]

For the Ambassador:

ROBERT WOODS BLISS

<sup>1</sup> Not printed.



[Enclosure—Translation]

*Resolutions adopted by the Economic Conference of the Allied Governments held at Paris, June 14-17, 1916*

The representatives of the Allied Governments have met in Paris, Mr. Clémentel, Minister of Commerce, presiding, on the 14th, 15th, 16th, and 17th of June 1916, for the purpose of fulfilling the mandate which was confided to them by the Conference of Paris on March 28, 1916, to put into practice their solidarity of views and interests and to propose to their respective Governments suitable measures for realizing this solidarity.

They perceive that the Central powers of Europe, after having imposed upon them their military struggle in spite of all their efforts to avoid the conflict, are preparing to-day, in concert with their allies, a struggle in the economic domain which will not only survive the reestablishment of peace but, at that very moment, will assume all its amplitude and all its intensity.

They can not in consequence conceal from themselves that the agreement which is being prepared for this purpose amongst their enemies has for its evident object the establishment of their domination over the production and the markets of the whole world and to impose upon the other countries an inacceptable hegemony.

In the face of such a grave danger, the representatives of the Allied Governments consider that it is their duty, on the grounds of necessary and legitimate defense, to take and realize from now onward all the measures requisite on the one hand to secure for themselves, and the whole of the markets of neutral countries full economic independence and respect for sound commercial practice, and on the other to facilitate the organization on a permanent basis of this economic alliance. For this purpose the representatives of the Allied Governments have decided to submit for the approval of their Governments the following resolutions:

## A

## MEASURES FOR WAR PERIOD

## I

Laws and regulations prohibiting trading with the enemy shall be brought into accord; for this purpose:

(a) The Allies will prohibit their own subjects and citizens and all persons residing in their territories from carrying on any trade with the inhabitants of enemy countries of whatever nationality, or with enemy subjects, wherever resident, persons, firms, and companies whose business is controlled wholly or partially by enemy subjects or subject to enemy influence, whose names will be included in a special list.

(b) The Allies will also prohibit importation into their territories of all goods originating or coming from enemy countries.

(c) The Allies will further devise means of establishing a system of enabling contracts entered into with enemy subjects and injurious to national interests to be canceled unconditionally.

## II

Business undertakings, owned or operated by enemy subjects in the territories of the Allies, are all to be sequestered or placed under control. Measures will be taken for the purpose of winding up some of these undertakings and realizing the assets, the proceeds of such realizations remaining sequestered or under control. In addition, by export prohibitions, which are necessitated by the internal situation of each of the Allied countries, the Allies will complete the measures already taken for the restriction of enemy supplies both in the mother countries and the dominions, colonies, and protectorates—

(1) By unifying lists of contraband and export prohibition, particularly by prohibiting the export of all commodities declared absolute or conditional contraband;

(2) By making the grant of licenses to export to neutral countries, from which export to the enemy territories might take place, conditional upon the existence in such countries of control organizations approved by the Allies or, in the absence of such organizations, upon special guarantees, such as the limitation of the quantities to be exported and supervision by Allied consular officers, etc.

## B

## TRANSITORY MEASURES FOR THE PERIOD OF THE COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND MARITIME RECONSTRUCTION OF THE ALLIED COUNTRIES

## I

The Allies declare their common determination to insure the reestablishment of the countries suffering from acts of destruction, spoliation, and unjust requisition, and they decide to join in devising means to secure the restoration to those countries, as a prior claim, of their raw materials, industrial, agricultural plant and stock, and mercantile fleet, or to assist them to reequip themselves in these respects.

## II

Whereas the war has put an end to all treaties of commerce between the Allies and enemy powers, and it is of essential importance that during the period of economic reconstruction the liberty of none of the Allies should be hampered by any claim put forward by enemy powers to most-favored nation treatment, the Allies agree that the benefit of this treatment will not be granted to those powers during a number of years, to be fixed by mutual agreement among themselves.

During this number of years the Allies undertake to assure each other, so far as possible, compensatory outlets for trade in case consequences detrimental to their commerce should result from the application of the undertaking referred to in the preceding clause.

## III

The Allies declare themselves agreed to conserve for the Allied countries, before all others, their natural resources during the whole period of the commercial, industrial, agricultural, and maritime reconstruction, and for this purpose they undertake to establish special arrangements to facilitate the interchange of these resources.

## IV

In order to defend their commerce and industry and their agriculture and navigation against economic aggression, resulting from dumping or any other mode of unfair competition, the Allies decide to fix by agreement a period of time during which commerce with the enemy powers will be submitted to special treatment, and goods originating from their countries will be subjected either to prohibitions or to a special régime of an effective character. The Allies will determine by agreement, through diplomatic channels, the special conditions to be imposed during the above-mentioned period on the ships of enemy powers.

## V

The Allies will devise measures to be taken jointly or severally for preventing enemy subjects from exercising in their territories certain industries or professions which concern national defense or economic independence.

## C

## PERMANENT MEASURES OF MUTUAL ASSISTANCE AND COLLABORATION AMONG THE ALLIES

## I

The Allies decide to take the necessary steps without delay to render themselves independent of enemy countries in so far as regards raw materials and manufactured articles essential to the normal development of their economic activities. These measures will be directed to assuring the independence of the Allies, not only so far as concerns sources of supply, but also as regards their financial, commercial, and maritime organization. The Allies will adopt such measures as seem to them most suitable for the carrying out of this resolution according to the nature of the commodities and having regard to the principles which govern their economic policy. They may, for example, have recourse to either enterprises subsidized and directed or controlled by the Governments

themselves or to the grant of financial assistance for the encouragement of scientific and technical research and the development of national industries and resources, or to customs duties or prohibitions of a temporary or permanent character, or to a combination of these different methods.

Whatever may be the methods adopted, the object aimed at by the Allies is to increase the production within their territories as a whole to a sufficient extent to enable them to maintain and develop their economic position and independence in relation to enemy countries.

## II

In order to permit the interchange of their products, the Allies undertake to adopt measures facilitating mutual trade relations, both by the establishment of direct and rapid land and sea transport service at low rates and by the extension and improvement of postal, telegraphic, and other communications.

## III

The Allies undertake to convene a meeting of technical delegates to draw up measures for the assimilation, so far as may be possible, of their laws governing patents, indications of origin and trade marks. In regard to patents, trade marks, literary and artistic copyright which come into existence during the war in enemy countries, the Allies will adopt, so far as possible, an identical procedure to be applied as soon as hostilities cease. This procedure will be elaborated by the technical delegates of the Allies.

## D

WHEREAS for the purpose of their common defense against the enemy, the Allied powers have agreed to adopt a common economic policy on the lines laid down in the resolutions which have been passed; and

WHEREAS it is recognized that the effectiveness of this policy depends absolutely upon these resolutions being put into operation forthwith, the representatives of the Allied Governments undertake to recommend that their respective Governments shall take, without delay, all the measures, whether temporary or permanent, requisite to giving full and complete effect to this policy forthwith, and to communicate to each other the decisions arrived at to attain the object.

PARIS, June 17, 1916.

Have signed these resolutions: <sup>1</sup>

File No. 763.72/2774

*The Ambassador in France (Sharp) to the Secretary of State*

No. 3324

PARIS, June 23, 1916.

[Received July 5.]

SIR: I have the honor to enclose herewith a copy and translation of a clipping from *Le Temps*, containing the statement which Mr. Clémentel, French Minister of Commerce, made to the members of the press when delivering to them the official announcement of the recommendations adopted by the commercial conference of the Allies, which announcement was forwarded in translation by my telegram No. 1449 of the 20th instant.<sup>2</sup>

In this statement Mr. Clémentel comments upon the recommendations made by the conference and illustrates their purpose by concrete examples. His remarks on the effect of the future economic policy of the Allies upon neutral countries were as follows:

<sup>1</sup> Signatures not printed of twenty-six delegates representing the Governments of France, Belgium, Great Britain, Italy, Japan, Portugal, Russia, and Serbia.

<sup>2</sup> Not printed.

Another principle of the Allied Governments in the war of legitimate economic defense, which they are undertaking, is that they attack no one. The neutrals have nothing to fear; we are working for their liberation. The destruction of the German economic hegemony means the suppression of a peril which menaces them.

The Minister's remarks throw further light on the intentions of the Allies, and on the objects which they desire to obtain during the war and after.

As the Department is already aware, the sessions during the four days the conference met were held in secret behind closed doors, and it has been extremely difficult to obtain any accurate information as to the nature of the proceedings other than what has been made public.

From what has been learned from various sources, it is believed that whereas the conference was able to adopt the recommendations to the various governments represented, as contained in the announcement above referred to, nevertheless, the results were disappointing to the more radical members of the conference who were particularly desirous of carrying the commercial isolation of the Central powers to a further degree than is possible even should the recommendations be embodied into law by the legislatures of the various interested powers.

It is understood that Mr. Hughes, the Premier of Australia, one of the British delegates to this conference, was the leader of the more radical element, while his views were opposed by Russia and Italy who were reluctant to accept the somewhat drastic proposals of their British colleagues. The conference undoubtedly had the result, also, of bringing the Allies to a better mutual understanding of their commercial interests.

The French text of the official announcement was forwarded in my No. 3311 of the 22d instant.<sup>1</sup> It contains resolutions which in reality are recommendations for the adoption of legislation tending to influence the commerce of the enemy powers. The unequivocal acceptance by the legislatures of the several powers would inaugurate an economic policy of far-reaching importance, but it remains to be seen whether it is possible for the conflicting commercial interests of the various Allied countries to be reconciled by identical laws contemplated by these resolutions.

It has been said that the conference reached an agreement providing a plan whereby the Allies' financial indebtedness might be "pooled". I mention this with full reservations as to the accuracy of the report which I am unable to substantiate at the present writing.

I have [etc.]

For the Ambassador:  
ROBERT WOODS BLISS

[Enclosure—Translation]

*Statement to the press by the French Minister of Commerce (Clémentel),  
published June 22, 1916*

#### POLICY OF THE ALLIES

The measures adopted unanimously by the conference of the Allied Governments have a higher purpose than the simple desire of economic expansion.

<sup>1</sup> For translation, see *ante*, p. 975.

Together with the products of our merchants and of our manufacturers, it is the conscience of free peoples which will be to-morrow spread through the world.

We intend to conduct this economic struggle in the French manner, to organize the work of the people according to their individual character, and not in the German manner by enslaving them.

Our enemies continue to forge weapons of oppression. The syndicate for dyestuffs has just made a close grouping of factories, representing a value of more than a milliard, about the Badische Anilin; their avowed purpose is to keep after the war the supremacy, thanks to which the Germans furnished up to the present time about 87 per cent of the world's consumption of dyestuffs, and by reason of which we have had to extract from the earth new products for the intensive production of melinite which is necessary to us.

Dumping is the favorite arm of the Germans for the conquest of commercial supremacy. It is a combination of measures: direct or indirect export bounties, internal prices higher than those for export, etc., the object of which is to ruin foreign industrial competition. One must not have any illusions; the cheapness created in a country by dumping is only ephemeral; it prepares the way for costly ransoms. Wherever German commerce installs itself, it is not only a tribute which it levies, it is an occupation which it prepares. The work of peace masks the work of war.

This is not all; from now on the German effort to take in hand the control of certain raw products, especially of certain metals, is commencing.

Against all these measures, the Conference of Paris has made its dispositions: if we were surprised by war, we do not intend to be surprised by peace. The Allies are economically the stronger. They represent a population of nearly 400 millions inhabitants and they control the major part of the raw materials: the minerals of nickel and platinum, of aluminium (bauxite) are entirely in the hands of the Allies; manganese to the proportion of 84 per cent. For hemp the production of the Allies is  $4\frac{1}{2}$  times greater than that of the Germans; for flax, the Allies control  $\frac{1}{4}$  of the world production; for raw wool, their supply is 11 times greater than that of the adversaries; for silk, 8 times greater; they have the monopoly of jute, and if the neutrals share the production of cotton in a large measure with the Allies, their adversaries have none at all.

The economic superiority of the Allies is evident. To insure it, it never was for a moment a question at the conference of adopting a collective customs policy; each Ally will preserve its full independence. Each product will be the object of separate negotiations between the states interested in it. Combinations can be varied infinitely.

Another principle of the Allied Governments, in the war of legitimate economic defense which they are undertaking, is that they attack no one. The neutrals have nothing to fear: we are working for their liberation. The destruction of the German economic hegemony means the suppression of a peril which menaces them.

In augmenting the productive power of the Allied countries, we render them more capable than in the past of checkmating attempts at oppression which a nation in the future might again be guilty of; thus we strive to insure peace.

We will succeed because we have taken from our adversaries their only weapon which was superior to our own: the spirit of discipline. But we will apply it to works of liberty.

#### THE ECONOMIC RESTORATION OF INVADED COUNTRIES

The manner in which the Central Empires have conducted the war has been followed by immense damage to the economic order. They not only systematically destroyed all the factories which were within range of their shells but, in the invaded regions which they administered, their work was also a work of destruction. Factories which manufactured products necessary for war were forced to work intensively for the needs of Germany. Those manufacturing products which might compete with those of the German industry have been completely pillaged. Not only was the raw material removed, but the machinery was knocked down and carried off to Germany. In others, no belts remain for the transmission, and the copper in great measure has been carried off. Finally the raw material in stock at the factories has taken the route to Germany.

These damages do not weigh upon all the Allies; all have, none the less, declared their solidarity in the reparation which is due. This solidarity

will translate itself into precise facts; for example, England will furnish us the material of which we are in need for our textile industry before delivering it to others. Our policy is a policy of realities. The Central Empires must restore that which they have taken.

The economic accord realized by the Allies is already in itself a victory.

#### THE SUPPRESSION OF THE MOST-FAVORED-NATION CLAUSE

Every one knows how Article 11 of the treaty of Frankfort, in German hands, thanks to the specializations which have permitted them to escape whenever they were hampered, has constituted a powerful economic weapon. The same clause may not be reproduced. The unanimous accord between the Allies on this point, even with Russia and Italy, where the Germans hoped to maintain their privileged position, shows to what degree the peoples are desirous to be liberated from the economic domination which weighed upon them.

This exclusion of Germany must have for a corollary the creation of new commercial channels for the products which our Allies furnished her with. Italy produces annually 250 to 300 millions' worth of vegetables, fruits, and other perishable products: if the German outlet is in part suppressed for these, reduced shipping tariffs should allow them to appear on the markets of the Allies. Moreover Germany, after the long constraint which she has undergone, will probably hasten to open her doors without conditions to food products.

Russia can find for her grain other outlets than the feeding of Germany: industrial alcohol offers her an unlimited field of utility. War has developed machinery to such an extent that gasoline will become scarce: in default of gasoline, Russia will send us necessary alcohol for our motorculture, for our aeroplanes, and for our automobiles.

#### PRESERVATION OF NATURAL RESOURCES

The free disposition of raw material is an essential factor in the economic strength of a nation. Germany was mistress of foreign minerals which she converted on her territory. This was the case for zinc of Australia, bauxite of Provence, asbestos of Russia and Scotland. The Allies are to-day in agreement not to leave any longer to others these raw materials essential to the life of a nation. Mr. Hughes, the Prime Minister of Australia, has assured me that not one gram of zinc would leave Australia for Germany, even if the latter should in the future ask for quantities double to those which she has been buying before.

#### DEFENSE AGAINST DUMPING

The Allies have been studying measures to take to prevent their industries from becoming victims of commercial methods employed by the Germanic Empires, and notably that of dumping. They have agreed to submit during a period which they will determine, merchandise originating from enemy countries to prohibitions or to a special system which would permit them to combat efficaciously every attempt at dumping. This agreement is the more necessary as from now on Germany has collected on its territory considerable stocks of merchandise manufactured in a large measure from raw material originating from the invaded territory. It is inadmissible that on the day after the war the Germanic Empires may improve their exchange by selling to the Allies merchandise produced from their own raw material.

#### INDUSTRIES OR PROFESSIONS INTERESTING THE ECONOMIC DEFENSE

The Allies likewise wish to prevent the infiltration of enemy nationals in their economic life. Certain professions, such as those of banker [and] stock-jobber, exercised by the Germans or the Austro-Hungarians, permitted them to intervene in our financial organization. The agencies for commercial information established in France gave to our enemies the possibility of being *au courant* of the commercial and industrial situation of numerous enterprises, of the state of their credit, of their needs in raw material and material. A clever organization permitted these agencies to constitute a redoubtable commercial espionage.

In another order of ideas, the agencies for land and maritime transportation, founded by enemy subjects, had succeeded in draining in France, for the profit of foreign companies, of a large part of the exterior freights. The Allies have agreed to take all useful measures to prevent a repetition of this in the future.

## PERMANENT MEASURES OF MUTUAL AID AND COLLABORATION OF THE ALLIES

For the period which will follow the end of the war, the Allies have anticipated a series of measures destined to complete those which precede. In particular, the Allies are in agreement to distribute amongst each other, in drawing upon their respective resources, all that may be necessary to the needs of their industries.

They will thus sensibly reduce the purchases which they made before in enemy countries. To exploit their natural riches they will mutually concede help as extended as possible, either in the financial order or in scientific and technical investigations, or in the improvement of transportation facilities.

In short, they will efficaciously protect themselves by an *ensemble* of measures taken by the Allies as regards indications of origin, patents, protection of factory and commercial trade-marks. They will by this means prevent the often unfair competition of which they were the victims on the part of nationals of the enemy states.

The *ensemble* of these dispositions, concludes the Minister, forms a complete program of economic action of which the Allies will undertake the realization without delay.

File No. 600.001/25

*The Ambassador in Russia (Francis) to the Secretary of State*

No. 118

PETROGRAD, June 26, 1916.

[Received July 24.]

SIR: In another communication I have given you an account of some matters discussed with M. Sazonov in an audience granted me at the Foreign Office this afternoon.

I suppose you have read in the public prints of the United States the action of the economic conference of the Allies held in Paris June 20-23 [June 14-17?]. I took up that subject with M. Sazonov, whereupon he gave as his judgment that the conference had been a great success. When I told him that I had seen no official proclamation of the resolutions adopted, he said he would send me a copy of them.

I told him that judging from what I had read through translations from the Petrograd papers the conference appeared to me to be an offensive and defensive alliance between the Allies to the exclusion not only of belligerents, but of all neutral countries. He again disclaimed any intention on the part of the Allies to exclude America from any commercial relations with Russia, as he did upon a previous occasion of which you were advised.

When I called his attention to some provisions of the resolution to the effect that any surplus an Allied country might have would not be subject to purchase by belligerent countries nor by neutrals until the other Allied countries' wants, if any, should be met, he answered by stating that the action of the conference was not binding as yet, but merely recommendatory. I should be pleased to have your views concerning the action of this conference and also your instructions or suggestions as to the course I should pursue in that connection.

The object of the conference was undoubtedly to establish a closer blockade around the Central powers and to prepare for a continuance thereof in industry and commerce after the close of the war. The editorial in the *Novoe Vremya* of to-day, copy of which is for-

warded under separate cover, charges by implication that America is planning to secure commercial advantage out of this war without participating therein, and consequently without any sacrifice of blood or treasure. The expressions in President Wilson's speech delivered to the League to Enforce Peace, May 27, in Washington, have been misconstrued by the European press and consequently have been misunderstood by many in Russia, and apparently by many in France and England also. That speech, however, according to reports in American papers of May 28/June 1, the last received, seems to have met with favor and elicited widespread commendation in the United States.

M. Sazonov expressed great gratification at the consummation of the \$50,000,000 loan made by American bankers to Russia, saying he hoped it would be the beginning of much larger financial transactions between the two countries.

I have [etc.]

DAVID R. FRANCIS

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*The Secretary of State to the Ambassador in Russia (Francis)*

No. 133

WASHINGTON, August 24, 1916.

SIR: The Department acknowledges the receipt of your despatch No. 118, of June 26, 1916, relative to the action of the economic conference of the Entente powers held in Paris June 20 to 23 [14 to 17?] last, in which you say that you have taken up the subject with M. Sazonov.

The Department requests that it be kept informed of the attitude of the Russian officials in regard to any results which may develop from the conference. While the Department can not believe that it is the intention of any one of the Entente Governments to exclude the commerce of the United States from its territories, to hamper or restrict the trade with this country, it obviously must rely upon its representatives to furnish it with all reliable information which may indicate the trend of public opinion abroad towards the policies suggested by the conference.

The Department has no specific instructions to give at the present time in regard to this matter.

I am [etc.]

For the Secretary of State:

JOHN E. OSBORNE

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File No. 600.001/7

*The Secretary of State to the Ambassador in Great Britain (Page)*<sup>1</sup>

[Telegram]

WASHINGTON, December 20, 1916, 6 p. m.

4190. Have resolutions adopted by Paris economic conference of June 14 to 17 been ratified by Government of Great Britain? If so, were they ratified by the Executive only or by Parliament? Has any legislation been passed by Parliament with a view to carrying out resolutions since their adoption?

LANSING

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<sup>1</sup> The same, *mutatis mutandis*, to the Ambassador in France, No. 1891.



File No. 600.001/8

*The Ambassador in Great Britain (Page) to the Secretary of State*

[Telegram]

LONDON, December 27, 1916, 3 p. m.

[Received 6.30 p. m.]

5378. Your 4190, December 20, 6 p. m. Paris resolution has been "approved" by British Government, no "ratification" possible for this class of agreement, such action being reserved for first-class treaties. No new legislation on subject has been produced since Paris conference of last June.

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File No. 600.001/9

*The Ambassador in France (Sharp) to the Secretary of State*

[Telegram]

PARIS, December 30, 1916, noon.

[Received December 31, 9 a. m.]

1771. Your 1891, December 20, 6 p. m. Informed at Foreign Office that ratification by Council of Ministers, as reported in Embassy's despatch 3544 of August 25,<sup>1</sup> is final and does not require subsequent ratification by legislature. Foreign Office stated that resolutions adopted at conference had been ratified by all the signatory powers except Italy, Russia, and Japan, and that the two latter were on the point of ratifying.

No legislation has yet been enacted in France to carry out the resolutions, the provisions of which were in part made operative by decrees enacted before conference met, such as prohibition of trading with the enemy, importation of merchandise of enemy origin, sequestration, contraband and embargo lists. The latter have since been modified and amplified from time to time. The publication of black list is outcome of resolution adopted to cover this point. It is further learned that a bill is being studied with a view to legislating as regards the liquidation of commercial houses or firms on French territory now under sequestration, as such liquidation cannot be carried out without provision of law.

SHARP

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<sup>1</sup> Not printed.



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